

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
COMMUNITY SCRUTINY COMMITTEE
HELD ON MONDAY 13 JANUARY 2020 AT 10:00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors

Woodhead, P.E. (Chairman)
Jones, B. (Vice-Chairman)

Davis, Mrs. M.A.	Muckley, Mrs. A.M.
Dudson, A.	Newbury, J.A.A.
Freeman, Miss M.A.	Smith, C.D.
Hewitt, P.M.	Sutton, Mrs. H.M..
Layton, Mrs. A.	Todd, Mrs. D.M.

Also in attendance as invitees:

<u>Name:</u>	<u>Organisation:</u>
Mr M. Davis	Chief Operating Officer, Resources & Energy Division, Biffa
Mr D. Willett	Business Director, Biffa
Mr F. James	Environmental Compliance Manager, Biffa
Mr C. Blakeman	Site Manager-Poplars Landfill, Biffa
Mr A Lines	Area Environment Manager (Staffordshire and Shropshire), Environment Agency
Mr S. Thomason	EPR Installations Team Leader, Environment Agency
Mr C. Wall	EPR Installations Officer, Environment Agency
Mr R. Pee	Technical Specialist, Environment Agency
Mrs. K. Morris	'Stop the Stench' Facebook Campaign Group
Mr B. Clark	Local Resident

15. Apologies

Apologies for absence were submitted for Councillor Mrs. S.L. Thompson

16. Declarations of Interests of Members in Contracts and Other Matters and Restrictions on Voting by Members and Party Whip Declarations

No declarations of interests or party whip declarations were received.

17. Poplars Landfill & Anaerobic Digestion Site

The Chairman advised that the meeting had been called in response to concerns about ongoing problems associated with odours emanating from the Poplars Landfill Site & Anaerobic Digestion Site at Lichfield Road, Cannock. All attendees present were then invited to introduce themselves in turn. The Chairman then advised the running order of the meeting would be as follows:

- Presentation / statements from Biffa;
- Statements from the Environment Agency;
- Presentation / statements from Mrs. Morris and Mr Clark.
- Questions from Members to invitees.

Mr Willett then delivered a presentation about the waste facilities at the Poplars site that covered the following:

- Location, layout and activities;
- Landfill gas;
- Odour management;
- Liaison (the role of the Liaison Committee and public visits);
- Odour control activities and progress as at 13 January;
- Health effects of landfill gas.

Mr C. Wall reported that typically, the Environment Agency (EA) received a low level of complaints in respect of the Poplars site. During the first nine months of 2020, approximately 60 complaints were received related to various issues. In October 2019, 30 odour-related complaints were received, 120 in November and over 500 in December. The numbers of complaints received so far in January 2020 were at a similar level to December 2019. As the site operated under the conditions of an Environmental Permit, the site had to be free of odour that would cause issues off-site at levels tested by the EA. Any complaints received by the EA had to be verified against the permit conditions and checks undertaken with Biffa to ensure issues were being dealt with accordingly. Types of odours from the site could be difficult for the public to explain when contacting the EA as there were a number of different site activities that could produce odours. Mr Wall then outlined the following timeline in respect of the odour-related complaints:

- Number of site visits undertaken by the EA had increased due to the upsurge in complaints received – eight visits took place in October 2019;
- Biffa identified around 9th October a landfill gas odour coming from the site;
- An action plan to deal with this specific odour was produced by Biffa and submitted to the EA on 4th November;
- Six visits were undertaken during November, and a faint landfill gas smell was picked up by Newlands Lane;
- During October and November the EA hadn't picked up any odours that were likely to cause an impact off-site, but the significant increase in complaints received had been noted.
- Liaison Committee meeting held on 29 November – actions agreed were

explained to those Councillors present for feedback to local residents etc. It had also been noted that the EA was not providing feedback as quickly as it should be;

- December 2019 – clear that actions taken to date hadn't addressed the issue, however the amount of landfill gas being collected on-site had increased. The action plan was reviewed and updated with further remedial actions agreed.
- Nine visits were undertaken in December and odours were finally picked up off-site, at levels that were likely to cause pollution or offence to residents.

Mr Wall then further reported that Biffa had worked hard to deal with the issues raised, and the reasons for why the odours started to happen in the first place still needed to be determined.

A Member commented that drone footage of the site had shown there to be excess water on site, so wanted to know if this had been a cause of the issue, and if so, was it being addressed. Mr Blakeman replied that any excess water on site shouldn't have an effect, and noted that any use of drones over the site should first be agreed with the site operators.

