



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE MARLBROOK TIP WORKING PARTY**

MONDAY 29TH JUNE 2015 AT 5.30 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors C. B. Taylor (Chairman), B. T. Cooper and  
L. C. R. Mallett

**AGENDA**

1. Agenda Items (Pages 1 - 2)
2. Notes from Meeting held on 23rd April 2015 (Pages 3 - 8)
3. Terms of Reference (for information only) (Pages 9 - 10)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

23rd June 2015

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## **MARLBROOK TIP WORKING GROUP**

**Monday 29 June 2015 at 17:30**

**Held at**

**Bromsgrove District Council, Council Chamber**

## **A G E N D A**

**Councillors:** Kit Taylor, Brian Cooper, Luke Mallett

**Officers:** Kevin Dicks, Chief Executive  
Ruth Bamford, Head of Planning and Regeneration  
Sarah Sellers, Principal Solicitor

### **Resident**

**Representatives:** Michael Adams, Baden Carlson/Michael Brooke, Paul Batchelor, Charlie Bateman, Ron Brown, Ann Doyle, Roy Hughes and Sue Hughes

### **Other**

**Representatives:** Lickey Hills Society, Lickey & Blackwell Parish Council and Catshill & North Parish Council

- 1. Apologies and Introductions**
- 2. Notes from meeting on 23 April 2015 and matters arising**
  - **Response from AECOM**
  - **Update on outcome of gas monitoring in the locality**
- 3. Update from the Environment Agency**
- 4. Planning update from Ruth Bamford**
- 5. Questions received since the last meeting**
- 6. Items for future meetings**

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## **MARLBROOK TIP WORKING GROUP**

**23rd April 2015 17:30 – 18:25**

**Present:** Councillor Richard Deeming (Chairman)  
Councillor John Ruck  
Councillor Luke Mallett  
Kevin Dicks, Chief Executive  
Ruth Bamford, Head of Planning and Regeneration  
Pauline Ross, Democratic Services Officer

Michael Adams	(Lickey Community Group)
Paul Batchelor	(Lickey Community Group)
Charles Bateman	
Ron Brown	
Carole Burden	(Lickey Hills Society)
Ann Doyle	
Roy Hughes	(Lickey Community Group)
Sue Hughes	(Lickey Community Group)

<b>Invitees:</b> Mark Cox	Worcestershire Regulatory Services
Laura Carradine	Worcestershire Regulatory Services
Tony Deakin	Reservoir Safety Manager, Environment Agency
Fiona Upchurch	Reservoir Safety Enforcement Officer, Environment Agency
Martin Quine	Waste Team Leader, Environment Agency
Helen Bayliss	Waste Team, Environment Agency

### **1. Apologies**

Apologies were received from Councillor Kit Taylor and Mike Brooke, Chair, Lickey Hills Society.

### **2. Notes from Meeting held on 5th February 2015 and Matters Arising**

The following updates were provided by Officers:

Kevin Dicks (KD) explained that, as requested he had written to AECOM in respect of a voluntary payment to the community to reflect the impact on the residents. AECOM had acknowledged receipt of his letter. No further response had been received as of 5:00pm today. KD would circulate the response as soon as received.

Tony Deakin (TD) informed the Group that he had contacted the Panel Engineer, Robert Mann and had forwarded his response to KD / Ruth Bamford (RB) for inclusion in the minutes, TD provided a brief summary of his response during the meeting, his full response is detailed below:-

***A definition of restoration soils:***

*Inert materials and topsoil, where available, which have a negligible pollution potential. Shredded wood will be utilised for the haul road. Any large fragments of brick and concrete will be removed after placement, crushed if necessary and utilised in the haul road or in the surface water management scheme. Clay material will be imported also for use in the surface water drainage scheme. The imported materials will be mixed with a growth medium/compost to support vegetation establishment for erosion protection and for future use of the land.*

***Who will manage the site daily when the works are being undertaken?***

*Daily supervision by Liberty Construction, with attendance by AECOM staff at a frequency to be determined. This is in addition to landfill gas monitoring that is continuing at a two-monthly frequency until the end of restoration works.*

***How many times will you come and inspect the site while the works are being undertaken?***

*At one or more key times during construction, and again on completion.*

***Do you have a time plan for the implementation and completion of the works?***

*This is for Liberty to propose and is partly dependent on the progress of the application for planning permission.*

TD further informed the Group that the reservoir capacity was 66,000 m<sup>3</sup>. Extra floods were very rare events, with the recent floods in 2007 the reservoir held 42,000 m<sup>3</sup>.

