

**Meeting between Welsh Government, Caerphilly County Borough Council and
Natural Resources Wales - Update on the former Ty Llwyd Quarry Site
4 July, 13:00 – 14:00**

1. Welcome and Introductions
2. Objectives of meeting
3. Update from Caerphilly County Borough Council (CCBC)
4. Update from Natural Resources Wales (NRW)
5. Next Steps

Attendees

Elen Shepard – Deputy Director, Environmental Protection Division (Welsh Government)

Olwen Spiller – Deputy Head of Environmental Protection (Welsh Government)

Richard Clark – Head of Local Environment Quality Team (Welsh Government)

Andy Williams – Senior Local Environment Quality Manager (Welsh Government)

Ceri Edwards – Environmental Health Manager - (CCBC)

Mark S. Williams – Corporate Director for Economy and Environment (CCBC)

Robert Hartshorn - Head of Public Protection, Community & Leisure (CCBC)

Maria Godfrey – Team Leader – Pollution Control and Emergency Planning & Resilience (CCBC)

Ceri Davis – Environmental Health Officer – Pollution Control (CCBC)

Jon Goldsworthy – Operations Manager SE Wales (NRW)

Kirsty Lewis – Senior Environment Officer (NRW)

Trystan James – Team Leader Geoscience (NRW)

Matthew Llewellyn – Specialist Adviser (Contaminated Land) (NRW)

1. Welcome and Introductions

2. Objectives of Meeting

Elen Shepard highlighted the objectives she wanted to achieve from the meeting. These were agreed by all attendees. These were to ensure we have a collective understanding of:

- the situation at the former Ty Llwyd Quarry site;
- roles and responsibilities;

- legislative duties; and
- what is required to mitigate issues at the former Ty Llwyd Quarry site.

3. Update from Caerphilly County Borough Council (CCBC)

Maria Godfrey provided a brief history and summary of the current issues at Ty Llwyd quarry, outlining the following:

- During prolonged wet weather events groundwater rises through the landfill site, collecting any liquid waste present and breaks out at weak points near the surface as leachate.
- A leachate collection system gathers and aerates the leachate (this is not a treatment system and will only provide a betterment for volatile contaminants before they are encouraged back to ground). This was improved during 2021. However, the system can become inundated during prolonged wet weather events, and occasionally effluent will run over land owned by the Council (during winter). During January 2023, water containing leachate left land owned by the Council.
- Monitoring of escaped leachate over the past winter identified a small number of marginally elevated contaminants associated with the site.
- The Council has expanded environmental monitoring to include surface and groundwater, air quality and soil sampling.
- The Council has commissioned contractors to develop an options appraisal which considers proposals for dealing with the leachate issues at the site.
- The Council have entered into pre-application discussions with NRW. The site will require further monitoring over the winter period to inform further assessments required to determine whether a water discharge permit is required.
- There is local political interest and ongoing communication from an individual who is not local to the area. A considerable amount of related media interest has also been received. This has generated a significant time and resource impact on the Council's pollution team.
- A Notice of Motion has been raised by local councillors calling for a public inquiry and funding to be provided by Welsh Government. The Environment and Sustainability Scrutiny Committee have previously supported this motion and this will be decided by the full Council on 4 July.

Robert Hartshorn highlighted the Council's commitment to managing the site since they purchased the land (including the surrounding land) and associated environmental issues. They have invested considerable time and resource into managing and investigating the site.

Mark Williams added that members of the Pollution team have had to address a high volume of inquiries and Freedom of Information requests. This has had a significant impact on team resources including other regulatory duties of the team.

Maria Godfrey provided reassurance that the local community has been engaged on the issues at the site. It was noted a newsletter had recently been published and delivered to all homes in the Ynysddu and Cwmfelinfach areas, to provide factual and up-to-date information regarding the site. This has generated one recent enquiry. Ongoing engagement will be maintained via newsletters and social media updates.

4. Update from NRW

Jon Goldsworthy provided an overview of NRW's role and involvement at the site:

- NRW provides an advisory role providing technical support and guidance to Local Authorities on the controlled waters element(s) of land contamination under the Environment Protection Act (EPA) 1990.
- Based on previous information and historical evidence submitted by the local authority, NRW agreed with CCBC's opinion that the site did not meet the statutory definition of 'contaminated land' in relation to controlled waters. Therefore, it was unlikely to become a 'Special Site'. However, NRW would provide further advice/comments should CCBC reassess this.
- NRW has also undertaken a regulatory role in investigating the pollution incident (leachate breakout) that occurred in January this year. These investigations have now concluded and resulted in enforcement action against the Council in the form of a warning letter concerning the discharge of leachate from the site to adjacent land and potentially entering a small unnamed watercourse.
- It was noted the site may require a discharge consent which would be provided through an environmental permit. Pre-application discussions with the Council are ongoing.
- NRW have received a significant level of correspondence on the issue and managing this process had involved a considerable amount of resource. This is in addition to the resources needed to respond to ongoing media interest.

Kirsty Lewis provided an overview of the permitting element of the investigation:

- Outlined the likely requirements of permit. This may involve surface water or groundwater conditions and the requirement to meet acceptable levels normally those outlined within the environment quality standards or similar requirements.
- Much of the future proposals regarding the permit will relate to additional assessments that need to be undertaken by the local authority and the

formation of an action plan containing options on how they intend to address the leachate issue at the site.

Andy Williams requested NRW summarise the findings of their investigation in January. NRW confirmed most contaminants tested for were not elevated above laboratory detection limits. A small number of contaminants were marginally above laboratory detection limits. However, NRW acknowledged action was needed to prevent further discharges.

Jon Goldsworthy explained they were working with the Council to obtain the appropriate permissions and requirements as part of the pre-application enquiries (for an environmental permit). The Council will need to undertake further assessment work to inform this process and formulate an action plan detailing its proposals to deal with the leachate issue at the site. However, should any further leachate breakouts from the site occur in the meantime then NRW would investigate which may lead to further enforcement action.

Maria Godfrey confirmed Public Health Wales had been engaged to advise on sample results relating to the January incident and would continue to provide an advisory role in relation to any further enquiries. To mitigate any potential risks to human health, the site has now been partially fenced off and this may be expanded to other areas. This is intended to reduce any potential risks to human receptors by removing unauthorised access.

Andy Williams asked whether there would be any interim measures deployed to prevent further leachate escapes again over the winter. Mark Williams acknowledged there was potential for further issues over the winter during periods of high rainfall. The Council was currently exploring options with Arcadis (the contractor) to stop leachate escaping, although given the location and complexity of the site, this may be difficult to prevent in the short-term. However, it was noted the previous pollution incidents (in which grossly contaminated leachate was not identified by NRW or Council testing) should be taken into account and future responses should be proportionate.

Elen Sheppard thanked the attendees for the information provided, noting that there remains a requirement for future work to address all potential health risk issues as well as environmental ones.

Key points in summary:

- Requirement for Caerphilly Council to undertake further monitoring work over the winter period (when leachate is problematic) to inform their future site management proposals.
- This will also be provided to NRW to help inform future environmental permit requirements.
- Discussions will continue between both parties until this work is completed.

The group will reconvene during the second half of September for further update.

September Meeting date TBC.