

**TITLE OF REPORT:** Progress Report - Issues Emanating from Landfill Sites in the west of the Borough

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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### **SUMMARY**

This report provides an update on the issues arising from landfill sites in the west of the Borough and in particular to highlight progress on the actions agreed at the Communities and Place Overview and Scrutiny Committee in March 2015 and the original feedback on these actions reported in September 2015.

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#### **Purpose of the Report**

1. To highlight progress on the actions agreed at the Communities and Place Overview and Scrutiny Committee review of the issues emanating from landfill sites in the west of the Borough and to provide a general update on these sites.

#### **Background**

2. Following concerns raised by residents in some parts of the west of the borough the matter was brought before the Communities and Place Overview and Scrutiny Committee in March 2015. The Committee received a report which also featured significant input from the Environment Agency (EA) as one of the regulators of the Landfill sites.
3. During the meeting twelve actions were agreed and an update on these points was presented to the Committee in September 2015. Further updates are offered on the remaining actions below.
4. In addition, the Committee will be provided with an update on the current operations at Blaydon and Path Head Landfill sites.

#### **What has happened since the actions were agreed?**

5. The Committee has previously received feedback on action points 1, 2, 3, 4, 5, 6, 7, 9 and 12 and where necessary these points have been completed. The Committee will be provided with an update on action points 8, 10 and 11 (Copy of September report attached at Appendix 1).

#### **Action 8:**

That a process for the Council's cabinet, to invite comments from the relevant advisory group on applications for EA permits be explored.

**Update:**

An advisory group was set up to provide comments on the EA consultation on the Permit variation application for Blaydon Quarry. The response was endorsed by Cabinet at their meeting on 15<sup>th</sup> September 2015. The reviewed permit has been issued by the Environment Agency.

**Action 10:**

That the Council make representations to the current DEFRA consultation on waste crime and that the link to the consultation be publicised.

**Update:**

The Government has published its response to the consultation on the above and a link to this is provided below:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/466879/waste-crime-consult-sum-resp.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/466879/waste-crime-consult-sum-resp.pdf)

**Action 11:**

That there be a greater focus on enforcement to ensure EA permits are complied with and to look at the type of evidence required to pursue enforcement in relation to odour.

**Update:**

The Environment Agency continues to actively regulate both the Blaydon and Path Head landfill sites to ensure they comply with the permits they signed up to and the impacts on the local community are kept to a minimum.

In recent weeks the Environment Agency has served 3 Enforcement Notices to ensure the permits are complied with. Two of these enforcement notices were served on Suez in relation to odour problems at the Path Head site. The ongoing odour problems at Path Head remain subject to a formal investigation by the Environment Agency.

**Blaydon Update**

6. The revised planning permission was granted for this site in September 2015. This included a number of conditions that required further information to be submitted by particular dates or when particular works commenced on site.
  - a) The submission of planning conditions 2, 7, 20, 24, 27 (and 11) which should have been discharged by 2 October 2015
  - b) The submission of planning conditions, 3, 4, 12, 13, 14, 22, 23, 25, 26, 28, 31 and 32 due by 2 March 2016
7. At the most recent meeting with the operator and their agent (29<sup>th</sup> Jan), the operator agreed to submit all of the required information by the end of February

(both those that needed to be submitted by October and March). However, this information was not submitted and is still outstanding. As such the operation is in breach of these planning conditions, so, in light of this consideration is being given to next steps, including taking enforcement action.

8. The first meeting of the Community Liaison Group following the grant of planning permission took place on 30<sup>th</sup> March 2015 following a 9 month gap where no meeting took place. One of the requirements of the revised planning permission is that the operator must host three liaison Group meetings a year one of which must include a site visit. The constitution for this meeting is being prepared.
9. At this meeting the operator, the Environment Agency and the Local Planning Authority gave an update and residents had the opportunity to raise issues that they had about the site.
10. The Environment Agency produces regular updates on its website relating to this site. The most recent update (1 April) can be found at:  
<https://www.gov.uk/government/publications/blaydon-quarry-landfill-newcastle-upon-tyne/blaydon-quarry-landfill-newcastle-upon-tyne>
11. In summary tipping continues in cell 7, which is in the central part of the site. Tipping in this area is likely to continue for approximately 3 years before moving in to Cell 8 which will be the final cell.
12. The Environment Agency has asked for the cells to the east of the site to be capped this spring, which will allow these areas to be restored back to grassland in accordance with the planning requirements this summer. The Environment Agency is also expecting additional gas extraction wells to be drilled in these completed areas to maintain full extraction across the site.
13. Capping work is due to commence on 25 April subject to favourable weather conditions. Preparatory placement of soils has already started.
14. The electricity generating plant continues to run at full capacity, with any additional gas burnt in the standby flare.
15. In the last few weeks the Environment Agency has received odour complaints on its incident hotline and is instructing Octagon to take steps to reduce odour coming from this site.
16. On 19 February 2016 the Environment Agency served an enforcement notice on Octagon to submit proposals to remediate odours coming from the site. This notice was complied with and their proposals are being assessed.

