

Cyhoeddir yr atodiad hwn yn yr iaith y'i derbyniwyd gan Gynulliad Cenedlaethol Cymru.

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PWYLLGOR YR AMGYLCHEDD, CYNLLUNIO A THRAFNIDIAETH

Dyddiad: Dydd Mercher 18 Hydref 2000

Lleoliad: Parc Treftadaeth y Rhondda, Trehafod, Pontypridd

Teitl: Nantygwyddon: Papur gan CBS Rhondda Cynon Taf

BRIEF OVERVIEW OF THE HISTORY OF EVENTS AT NANTYGWYDDON LANDFILL SITE, RHONDDA

1. INTRODUCTION

1.1 In October 1985, the (then) Rhondda Borough Council purchased land at Nantygwyddon for development and use as a Landfill Site. The transaction was assisted in part by European Grant Aid.

1.2 Nantygwyddon Landfill Site is situated on Mynydd-y-Gelli at national grid reference SS 980 940. Access to the site is via a purpose built road which runs from the Nantygwyddon Road (B4223) to the site entrance.

1.3 The site is located on a ridge of high ground which extends from Mynydd-y-Gelli to Llwynypia mountain. The high ground is bounded to the east by the river Rhondda Fawr and to the south by the Nant Clydach. The ground elevation increases westward towards the Bwlch. The site is by surrounded by the communities of Gelli, Ystrad, Llwynypia, Tonypany and Clydach Vale.

2. OPERATION BY RHONDDA BOROUGH COUNCIL

Rhondda Borough Council operated and managed directly the Nantygwyddon Landfill Site from its opening in January 1990 until the Authority was required by the Environmental Protection Act 1990 (Schedule 2 Part II) to establish an independent Local Authority Waste Disposal Company (LAWDC) to carry out this function.

3. TRANSFER OF OPERATIONS TO RHONDDA WASTE DISPOSAL LIMITED

3.1 In pursuance of its statutory obligations, a LAWDC (Rhondda Waste Disposal Limited) was founded by the (then) Council. Assets were transferred from the Council and vested in the LAWDC on 20th March 1995, and a lease was granted to the LAWDC for a period of 45 years from the date of vesting.

2. Although the Council granted a lease for the referred period of 45 years, it nevertheless had residuary responsibilities as freehold owner of the land. These responsibilities transferred to the successor Authority, Rhondda Cynon Taff County Borough Council, on its establishment in April 1996, following local government reorganisation in Wales. The Council also has responsibilities as the Planning Authority.
3. The Environment Agency is a statutory body and its duties include responsibility for ensuring that any licence which is granted to any LAWDC must be properly conditioned.

3.4 On 21st January 1999, Rhondda Waste Disposal Limited was made the subject of an Administration Order, upon the petition to the Courts of a Director of the Company, Victor John Collier. This was as a result of the (then) LAWDC's inability to meet the terms of its operating licence.

3.5 An administrator is appointed by the High Court under the Insolvency Act 1986 and, in general terms, it is his duty to ascertain whether there is a possibility that a Company can avoid the necessity of being wound up, often by the transfer of the assets to another Company.

4. RHONDDA WASTE DISPOSAL LIMITED – IN ADMINISTRATION

1. The administrator appointed by the Court was Mr Paul Clark of Messrs Clarke & Lowman, Licensed Insolvency Practitioners. The effect of the Order was to vest the management of the affairs, business and property of the Company in Mr Clark during the period for which the Order is in force.

4.2 The administrator proceeded to try to dispose of the business as a going concern and, in the meantime, allowed the Landfill Site to trade and to accept domestic waste in the normal manner.

5. SALE OF OPERATIONS TO CYNON VALLEY WASTE DISPOSAL LIMITED

5.1 Cynon Valley Waste Disposal Company Limited is a LAWDC set up by the former Cynon Valley Borough Council (now part of Rhondda Cynon Taff County Borough Council), and it was this Company which was eventually able to reach an agreement with the administrator and take over operation of the Nantygwyddon Landfill Site, with effect from September 1999, under the name of its subsidiary Company, Amgen Rhondda Limited.

