Swindon Internal Audit Services

Brindley Close
Lessons Learnt Review

December 2015

Contents and Distribution

Contents

Executive Summary 2
Action Plan 8
Appendices:
A - Acknowledgements
B - Waste sites in Swindon as extracted from the EA website data base 'My back yard'
C - Status of EA waste transfer station licenses relating to Council owned land
D - Suggested lease terms and conditions to be evaluated for inclusion in waste operator lease agreements
E - Sample Environmental Risk Accident Assessment Scoring
F – Waste management activities and responsibilities for Council owned land.

Final Report Distribution – 11th December 2015 to:

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Executive Summary

Background

The Board Director, Service Delivery requested that Internal Audit include in their 2015/16 audit plan a 'lessons learned' review following a waste fire on 27th and 28th November 2013, on Council land at Brindley Close, Swindon, which was leased to Averies Recycling (Swindon) Ltd.

Council owned land at Brindley Close occupied by Averies Recycling (Swindon) Ltd – photograph sourced from the Swindon Evening Advertiser

The land at Brindley Close was acquired from British Rail on 14th July 1983. There was no 'use clauses' included in the property conveyance. Units of land at Brindley Close were assigned, under individual lease agreements, to Averies by Swindon Skips who had experienced financial trading difficulties. The original lease agreements commenced on 1st September 2008 and were for a term of six years. Under these leases Averies became responsible for units at Brindley Close numbered one, two, three, five and twelve plus a skip storage area.

Averies Recycling (Swindon) Ltd was operating the waste transfer station under an Environment Agency (EA) licence. The EA waste licence permitted Averies Recycling (Swindon) Ltd (Averies) to operate waste activities in accordance with specified rules. The EA is responsible for conducting periodic monitoring visits and enforcement of the waste transfer licence. However, Averies did not comply with EA requirements for more than a year before the fire on site occurred. Averies stock piled waste at Brindley Close instead of transferring and paying for this to go to landfill, profiting from avoiding payment of landfill tax. Following the fire at this site Averies still did not remove waste to bring the overall levels within that permitted in the waste permit.

As well as the Council's site at Brindley Close, Averies also leased land at Marshgate in Swindon. This site was also an EA licenced waste transfer business. Averies also acted in breach of EA waste permit conditions at Marshgate by holding waste in excess of the permitted EA licence tonnage. The EA took enforcement action with Averies to reduce waste at both sites, but this was not complied with. An extensive fire broke out at the Averies Marshgate site which burned from 21st July to 15th September 2014, and resulted in the EA 'picking-up' the site waste clean-up costs.

The EA subsequently took action against Averies and revoked their waste transfer licences at both sites in late 2014. Averies liquidated the company and registered the appointment of an administrator with Companies House on 13th January 2015. Following the liquidation of Averies, the Council, as landowner, is now in the position 'of last resort' and liable for cleaning up the significant volume of waste left at Brindley Close. The EA is in the process of taking court action against Averies for breach of waste permits and inadequate security at both of their former sites i.e. Marshgate and Brindley Close. The case appeared at Swindon Crown Court in August 2015. The case was adjourned following a not-guilty plea submitted by both the Directors of the former Company, Lee and David Averies. A trial date is due in August 2016.

Freedom of Information requests have not been made to the EA by the Auditor for specific details of the EA's waste permit monitoring arrangements, frequency of visits and enforcement action against Averies at Brindley Close, and Marshgate due to the on-going court case.

There have been multi-agency responses and media releases regarding the fires at both Averies sites in Swindon. The Council as part of the Local Resilience Forum in Wiltshire is one of the multi-agencies who responded to the Averies fires alongside the blue light services and Environment Agency. The Board Director: Service Delivery, heads up the Council's multi-agency Tactical Command Group including the Civil Protection Unit, Public Health, Streetsmart and Out of Hours service who assisted in the response to these incidents.

An Averies Task Group has been set up by the Council's Scrutiny Committee to review the Local Resilience Forum's (LRF) debrief report on the incident and to investigate the circumstances that led up to the incident. The Task Group's Interim report on the LRF's debrief is due to be presented to the Council's Scrutiny Committee in January 2016.

Key Messages - Lessons Learnt

Although this consultancy review does not include an overall audit opinion it is evident that significant improvements are required to processes. The key messages from this review are set out below.

Internal Audit had completed a consultancy review of the effectiveness of waste management arrangements operating at the Shaw Landfill site, again at the request of the Board Director: Service Delivery, in 2014/15.The findings of this audit also found that significant improvements were required. Many of the audit findings are relevant to this review of Brindley Close.