### **Path Head Update**

17. The Environment Agency produces regular updates on its website relating to this site. The most recent update (1 April) can be found at:

<https://www.gov.uk/government/publications/path-head-landfill-gateshead/path-head-landfill-site>

18. The Environment Agency is continuing to instruct Suez to take steps to reduce the odours and comply with their environmental permit. Our investigations have identified odour sources on site and we have informed Suez that further improvements are required to the gas management system on site.
19. The Environment Agency served notice on Suez to require engineering plans detailing the installation of additional gas extraction wells and capping works. This Enforcement Notice has now been complied with but a further enforcement notice has been served on Suez to ensure this work is carried out within the agreed deadlines.
20. The Environment Agency is working closely with the Councils Planning and Public Health services and with Public Health England regarding the odour.
21. The Environment Agency are also carrying out significant additional odour monitoring around both the Path Head and Blaydon sites. It has also installed a monitoring station which will constantly monitor air quality downwind of Path Head for three months. Following that, the station would be moved downwind from Blaydon.
22. Health Issues - Public Health England and Gateshead Council's Public Health team have met with local councillors and have been working with local GPs and the Environment Agency to review residents' concerns in light of findings from monitoring at the site. Whilst the odours are distressing and can cause symptoms such as sore throats, nausea, headaches and dizziness, the substances that cause the smells are not themselves harmful to health. The Council has provided updates about the health concerns of the odours on its website <http://www.gateshead.gov.uk/Building%20and%20Development/Planning/Gases-and-odour-at-Path-Head-landfill-site.aspx>
23. The Environment Agency, Gateshead Council and Public Health England will maintain a partnership approach to tackle this issue and will continue to keep people informed on both the Environment Agency and the Councils Websites.

### **What will we do next?**

24. Monitoring of the sites will continue, including joint visits between the Council and the EA.
25. The planning conditions will continue to be monitored and enforcement action taken where necessary.
26. Regular updates will be given to keep people informed on both the Environment Agency and the Council Websites.

## **Recommendation**

27. It is recommended that the Communities and Place Overview and Scrutiny Committee consider whether sufficient progress has been made against actions to date.

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**Contact: Anneliese Hutchinson, Service Director, Development and Public Protection ext. 3881**



**COMMUNITIES AND PLACE  
OVERVIEW AND SCRUTINY COMMITTEE  
14 SEPTEMBER 2015**

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**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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**SUMMARY**

This report provides a summary update on the actions arising from the Communities and Place Overview and Scrutiny Committee review of the issues emanating from landfill sites in the west of the Borough.

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**Purpose of the Report**

28. To highlight progress on the actions agreed at the Communities and Place Overview and Scrutiny Committee review of the issues emanating from landfill sites in the west of the Borough and to seek the Committee's views on progress to date.

**Background**

29. Following concerns raised by residents in some parts of the west of the borough the matter was brought before the Communities and Place Overview and Scrutiny Committee in March of this year. The Committee received a report which also featured significant input from the Environment Agency (EA) as one of the regulators of the Landfill sites.

30. During the meeting twelve actions were agreed and it was further agreed that progress on these actions would be reported back to the committee in six months.

**What has happened since the actions were agreed?**

31. Work by the Council, together with colleagues in the EA and from Public Health England have progressed all of the agreed actions. Progress against each of the actions is presented below:

**1. Action:**

That the simplified table of roles and responsibilities of the EA and Gateshead Council be made available on the EA and Council websites.

**Update:**

The table of responsibilities is available on both the EA (at <https://www.gov.uk/government/publications/blaydon-quarry-landfill-newcastle-upon-tyne>) and Council (at <http://www.gateshead.gov.uk/Building%20and%20Development/Planning/Landfill-sites.aspx>) websites.

**2. Action:**

That there be wider promotion of the EA 24 hour incident reporting telephone number.

**Update:**

The EA incident hotline is published on the dedicated gov.uk web pages for Blaydon and Path Head landfill sites. It is also included in all correspondence, press releases and is referred to during liaison meetings and all our interactions with members of the public including local resident action groups such as Winlaton Action Group. The EA incident hotline number can also be found on the EA website and in the phonebook.

This information is also provided on the Council's website at <http://www.gateshead.gov.uk/Building%20and%20Development/Planning/Landfill-sites.aspx>.

**3. Action:**

That the number of non-conformance of permit conditions by Octagon Green Solutions Ltd since it took over the Blaydon site be reported back to members.

**Update:**

There have been a total of 30 permit non-compliances between 12 September 2013 and 15 March 2015 when Octagon Green Solutions Ltd have been operating the Blaydon Quarry landfill site.

