

Cabinet's Response to OSMB Recommendations – Droppingwell Landfill Petition

Recommendation	Cabinet Decision <i>(Accepted/ Rejected/ Deferred)</i>	Cabinet Response <i>(detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)</i>	Officer Responsible	Action by (Date)
1. That further assurances be sought from and provided by the Environment Agency in respect of credentials of the independent consultant engineer that would be appointed by Grange Landfill will be properly validated to provide greater confidence to the local community regarding existing materials on the Phase 1 of the site and the impact on the local highways, the local environment and surrounding wildlife.	Accepted	Officers will write to the Environment Agency requesting this information.	Tom Smith Assistant Director Community Safety and Streetscene	Complete – 25 th Feb 2020
2. That the Droppingwell Action Group be encouraged to continue to seek independent legal advice in respect of any legal proceedings that they wish to institute in respect of the Grange Landfill site or against any regulatory body.	Accepted	Droppingwell Action Group attended the OSMB meeting and are aware of the recommendation.	N/A	N/A

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3. That the Environment Agency, in view of the significant public concern and concerns on the part of the Council, be strongly encouraged to undertake quarterly visits to the Grange Landfill Site to provide greater assurance in respect of the operation of the site.	Accepted	<p>(a) Officers wrote to the Environment Agency in November 2019 to clarify the inspection and monitoring regime that would be in place. The Environment Agency confirmed in their response of December 2019, that routine site inspections would take place on quarterly basis until further notice.</p> <p>(b) Officers will however write to the Environment Agency requesting assurance that these routine visits are taking place as per the commitment.</p>	Tom Smith Assistant Director Community Safety and Streetscene	<p>(a) Completed – 25th Feb 2020</p> <p>(b) Completed – 25th Feb 2020</p>
4. That, in view of the significant public and historical concerns in respect of this site, the outcomes of monitoring visits on the site be published on the Environment Agency website and be proactively shared with the Droppingwell Action group and Rotherham MBC, and be published via the Council's website www.rotherham.gov.uk/grangelandfill	Accepted	<p>(a) Officers will write to the Environment Agency requesting this information.</p> <p>(b) Once the information is received by the Environment Agency the Council will, subject to any potential Information Governance restrictions, publish the information on the website.</p>	Tom Smith Assistant Director Community Safety and Streetscene	<p>(a) Completed 25th Feb 2020</p> <p>(b) Within 5 working days of receipt of the information</p>

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<p>5. That Grange Landfill, the Environment Agency and the Council work together, and consult with the Droppingwell Action Group, to produce user friendly communications for residents to better explain what the site is to be used for in Phase 2, with specific reference to the stability risk assessment of Phase 1, and how the safety of the site and impact on the locality will be monitored.</p>	<p>Accepted</p>	<p>The Environment Agency and Rotherham Council have already agreed and committed to working together on information sharing and communicating together with residents.</p> <p>Dedicated websites to share information about the site are in place both for the Environment Agency (https://consult.environment-agency.gov.uk/yorkshire/grange-landfill-site-dropping-well-tip) and Rotherham Council (www.rotherham.gov.uk/grangelandfill).</p> <p>The Environment Agency's website contains information and Frequently Asked Questions relating to the use of the site, the stability assessment and how the site will be monitored in future.</p> <p>The Council has provided three public update bulletins to Droppingwell Action Group to share.</p> <p>The Council is committed to work with the Environment Agency to refine our communications to make them as user friendly as possible.</p> <p>The Council will also seek to work with Grange Landfill regarding the sharing of information and communicating with residents.</p>	<p>Tom Smith Assistant Director Community Safety and Streetscene</p>	<p>Completed</p>