Martin Quine (MQ) informed the Group that there was no evidence of domestic waste, no evidence of waste being burnt or waste from a domestic source. RB confirmed that having investigated there was no evidence of domestic waste from the watchmen in the caravans.

### **3. Update from the Environment Agency**

Water Quality Catshill Brook - Helen Bayliss (HB) confirmed that a site visit had been carried out and monitoring of the Catshill Brook had shown no evidence of contamination from a sewage type discharge. There were no significant impacts on the brook from landfill leachate.

### **4. Update re HMRC/Geological Society**

KD informed the Group that there had been no further contact from HMRC. KD further informed the group that he had received a letter from the Geological Society. KD had supplied them with the full AECOM report, but there was no case to answer as sufficient evidence had not been provided under geological society regulations. KD highlighted that the investigation panel were all Chartered Geologists.

## **5. Pollution monitoring update from Mark Cox of WRS**

Mark Cox (MC) provided the Group with an update on the pollution monitoring at the site.

**Leachate:** MC clarified that at the last meeting he advised there was no requirement in Condition 15 for leachate monitoring. But Condition 15 did refer to monitoring in line with a schedule that the current version of, includes the requirement to monitor leachate levels within the tip and chemical quality at the discharge to foul sewer outfall. This was done by AECOM on behalf of the site owner and the results submitted to Bromsgrove District Council (BDC) and reviewed by Worcestershire Regulatory Services (WRS) on their behalf. WRS receive the leachate monitoring results both for levels and chemical quality but because it was not an issue, it was not something he was aware of. In that the leachate levels are used in the gas risk assessment and the chemical results from the discharge to foul sewer outfall are as you would expect from the site and had been consistent.

**Gas Monitoring:** MC confirmed that gas monitoring results were provided by AECOM on a regular basis in line with the Schedule and on behalf of BDC, WRS reviewed that information. There were some concerns with regard to results, as they were not as expected, so BDC had agreed to employ EXEA as consultants to carry out shadow monitoring. This has commenced. MC responded to concerns and questions from the Group and Councillor L. Mallett and clarified that:-

Recently one of the boreholes had shown levels of gas that you would expect to see in a landfill, typically methane and carbon dioxide. This alone was not a concern as the borehole was within the landfill waste. However this borehole had not previously shown this situation and we have little confidence in the monitoring and borehole construction to know whether this has always been the case and just not measured as such or whether this was a new development. The results in question were also measured during low atmospheric pressure events, which was when you would more likely expect them. WRS does have concerns regarding the uncertainty about the boreholes along the perimeter and as such proposed to find out more as a precautionary approach. Two things were proposed:

1. Undertake Nitrogen Purging of the borehole in question to try and understand more about its current condition and what the ground conditions are like in the area around it. This should help to explain some of the results.
2. Undertake gas monitoring in the locality. This would involve monitoring for landfill gas around the outside of resident's properties as well as internal monitoring. The aim of this was to confirm that landfill gas was not getting into or immediately adjacent to the houses from migration through the ground. We are not expecting to find landfill gas but in the event that we do, we will be providing information to householders as we visit them and provide them with an update on monitoring results at the time monitoring was undertaken.

## **6. Planning update from Ruth Bamford**

Ruth Bamford (RB) informed the Group that she continued to have pre-application discussions with the land owner. The planning application was not yet received as there was a list of information still to be provided. Paul Batchelor (PB) highlighted that three months had now been lost since the twelve months contingency started. TD highlighted that the key date was January 2016 and there was nothing the Environment Agency (EA) could do. It was up to Liberty Construction Limited (LCL) to decide how they planned the work. RB informed the Group that the Construction Engineer was responsible for the safety of the site and if he had any concerns he could trigger emergency plans. Currently there were no immediate issues. TD reiterated that if the Construction Engineer raised any safety concerns that and LCL failed to address these concerns then the EA could step in. Presently the site was fully compliant.

