

**Committee Name and Date of Committee Meeting**

Cabinet – 23 March 2020

**Report Title**

Response to recommendations from Overview and Scrutiny Management Board –  
Petition in respect of Droppingwell Landfill

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Tom Smith, Assistant Director Community Safety and Streetscene  
Bal Nahal, Head of Legal Services

**Ward(s) Affected**

Keppel  
Rotherham West

**Report Summary**

On 30 October 2019, the Council received a petition from the Droppingwell Action Group calling on the Authority to take enforcement action in respect of the Grange Landfill Site. As the petition met the threshold for consideration by the Overview and Scrutiny Management Board, a meeting was held on 28 January 2020 to receive representations from the lead petitioner and also heard from the Cabinet Member for Waste, Roads and Community Safety, officers and representatives of the Environment Agency in respect of the site.

The Overview and Scrutiny Management Board made eleven recommendations which are presented within this report for consideration by Cabinet. The Constitution requires the Cabinet to respond to recommendations from Scrutiny within two months. This report details the proposed responses to the recommendations from Overview and Scrutiny Management Board in respect of the petition.

**Recommendations**

1. That Cabinet approve the response to the recommendations as detailed in Appendix 2.

2. That an update report is brought back to Improving Places Select Commission in six months time.

### **List of Appendices Included**

Appendix 1 Initial Equality Screening Assessment

Appendix 2 Schedule – Proposed Response to Recommendations

### **Background Papers**

Petition – Droppingwell Landfill

Minutes – Council Meeting – 30 October 2019

Minutes – Overview and Scrutiny Management Board – 28 January 2020

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Council – 30 October 2019

Overview and Scrutiny Management Board – 17 February 2020

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## **Response to recommendations from Overview and Scrutiny Management Board – Petition in respect of Droppingwell Landfill**

### **1. Background**

- 1.1 Tipping on the Grange Landfill site is believed to have begun operations in 1929 however formal Planning Permission was not granted until 1958. This Planning permission gave consent for the tipping of waste on the site in two phases.
- 1.2 It was understood that the next phase (Phase 2) could not begin until the operator had restored the first phase to the approved levels due to the over-tipping of the site. The understanding was that, if the second phase works began without the first phase being properly restored, the Council could initiate enforcement proceedings, provided it was expedient to do so.
- 1.3 It has since come to light that an amendment was made to the planning permission in 1994 through an approved restoration scheme, which amended the approved levels. Whilst the permission was not formally amended, the approval of the restoration scheme in 1994 means that it would no longer be expedient to bring any enforcement action.
- 1.4 The 1958 Planning Permission also sets out that the site must be reinstated to full agricultural use following tipping being completed. The permission contains no restrictions in terms of the hours of operation of the site, or the movement of vehicles.
- 1.5 A new Planning Application, to expand the use of the site, was received in 1989 and refused by the Council. This decision was subject to appeal by the applicant. In 1992 the Planning Inspector dismissed the appeal, finding in favour of the Council.
- 1.6 However, whilst the appeal was dismissed, the Planning Inspector was clear that, given the new application had been refused, the existing 1958 Planning Permission was still in place and the site could remain in operation, subject to the existing conditions.
- 1.6 Tipping of the phase one site ceased in 1996 and until recently no further activity or tipping had taken place on the site.
- 1.7 In June 2019, the Council was informed by the EA that Grange Landfill had completed all the pre-operational conditions in the Permit and that the contractor would be on site within 12-18 months.
- 1.8 On 30<sup>th</sup> August 2019 the Council were informed that operations on site would commence on 4<sup>th</sup> September 2019. Whilst operations started close to that date, the Council has been informed by the EA that due to the ground conditions operations are currently suspended and they are unlikely to recommence operations 'until the spring'.

