



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE MARLBROOK TIP WORKING PARTY

MONDAY 10TH JULY 2017 AT 5.30 P.M.

PARKSIDE SUITE - PARKSIDE

Councillors: Councillors B. T. Cooper, R. J. Deeming, L. C. R. Mallett and C. B. Taylor

Officers: Ruth Bamford, Head of Planning and Regeneration
Tracy Lovejoy, Planning Lawyer

Resident

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

Other

Representatives: The Environment Agency, Lickey Hills Society, Lickey & Blackwell Parish Council and Catshill & North Parish Council

AGENDA

1. Apologies and Introductions
2. Notes from the meeting held on 28th April 2016 (Pages 1 - 4)
3. Update from the Environment Agency Regarding the Reservoir
4. Planning update
5. Update from Worcestershire Regulatory Services (WRS)
6. Any other questions from the audience not covered in the main body of the meeting
7. Proposal for Discussion - Report to Council and Conclusion of Business
8. Dates for future meetings / frequency of future meetings (subject to the outcome of item 7)

9. Terms of Reference (for information only) (Pages 5 - 6)

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

30th June 2017

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE MARLBROOK TIP WORKING PARTY

28TH APRIL 2016 AT 5.30 P.M.

PRESENT: Councillor Richard Deeming (Chairman)
Ruth Bamford, Head of Planning and Regeneration
Mark Cox, Technical Services Manager, Worcestershire County Council
Sarah Sellers, Principle Solicitor
Jess Bayley, Democratic Services Officer

Michael Adams (Lickey Community Group)
Paul Batchelor (Lickey Community Group)
Mike Brooke (Lickey Hills Society)
Baden Carlson (Lickey Hills Society)
Jill Harvey (Lickey and Blackwell Parish Council)
Roy Hughes (Lickey Hills Society)
Sue Hughes (Lickey Hills Society)
Bernard McEldowney (Catshill and North Marlbrook Parish Council)

INVITEES Tony Deakin (Reservoir Safety Manager, Environment Agency – EA)
Martin Quine (Waste Team Leader, EA)
Fiona Upchurch (Reservoir Safety Enforcement Officer, EA)

1 **APOLOGIES AND INTRODUCTIONS**

Apologies for absence were received on behalf of Councillors B. T. Cooper, L. C. R. Mallett and C. B. Taylor as well as from Kevin Dicks and Mr Charles Bateman.

2 **NOTES FROM THE MEETING HELD ON 27TH JANUARY 2016**

The notes were agreed.

3 **UPDATE FROM THE ENVIRONMENT AGENCY**

Fiona Upchurch (FU) provided an update on action that had been taken since the previous meeting. A redacted copy of the Reservoir Safety Enforcement Notice had been circulated in advance of the meeting and action was taking place to implement the requirements detailed in the notice. The Environment Agency (EA) was liaising with the owner of the site and the engineer working on the site. Progress was being made and works that did not require planning permission were being addressed; for example the polymer linings of the drainage channels had been repaired.

4 **PLANNING UPDATE FROM RUTH BAMFORD**

Ruth Bamford (RB) confirmed that the Council had not received a planning application since the last meeting and therefore planning permission had not been requested.

5 **FEEDBACK FROM EXEA MONITORING - WORCESTERSHIRE REGULATORY SERVICES**

Mark Cox (MC) from Worcestershire Regulatory Services (WRS) clarified that prior to planning permission for capping, the site was considered landfill. Under the Planning permission granted the landowner was required to monitor compliance with various conditions but specifically a monitoring schedule which might be updated. There had been some concerns about how monitoring was being conducted at the site as the results had not 'made sense' from what was known about the site and so Bromsgrove District Council had employed an external organisation, Exea Associates, to undertake some monitoring work.

Exea Associates had looked at various matters including risk to properties close to the site and shadowing the consultants on the site whilst they were monitoring. Exea Associates had reported back on their findings regarding internal monitoring of private properties to the individual householders at the time of the monitoring. The results of the borehole monitoring of the landfill have been provided in the form of a report and the report contained a number of conclusions and recommendations to the Council and WRS. A copy of the report had been provided to the landowner. WRS would work with the landowner to agree a revised monitoring schedule for compliance of the Planning Condition and ensure that future monitoring reports were fit for purpose. It was confirmed that the Exea Associates report would be published on the Council's website by the end of the week.

6 **ANY OTHER QUESTIONS FROM THE AUDIENCE NOT COVERED IN THE MAIN BODY OF THE MEETING**

A number of additional questions were raised in respect of the following areas:

- The possibility for redacted sections of the Reservoir Safety Enforcement Notice to be made public once all of the listed actions had been implemented. FU advised that she would need to seek legal advice on this matter.
- The lack of any appeals against the Reservoir Safety Enforcement Notice. FU confirmed that the deadline for appeals had passed and that no appeal had been received.
- The potential for the materials placed on the site to be addressed in conditions imposed through the planning process.
- Confirmation that a new Waste Recovery Plan had been submitted and was being assessed by the EA National Permitting Service.

Agenda Item 2

Marlbrook Tip Working Party
28th April 2016

- The need for the landowner to obtain a new waste permit for waste recovery following an EA High Court Ruling.
- The monitoring process in respect of materials at the site.
- The involvement of 3 different groups in the monitoring process including the EA, the engineer on site and the Council through the planning process.
- The need for the landowner to obtain planning permission in order to bring waste onto the site.
- The depth of the restoration soil that could be placed on the site and the minimum and maximum levels that would be determined through the planning process.
- The requirements from the landowner in terms of applying for planning permission.
- The timeframes for enforcement action and the need for the EA to abide by the deadlines set out in the Reservoir Safety Enforcement notice.
- The action that had been taken to address the health and safety points raised in the notice, which were not subject to planning permission.

7

DATES FOR FUTURE MEETINGS / FREQUENCY OF FUTURE MEETINGS

At the proposal of the Chairman it was agreed that the next scheduled meeting of the Marlbrook Tip Working Party, due to take place on 21st July 2016, should be cancelled. The next meeting of the Working Party would therefore take place on 17th November 2016.

The meeting closed at 5.50 p.m.

Chairman

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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.