



COUNCIL – 4TH JULY 2023

SUBJECT: NOTICE OF MOTION – TY LLWYD QUARRY, YNYSDDU

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor J. Jones and Councillor J. Reed and is supported by Councillor K. Etheridge.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure was referred to the Environment and Sustainability Scrutiny Committee for consideration, prior to its consideration by Council.

3. RECOMMENDATION

- 3.1 Council are asked to consider the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

5.1 Notice of Motion

At the Environment and Sustainability Scrutiny Committee on Tuesday 2nd May 2023, Councillor J. Jones and Councillor J. Reed made an amendment to their motion which is set out in full below, with the changes highlighted.

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.

- 5.2 Councillors J. Jones and J. Reed in support of their notice of motion, attach a copy of the letter sent and detail below a summary of the reasons why they are making this request.

In the late 1960's illegal chemical waste in steel containers was dumped in Ty Llwyd Quarry, Ynysddu, by local companies (Monsanto, Johnson & Johnson and South Wales Switchgear). Over the years strong smelling leachate from the waste, has leaked from the quarry onto the surrounding countryside.

1. Consultants SKM and ALS (among others) investigations, has shown the presence of industrial dangerous chemicals even 50 years after there were dumped. CCBC are responsible for the site. NRW have said they are dissatisfied with the sampling of toxic material by CCBC.

2. CCBC's recent management decisions have resulted in considerable work and expenditure without any remediation of the outbreaks of leachate and accompanying noxious fumes at Ty Llwyd quarry. We ask whether this system of managing leachate is fit for purpose as in heavy rainfall leachate still overflows into the Pantyffynnon Woodland and beyond – potentially into the two local Rivers: Sirhowy and Ebbw.

3. The waste was buried in steel containers. No current investigation has been carried out on the state of the containers carrying the dangerous waste material.

4. No current investigation has been carried out on existing aquifers which it is now apparent that water containing leachate can partially divert towards the Sirhowy and Ebbw Rivers. Do we have current data on the impact to wildlife in our rivers?

5. Despite requests to CCBC, the extent of the waste below the ground is still not marked on maps. Drawings/plans have also been requested from the council on recent improvements at the quarry, which took place in January 2023, but we have not been received them.

6. Recently a similar quarry Brofiscin in South Wales has been designated a contaminated site and Monsanto/BP/Veolia have agreed to pay for a clean-up.

7. For safety reasons we request the landowners (CCBC) designate Ty Llwyd quarry and Pantyffynnon Woodland, Contaminated Land, as outlined under Part 2A of the Environmental Protection Act 1990.

- 5.3 Officers provide the following information in relation to the notice of motion: -
The former Ty Llwyd Quarry was subject to the disposal of industrial waste by a private company between 1969-1972. The landfill closed in 1972 and monitoring of the site was undertaken during the 1980's.

- 5.4 Due to concerns about the management of the landfill, Islwyn Borough Council purchased Ty Llwyd Quarry in 1990. Following leachate outbreaks on lower land and the potential risk to human health, Islwyn Borough Council purchased Pantyffynnon Farm and allotments in 1994.