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6. That the Cabinet be encouraged to continue to actively lobby in the strongest possible terms the Secretary of State for Housing, Communities and Local Government in respect of the site and the legislative framework under which it is able to operate.	Accepted	<p>The Cabinet Member for Waste, Roads and Community Safety wrote to the then Minister of State (Department for Environment, Food and Rural Affairs) (Therese Coffey MP) on 3rd September 2019, setting out significant concerns about the site reopening and asking for urgent action to be taken.</p> <p>The Chief Executive of Rotherham Council wrote to the Secretary of State for Housing Communities and Local Government (Robert Jenrick MP) in November 2019, to set out the Council's concerns about the operation of the site and the Council's lack of available legislative powers to regulate it. Despite having again contacted the Secretary of State in January 2020 requesting a response, to date, no response has been received.</p> <p>The Cabinet Member will also follow this up with a letter.</p>	Paul Woodcock Strategic Director Regeneration and Environment	Completed
7. That the Member of Parliament for Rotherham be strongly encouraged to raise a question to the Prime Minister to raise the significant public concern in respect of the site and put pressure on the government through parliamentary procedure to revisit the statutory framework.	Accepted	The Chair of Overview and Scrutiny Management Board has written to the MP for the Rotherham constituency to request that she raise a question with the Prime Minister.	James McLaughlin, Head of Democratic Services	Complete 20/02/2020

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<p>8. That the Cabinet require the Strategic Director of Regeneration and Environment to ensure that all actions are taken to minimise the impact of the operation of the site on local residents and communities, sports grounds and schools, particularly with a view to reducing risk and inconvenience to Millmoor Juniors Football Club and local wildlife.</p>	<p>Accepted</p>	<p>As at the date of this report, we are informed that no activity is taking place on site due to the ground conditions. The Environment Agency inform us that "...the preparatory works are expected to recommence in early spring when the weather and ground conditions is expected to improve."</p> <p>The Strategic Director of Regeneration and Environment will take all action within his powers to minimise the impact of the operations of the site on local residents and communities. As with the operation of any site, the Council does have powers to intervene if there is a significant environmental nuisance or risk associated with the operation of the site.</p> <p>The operation of the site itself is however the regulatory responsibility of the Environment Agency, and any actions required on the site would be within their remit. The Council would therefore expect that any issues on the site, or caused by operations on the site, would be dealt with by the Environment Agency in the first instance.</p> <p>The Council wrote to Grange Landfill Ltd in January 2020 to express concern about the risks associated with vehicle movements on the access road and the use of Council land as a turning circle, and to ask that appropriate action was taken by Grange Landfill to mitigate any risks. The Council has also taken steps to secure our land to prevent its unauthorised use.</p>	<p>Paul Woodcock Strategic Director Regeneration and Environment</p>	<p>Ongoing and also via quarterly monitoring as covered in 3 (a)</p>

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		The Council has also contacted the Health and Safety Executive to report the concerns of residents about vehicle movements in residential roads in the area and to seek their advice about appropriate mitigation measures to reduce any risks for Milmoor Juniors Football Club during the hours of operation.		
9. That, having regard to the call for action within the petition, where appropriate and within the powers available to the Council, enforcement action be taken in respect of environmental, transport and planning matters where there are reported or suspected breaches of conditions or legislation.	Accepted	<p>The Council will take appropriate action, within its available regulatory powers, where there are reported breaches of Planning, transport or relevant environmental legislation.</p> <p>Where the Council is notified of issues for which it has no powers, the Council will liaise with the appropriate regulatory authority to ensure that action is taken.</p> <p>As above, the operation of the site itself is the regulatory responsibility of the Environment Agency, and any actions required on the site would be within their remit.</p>	Paul Woodcock Strategic Director Regeneration and Environment	Ongoing and also via quarterly monitoring as covered in 3 (a)
10. That the Cabinet be advised that the Overview and Scrutiny Management Board, whilst wholly sympathetic to the representations made on behalf of the Droppingwell Action Group, do not support the call for legal action to be commenced by the Council against the Environment Agency.	Accepted	Cabinet note the recommendation of Overview and Scrutiny Management Board, and will take it into account when taking any future decisions in relation to any potential legal action against the EA in relation to Grange Landfill.	Bal Nahal Head of Legal Services	Complete

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11. That an update report on the site and ongoing work with the Droppingwell Action Group be provided to Improving Places Select Commission in six-months time.	Accepted	An update report will be presented to the Improving Places Select Commission in six months time.	Paul Woodcock Strategic Director Regeneration and Environment	September 2020