Site Ownership and landlord duties

In the absence of an environmental waste management register it was not apparent what waste activities are conducted on Council owned land and who is monitoring these sites. However, a review of the EA website 'my back yard' by the auditor established that there are thirty-three EA licensed waste activities in the Borough of Swindon of which nineteen are on Council owned land and are either leased or deemed 'operational' (see appendix B). With the exception of waste transfer activity (ten sites which were already owned by the Council), the Council became responsible for landfill sites (nine sites) from Wiltshire County Council in 1997 on the Council becoming a Unitary Authority. In appendix B, the Contaminated Land Officer has included requirements to assess and determine the environmental safety of Council land formerly used as fill sites.

There is an absence of local and corporate risk and performance reporting and monitoring for environmental risks including waste activities. There is also no due diligence process in place to provide an assurance that tenants, which operate waste activities on Council land, are diligently discharging their EA waste operator licence responsibilities and liabilities.

The audit found that the Council should take a more proactive and comprehensive inspection regime for the waste sites leased on Council owned land. Recommendations regarding this are made in the report. However, as the Council has no enforcement powers it would still be for the EA to ensure appropriate action was taken.

Qualifications of staff

The Council appointed a dedicated and professionally qualified waste management officer to have an overview and where necessary manage waste sites on Council owned land. However, following his departure during 2012/13 there has been a gap in that the Council no longer has a responsible technically competent manager or resource to fulfil this overview function. However, a Compliance Engineer was appointed in 2014/15 to manage closure of the Council's Shaw Farm Landfill site. He is working with the Contaminated Land Officer to bring this site to a 'closed' status under the EA waste permitting arrangements. Public Powered Solutions Ltd also has a technically competent manager for the waste transfer site which the company operates on Council owned land at the Waterside Depot.

Environment Agency

The Board Director, Service Delivery stated that he has a very good working relationship with the EA and meets with their representatives periodically to discuss emerging risks and issues. However, there is no relationship with the EA at an operational level.

To date, the Council has placed reliance on the EA as the waste licensing body to be responsible for enforcing the permitted terms and conditions of tenants' waste licences. Periodic waste activity checks or inspections have not been independently conducted or commissioned by the Council, for land leased to tenants operating waste related business activities. Copies of EA inspection reports have not been obtained by the Council in its capacity as landlord.

The issue of waste transfer licences by the EA to operators is not subject to the same financial assurance process that would be required from a waste landfill operator. Waste transfer station operators are not required to provide any financial surety in the form of an Escrow agreement (contractual arrangement between the waste licence holder and the EA whereby the EA has access to a financial provision in event of the operator ceasing to trade), performance bond or similar which are required to support EA landfill licences. The EA can call upon these in the event of the operator either ceasing to trade or to remedy any environmental issues following a breach of the waste licence. The current arrangements for waste transfer sites do not provide any indemnity or surety to the landowner. The Council is therefore at risk if a waste transfer operator, operating on Council leased land, defaults on their waste licence and/or ceases to trade, which happened in the case of Averies.

At a National level it is noted that the EA are consulting on proposals to enhance enforcement powers to tackle waste crime and persistent poor performance in the waste management industry. If proposals are successfully implemented these could provide financial sureties for waste transfer stations similar to those currently required for EA landfill licence holders. The Council should make formal representation to the EA as part of this consultation regarding the Brindley Close clean-up operation.

Lease agreements

It is recommended that following the fire at Brindley Close and the Council becoming liable for the extensive and expensive clean-up of the waste left on site, the Council decides whether to lease anymore land for the operation of waste activities and whether to renew any existing leases when they expire. In the event it is decided to enter in to new or extend existing arrangements then it is important that all relevant parties i.e. planning, fire authority, the EA etc. are contacted to ensure that all relevant information is obtained before agreeing the lease.

The terms and conditions of existing leases for waste activities are not sufficient to provide an assurance or financial surety to the Council for any environmental impact or clean-up costs i.e. in the event that a tenant operating a waste business ceases to trade and goes into liquidation (see Appendix D for suggested additions to waste related lease's terms and conditions).

The assignment of the Brindley Close lease, from Swindon Skips waste transfer business, to Averies was only subject to a limited financial check on the ability of the perspective tenant to pay the rent. The higher risks associated with the type of activity, the trading history, and financial stability of the perspective tenant was not risk assessed/vetted to evaluate their suitability.

