



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE MARLBROOK TIP WORKING PARTY**

**THURSDAY 21ST SEPTEMBER 2017 AT 5.30 P.M.**

#### **PARKSIDE SUITE - PARKSIDE**

Councillors: Councillors B. T. Cooper, 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 10th July 2017 (Pages 1 - 6)
3. Update from the Environment Agency
4. Planning Update
5. Update from Worcestershire Regulatory Services
6. Any other questions from the audience not covered in the main body of the meeting
7. Dates for future meetings / frequency of future meetings
8. Terms of Reference (for information only) (Pages 7 - 8)

K. DICKS  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

15th September 2017

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE MARLBROOK TIP WORKING PARTY

10TH JULY 2017, AT 5.30 P.M.

PRESENT: Councillors B. T. Cooper, R. J. Deeming (Chairman) and L. C. R. Mallett

Mr. C. Bateman. Mr. K Woolford, Mr. R Hughes, Mrs. S. Hughes, Mr. M. Adams, Mr. P. Batchelor, Ms, J. Harvey, Mr. B. Carlson, Mr. B. McEldowney, Mrs. A. Doyle

Officers: Mrs. R. Bamford, Ms. J. Bayley and Mrs. T. Lovejoy

1/17 **APOLOGIES AND INTRODUCTIONS**

Apologies for absence were received on behalf of Mr. M. Brooke and Mr. K. Dicks.

2/17 **NOTES FROM THE MEETING HELD ON 28TH APRIL 2016**

The notes were agreed, subject to it being noted that Mr. R. Hughes and Mrs. S. Hughes had attended on behalf of the Lickey Hills Community Group.

3/17 **UPDATE FROM THE ENVIRONMENT AGENCY REGARDING THE RESERVOIR**

Tony Deakin (TD) provided an update on the action that had been taken since the previous meeting. Work on site had been taking place in accordance with the requirements set out in the Reservoir Safety Enforcement Notice. Written confirmation had been received that five of the measures that had been due to be enacted earlier in the year had been completed. A sixth measure appeared to have been completed, though confirmation remained to be provided. Three further measures remained to be addressed by the end of August 2017.

4/17 **PLANNING UPDATE**

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.

5/17 **UPDATE FROM WORCESTERSHIRE REGULATORY SERVICES (WRS)**

In the absence of the Officers Tracy Lovejoy (TL) provided an update on behalf of WRS. She advised that Liberty Construction no longer

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employed AECOM as their consultants and instead retained the services of EXEA Associates. EXEA were familiar with Marlbrook Tip as the company had undertaken consulting work in connection with the site for Bromsgrove District Council (BDC) in previous years.

Officers from WRS had met with representatives of Liberty Construction and EXEA Associates on 22<sup>nd</sup> June 2017 to discuss the landowner's proposals for gas management. The monitoring regime would remain the same as it was for AECOM, comprising bi-monthly sampling for gas, water and leachate and the results would be sent to Liberty Construction, BDC and WRS for review. EXEA had carried out their first round of monitoring on 27<sup>th</sup> June 2017 and would report the results shortly. A new gas venting trench and two new boreholes near BH823 would be put in place as agreed in the revised gas management plan with Liberty Construction in order to improve the characterisation of that corner of the site.

EXEA had also reported that they would be reviewing the Marlbrook Tip monitoring regime for Liberty Construction with a view to identifying any improvements that could be made to reflect any changes made to the tip over the years. This could include the closing or re-siting of some boreholes or putting in extra venting trenches in other parts of the site. The findings of this review would be presented for the consideration of BDC and WRS for discussion at a later date.

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## **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 focus of the sixth measure that had been due to be completed in February 2017 for which written confirmation remained to be received.
- The extent to which it was realistic to expect completion of the three measures that needed to be addressed by the end of August 2017.
- The option for the Environment Agency to request a programme of delivery prior to the end of August, and the potential for the information in this programme to enable Officers to determine whether implementation remained on track.
- The need for planning permission to be secured in relation to some of these measures.
- The length of time required to process a major planning application. RB advised that a major planning application could take 13 to 16 weeks to process and this includes three weeks for consultation.
- The extent to which it was realistic to expect that planning permission could be provided to enable the landowner to complete some of the outstanding measures by the end of August 2017.
- The need for residents to report any concerns about developments for which no applications had been submitted.