Another Member then queried if it was possible to expand on what the root causes of the odours were. Mr Wall replied that the EA was confident the off-site odours were landfill gas, but it had not been possible to yet establish why these problems had started happening over the past couple of months given there had been no such issues for the past two or three years.

Another Member commented that from a public point of view, it was important to understand whether the odours were coming from the Landfill site or the Anaerobic Digestion plan. Mr Thomason replied that the odours had been coming from the Landfill site only.

The same Member then queried if complaints submitted to the Liaison Committee were picked up by the EA. Mr Blakeman replied that complaints were first submitted to the EA and then reported to the Liaison Committee. The numbers of complaints had far exceeded the normal level, but were responded to in a timely manner. Mr Thomason further replied that any complaints received were reviewed by the EA and then submitted to Biffa (with personal information redacted), in accordance with the odour management plan.

Another Member then queried how the odours could be stopped if the underlying causes weren't known or understood. Mr Thomason replied that the increased levels of rainfall in recent months had had an influence as this changed the quality of the gas being emitted. Whilst there were a lot of controls in place, the infrastructure was not adequate to deal with the increase. The action plan produced by Biffa and agreed by the EA set out that plastic capping and sealing of exposed areas would be undertaken, something that did not ordinarily happen during the winter months due to the typically poor weather conditions. Mr Wall further replied that although the number of complaints had gone up, measures had been taken to increase gas capture on-site. Furthermore, it was hoped that the plastic capping and additional sealing would significantly reduce the levels of

odour emissions from the site.

Mrs. Morris delivered a presentation on behalf of the Facebook campaign group she had set up called 'Stop the Stench'. The group comprised of over 2,500 local people, and had been extremely active since being established in October 2019, with over 1,000 posts, 7,000 comments, 14,000 reactions and a BBC article shared over 25,000 times. The presentation outlined that the odours coming from the Poplars Landfill site had had a significant negative impact on the lives of people living nearby, in particular their health and wellbeing.

Mr Clark then outlined the issues the odours had caused for him and his family, providing background information since moving to his current property and referencing the health and wellbeing problems identified in Mrs. Morris' presentation. He considered that false promises had been made to reduce the site odours, and requested that the smell be eradicated or brought back down to levels experienced in 2002. Further to this, he considered that the action plan hadn't worked, and asked the EA to withdraw Biffa's operational licence or to request that no further waste collection happen on-site until the situation was resolved.

A Member thanked Mrs. Morris and Mr Clark for their stories, and commented that what residents had been going through was awful, with the numbers of people registered on the Facebook group testament to this. The Member further commented that the health impacts had to be a great consideration for the Committee, and having Public Health England (PHE) in attendance would have been useful for their perspective on the associated health risks and context. The Member also noted that off-site testing apparently only took place from within vehicles, so asked for clarity as to whether this was the case. Mr Blakeman replied that two forms of testing were undertaken, one from within the vehicle with windows down (this being the most successful method) and the second involved three separate readings being taken from outside the vehicle.

In respect of PHE, the Chairman replied that they hadn't been invited as information about the issue was constantly evolving and timing of meetings didn't align. Parish councils representing affected areas were however putting together a joint letter to PHE, which the Committee may wish to be a joint-signatory on. It was noted however that the role of PHE was to provide advice to statutory bodies rather than offer a liaison role to the general public.

A Member noted that the role of Staffordshire County Council in respect of certain health issues was to do with notifiable diseases and not environmental issues.

Another Member thanked Mrs. Morris and Mr Clark for their stories, advising that at the Liaison Committee meeting held on 29 November, attendees were told that the actions taken to date should have resulted in a reduction of the odour issue, and then queried how confident Biffa was that the additional actions taken would achieve the desired outcome.

Mr Davis apologised to all residents for what they had experienced so far, noting that investment had taken place on site to try and reduce the impact. With respect to the additional measures taken, he was confident that the situation

would be improved, but advised that odours couldn't be 100% eradicated. Long hours were being worked on-site to try and resolve the problem as the site operators wanted to good neighbours and so needed to show the actions taken had worked.

A Member advised that such issues had first been raised 6 or 7 years ago, and then queried how much profit Biffa was making from the electricity supply generated on-site. Mr Davis replied that this site was profitable in this regard, but such figures were not disclosed publicly.

