

10. ***That the Environment Agency be requested to provide Fenland District Council, on an open basis, with the full analytic results from the 50 boreholes drilled on the site, with full details of the types and quantities of hazardous chemical contaminants that were found by the Environment Agency.***

*A request for this information was made on 30<sup>th</sup> April 2021 (as previously circulated), under the Environmental Information Regulations 2004 – with certificates of analysis being supplied to FDC on 7<sup>th</sup> June 2021.*

*FDC Officers have now completed their review of these results - and held detailed discussions with EA Officers regarding their content.*

*In summary, formal samples were taken from the trial pits in February 2018 (which confirmed the presence of Automotive Shredded Residue) – with further formal samples were then taken from additional pits in December 2018 - across the entire buttress.*

*Whilst the results of these samples did not categorically confirm the presence of hazardous waste, they did confirm the exceedance of the Waste Acceptance Criteria for the site, as well as other thresholds associated with relevant Groundwater legislation.*

*The results are being considered by the EA as part of a wider package of evidence and information, to inform any subsequent decisions regarding appropriate next steps to be taken by them in their ongoing regulation of the site.*

11. ***That the Environment Agency be requested to provide Fenland District Council, on an open basis, with full technical specifications of any proposed capping of that waste, together with the calculations supporting their conclusions as to the likely effectiveness of such capping over the short, medium and long terms.***

*The works initially proposed in relation to the capping of waste were amended for technical reasons – resulting in a wider package of works being commenced on 23<sup>rd</sup> June 2021 (as per attached briefing, as previously circulated).*

*FDC Officers' were consulted throughout in relation to all associated technical documentation regarding these works (including the EA briefing note prior to its' circulation). FDC Officers' remain satisfied that the appropriate level of scrutiny continues to be applied by the EA - to ensure that any works are undertaken in strict accordance with all relevant legislation and technical guidance.*

*In addition, at the specific request of FDC, the Operator confirmed that they will implement all reasonably practicable measures throughout - to minimise any potential adverse environmental impacts on the Community being caused.*

12. ***That the Environment Agency be requested to provide Fenland District Council, on an open basis, with the full analytic results of the samples they have recently tested from the lagoon, together with their full assessment of the quantity of water and likely level of contaminants which have been released into the local watercourses in the last two months.***

*The information request referred to under 10 above, included the results of any samples which the EA have taken from the lagoon, and the likely level of contaminants which may have been released into the local watercourses in the last two months – with, again, the results being received by FDC on 7<sup>th</sup> June 2021.*

*FDC Officers have completed their review of these results - and held detailed discussions with EA Officers regarding their content.*

*In summary, formal samples were undertaken lagoon in 2018, 2019 and 2020 - as part of ongoing monitoring of the lagoon, to further inform the EA's concerns regarding potential leachate from the buttress having entered the lagoon.*

*The results are being considered by the EA as part of a wider package of evidence and information, to inform any subsequent decisions regarding appropriate next steps to be taken by them in their ongoing regulation of the site.*

*The EA have now received an application for an environmental permit in relation to the discharge of lagoon water to the Kings Dyke watercourse. Whilst they do not hold any further information concerning the quantity of water / contaminants discharged to local watercourses previously, the EA have advised that any resulting permit would include conditions to ensure any effluent does not cause deterioration to the receiving watercourse – in the event of the application being granted.*

**13. That Fenland District Council, unless entirely satisfied that the answers to the preceding three points show no danger to the environment or to public health from the hazardous chemical contaminants in Saxon Pit, should**

**(a) make the strongest possible representations to Cambridgeshire County Council's Planning Committee on environmental grounds against any planning permission which is sought to construct a recycling plant at Saxon Pit**

*Having completed their detailed review of all technical documentation associated with planning application CCC/21/024/FUL for a proposed materials recycling facility at Saxon Pit (as previously circulated), FDC Officers' have been made aware that a further consultation is now underway – following the applicant's consideration of the comments made.*

*FDC Officers' are now in the process of preparing a response to this new consultation (due to be submitted by 28<sup>th</sup> July 2021) - which will be made in line with the National Planning Policy Framework and all associated legislation and technical guidance documents.*

*These comments will be shared as part of any further update.*

**(b) request Cambridgeshire County Council to take action in respect of the deposition of non-inert waste at the pit, contrary to the County council's planning permission conditions and**

*Completed – see comments in update as provided 11<sup>th</sup> May 2021 (and provided below for wase of reference).*

**(c) object to non-inert waste, in the form of Incinerator Bottom Ash, being deposited in future at Saxon Pit.**

*Please refer to comments made under 13 (a).*

*Any future consultation responses will also be prepared with consideration to the National Planning Policy Framework and all associated legislation and technical guidance documents.*

- 14. *That the Environment Agency be requested to provide Fenland District Council, on an open basis, with full details of how the Environment Agency has handled the complaints made, and unlawful dumping that has occurred, at Saxon Pit since October 2017, with a full explanation as to why, in accordance with the Environment Agency's own Enforcement and Sanctions Policy, effective action in respect of the hazardous waste and in respect of those responsible for its unlawful dumping has not taken place.***

*As referenced in the comments made in the 11<sup>th</sup> May 2021 update, this further information was requested from the EA in the request referred to under 10 above – and was subsequently received by FDC on 7<sup>th</sup> June 2021.*

*FDC Officers have now completed their full review of this information.*

*Whilst the EA remain the primary Regulatory Authority for the site, FDC do also have regulatory responsibilities in relation to the investigation of requests for service received - dependent on the specific details of any requests received.*

*FDC Officers' are now liaising with the EA to establish a joint protocol for the investigation of any request for service received by either organisation (in accordance with relevant legislation associated with the sharing of data) - to provide re-assurance to all stakeholders that the site will continue to be regulated appropriately by the relevant Regulatory Authority.*

*The EA have expressed their commitment to working collaboratively with FDC in the establishment of this protocol – which will be circulated once completed as part of any further update*