



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD IN PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON TUESDAY, 2ND MAY 2023 AT 5.30 P.M.

PRESENT:

Councillor D.T. Davies MBE - Chair
Councillor A. Hussey - Vice-Chair

Councillors:

M. Adams, R. Chapman, C.J. Cuss, N. Dix, C. Elsbury, M. Evans, S Kent, A. Leonard, D.W.R. Preece, H. Pritchard, J.E. Roberts, S. Williams, C Wright

Cabinet Members:

Councillors: P. Leonard (Planning and Public Protection) J. Pritchard (Prosperity, Regeneration and Climate Change), C. Morgan (Waste, Leisure and Green spaces)

Also in attendance: Cllr J. Jones, J. Reed and Reverend P Cawthorne

Together with:

M.S. Williams (Corporate Director for Economy and Environment), R Hartshorn (Head of Public Protection Community and Leisure Services), C Edwards (Environmental Health Manager), M. Godfrey (Team Leader – Pollution Control and Emergency Planning and Resilience), B Winstanley (Head of Land and Property Services) P Cooke (Transformation Manager (Lead) – Decarbonisation), M. Jacques (Scrutiny Officer), A Jones (Committee Services Officer)

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#) Members were advised that voting on decisions would be taken via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Gair.

2. DECLARATIONS OF INTEREST

Cllr Adams declared a personal declaration of interest on agenda item 7 as he worked at South Wales Switchgear during this time.

3. MINUTES – 21ST MARCH 2023

It was moved and seconded that the minutes of the meeting held on 21st March 2023 be

approved as a correct record and by way of Microsoft Forms and verbal confirmation (and in noting there were 14 for, 0 against and 0 abstention) this was unanimously agreed.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 21st March 2023 (minute nos. 1 – 4) be approved as a correct record.

4. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

Mark Jacques (Scrutiny Officer) presented the report, which outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period March 2023 to May 2023.

Members were asked to consider the FWP alongside the Cabinet work programme and suggest any changes prior to publication on the Council's website. The Scrutiny Committee noted the details of the reports scheduled for forthcoming meetings.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 15 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the Forward Work Programme as appended to the meeting papers be published on the Council's website.

6. CABINET REPORTS

It was confirmed that there had been no requests for any of the Cabinet reports listed on the agenda to be brought forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following report.

7. NOTICE OF MOTION – TY LLWYD QUARRY, YNYSDDU

Before discussion commenced the meeting was adjourned for five minutes to allow the Chair to discuss the motion with its proposers, Councillors J. Jones and J. Reed.

Councillor J. Reed in support of the notice of motion, summarised the notice of motion and the reasons for it and explained that in the late 1960's chemical waste in steel containers was dumped in Ty Llwyd Quarry, Ynysddu, by local companies. Over the years strong smelling leachate from the waste, had leaked from the quarry onto the surrounding countryside and waterways.

The Scrutiny Committee was asked to note that consultants SKM and ALS (among others) investigations had shown the presence of dangerous industrial chemicals even 50 years

after they were dumped. The Scrutiny Committee further noted that soil rather than water samples had been taken at the site and analysed by Green Peace had shown serious levels of leachate contamination.

Councillor Reed explained that despite considerable work being undertaken including the recent introduction of an Aeration Chamber there had been no remediation to the outbreaks of leachate and questioned whether this method of managing leachate was fit for purpose as during heavy rainfall leachate still overflows into the Pantyffynnon Woodland and beyond, potentially into the two local Rivers namely the Sirhowy and Ebbw. Councillor Reed further advised that no current investigation has been carried out on the state of the containers carrying the dangerous waste material and as such the impact this was having on the local environment could not be known.

Councillor Reed expressed the concern that the site had still not been designated as contaminated land particularly due to the sites proximity to Pantyffynnon woodland, footpaths and walkways, and therefore, for safety reasons requested the landowners (CCBC) designate Ty Llwyd quarry and Pantyffynnon Woodland, Contaminated Land, as outlined under Part 2A of the Environmental Protection Act 1990.

With the permission of the Chair, Reverend Paul Cawthorne addressed the committee and referred to the deterioration of the barrels and the potential for serious PCB chemical contamination and explained the effects this would have on water courses and suggested that the best way for Caerphilly to respond to the contamination would be in supporting a public inquiry. Reverend Cawthorne explained that Ty Llwyd was particularly vulnerable due to its topography and the possible impact that this particular mix of chemicals apparent at the site could have on the local environment, particularly to aquatic life and he went on to outline the toxicity levels and agreed with Councillor Reed that the site should be designated as contaminated land.

Councillor J. Jones as joint proposer of the Notice of Motion addressed the Scrutiny Committee and explained the history of the site and the leachate movements. Reference was made to the companies that used the site for dumping and reports from consultants SKM, Stanger and Arcadis were also referenced, and asked the Committee to note that since 2002 there had been no further reports in relation to the contamination or the current position of underground toxicity. Councillor Jones also referenced the Aeration Chamber and shared the view that this was doing little to prevent leachate movements and provides no barrier to the contaminated water flowing down the hillside towards the river.

This concluded the speakers on the Notice of Motion and full discussion ensued.