The same Member then commented that the EA needed to get to grips with Biffa and would like to see an EA representative based at the site, paid for by the company. The Member then further commented that the issue only seemed to have occurred since the Anaerobic Digester was installed at the site. Mr Blakeman replied that the odours were not coming from the Anaerobic Digester, but from landfill gases. He had been the site manager for over 10 years and the odours were coming from flanks that were now in the process of being plastic capped. Clay capping had usually worked for this site but the level of rainfall from September to November 2019 had caused the clay to move and slip. Furthermore, the level of remedial works undertaken on site during October and November had been unprecedented for that time of year.

Mr Clark noted that flooding and heavy rainfall had happened in previous years, but the odour issue hadn't been as bad as compared to 2019. The Chairman further noted as a result of climate change, instances of intense rainfall were happening more regularly, so queried if such odour issues were likely to become more frequent in future years. Mr Davis replied that new working models and operational changes would be adopted, which would increase costs but this was not a problem. In response to an earlier request from Mr Clark, Mr Davis advised that not accepting new waste onto the site would be counter-productive as new waste helped to cap smells being released by existing waste.

(Councillor Mrs. A.M. Muckley left the meeting at this point and did not return.)

Mr Lines commented that the EA took sympathy with the residents, noting that all complaints received were taken seriously and replied to, and the EA was working with Biffa and enforced the requirements of its Environmental Permit. He then thanked Mrs. Morris for posting to her Facebook group any relevant updates. The EA was committed to putting appropriate resources in place to monitor the site and adherence to the permit.

Mr Wall advised that the EA had powers of suspension available if it considered that serious pollution was being caused, but such instances would have to be assessed and determined, as a strong legal basis was needed to apply such measures. It was not considered that applying a suspension would help resolve the issue any quicker as Biffa had been very co-operative so far. The measures taken to date had not cured the issue, but it was still being worked on.

The Chairman sought clarity as to whether compliance assessments for the site were being undertaken, and if so, was this on a routine basis and were they publicly available. Mr Wall replied that compliance assessment reports were

produced and available to read online.

Mrs Morris raised that a similar odour issue had occurred at a landfill site down south and dealt with using plastic cladding, so asked for clarity on when that had occurred. Mr Willett replied that specific issue had been resolved in November, noting that plastic capping had now only been used at the Poplars site as clay capping had always worked before and was readily available. Mrs Morris replied that the local odour issue had been ongoing for 105 days, and the company knew in November that plastic capping would have a reasonable impact on the issue, but it was not delivered to the site until after Christmas. Mr Willett replied that it had been expected that the actions previously taken would seriously reduce the odour impact, but unfortunately this hadn't been the case. Therefore, the plastic capping was ordered and delivered as early as possible, having to be sent from Germany. Mrs Morris then further queried if the plastic capping was referenced in the odour management plan in November. Mr Wall replied that it wasn't referenced in the first draft of the plan, but it was included in the version updated at the end of December. All actions in the plan had been completed but were not successful in reducing the odour levels.

A Member then raised the following questions/comments submitted by local residents:

1. The odours had increased noticeably since the site was extended toward Newlands Lane.
2. How low down could the site go, and would this cause a water table issue?
3. How high could the site go?
4. How much longer would the site be open for and operate as it does?

Mr Willett replied as follows:

1. It was acknowledged that as the perimeter of the site expanded it would be closer to residential properties than before.
2. The water table was well below the base of the site and cells for lining the site were produced. All measures taken were approved first by the EA.
3. There was a pre-settlement level and a post-settlement level for how high the site could go to.
4. It was anticipated the site would be open for another 8 to 12 years, but this was dependent on a number of factors including; government legislation, landfill tax, and market conditions.

The same Member then queried what measures were being put in place with regards to affected residents who bordered Newlands Lane. Mr Willett replied that a review was being undertaken of how those parts of the site were infilled, and the provision of site-screening. The Member requested an update on this review once more detail was known.

Another Member referenced a letter sent to the EA before Christmas by the Council's Environment Portfolio Leader that set out a number of queries in relation

to the odour issue and what action was being taken to address it. The Portfolio Leader had asked the Member to raise that he felt the responses to the letter weren't adequate and didn't recognise the concerns raised by the public. The Member further noted that there appeared to be a lack of public engagement by the EA and that no direct apology had been given to residents by them earlier in the meeting, or through their newsletter or site visits. This should have been at the forefront of people's minds and the EA should be more proactive and tailor its engagement methods. Mr Lines apologised if the sympathies of the EA didn't come across in its reply to the Portfolio Leader. The EA tried to use the Liaison Committee for first point engagement and always attempted to reply to complaints on a one-to-one basis. It had been noted that wider communication was needed, and that more should be done to promote what the role of the EA was. Councillors would be asked to share the relevant contact telephone numbers.

