

NOTICE OF MOTION	Date of Council Meeting: 05/11/25
	Mover: Councillor Jones
	Seconder: Councillor Currie
	Title of Motion: Watsons Tip Droppingwell

Summary/Background:

This Council understands that the Environment Agency undertook a permit variation of an historic permit “Watsons tip Droppingwell” in December 2016. Residents had always been aware of the reported Dangerous substances that were tipped into phase 1 of the site between 1958 and 1989, these substances were both in liquid and solid forms and included barrels of cyanide and various heavy metals from local steel production facilities. In 1989 it was also discovered that the site was also receiving medical waste and some of this was being discovered in the nearby aptly named “Sicley brook “this gave rise to a big concern around local environmental health risks and testing of the site lead to a public enquiry.

In 2016 the Environment agency supplied the names of two EA officers to a consultant working for Grange Landfill Ltd, who in their words “had done this before” and could help them get around the issues. The “issues” referred to related to the inability of the company to navigate a way around the legislation contained within the European landfill directive to allow the re-opening of the site due to its previous “toxic” history. We presume the officers obliged with the advice (no physical records of the meeting exist, only a note that phone calls took place) and in December 2016 the EA issued a variation without any public or local authority consultation.

The Permit variation was a substantial document and included 5 prerequisite actions required by the operator prior to the permit variation allowing the commencement of landfilling at the site. One of those prerequisites was the implementation of a QA assured ground water and gas monitoring regime that tested both phase1 and phase 2 of the site, something that should have been in place since 1978, however this had never been enforced. In January 2017 the site owner sunk 5 boreholes around the whole site and 4 boreholes directly into the waste mass in phase 1. During this process, a previous Councillor of this authority asked the contractors why they had removed themselves from the phase one site after drilling 3 of the 4 holes, he was told by the site foreman that, in the 9 acre site drilling with a 4 inch drill two of the holes had hit a “marzipan smell” this is the smell that Cyanide gives off, he also said that “they were not made aware of the site contents and didn’t bring any PPE for working on a contaminated site”

after this conversation became public the site owner brought in a second contractor to complete the works and within 6 weeks the first contractor went into liquidation.

The material from these boreholes was left in a public area for several days, in clear plastic bags, before being sent for Lab testing. One of the boreholes BH5 was drilled outside of the permitted area on public land and on two occasions was accidentally destroyed by contractors who were asked to “plane the walkway” due to severe rutting caused by vehicle movements. In early November 2019 concerns were raised with the EA that test results from BH5 were still being submitted to the EA as part of the testing regime despite the hole being filled in around July/ August 2019. The EA undertook a “Botched investigation” and due to Covid regulation conducted most of the work via phone calls with the operator. Despite being provide with photos containing meta data showing date and time stamps, in March 2019 the EA decided that they would believe the contractors end of year report, where the operator claimed, “the borehole had been vandalised by members of the public” and they were not able to take anymore samples in November 2019.

BH5 has now been inactive “using the operators own timeline” since November 2019 and no attempts have been made to rectify this situation. Part of the EAs reassurance to the public, they committed to undertake quarterly inspections of the site, recently this has reduced to “looking over the fence” the reason given on several occasions is that “the site is currently not active” this statement is factually incorrect, the site according to the EA has remained an “active site “ since 1978 and at no point has the site been classed as inactive, only phase 1 has been marked as in Closure. What the EA are referring to is there is no Landfilling taking place on site, however this doesn’t consider that the Monitoring of the site for water and gas monitoring purposes must be undertaken “continuously” throughout the life of the site and whilst in post site closure. Effectively the EA have failed in its public health duty for over 5 years to enforce the monitoring (as per the permit preconditions).

The council also understands that a second precondition is that the operator must construct cells within the new phase, the work on this started back in 2021 and rapidly ramped up to over one hundred 30-ton lorries visiting site daily. This saw the import of over 160,000 tons of material. The material used was for the construction of bunds around the first cell, it was quickly realised that the location and size of the cell was in contradiction of the 1958 planning permission. Despite the construction size being raised as an error in the original permit variation, the EA took the view that during any construction phase they had the power to vary any part of the construction so long as it still met QA certification.

During the construction of Berms of this size, the operator is required to supply QA data from a competent engineer showing construction materials used and compaction data. Again, despite regular requests the EA have decided that they will wait for the final construction certification to ask for these assessments, this was completed over 2 years ago and no certificate has been forthcoming. In the last two Compliance Assessment Reports carried out over a year ago the EAs own inspector noted “large structural cracks within the Berm construction” this is symptomatic of the wrong material being used, inappropriate water content and should have been picked up in the inspections. The “so what” is that the Northwest side of this cell is on the opposite side of a Hawthorne hedge, to a public footpath

and increases in height to over 10m high, creating a risk of the public being caught in any possible landslide.

That this Council:

We believe that due to the list of ongoing failures by the EA to keep the site compliant with the varied permit for over 5 years and the operators unwillingness to comply with requirement to supply QA certification for the Berm on completion in a timely manner, that the EA now not only have the ability, but also a public health duty to remove the permit variation and require the site to be returned to its natural state, as prior to 2016.

Therefore, this Council resolves to:

This council requires that the Chief Executive writes to the secretary of state for the Environment, to request a full and open public enquiry into the variation of the original permit, the way in which the permit was issued, and full consideration of all the failures of the Environment Agency to regulate and ensure compliance under its own variation for over 5 years.

We also request that consideration be given to remove the historical planning permission for phase 2 of the site, for non-compliance of the 1958 permission and that any future applications for planning be judged against current legislation.

To be completed by Governance

Date received by Governance/Head of DS:	
Date sent to Monitoring Officer:	
Date approval from Monitoring Officer received:	