In 2014 waste from Brindley Close had 'broken–out' beyond the boundaries of the land leased to Averies onto surrounding land, covering another unit of land (unit four) and encroached onto a communal car park (unit seven). The estimate tonnage of waste found on the Averies site was estimated to be 10,000 tonnes, which considerably exceeds 3,000 tonnes which the Head of Property Assets believes to have been the maximum permitted by the EA.

Board Director, Service Delivery

The Board Director, Service Delivery has and continues to work closely with Corporate Board and the Environment Agency following the fires at both Averies waste transfer sites in Swindon. This working arrangement is seeking to ensure that the best value and environmental option is achieved for the removal of waste from the affected Council land in Brindley Close. The Director of Law and Democratic Services has sought and provided Queen's Counsel advice to Corporate Board to facilitate decision making on the ability of the Council to pursue Averies for the cost of cleaning up the remaining waste at Brindley Close.

The cost of the Brindley site clean-up has been estimated by the Board Director, Services Delivery to be less that the £2m first reported by the Swindon Evening Advertiser in November 2014. Based on the current clean up options being prepared by consultants appointed by the Council the expected clean-up costs are currently estimated to range between £750,000 and £1 million. The outcome from the consultancy work is due to conclude in mid-October 2015.

Best Practice

The Auditor, in conjunction with the Head of Property Assets and his staff met and observed the waste management arrangements of Council tenants operating EA waste licences i.e. Saunders Metals Ltd (at Kendrick Industrial Estate - waste transfer licence) and Hills Waste Management Swindon (at Chapel Farm - landfill and waste transfer licences). Whilst the EA periodically visit and monitor these sites, feedback from the tenants was that they felt in their experience, regulation of waste licences has become very much self-regulating. They perceived this followed a reduction of EA resources and presence. One tenant advised that whilst there is a risk assessment model used to evaluate waste operators this was considered to be focussed on larger operators due to the high level of impact and materiality of operations, but not necessarily and sufficiently weighted to reflect the assurance of waste management controls in place and the effectiveness of their operation. They felt this could mean smaller waste transfer operators have by comparison a lower risk profile, but potentially a high risk in their own right, regarding their trading stability and financial waste sureties/provisions.

On-going issues

The EA and the Contaminated Land Officer reviewed the status of waste transfer sites operated on Council land. There are no impending actions on any sites although some concerns which need to be monitored. The responsibility for conducting the monitoring of these concerns needs to be determined (see appendix C for information of waste transfer sites).

Action Plan

The purpose of this action plan is to provide a summary of the matters arising during the lessons learnt audit following the lease of land to Averies Recycling (Swindon) Ltd for the purposes of operating a waste transfer station of the. It also sets out recommendations to mitigate risks, the manager's response to the recommendations, along with the officer responsible and timescale for implementation. In order for you to identify the most significant matters arising, which affect the reliance that can be placed on the controls reviewed, the recommendations have been prioritised.

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – functional responsibilities**			
1.1	The EA website 'my back yard' shows that there are thirty-three EA licensed waste activities in the Borough of Swindon of which nineteen are on Council owned land which is either leased or deemed 'operational' (see appendix B). However, it is not apparent who within the Council, if anyone is managing and monitoring waste sites on Council land. It has therefore not been possible to seek an overall assurance on compliance with EA permit regulations for these sites. The Council formerly employed a Technically Competent Manager (TCM) with overall responsibility for EA waste sites on Council land however, since this officer left in 2012/13 arrangements have been fragmented and gaps in provision have emerged. A new TCM is in place specifically for Shaw Farm Land fill, which is currently undergoing closure. Although the Board Director: Service Delivery has a high-level relationship with the EA, in the absence of a TCM for waste sites the Council does not have a point of contact at an operational level. Therefore an early alert of emerging risks or issues regarding waste permits is not in place.	A 'Responsible Officer(s)' should be appointed to act as a single point of contact for the Council with the EA for waste sites (other than Shaw Farm Landfill phases three and four which has a dedicated TCM). A waste management register should be prepared setting out EA waste transfer stations and landfill sites on Council owned land. This should be populated with details of EA waste licences on Council land including maximum permitted waste levels, EA assurance of compliance with licence terms and conditions, risk profile and sureties. The Council, as landlord, should take a more proactive and comprehensive inspection regime of the waste transfer stations. The Council, as landlord, should obtain EA reports for all permitted waste activities on Council land. An operational level relationship with the EA needs to be developed by the Council's TCM (Shaw Farm Landfill Site, phases three and four) and the Responsible Officer(s) to ensure that any emerging risks or issues relating to waste permits on Council land can be addressed and promptly mitigated as far is practically possible. **Priority: High**	Contaminated Land Officer December 2015 ---------- Head of Property Assets January 2016 ---------- Board Director Service Delivery December 2015	**Agreed** **Agreed** **Agreed** Attached at Appendix F is a flowchart setting out the waste management activities and responsibilities for Council owned land.

