

MARLBROOK TIP QUESTIONS FOR MEETING ON 25 JANUARY 2019

Issue/Question	Response	Provider of Response
<p>Can we please discuss this statement made by Ruth Bamford in response to an email made to her complaining about the tipping -</p> <p>"What they are doing is not illegal. It does however require planning permission which has not been sought".</p>	<p>The planning system allows for retrospective applications. This means that it is not illegal to do something without planning permission. That said the current tipping without the benefit of planning permission means that, in planning terms, the tipping is not a lawful planning use. The site owner or a third party may or may not apply for planning permission to seek to regularise the use. If they don't apply for planning permission to regularise the use then the Council needs to decide whether or not to take enforcement action.</p>	<p>Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802</p>
<p>Cllr Deeming is reported as having said at a recent Lickey & Blackwell Parish Council meeting that "he had visited the site and that the landowner seems to be putting down hardcore which the District Council said was acceptable although it had not been applied for" Can Cllr Deeming explain how tipping without PP is deemed acceptable please?</p>	<p>The same response as above.</p>	<p>Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802RB</p>
<p>What is being done to stop the tipping without planning permission that started in mid October 2018?</p>	<p>A PCN has been served. This is a document that is used for collecting information from the site owner and it is a criminal offence to not give accurate information. A response to the PCN has been received. A Temporary Stop Notice has been issued.</p>	<p>Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802</p>

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How are the lorries visiting the site being logged, if at all, and monitored for both quantity of material and type of material?	There is no site monitoring by Planning Services. Officers have done site visits from time to time.	Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802
If a log of the illegal tipping being kept, has anyone seen it?	There is no site monitoring by Planning Services. Officers have done site visits from time to time.	Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802
Will any enforcement action require the site owners to remove the material tipped without PP?	The Council would never comment in advance of an enforcement notice being served on any site.	Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802
There appears to be a mobile burger van back on the site. Will the owner be asked to remove this as before?	At time of writing this was not on the site. The current focus of Planning Services is unauthorised importations of material and working with the Environment Agency and site owners to address the situation.	Simon Jones s.jones@bromsgroveandredditch.gov.uk Telephone No Direct Line: 01527 548211
Was consideration given to using some of the million cubic metres of illegally tipped material rather than importing more (illegal?) material to the site?	The previously over tipped material cannot be used to meet the requirements of the Panel Engineer/EA. The requirement from EA relates to the time period after the tipping that exceeded the planning permission on the site	Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802
Health and safety if the reservoir collapses	The reservoir is classified as a “High Risk” reservoir. One that if it were to fail, lives could be put at risk. However, from our latest site inspection (carried out on 7 December 2018) our reservoir panel engineer confirmed that the reservoir was currently in a safe and stable condition with no immediate safety actions required.	Tony Deakin tony.deakin@environment-agency.gov.uk

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<p>Please confirm and provide evidence of how the Council has complied with the Ombudsman's requirements on the Council to actively monitor the Tip's activities regarding tipping, overtipping, lorry movements etc. and please confirm how the Council has to date enforced the EA's requirement on the Tip's owner to apply for planning consent for and build out the protective capping layer. We note the deadline for the Tip's owner to apply for such planning consent has now passed. Is the Tip's owner relying on any other consents or licences for the current tipping activity without the protective capping layer?</p>	<p>The Ombudsman report related to a previous planning permission for the import or materials and the creation of a golf course.</p> <p>As above, no council can make anyone apply for planning permission.</p> <p>The Council cannot comment on the views of the site owner. It is the view of the LPA that planning permission is required to bring on material to the site.</p>	<p>Ruth Bamford r.bamford@bromsgroveandredditch.gov.uk mobile: 07852437802</p>

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<p>Why has it become a requirement for any land / building plot sales within 500m of the Marlbrook Tip site to be subject to compression gas testing; and does this or will this extend to existing residential, commercial properties and the Lickey School premises.</p>	<p>This is not a requirement that WRS would require. However, any solicitor acting on behalf of a client during the conveyancing process is required to ensure that contamination issues are addressed to a satisfactory state. As a consequence any solicitor may insist that further clarity is sought on whether any property in the vicinity of Marlbrook tip is obtained. This may include gas testing. It is a matter for the prospective buyer, purchaser and solicitor to determine what information is required and what information is sufficient to make a judgement on any level of risk posed.</p> <p>WRS would recommend that BDC Planning Officers ensure any applicant of a new development or building or extension proposed within 250m of Marlbrook tip demonstrate that the potential risk from landfill gas can be addressed appropriately. This may be verified installation of gas protection measures or by demonstrating that there is no requirement for this, which may include gas monitoring.</p>	<p>Mark Cox Mark.Cox@worcestersregservices.gov.uk Tel No: 01562 738023</p>

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Would such requirement for gas compression testing have been necessary had the overtipping not taken place?	WRS are not responsible for the requirement referred to above and so cannot answer the question with certainty. However, solicitors have always had the duty of undertaking appropriate searches during conveyancing and in practice some have done these checks for potential contamination for many decades. As the site is a former landfill site, which was capable of producing landfill gas since the first days of waste tipping on the site, the potential for contamination has been an issue since that time.	Mark Cox Mark.Cox@worcesterservices.gov.uk Tel No: 01562 738023