## **7. Questions received since the last meeting**

**The following answers were provided with regard to the questions received from members of the Group:-**

- RB - The clay capping layer has been covered with the protective layer of inert materials, some of which was clay-rich. The capping layer was not exposed on the site. TD has reviewed the report and it does not state anywhere that the clay capping is exposed.
- RB - It was not cost effective for the Council's appointed Civil Engineer to attend all meetings of the focus group. The Council intended to use him when the planning application was submitted to review the information and to advise on monitoring measures.
- RB – she cannot comment from a Council perspective on who will pay for the restorative soils. RB agreed that monies would be received for receiving materials. HB commented that the land owner would have to adhere to the EA permit and this would be monitored. TD reiterated that the Construction Engineer would have to sign off and agree he was happy with what was being tipped. MQ stated that if the landowner was to follow the Contaminated Land: Applications In Real Environments (CL:AIRE) protocol they would have to follow specific procedures for it to be signed off by an independent Qualified Person. As the site already had an environmental permit place for required works, it would be less likely that the landowner would use the CL:AIRE protocol.
- RB – A key task for her was to continue to look at and work on possible conditions should planning permission be approved. Section 106 monies can be used for monitoring purposes and this was something she was looking into. Conditions could include specific hours of operation, monitoring of those agreed hours. RB reiterated that any planning conditions would have to be necessary and proportionate. She hoped that should a planning application be received everyone in the Group who had expressed concerns about future monitoring; raised those concerns at the planning application stage. MQ stated that there would not be a dedicated person monitoring the site for the regulation of the environmental permit but site inspections would be carried out.
- RB – With regards to the 'blue' equipment, the steps on site were used to monitor the reservoir. The Council's Panel / Civil Engineer could check the items on site



to ensure the site was not being used as 'convenient storage'. The Council would not inform outside bodies / agencies what enforcement action they may take as this was not information for the public domain. RB highlighted that she had utilised her resources in other aspects where needed. No one will have information in respect of any enforcement action until enforcement action was taken and an enforcement notice issued.

- In response to a question from the public gallery, with regards to the report being redacted on the grounds of national security. TD responded that the EA followed strict national security guidelines, DEFRA guidance and data protection protocols and had had to adhere to these with regards to the report.

## **8. Items for future meetings**

No specific items were agreed.

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## MARLBROOK TIP WORKING GROUP 2014

### TERMS OF REFERENCE

#### MEMBERSHIP

##### District Council

- Councillor Kit Taylor (Chairman)
- Councillor Brian Cooper
- Councillor Luke Mallett
- Councillor John Ruck
- Kevin Dicks (Chief Executive)
- Ruth Bamford (Head of Planning & Regeneration)
- A representative from the Council's Legal Team

Residents: Michael Adams, Paul Batchelor, Charlie Bateman, Ron Brown, Ann Doyle, Roy Hughes and Sue Hughes

##### Other organisations

- A representative from Lickey & Blackwell Parish Council
- A representative from Catshill & North
- A representative from Lickey Hills Society

#### TERMS OF REFERENCE

- To receive and consider information from the Council and all other relevant agencies in relation to Marlbrook Tip.
- To seek clarification from the Environment Agency as to their role and future involvement of the site, including the status of the reservoir and any enforcement action to be taken against the land owner.
- In relation to future works at the site, to consider what checks and balances can be implemented to prevent any further over tipping at the site.
- For the group to receive any information from residents or the other local representatives in relation to any activities at the site.

## **MEETING ARRANGEMENTS**

To be determined by the group at each meeting. Dependant on timescales in respect of information being received from the relevant agencies and confirmation from invitee's of their availability to attend future meetings.

It was agreed that Monitoring / Compliance / Funding would be a standard agenda item at every meeting.