

# Important update from Saxongate. Key vote due at FDC on Monday

## Key vote on IBAA controls (Incinerator Bottom Ash Aggregate) at FDC on Monday

Saxongate residents' group have highlighted issues with the duty of care chain for IBAA and called for improvements to protect the public and the environment. In April, thanks to a motion by Councillor Elisabeth Sennett Clough, Whittlesey Town Council overwhelmingly voted to press key agencies and councils to improve the situation.

Councillor Chris Boden, leader of Fenland District council (FDC), has put forward a motion to the full FDC council meeting on Monday May 20th (details below). Saxongate see this as a key step to reducing the potential long-term risk created if rules are allowed to be ignored and not enforced. We already have one example of that in Whittlesey next to the Ralph Butcher Causeway Bridge, which the Environment Agency continue to investigate.

We call on all councillors and the public to support this motion to avoid needless and avoidable pollution risks.

### Agenda Item

Motion submitted by Councillor Chris Boden regarding the use of Industrial Bottom Ash Aggregates (IBAA)

IBAA is an aggregate substitute, most commonly used in road construction, construction platforms, pipe bedding and other construction activities. IBAA is deemed by the Environment Agency (EA) to be a waste product derived from incinerator bottom ash after most ferrous metals, non-ferrous metals and other wastes have been screened out or otherwise removed. It is a heterogeneous material that can commonly consist of concrete, ceramics, glass, brick, clinker metals and fused materials, but can include materials from batteries, sanitary products and other hazardous or toxic products. It is a material that is prone to be dusty, that creates an unpleasant odour, and that should not be allowed to leach into water courses or sources.

The EA states that the use of IBAA in construction is a deposit of waste for recovery and a groundwater activity which should be carried out under an environmental permit. However, for licensing purposes, Cambridgeshire County Council (CCC) appears on at least some occasions to be treating IBAA as a product, rather than as waste, and thus subject to far weaker controls and protections.

IBAA is generally deemed safe to use in construction projects when it is capped with an impermeable membrane and is used at a safe distance from watercourses. The EA currently has a Regulatory Position Statement (RPS 247) in force, on a temporary basis until 31<sup>st</sup> January 2025, under which the EA will not enforce regulations against potentially dangerous use of unbound IBAA in construction projects on condition that the IBAA used is (inter alia) (a) limited in quantity; (b) not used in connection with residential construction or under a residential garden; (c) not a risk to water, air, soil, plants or animals.

#### FULL COUNCIL:

1. Expresses concern about unregulated or weakly regulated use of unbound IBAA in all circumstances in Fenland, especially given that we live in a flat, marshy, agricultural region of the UK, so we are particularly vulnerable to leachate and water table pollution issues
2. Seeks assurances from the EA that its Regulatory Position Statement RPS247 not be extended beyond 31st January 2025, or that, if it is extended, the conditions under which the extension is granted are tightened to give greater assurance that the use of unbound IBAA will not cause (nor will be likely to cause) pollution of the Environment or harm to human health.
3. Requests that FDC Environmental Health raise with both CCC and the EA the concerning apparent categorisation (at least on occasion) of IBAA as a product
4. Resolves that FDC confirms it treats IBAA as a waste and that, in any potentially relevant planning applications at FDC, we ask if unbound IBAA is proposed to be used and that FDC notifies the EA in all cases if unbound IBAA is proposed to be used.
5. Recognises that the EA is the subject matter expert and lead agency for IBAA and calls on CCC formally to recognise that the EA is the subject matter expert and lead agency for IBAA.
6. Resolves that the published EA FAQ sheet entitled "Incinerator Bottom Ash (IBA) and Incinerator Bottom Ash Aggregate (IBAA) FAQs" should be sent by FDC to all FDC councillors, to Parish & Town Clerks within Fenland and to relevant council employees at FDC so that they are fully aware of this issue, and that CCC be requested to send the FAQ to their councillors and relevant council employees.
7. Agrees additionally that this motion be sent to the EA, to CCC, to Stephen Barclay MP in his capacity as our MP and to Stephen Barclay MP in his capacity as Secretary of State for the Environment, Food and Rural Affairs.