The Cabinet Member for Planning and Public Protection then addressed the Scrutiny Committee and outlined the efforts that had been made to engage with both Local Ward Members, Natural Resources Wales and Arcadis in relation to the quarry and had they attended the meeting that was organised, it would have provided much needed reassurance to them and the community of Ynysddu. The Cabinet Member confirmed that the door remains open to Councillor Reed and Councillor Jones to enter into an open dialogue with the Leadership and Officers of the Local Authority who would very much welcome a collaborative approach.

As a point of accuracy, the Corporate Director for Economy and Environment confirmed that Islwyn Borough Council did not come into being until 1974. Officers then provided points of correction, in terms of the surface water channel that runs down the side of the site, this accepts surface water that enters the drainage ditch at the top of the site before it moves through the waste mass, and it also accepts any surface water runoff from the farmers' fields above that is then culverted under the road and goes off down the mountain. The cap drainage (or pipes that protrude out of the site) these are situated above the cap-membrane and only discharge clean water, however, all that currently flows into the

leachate channel. The Officer confirmed that further works were being considered for the site and as part of these works, the Council were looking to reduce the amount of water entering the leachate system, and this would include removing the cap drainage, but in order to do this the Council firstly had to demonstrate to Natural Resources Wales that the water is clean and free from contamination. The Officer acknowledged the episode in January 2023 where the aeration chamber became overwhelmed. This was due to an extended period of wet weather which did cause some contaminated water to escape off site. Samples were taken at the point of where the water left the Council's site, and at that point, the concentration of contaminants were far less than where they entered the aeration chamber. The Scrutiny Committee were advised that the Council accept there are some nasty chemicals within this site. However, the Council must consider the site in context of a risk based approach as to how the site would affect public health and controlled waters. The January 2023 sample results were passed to colleagues in Public Health Wales and using a risk based approach, the sample results at that point were assessed as posing no significant risk to human health.

Further points of clarification were then given in relation to the woodland and designated footpaths. It was explained that as regulators, Officers had to consider the various pathways listed under the contaminated land legislation / statutory guidance and to prevent people coming into contact with any further leachate, the woodland had to be fenced off. The committee were advised that Officers would be considering additional works to prevent access to the site completely.

Officers provided reassurance that they were working very closely with Natural Resources Wales and were undertaking a range of sampling in and around the site including groundwater and surface water to assess any current risks the site may pose. The officer informed the committee that Natural Resources Wales were investigating the incident that occurred in January of this year but to date, the outcome of the investigation was unknown. Rev Paul Cawthorne referred to high levels of PCBs found in fish within the River Sirhowy, but the officer pointed out these results date back to 1996. These results are held by NRW and as they are the regulators for controlled waters, she could not comment further in this regard. However, the committee were advised of a public website called Water Watch Wales where the aquatic activity within the River Sirhowy was currently rated as Good for fish and high for invertebrates in the Ynysddu area meaning the aquatic life within the river was overall very healthy.

The Officer explained how the site was being considered in the context of Part 2A of the Environmental Protection Act 1990 and following a period of monitoring and sampling, a report would be compiled and would be publicly available.

Members expressed their concern in relation to PCBs and their impact on the environment and were concerned that the condition of the drums could only have deteriorated over time, and this must be looked at in sensible and measured way. Members also considered the role that Welsh Government needed to play on this issue.

Clarification was sought in relation to the companies who had allegedly dumped the chemical waste and how this could be verified. Officers confirmed that Purle Waste Disposal Services were the company running the quarry at the time, and although there were several companies listed within previous reports that used their services there is no evidence to suggest that all those companies listed disposed of toxic waste, many would have disposed of general waste which would have been legal at that time.

Members considered the response, and it was recommended that should the Council write to Welsh Government. No specific companies should be named, as it would not be fair or reasonable to do so without evidence what each company deposited.

Further clarification was sought in relation to the sampling programme and where this could

be accelerated, Officers confirmed that the timeframe quoted was due to the leachate breakouts being a seasonal issue. Given that the leachate is only a problem for a short period each year, sufficient sampling data would be required to inform the risk assessment process.

Having been fully considered it was moved and seconded that subject to an amendment to the motion (having first been agreed by the joint proposers of the motion) to read: -

In their notice of motion Councillor J. Jones and Councillor J. Reed, due to the concern of residents, call on the Council to write to the Welsh Government to support their request to the First Minister Mark Drakeford, for an Independent Public Inquiry **and to investigate and facilitate funding within the Environmental Protection Act Part Two A Second Part Process**, on the Ty Llwyd Quarry...

be approved and by way of Microsoft Forms and in noting there were 15 For, 0 Against and 0 Abstentions it was unanimously agreed that the Notice of Motion be supported.

RECOMMENDED to Council that the Notice of Motion be supported.

8. UPDATE ON DECARBONISATION ACTION PLAN AND PROPOSED FUTURE APPROACH

The Cabinet Member for Prosperity, Regeneration and Climate Change presented the report and there were 10 recommendations, The Cabinet Member referenced the 5 corporate commitments in the actions to take.

Members welcomed the report.

The Scrutiny Committee considered and noted the contents of the report.

The Chair wished to put on record his thanks to the Vice Chair Cllr Hussey for all his help and support and thanked Members and to the Democratic Services Staff for doing a fantastic job.

The meeting closed at 18:33pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th June 2023, they were signed by the Chair.

CHAIR