A Member queried if this same issue had occurred in other parts of the country. Mr Davis replied that it had happened elsewhere, and not just at sites operated by Biffa, so it appeared that something had changed in the climate. The same Member raised that this needed addressing as a matter of urgency if it had become a national problem.

Another Member raised that it appeared the measurements taken by the EA of the off-site odours differed from what residents had been experiencing, so suggested that static monitors be installed to monitor the issue in real time. Mr James replied that daily monitoring was undertaken and static monitors had been looked into, but their impact was reduced on larger landfill sites. The same Member replied that it should be possible to locate monitors on the parts on the site where most complaints were coming from. Mr Willett replied that a twelve-mile route around the site was in place for monitoring purposes, but this would be reviewed and available technology looked into. Biffa would also look into placing monitors at the Newlands Lane part of the site to see if early warnings etc. of odours could be detected.

Another Member applauded Biffa for trying to reduce the odours coming from the site, but queried with the EA what would happen if the issue wasn't resolved. Mr Thomason replied that Biffa was required to comply with its Environmental Permit, therefore the EA could take enforcement action if needs be. The EA recognised the work undertaken by Biffa to date and the action plan was being reviewed regularly. If the correct infrastructure and capping was in place then the odour issue should be resolved.

Another Member commented that there was still massive improvement needed from the EA in respect of its public engagement and complaints handling. In respect of this particular issue it seemed to be a slow process until public pressure had been applied. Mr Thomason replied that public contact could be made via the helpline number, and each case was given a unique reference number dependent on the type of complaint being made. Complaints were dealt with based on perceived severity, site visits undertaken and the issue given a scale rating and the location of the issue established. The time difference between receiving a complaint and attending the location also had to be accounted for.

Another Member referred to a meeting held on 3 January 2020 which had been called by the local MP. At that meeting Biffa representatives were asked about the capping process and problems elsewhere, noting that where capping had been applied the issue had dissipated. Accordingly, the Member asked if it was expected that capping would also be a success at the Poplars site. Mr Willett replied that this should be the case and a progressive improvement seen as more capping took place over the coming weeks. It was intended that a temporary plastic cap would be in place for the rest of the site's life.

Another Member queried why anti-odour spray used on site only appeared to be located next to the site office, and was it used elsewhere. Mr Blakeman replied that the spray was also used on the site periphery and moved around as needed. Usage of the spray was also being looked into as part of the review.

The same Member then queried how bad the situation would have to be for the EA to consider using its enforcement powers. Mr Thomason replied that such powers would be considered if it was felt that Biffa was not taking appropriate measures to deal with the issue, however this wasn't the case at present.

Another Member queried how reliable the testing process was after a complaint had been received, and what happened if no odour was then detected. Mr Thomason replied that an 'odour route' was followed, with testing taken downwind, but the odour still had to be substantiated for the EA to be able to request action to be taken. If no odour was identified the complaint was still kept on file for future reference if necessary.

Mrs Morris noted that the EA had complete responsibility for safeguarding air quality and water safety for the public, so asked how they had allowed Biffa to pollute residents and would safeguard against these issues going forward. Mr Lines replied that the EA needed to ensure that the permit regulations were being followed and that Biffa had the opportunity to resolve any issues raised. Further action could be taken if it was considered Biffa was being non-compliant. Wider health issues were for the local authority and PHE to provide advice on.

The Chairman thanked all invitees for their attendance at the meeting and requested the following:

- (A) An informal meeting of the Committee be arranged for week commencing 10 February 2020 to update on progress made to resolve the issues outlined in today's meeting. All invitees and the local MP to be invited.
- (B) All invitees in attendance at today's meeting and the local MP be invited to the next scheduled meeting of the Committee on 31 March 2020 to provide a further progress update.

Mr Willett noted that an on-site meeting with the local MP had been arranged for Friday 14 February.

Mr Blakeman reminded Members that visits to the site could be undertaken by prior arrangement.

The meeting closed at 12:05 p.m.

CHAIRMAN