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- The responsibility of the landowner to determine how best to complete the three outstanding measures, as detailed in the Reservoir Safety Enforcement Notice.
- The need for the landowner to have a Waste Recovery Permit to bring materials on site, which had been granted.
- The extent to which a plan was available in respect of levels of top soil and, if so, whether this could be shared with the public. TD undertook to check this on behalf of the Working Party.
- The quantity of materials permitted on site under the permit and the extent to which road haul was taken into account.
- The monitoring arrangements in place to ensure compliance with the terms of the permit.
- The role and responsibilities of the engineer on the site.
- The extent to which WRS were satisfied with the monitoring arrangements that were in place.
- The role and powers of the Environment Agency. TD explained that action could not be taken until the deadlines had passed for the outstanding measures.
- The potential for the Environment Agency to start planning at an earlier date how to respond in the event that the measures were not completed by the deadline.
- The Section 15 powers available to the Environment Agency under the Reservoir Act, which could be used to undertake the works if these were not completed by the deadline.
- The need for the Environment Agency to work closely with BDC and to abide by the planning process if it had to intervene at a later date.
- The Section 16 emergency powers available to the Environment Agency under the Reservoir Act, whereby engineers could be appointed to review any emergency issues associated with a reservoir.
- The financial implications of the Environment Agency's use of Section 15 and Section 16 powers together with the potential to recharge the landowner for any works undertaken using those powers.
- The requirement for the Environment Agency to only undertake necessary works using these powers.
- The length of time since the last meeting of the Marlbrook Tip Working Party and the need to hold meetings in a timely manner.
- The potential for the Environment Agency to notify attendees when confirmation had been received that the sixth measure due in February had been completed. TD confirmed that confirmation would be provided and it was agreed that, if this information was sent to the council, information could also be published on the Marlbrook Tip pages of the Council's website.
- The additional equipment that had been observed on the site in recent months by local residents and the purpose of this equipment.

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- The potential for any planning applications to be considered by the Council's Planning Committee and the process that this would follow.
- The need for the planning process to proceed in line with legislative requirements and for Members of the Planning Committee to remain impartial.
- The potential for any applicants to appeal a decision taken by the Planning Committee and the role of a Planning Inspector in hearing any such appeal.
- The potential to discontinue the reservoir and the process involved in doing so. TD advised that this could be a financially costly and lengthy process.

7/17

## **PROPOSAL FOR DISCUSSION - REPORT TO COUNCIL AND CONCLUSION OF BUSINESS**

Mr C. Bateman (CB) reported that he was interested in drawing a line under business relating to over tipping at Marlbrook Tip. He had therefore requested an item to enable the working party to discuss this matter further. During consideration of this matter CB circulated some figures and the following points were noted:

- At an earlier date a suggestion had been made that there should be a public enquiry into over tipping at Marlbrook Tip.
- CB had considered proposing that there be a report to Council outlining the extent of over tipping and drawing an end to debate about the subject.
- There was a need for the Council to maintain accurate records in respect of landfill and the vehicles supplying to landfill sites.
- Concerns were expressed by attendees about the potential for under reporting in respect of landfill to occur.
- Residents continued to have concerns about the volume and weight of materials disposed of at the site.
- RB highlighted that the Council had apologised for over tipping that had occurred in the past and aimed to work with the Marlbrook Tip Working Party to ensure that this did not happen again.
- The Waste Management Plan helped to address volume and weight issues.
- Much of the data was relatively old and there was general consensus that it would be useful to focus on constructive action that could be taken in the future.
- Action had been taken since the issues were first identified, including monitoring of the site.
- However, concerns were raised about the extent to which certain parties had been held to account.
- There were also concerns expressed about the limited frequency of meetings of the Marlbrook Tip Working Party and it was suggested that these needed to increase in number to provide residents with assurance that issues continued to be addressed.

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## **DATES FOR FUTURE MEETINGS / FREQUENCY OF FUTURE MEETINGS (SUBJECT TO THE OUTCOME OF ITEM 7)**

There was general consensus that the next meeting of the Marlbrook Tip Working Party should take place in September 2017.

The meeting closed at 6.30 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.