- 5.5 It is understood that the nature of waste that went into the former Ty Llwyd Quarry, included baled jay cloths, plastic reject pens, clay, flattened egg tins, general factory and canteen waste, Poly Chlorinated Biphenols (PCBs), fabrics, paper and card soaked by solvents, plastics and various chemicals.
- 5.6 Following the closure of the landfill in 1972, the site was covered with shale, stone dust, topsoil and seeded. Following the purchase of the site by the Council in 1990, an interim cap was installed to provide a waterproof shield to the top of the quarry, to prevent the ingress of surface waters and to provide a clean, safe working platform for any future investigations. A shallow, concrete-lined ditch was also installed along the top boundary, to divert surface water run off away from the site.
- 5.7 The interim cap was constructed of Polythene sheets between 2 layers of geomembrane. It was laid on a 'levelling layer' of 150mm of well graded sand of crushed granite, which was covered with a 'protective layer' of 150mm of crushed granite and finished off with 300mm of clayey topsoil, which was seeded.
- 5.8 In 2013, the Council's commissioned a review of the site in the context of part 2A of the Environmental Protection Act 1990 to assess whether the land met the definition of 'contaminated land' in respect of pollution to groundwater. The report concluded that there was no significant risk of pollution to groundwater and as such the site was not legally determined as 'contaminated land'. Following the report, the amount of groundwater and surface water monitoring undertaken in and around the site was reduced in agreement with Natural Resources Wales.
- 5.9 From around 2015 onwards leachate breakouts began occurring on the site and in the Pantyfynnon woodland below annually and as a result of this, in 2021 the Council implemented a drainage scheme to manage leachate breakouts at a cost of over £250,000 with some further improvements undertaken this year. This scheme has been successful in ensuring that leachate is separated from the surface water systems on site.
- 5.10 Unfortunately, during January of this year, the recently installed drainage systems failed to cope with the amount of groundwater and rainfall entering it and this resulted in water containing low levels of leachate leaving land owned by the Council. Samples were taken as soon as we were aware of this, and the matter was self-reported to Natural Resources Wales. The site is monitored daily in periods of prolonged wet weather by officers of the Council's Environmental Health Service.
- 5.11 Due to the recent events at Ty Llwyd, the Council has reinstated a programme of monitoring and sampling to review whether the conclusions of the previous report written in 2013 still remain the same. The Council are currently working with contaminated land consultants, Arcadis who are providing the technical knowledge and expertise for the review. The Council are currently in the process of producing a monitoring strategy for the site which includes regular sampling of groundwater, surface water, soil and also vapour monitoring of the air. It is anticipated that to properly inform the risk assessment for the site at least 12-18 months' worth of data will be required (especially given that the issues associated with the leachate break outs at Ty Llwyd are seasonal).
- 5.12 The Council are committed to managing and undertaking improvements to Ty Llwyd whether it meets the legal definition of contaminated land or not. In this respect we have also commissioned Arcadis to undertake an options appraisal for the site to enable us to deal with the leachate more effectively.

- 5.13 The Council has engaged opinions from the insurance risk assessor and as result of that advice combined with the wet winters we are experiencing as a result of climate change, a fence has been erected around the Pantyfynnon woodland site to prevent unauthorised access and to ensure any public risk posed by the leachate (in periods of prolonged wet weather) is minimised.
- 5.14 The Council have received a number of Freedom of Information Requests for the site from residents, local members, interested parties and the press and has provided all information requested if held.
- 5.15 In relation to 5.9 above, there is very little evidence to demonstrate who deposited waste within the Ty Llwyd site and in what quantities as the site was unregulated.
- 5.16 The Council will continue to manage the Ty Llwyd site and undertake improvements to the site as and when necessary and we will continue to work with partners such as Natural Resources Wales, Public Health Wales and the residents to ensure any potential risks posed by this site to groundwater and human health are minimised as much as reasonably possible.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Council's Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications associated with this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

- 10.1 The Notice of Motion was considered by the Environment and Sustainability Scrutiny Committee at its meeting on the 2nd May 2023.
- 10.2 Members expressed concern about the longevity of Poly Chlorinated Biphenols and

the need to deal with them correctly via Welsh Government funding. Members requested more information on the allegations against the three named companies in the Notice of Motion. Members heard how these companies were named in previous public reports and that there was no suggestion that all the companies disposed of toxic waste at the site. Information was also provided on the duration for taking test samples which was 12-18 months to allow a full study over periods of prolonged wet weather.

- 10.3 The Environment and Sustainability Scrutiny Committee having considered the amended Notice of Motion by way of Microsoft Forms and in noting there were 15 For, 0 Against and 0 Abstentions unanimously RECOMMENDED to Council that it be supported.

11. STATUTORY POWER

- 11.1 Local Government Act 2000

Author: Mark Jacques (Scrutiny Officer)

Appendices:

Appendix 1: Signed copy of Notice of Motion.

Appendix 2: Copy of Letter Sent to M. Drakeford.