Swindon Internal Audit Services: Brindley Close – Lessons Learnt Review

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – funding of waste clean up**			
1.2	The cost of cleaning up the Brindley Close site is anticipated to be between £750,000 and £1million. However, there is no specific contingency fund in place to cover the cost of cleaning-up Brindley Close or for any remedial action for waste sites owned by the Council i.e. actions identified for landfill sites included in appendix B.	Funding for the unforeseen cost of site clean-up at Brindley Close and any remedial actions necessary at Council owned landfill sites needs to be put in place and agreed by Cabinet. **Priority: High**	Head of Property Assets December 2015	**Agreed**
1	**Lessons learnt – performance, risk and assurance.**			
1.3	There has been no formal decision/policy on whether the Council will enter into new lease arrangements, or extend existing ones, with waste operators. The Auditor is concerned that waste transfer stations tenants may not be able to raise the financial sureties necessary to cover the cost of any potential clean-up costs or insurance indemnity to protect the Council. The Council's Insurance Manager has advised that the annual cost of insurance premiums would be a six figure amount.	As the landlord, the Council should seek a Cabinet decision on whether it will enter into any new lease agreements with waste operators or extend current leases when they expire. For existing or assigned lease agreements for waste transfer stations on Council land, evaluate the following: • Improve the landlord regime to keep a vigilant watching brief of tenant waste and trading activities. • Provide additional support and resources to deliver the improved landlord regime. • Seek tenant co-operation to amend existing lease terms and conditions including compliance with the operator's EA waste transfer station licence. **Priority: High**	Head of Property Assets December 2015	**Agreed**

Swindon Internal Audit Services: Brindley Close – Lessons Learnt Review

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – performance, risk and assurance cont.**			
1.4	There is no reporting or monitoring of environmental risks including waste activities. There is also no due diligence process in place to provide an assurance that tenants, which operate waste activities on Council land, are diligently discharging their EA waste licence responsibilities and liabilities. The Contaminated Land Officer has established the current status of waste transfer sites in Swindon. No EA notices have been issued on these sites, but initial concerns have been raised on the Saunders Metals Sites at Kendrick Close see appendix C. Performance overview measures were explored with Hills Waste Solutions Limited regarding their waste contract with Wiltshire County Council. The annual service review included performance measures not used by Swindon Borough Council, these are set out below: • Application of a specific waste compliance classification scheme to score, manage and treat associated risks, • Assurance for compliance with permit conditions, including outcomes from annual 'duty of care' checks and six monthly external surveillance audits. • Set annual performance targets i.e. zero target for prosecutions, fines or notices served on the company, • Internal management reviews to review and put forward suggestions on how the business could improve in the areas including compliance, efficiency, health and safety and quality.	Evaluate implementing a performance, risk and assurance process for monitoring waste activities on Council owned land. As part of this process seek to conduct periodic joint waste licence compliance inspections with the EA on Council owned land. From these inspections improve the Council's level of assurance of tenant's compliance with EA waste licence terms and conditions and/or provide an early awareness of any emerging risks and issues at these sites. Request inspection reports from the EA as a landlord to support the Council's inspection process. Evaluate introducing an annual environmental performance process and report that covers: • Development and application of a specific waste compliance classification scheme to score, manage and treat associated risks (see appendix E) • The basis of assurance to measure compliance with permit conditions, including outcomes from annual 'duty of care' checks and six monthly external surveillance checks. • Set annual performance targets i.e. zero target for prosecutions, fines or notices served, • Internal reviews to put forward suggestions on how the waste management could improve in areas including compliance, efficiency, health and safety and quality. • Monitor and manage the status of waste transfer stations, including any issues or notices raised by the EA. (See appendix C). **Priority: High**	Board Director, Service Delivery December 2015	**Agreed**

