

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD**

**11 June 2019**

**Report of the Director of Planning, Housing & Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 PRIORY WOOD, TONBRIDGE – LANDFILL GAS INVESTIGATION**

**SUMMARY**

**1.1 Since 1988 TMBC has been monitoring landfill gas levels at the Priory Wood site in Tonbridge which now comprises a public open space owned and maintained by the Council. In light of issues at the former Jocopit site in Borough Green, where increased gas levels at one borehole were recorded and which required detailed investigation, a review of the Priory Wood site was also deemed necessary.**

**1.2 Background**

1.2.1 The site known as Priory Wood is a closed landfill site which now consists of a public open space that is popular with dog walkers. The site lies to the southeast of Deakin Leas in Tonbridge and is bordered on its eastern and southern sides by the Tonbridge to Hastings railway line and the A21 respectively (See attached plan in **[Annex 1]**). The site was quarried before accepting waste between approximately 1956 and 1975.

1.2.2 The first site investigations began at Priory Wood in 1987 when TMBC approached Aspinwall & Company Ltd (experts at that time) to carry out a site investigation and assessment regarding the proposed use of the site as a public open space. Between 1988 and 1994 a total of 14 borehole monitoring points for landfill gas were installed across the site through various investigations, including by the KCC Waste Disposal Section as was. Between 1994 and 1996 further gas control measures were installed including a 10m deep vent trench and pump compound along the sites western boundary with Deakin Leas. Gas monitoring has been undertaken by TMBC since 1988 at a selection of boreholes.

1.2.1 Over time monitoring boreholes have become lost by overgrown vegetation or unusable due to ground movements breaking connections, and currently only 2 remain along with an additional monitoring point on the gas pump.

### 1.3 Desktop Study

- 1.3.1 Following detailed landfill gas investigations and subsequent agreement to carry out new borehole drilling and enhanced monitoring at the former Jocopit site in Borough Green, the decision was taken to appoint Leap Environmental to carry out a desktop study of the Priory Wood site, as the only other site in the Borough with a similar history. That study has found that whilst there are no current peaks in landfill gas levels recorded at Priory Woods, there is now a lack of monitoring coverage given only two boreholes remain in use along with a monitoring point on the gas pump.
- 1.3.2 The conclusions of Leap's desktop study state that there are potentially unacceptable risks from the perspective of Part 2A of the Environmental Protection Act 1990, relating primarily to elevated ground gas levels. However due to the limitations in the data available, it is recommended that an intrusive investigation including the installation of new gas monitoring boreholes and an extended period of monitoring will allow a robust gas risk assessment to be undertaken.
- 1.3.3 Based on their conclusions, Leap provided a quotation for a site investigation in order to provide a better understanding of the landfill gas conditions across the site. The scope included the drilling of 17 new boreholes, which will be monitored fortnightly for 1 year. Soil samples taken from the boreholes will also be tested to calculate the depth of the landfill cap across the site and the potential risk posed from landfill material.
- 1.3.4 It has also been identified that there is no service contract on the gas control pump, which forms a critical part of the gas control system. Specialist engineers have visited the site very recently, and the pump is reported to be in good working order however it is not fitted with telemetry or an alarm to signal a malfunction.

### 1.4 Current Progress

- 1.4.1 Given there are no current peaks in gas levels recorded at site, no emergency dispensation from procurement rules was sought on this occasion, and two additional quotes from reputable companies were sought in addition to that provided by Leap Environmental for the provision of 17 new monitoring boreholes and risk assessment work. All three quotes can be seen in [Annex 2]. The cheapest quote was provided by Ecologia at £26,649.55.
- 1.4.2 During the procurement process one company queried the type/depth of borehole to be used, and advice was sought from an Environment Agency expert. They concluded that the type described in Leap Environmental's proposal was suitable but did suggest the number of proposed boreholes given the site and setting was 'a bit more than is likely to be cost effective for this particular site'. A copy of this correspondence can be seen in [Annex 3].