## 2. Key Issues

- 2.1 The operation of the site is regulated by the Environment Agency through an Environmental Permit. The Council has no regulatory powers in relation to the permit.
- 2.2 The site was originally regulated through a Waste Management Licence. Waste Management Licences were superseded by a requirement for landfill sites to be permitted by the Environment Agency following the provisions of the Landfill Directive and the Landfill Regulations 2002.
- 2.3 The Environmental Permit was updated and varied in March 2016. The permit outlines a number of conditions that the operator has to meet or agree with the Environment Agency prior to operations on the site recommencing, including:
- The monitoring of groundwater from the site in a way that is compliant with their guidance;
  - The setting of appropriate limits on groundwater pollutants;
  - Confirmation that financial provision is in place to ensure the operator can meet the obligations of the permit;
  - The agreement of construction proposals for phase two;
  - That the site is secure.
- 2.4 On 15<sup>th</sup> January 2017 Council unanimously carried a motion against the award of an Environment Permit for waste disposal on the Grange Landfill site, on the basis of its detrimental impact on local residents and organisations in the area and the environment and on the basis that:  
*“...the Environment Agency, nor any regulatory body, can effectively regulate tipping at Watson’s Tip, and the risks associated with the closed and capped section of the licensed site.”*
- 2.5 The motion set out the Council’s concerns in terms of a lack of consultation with the Council, Elected Members and the local residents before making the variation, and about the company involved in the operation of the site. Council called on the Environment Agency to communicate effectively with people affected and to re-examine the decision to issue the Environmental Permit. Finally, Council resolved that, until the EA took steps to revoke the Permit the Council would:  
*“...continue to raise the risks the site may pose to surrounding land, the environment and the public.”*
- 2.6 Given the above motion, since that time the Council has explored a number of potential options to prevent the operation of the site. Unfortunately the Council has limited powers available to prevent the operation of the site.

2.7 On 30th October 2019, the Council received a petition from the Droppingwell Action Group calling on the Authority to take enforcement action in respect of the Grange Landfill Site. As the petition met the threshold for consideration by the Overview and Scrutiny Management Board, a meeting was held on 28<sup>th</sup> January 2020 to receive representations from the lead petitioner. The Overview and Scrutiny Management Board also heard from the Cabinet Member for Waste, Roads and Community Safety, officers and representatives of the Environment Agency in respect of the site.

2.8 The Overview and Scrutiny Management Board made eleven recommendations which are presented within Appendix 2 of this report for consideration by Cabinet. The Constitution requires the Cabinet to respond to recommendations from Scrutiny within two months. This report details the proposed responses to the recommendations from Overview and Scrutiny Management Board in respect of the petition.

### **3. Options considered and recommended proposal**

3.1 There are no options to be considered in relation to this report other than the consideration of the OSMB recommendations and the proposed response.

### **4. Consultation on proposal**

4.1 The Cabinet Member and Officers have been in regular dialogue with senior officials from the Environment Agency, including regular meetings. It is expected that this engagement will continue going forward and a number of the recommendations from OSMB are reliant on the Council working with the EA, Droppingwell Action Group and Grange Landfill.

### **5. Timetable and Accountability for Implementing this Decision**

5.1 The relevant timescales are contained in Appendix 2 against each individual recommendation.

### **6. Financial and Procurement Advice and Implications**

6.1 There are no direct financial or procurement implications arising from this report. The cost of officer time engaged on this matter will be contained within existing approved revenue budgets.

### **7. Legal Advice and Implications**

7.1 There are no direct legal implications arising from this report.

7.2 The Council will continue to actively consider all legal issues that arise relating to the site through the assistance of Legal Services.

7.3 Where necessary, the Council will seek advice in relation to any potential action relating to the site and reserves the right to take any such action should the advice support the same.

## 8. Human Resources Advice and Implications

8.1 There are no direct human resources implications arising from this report.

## 9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications for children and young people or vulnerable adults arising from this report.

## 10. Equalities and Human Rights Advice and Implications

10.1 An Initial Equality Screening Assessment has been undertaken. There are no direct equalities or human rights implications arising from this report.

## 11. Implications for Ward Priorities

11.1 There are no implications for Ward priorities arising from this report.

## 12. Implications for Partners

12.1 There are specific implications for partners, specifically the Environment Agency, arising from the recommendations from the Overview and Scrutiny Management Board. It is proposed that Officers write to the Environment Agency for specific actions against some of the recommendations.

## 13. Risks and Mitigation

13.1. There are no specific risks arising from this report.

## 14. Accountable Officers

Paul Woodcock, Strategic Director of Regeneration and Environment

Tom Smith, Assistant Director Community Safety and Streetscene

Bal Nahal, Head of Legal Services

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	09/03/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/03/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/03/20

*Report Author:* **Error! Reference source not found.**

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