As of 16 August the number is 37 of which 11 were in the last 6 months.

**4. Action:**

That the EA and Gateshead Council Communications team work more closely with the aim of providing more timely information.

**Update:**

Named contacts in the respective teams have been identified and have discussed opportunities to work more closely in future.

**5. Action:**

That the statement of the Winlaton Action Group (WAG) be circulated to all members of Gateshead Council and that a response be provided by the EA and Gateshead Council on each issue set out.

**Update:**

The statement was circulated after the meeting and a comprehensive response provided on 2 June 2015. This is attached at Appendix 1.

**6. Action:**

That the EA consider alternative methods of consultation (not just via the internet) during the consultation process

**Update:**

The EA carries out bespoke consultation for all applications that are considered to be of High Public Interest. The permit variation for Blaydon was considered to be High Public Interest and a full consultation was carried out. This included the production of CD's that contained the full application, publishing details of the application on the dedicated gov.uk web page for the Blaydon landfill site and a specific agenda item at a liaison group meeting and WAG meeting. The CD's were distributed to the Council, Secretary of WAG and the MP's Office.

**7. Action:**

That Members receive a report on what monitoring of ecological impacts arising from the Blaydon and Path Head sites takes place.

**Update:**

The report is attached as Appendix 2 to this report.

**8. Action:**

That a process for the Council's cabinet, to invite comments from the relevant advisory group on applications for EA permits be explored.

**Update:**

An advisory group was recently set up to provide comments on the EA consultation on the Permit variation application for Blaydon Quarry. This response has been finalised and is awaiting approval from Cabinet.



## 9. Action:

Explore the possibility of Public Health England to work towards a health survey of the locality, working with both Gateshead Council and the EA.

### Update:

The Service Director of Public Health has contacted eight local GP practices in Ryton, Blaydon, Chopwell, Crawcrook and Winlaton who may have patients living near the landfill sites to ask if they were aware of any patients presenting with health issues that were either a) attributable to the site, or b) that they (patients or clinicians) perceived to be attributable to the site. Responses were received from all practices. Clinical staff were not aware of any health issues either observed in patients nor claimed by patients to be attributable to the landfill site.

In light of the above, it is not considered that an extremely costly health survey of the locality is required or necessary. In any event detailed studies that have investigated potential health impacts of those living near to landfill sites have not found any evidence that they cause an increased likelihood of any health condition and the GPs in the area have confirmed no pattern of ill health associated with the landfill.

## 10. Action

That the Council make representations to the current DEFRA consultation on waste crime and that the link to the consultation be publicised.

### Update:

The consultation period closed on 6 May 2015. The responses to the consultation are currently being analysed and further information can be found at <https://www.gov.uk/government/consultations/waste-crime-improving-enforcement-powers-to-reduce-persistent-non-compliance-at-waste-handling-sites> .

## 11. Action:

That there be a greater focus on enforcement to ensure EA permits are complied with and to look at the type of evidence required to pursue enforcement in relation to odour.

### Update:

The policy and procedures of the EA in relation to the enforcement of permits, in particular odour, was presented to the Committee in March. There has been no change to those policies and procedures since then.

However, since the March meeting the Council and EA have continued to work closely together and are in the process of finalising a memorandum of understanding between both parties which will set out how they can work in

partnership to effectively tackle environmental crime and coordinate the regulation of waste businesses in Gateshead given the overlap of enforcement duties. This commitment will provide an agreement for a both a proactive and responsive approach and clearly sets out roles and responsibilities. To coincide with the issuing of the planning permission for Blaydon Quarry's operation as a landfill site the Council has contacted the operator inviting him to meet with the Service Director Development and Public Protection and the EA's Area Manager on a regular basis to discuss the operation of the site.

Joint enforcement visits between the EA and Council will also be put in place to ensure a high level of monitoring and compliance.

## **12. Action:**

That the Committee notes and shares the concerns of residents within the west of the borough and the impact the landfill has on local communities.

### **Update:**

No update from Officers required.

## **What will we do next?**

32. As noted above, the actions arising from the March Committee are ongoing and will continue to develop over the coming months. Some points to note are:

- A meeting between the Service Director of Development and Public Protection, the Acting Environment Manager from the EA and the Director of Octagon Green Solutions has been agreed and will be held in the near future to discuss the running of the site and the need to minimise its impact on the locality.
- Monitoring of the site will continue, including joint visits between the Council and the EA.
- The new planning permission for the Blaydon site has been issued. The compliance with the conditions imposed on that permission will be proactively monitored and the operator is also required to produce an annual monitoring report.

## **Recommendations**

33. It is recommended that the Communities and Place Overview and Scrutiny Committee:

- Consider whether sufficient progress has been made against actions to date.

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**Contact: Anneliese Hutchinson, Service Director, Development and Public Protection ext. 3881**