Swindon Internal Audit Services: Brindley Close – Lessons Learnt Review

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – terms and conditions of lease agreements**			
1.5	A review of terms and conditions in a sample of Council lease agreements issued to waste operators has been conducted to determine whether these are sufficient to provide an assurance or financial surety to the Council i.e. in the event that a tenant operating a waste business ceases to trade and goes into liquidation. The sample of lease agreements reviewed were for: • The former Averies leases - Brindley Close (waste transfer station), • Saunders Metals – Kendrick Industrial Estate (waste transfer station), • Hills Waste Management - Chapel Farm (landfill and waste transfer station). The lease agreements sampled did not include specific reference to: • Compliance with EA permit requirements • Financial sureties • Financial provision in accounts • Topographical surveys	To improve the robustness of lease agreements it is recommended that introducing waste management specific requirements as a schedule to the lease be considered, including: • A means by which the Council receives an annual assurance, or more regular assurance where there are specific concerns, from the tenant on the proper discharge of site specific EA waste licence permit terms and conditions. • A requirement to provide financial sureties to the Council especially regarding land transfer stations (or the EA for landfill) in the event that the tenant should cease to trade and leave waste on site pending land fill. • Financial provision/reserve in their accounts i.e. stock gain provision, which is the cost of processing waste on site (landfilling costs). • Provision of a periodic topographical survey by the Council to determine whether the volumes of waste are within the EA waste licence tonnage. The cost of this is approximately £850 p.a. and should be recharged to the tenant as part of the lease. It is appreciated that the introduction of these clauses will need to be negotiated with existing tenants. The outcome of the above reviews should, where relevant, be recorded in the waste management register recommended in action plan point 1.1 above. **Priority: High**	Head of Property Assets December 2015	**Agreed**

Swindon Internal Audit Services: Brindley Close – Lessons Learnt Review

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – terms and conditions of lease agreements**			
1.6	Following research by the Auditor, specific terms and conditions for inclusion in leases relating to waste operations could not be established. A search of an on-line legal system 'Lexis Nexis' which contains draft legal terms and conditions also produced no standard waste activity terms and conditions of lease. It was therefore not possible to benchmark the Council's lease agreements to evaluate best practice.	The auditor has set out in appendix D some of the key control requirements that should be evaluated for new or assigned lease agreements to see whether they need to be included in future. **Priority: High**	Head of Property Assets December 2015	**Agreed**
1.7	Prospective lease holders are vetted by the Council's Property Assets team on their ability to pay rent prior to the awarding of the lease. However, there is no on-going vetting of the tenant throughout the life of the lease agreement. The EA vet waste operators based on their application. However, there is no vetting of the operators suitability, financial standing and trading history because the EA do not know the individuals working within the organisation applying for the permit, unless this is a sole trader.	Working relationships and intelligence gathering with Property Services, the Planning Department and Fire Authority, and any other relevant departments/ organisations, should be established to evaluate new waste operators seeking to operate on Council owned land. On-going reviews of waste operators should be conducted by this group to raise any emerging risks or issues. To help monitor the risk of operating waste sites a checklist of controls / relevant tests should be developed, from which an overall level of assurance of waste permit holder compliance with their relevant EA licence can be established. Put in place a formal escalation process with the EA so that any future emerging risks or issues regarding operators of waste sites in Swindon on Council owned land are taken forward to secure the best outcomes. **Priority: High**	Head of Property Assets December 2015	**Agreed**

Swindon Internal Audit Services: Brindley Close – Lessons Learnt Review

Ref.	Finding	Recommendation	Responsible Officer and Timescale	Management Response
1	**Lessons learnt – terms and conditions of lease agreements**			
1.8	The Auditor is aware that the EA is seeking views as part of a consultation exercise to enhance powers and other measures to tackle waste crime and persistent poor performance in England and Wales.	As part of the EA consultation exercise to enhance powers and other measure to tackle waste crime the Council should make formal representation to the EA. This should include seeking parity of vetting and financial provisions for waste transfer operators as is carried out and put in place for EA waste landfill licences. **Priority: Low**	Board Director: Service Delivery November 2015	**Agreed**

Acknowledgements

Internal Audit would like to acknowledge and thank the following Officers who contributed to the review:

Name	Job Title
Rob Richards	Head of Property Assets
David Rudland	Contaminated Land Officer
Derek Edgington	Compliance Engineer
Bernie Brannan	Board Director, Service Delivery
Cherry Jones	Director of Public Health
Tim Price	Service Manager Highway Infrastructure
Richard Bell	Head of Planning
Stephen Taylor	Director of Law and Democratic Services
Rachel Coyle	Property Lawyer
Louise Cockerell	Senior Valuer
Peter Greer	Insurance Manager

Internal Audit would like to acknowledge and thank the following organisations who also contributed to the review:

David Griffith	Consultant to the Council on waste management
Daryl Taylor	Hills Waste Management Ltd
Leslie Saunders	Saunders Metals

APPENDIX B

Waste sites in Swindon as extracted from the EA website data base 'My back yard'

Key - SBC owned land under lease agreement

Landfill Site	Is there a Current Permit?	Responsibility	Responsible Department	Gaps in knowledge	Summary of Actions
Peatmoor Landfill (Shaw Phases 1 & 2),	N	SBC	Service Delivery	Plan required for Phases 1 & 2	Establish current condition of tip Instigate detailed routine monitoring and maintenance programme
Shaw Farm Landfill Shaw Phases 3 and 4),	Y	SBC	Service Delivery	Maintenance plan for Phases 3 & 4.	Environmental Permit Closure Plan to be followed as agreed with EA
Land north of Shaw and Gloucester-Swindon railway line	N	SBC	Service Delivery	Addressing contamination at surfaces	Agree on-going use of site. Lay cover material over existing informal pathways to provide barrier against surface contamination.
Pipers Way,	N	SBC		Stability survey	Employ Halcrow to assess stability of tip. Initiate recommendations from this (may range thro "do nothing, fencing or re-profiling). Visual inspection for contamination.
Spring Gardens Recreation Ground (in-filled clay pit)	N	SBC		Inspected and remedial scheme under development	Sample to confirm extent of remedial works required. Complete remedial project to provide new selective cover to contaminated material on surface.
Rushy Platt,	N	Private housing but includes verges at end of Utah Close		Walkover survey, surface soil sampling	Determine from planning records what measures were agreed and implemented. Test soil, repair soil cover if necessary.

APPENDIX B

Landfill Site	Is there a Current Permit?	Responsibility	Responsible Department	Gaps in knowledge	Summary of Actions
Moredon Power Station,	N	Mostly private housing however SBC owns Pembroke Park public open space		Walkover survey, surface soil sampling	Determine from planning records what measures were agreed and implemented. Test soil, repair soil cover if necessary.
Land at Great Western Way - Kendrick Industrial Estate	Y	SBC	Property Services	Covered by waste handlers and materials management businesses	Liaise with Environment Agency as to any concerns with regulated businesses. Regular inspection to ensure no excessive waste/contamination build-up.

APPENDIX B

Waste Site Details	EA waste Permit reference	Organisation responsible for the EA waste permit	Land ownership	Activities carried out at site
Platinum Recoveries Ltd Unit B2/ B3, South Marston Bus Park, Swindon SN3 4DE	AB3102KW/V	Platinum Recoveries Ltd	Not SBC	Recovery of metals
Poplar Dairy, Castle Eaton Farm, Castle Eaton, Swindon SN6 6JX	AB3104LJ/A001	Castle Eaton Renewable Ltd	Not SBC	Biowastes digestion
Highworth Breakers 8, Brindley Close, Cheney Manor Ind Est, SN2 2YW	AP3899EM/A001	Highworth Breakers	SBC – Property Services	Car dismantling - R511, Leased From The Council, S3308B, BRINDLEY CLOSE, CHENEY MANOR INDUSTRIAL ESTATE, SWINDON, SN2 2YW, Rodbourne Cheney, UNITS 8 & 13, , 31-OCT-2014, Resources, Yes, Yes, 12-NOV-2014.
South West Vauxhall Spares Ltd, Unit D2, The Alpha Centre, Cheney Manor Ind Est, Swindon SN2 2QJ	BB3032RS/V003	South West Vauxhall Spares Ltd	Not SBC	Car spares
Stratton Primary Substation, Kingsdown Road, Swindon SN25 6PD	BB3909XZ/A001	Southern Electric Power Distribution P L C	Not SBC	Power distribution
Barnfield Road, Rodbourne, Swindon SN2 2DJ	BP3590SR/A001	Thames Water Utilities Ltd	Not SBC	Water treatment
Unit 1 Beefy's Skips Limited, Galton Way, Swindon SN2 2DU	CB3100LV/A001	Beefy's Skips Limited	SBC – Property Services	Waste transfer R490.3.1, Leased From The Council, S3349, GALTON WAY, KENDRICK INDUSTRIAL ESTATE, SWINDON, SN2 2DU, , Mannington and Western, UNIT 1, , 09-FEB-2015, Resources, Yes, Yes, 12-FEB-2015
Swindon Sewage Treatment Works Barnfield Road, Swindon SN2 2DJ	CB3201HV/A001	Thames Water Utilities Limited	Not SBC	Water treatment