- 1.4.3 A revised quote for a reduction in the number of monitoring boreholes was therefore sought from all three companies reducing the number from 17 to 8. However the difference in price between a full scheme and a reduced scheme only resulted in a saving of circa £7500 on the quote from the cheapest company Ecologia.

## **1.5 Next Steps**

- 1.5.1 Taking into consideration the quotes provided, if gas is discovered and more boreholes are required to conduct an adequate risk assessment then remobilisation costs would exceed this modest (£7500) saving. It is therefore recommended to press ahead with a scheme of works as originally recommended in the desktop study.
- 1.5.2 At the time of writing references are being sought as to Ecologia's suitability. If there are no issues, then Ecologia will be retained to install the 17 new boreholes and begin the gas monitoring, with the ultimate aim of producing a robust gas risk assessment for the site.
- 1.5.3 Following a steering group process as utilised in the Jocopit investigation we have assessed the risks associated with the potential outcomes of this study and have concluded that at this time there is not a need to contact householders bordering the site. At Jocopit contact was made with households due to the fact that the households had been built on top of the closed landfill, which is not the case at Priory Wood. This will however be closely monitored and when initial results are known, officers will consider engagement with local residents in consultation with relevant members.
- 1.5.4 A service contract of the gas pump was also recommended and a company who can carry out such specialist works has been identified and can be retained to carry out quarterly inspections for £1280 per annum excluding parts and labour on any repairs required.
- 1.5.5 It was also recommended that the Council consider installation on the gas pump of a telemetry unit, or an alarm to signal a malfunction. This recommendation will also be progressed in due course in line with procurement rules in appropriate.

## **1.6 Legal Implications**

- 1.6.1 Part 2A of the Environmental Protection Act 1990 places a duty on all local councils to investigate where land in its area might have been contaminated because of the way it was used in the past or how it is currently used. The council then has to put any sites they find in order of priority based on the risk they might cause to human health or the wider environment. We have been doing this in line with our Contaminated Land Inspection Strategy.

- 1.6.2 Having identified a potential issue at this location, it is our duty to carry out further investigations. The initial intent of the further investigations is to demonstrate that there are no significant issues that can be reasonably identified, in which case no further action need be taken other than an appropriate regime of future monitoring. Should the study by our consultants demonstrate higher levels of gas production from the site than we are currently aware, then we will then need to assess whether the gas is capable of entering homes, so further monitoring inside dwellings may be required in the future, which the Council would be required to fund.
- 1.6.3 On the conclusions of investigations and in the context of advice from our consultants and expert legal advice the Council will need to consider whether the site should be 'declared' under part 2A of the Contaminated Land regime and, if appropriate, develop a remedial strategy with affected homeowners.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 No provision for the cost of these investigative works is, or could reasonably have been, specifically included in the Council's budget and funds for this initial study will have to be found from reserves. Should it be necessary to extend the nature of investigations to include residential properties then additional funds will need to be identified in due course.
- 1.7.2 The Director of Planning Housing and Environmental Health has not sought a waiver of the Councils Procurement Rules in this instance and three reputable companies have provided written quotes for similar schemes.
- 1.7.3 The company proposed to be retained 'Ecologia' have provided the cheapest quote and will have provided references including work for other Local Authorities, before any work commences.

## **1.8 Risk Assessment**

- 1.8.1 Part of the investigation into potential contaminated land required under Part 2A of the Environmental Protection Act 1990 includes the creation of a detailed risk assessment for the site. The purpose of these works is to obtain sufficient data for a robust risk assessment to be created.

## **1.9 Policy Considerations**

This investigation is in line with the Councils Contaminated Land inspection strategy updated in 2016 which can be found online at <https://www.tmbc.gov.uk/services/environment-and-planning/pollution/pollution-control-contaminated-land>.

## 1.10 Recommendations

- 1.10.1 It is **RECOMMENDED** that Cabinet **ENDORSE** both the commencement of detailed landfill gas investigation and risk assessment work at the Priory Wood site using a suitable contractor, and also the provision of a service contract and upgrade of the gas pump on site.

The Director of Planning, Housing & Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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