2. The Environment Agency played an active role in this transfer, in that, before operation could be undertaken by Amgen Rhondda Limited, it was necessary for that Company to obtain a licence from the Agency. The Agency had detailed discussions with the Directors of Amgen Rhondda Limited, particularly with regard to early completion of outstanding remedial work on the site, and a licence was granted to the Company.
3. The Council's involvement was that it made available to the Company a sum of money, in exchange for preference shares of the Company. In addition, the Council's consent was required to assign (i.e. transfer) the lease from Rhondda Waste Disposal Limited to Amgen Rhondda Limited.

6. HEALTH ASPECTS RELATING TO NANTYGWYDDON LANDFILL SITE AND POSSIBLE EFFECT ON NEARBY RESIDENTS

Various reports/investigations have been undertaken (since March 1997) in relation to the landfill site and its possible effects on nearby residents, in terms of both nuisance and detriment to health.

7. LOCAL AUTHORITY INVOLVEMENT

7.1 Prior to 1st April 1996 responsibility for waste regulation rested with the Local Authority. However on that date it was transferred (together with the staff involved) to the Environment Agency.

7.2 The Local Authority now has responsibility for matters emanating from the Landfill Site if these matters amount to a statutory nuisance or if, in the opinion of the Council, a

statutory nuisance is likely to occur.

7.3 On 17th July 1998 a Statutory Nuisance Notice was served on Rhondda Waste Disposal Limited in respect of noxious and offensive smells arising from the Landfill Site and requiring them to carry out certain works as detailed on the schedule attached to the Notice.

7.4 The Company went into administration shortly afterwards and therefore was not able to comply with the Statutory Nuisance Notice.

7.5 On 7th March 2000 the Council served another Statutory Nuisance Notice on the current Company Amgen Rhondda Limited. The Notice was served because the Council was satisfied that it was likely that an occurrence of a statutory nuisance would arise from the Landfill Site in the form of noxious and offensive smells.

7.6 Detailed works were attached to the Notice and the Company has actively been pursuing carrying out these works (which were works also required in order for them to comply with the condition of their licence from the Environment Agency) and the works are well advanced and nearing completion.

8. PLANNING HISTORY

8.1 The Council is also the Planning Authority. Set out below is the history of planning applications in respect of Nantygwyddon Landfill Site:-

Application No.	Description	Decision
Previous Applications		
54/81/0477	New Waste Disposal Tip	Approved 5 th January 1982
54/83/0784	Waste Disposal and Landfill Site	Approved 5 th September 1983

54/84/0978	Laying of Pipeline to convey Leachate from Waste Disposal Tip to Trunk Sewer	Approved 11 th March 1985
54/86/0285	Garage/Workshops and Stores, Weighbridge and Ancillary Rooms	Approved 17 th November 1986
Application No. Previous Applications	Description	Decision
54/96/6334	Installation of Landfill Gas Extraction Pipework and Electricity Generation Plant	Approved 18 th March 1997
Current Applications		
R/00/6202	Revisions to Approved Restoration Landform to include Confirmation of the Height of Landfilling, Reduction in the Area of Consented Landfill.	Not yet determined
R/00/6247	Replacement of 600m of 150mm diameter Off-Site Leachate Pipe with 315mm dia Leachate Pipe.	Not yet determined

NOTE: This is a factual statement of the history of the Nantygwyddon Landfill Site.
No opinions nor points of view are contained in this document.

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REPORTS/INVESTIGATIONS UNDERTAKEN SINCE MARCH 1997

- March 1997 - Environment Agency Water Quality Data and Interpretation.
- 1997 - Executive Summary of Entec.
- October 1997 - Report on the health of residents living near the Nantygwyddon Landfill Site using routinely available data.
- November 1997 - Welsh Combined Centres for Public Health – Environmental Monitoring Report.
- November 1998 - Entec report on Potential Hydrogen Sulphide Sources near Nantygwyddon.
- November 1998 - Letter from Director of Environmental Services to the Welsh Office containing various reports of the Public Analyst.
- December 1998 - Casella report into Ambient Air Quality and Nuisance Potential.
- January 1999 - Bro Taf Health Authority report on complaints of ill health in the vicinity of the Landfill Site.
- November 1999 - Summary Report of Dr. G. Richardson on Sarcoidosis and Nantygwyddon Landfill Site.
- November 1999 - Full Report of Dr. G. Richardson on Sarcoidosis and Nantygwyddon Landfill Site.