APPENDIX B

Waste Site Details	EA waste Permit reference	Organisation responsible for the EA waste permit	Land ownership	Activities carried out at site
Swindon Transfer Station Express Works, Bridge End Road, Stratton St Margaret, Swindon SN3 4PD	DP3399EY/V011	Biffa Waste Services Ltd	Not SBC	
Chapel Farm Leachate Treatment Lagoon, Chapel Farm, Blunsdon, Swindon SN26 8DD	DP3699EL/V002	Hills Minerals & Waste Ltd	SBC – Property Services	R153, Leased From The Council, , LOWER WIDHILL FARM LANE, , BLUNSDON SAINT ANDREW, SN26 8DD, St Andrews, CHAPEL FARM, 18-NOV-2011, Resources, Yes, Yes, 29-NOV-2011,
Saunders Metals Ltd Units 7, 8 & 9, Kendrick Trading Estate, Galton Way, Swindon SN2 2DU	GP3395EV/V003	Saunders Metals Ltd	SBC – Property Services	Waste metals recovery
Unit A4 And A3 South Marston Bus Park, Swindon SN3 4DE	HP3093ME/V002	Plasma Processing U K Ltd	Not SBC	Waste metals recovery
Chapel Farm Recycling and Transfer Station Chapel Farm, Blunsdon Hill, Swindon SN26 8DD	JP3699ET/V005	Hills Waste Solutions Ltd	SBC – Property Services	R153, Leased From The Council, , LOWER WIDHILL FARM LANE, , BLUNSDON SAINT ANDREW, SN26 8DD, , St Andrews, CHAPEL FARM, 18-NOV-2011, Resources, Yes, Yes, 29-NOV-2011
Waterside Park, Darby Close, Cheney Manor Ind Est, Swindon SN2 2PN	KP3191EK/V004	Public Power Solutions Limited	SBC – Property Services	
Saunders Recycling Centre, Unit 4, Galton Way, Kendrick Ind Est, Swindon SN2 2DU	KP3399VY/V003	Saunders Metals Ltd	SBC – Property Services	R490.3.1, Leased From The Council, S2930, GALTON WAY, KENDRICK INDUSTRIAL ESTATE, SWINDON, SN2 2DU, , Mannington and Western, UNIT 4, , 09-MAY-2012, Resources, Yes, Yes, 15-MAY-2012

APPENDIX B

Waste Site Details	EA waste Permit reference	Organisation responsible for the EA waste permit	Land ownership	Activities carried out at site
Marshgate Depot, Marshgate Depot, Marshgate, Swindon, SN1 2PA	LB3337RM/V004	M J Church Plant Ltd	Not SBC	
E M R - Bridge House, Gipsy Lane, Swindon, SN2 8DZ	LP3895EG/V005	European Metal Recycling Ltd	Not SBC	
The Workshop, Small Acres, Kingsdown Lane, Blunsdon, Swindon, SN25 5DL	LP3990VV/A001	International Exports U K Ltd	Not SBC	
L & K Skips, Unit 17, Kendrick Ind Est, Galton Way, Swindon SN2 2DU	MP3294VF/T001	Mr Gary Hall	SBC – Property Services	R490.3.4, Leased From The Council, S2064, GALTON WAY, KENDRICK INDUSTRIAL ESTATE, SWINDON, SN2 2DU, ANNIN, Mannington and Western, UNIT 17, , 05-SEP-2007, Resources, Yes, Yes, 11-SEP-2007
Phoenix Retail Services Ltd. Block B, Unit 2, Station Industrial Estate, Swindon, SN1 5DE	MP3295ED/A001	Phoenix Retail Services Ltd.	Not SBC	
Swindon Metal Recycling Ltd, Unit 5 Powdrills Yard, West End Road, Stratton, Swindon SN3 4PG	QP3194ED/V003	Swindon Metal Recycling Ltd	Not SBC	
Hills Waste Solutions Limited, Chapel Farm Landfill Site, Blunsdon, Swindon SN26 8DD	RP3499EZ/V006 UP3495EK/A001	Hills Waste Solutions Limited	SBC – Property Services	
Fords Only, Unit 10, Brindley Close, Cheney Manor, Swindon SN2 2YW	SP3195EP/A001	Mr Dudgeon & Mr Iles	SBC – Property Services	R511, Leased From The Council, , BRINDLEY CLOSE, CHENEY MANOR INDUSTRIAL ESTATE, SWINDON, SN2 2YW, , Rodbourne Cheney, UNIT 10, , 05-JUN-2008, Resources, Yes, Yes, 06-JUN-2008

Waste Site Details	Permit ref	Responsibility	Land ownership	Activities (if SBC include database info)
Phoenix Retail Services Ltd, Block B Unit 8, Station Industrial Estate, Swindon, SN1 5DE	ZP3895EY/A001	Phoenix Retail Services Ltd	Not SBC	
Chapel Farm Gas Utilisation Plant, Chapel Farm Landfill Site, Ermin Street, Blunsdon, Swindon SN26 8DD	UP3695EC/A001	Novera Energy Generation No 2 Ltd	SBC – Property Services	

APPENDIX C

Status of EA waste transfer station licenses relating to Council owned land

Waste Site Details	Permit ref	EA comment
Highworth Breakers 8, Brindley Close, Cheney Manor Ind Est, SN2 2YW	AP3899EM/A001	No concerns and no notices Site may only accept vehicle parts, with associated hazardous materials (e.g. oil and fuel)
Unit 1 Beefy's Skips Limited, Galton Way, Swindon SN2 2DU	CB3100LV/A001	No concerns and no notices
Saunders Metals Ltd Units 7, 8 & 9, Kendrick Trading Estate, Galton Way, Swindon SN2 2DU	GP3395EV/V003	There are some initial concerns about the amount of stored waste and methods of storage, particularly given the location. This is though just an initial impression of the officer. No notices have been served for either site recently.
Chapel Farm Recycling and Transfer Station Chapel Farm, Blunsdon Hill, Swindon SN26 8DD	JP3699ET/V005	No particular concerns at the current time
Saunders Recycling Centre, Unit 4, Galton Way, Kendrick Ind Est, Swindon SN2 2DU	KP3399VY/V003	There are some initial concerns about the amount of stored waste and methods of storage, particularly given the location. This is though just an initial impression of the officer. No notices have been served for either site recently. NB: Permitted wastes are limited to non-hazardous wastes and do not include hazardous wastes such as asbestos. The total quantity of waste that can be accepted at a site under these rules must be less than 75,000 tonnes a year.
L & K Skips, Unit 17, Kendrick Ind Est, Galton Way, Swindon SN2 2DU	MP3294VF/T001	No concerns and no notices
Fords Only, Unit 10, Brindley Close, Cheney Manor, Swindon SN2 2YW	SP3195EP/A001	No concerns and no notices

APPENDIX D

Suggested lease terms and conditions to be evaluated for inclusion in waste operator lease agreements

- A pre-check evaluation process requirement as part of the lease conditions i.e. must be satisfactorily completed before the lease can be completed. This is to evaluate the 'waste and trading' history of the applicant i.e. any criteria or detail of any checks that may be available would be really helpful.
- Clause - The site be left clean and tidy on termination of the lease (i.e. condition as found on taking up the lease)
- Clause - Some form of bond or surety that waste operators provide for the Council as landlord. This to cover any clean-up and waste disposal costs.
- Clause - Produce evidence of a relevant and up to date Environment Agency waste permit for the nature of business on site and that this fits with the permitted type of waste activity approved by the Council for the site.
- Clause - Provide copies of the Environment Compliance Level Assessment Reports relating to the property leased. These reports are produced by the EA based on their site inspections. These would identify any identified breach of the waste permit terms and conditions which have to be addressed by the tenant.
- Clause - the tenant to give permission to the EA to share information with the Council, in the context as landlord, in the event of breach of permitted lease conditions and actions to resolve.
- Clause - any conditions where the Council can legally seize any assets on site to offset the cost of any mandatory clean up works.
- Clause - provision of a periodic topographical survey by the Council to determine whether the volumes of waste are within the EA waste licence tonnage. The cost of this is approximately £850 p.a. and should be recharged to the tenant as part of the lease.

APPENDIX E

Sample Environmental Risk Accident Assessment Scoring

Catastrophic Catastrophic and irreversible environmental damage. Certain prosecution. Possible loss of permit to operate. Possible loss of permit to operate. Full clean up not possible.	Medium	HIgh	HIgh	HIgh	HIgh
Major Major but reversible environmental damage. Probability of prosecution. Full clean up very difficult and expensive.	Medium	Medium	HIgh	HIgh	HIgh
Significant Significant local impact. Major breach of permit with possibility of prosecution. Long term clean-up of site.	Low	Medium	Medium	HIgh	HIgh
Moderate Moderate environmental impact. Affects off site. Minor permit breach. Quick clean up possible.	Low	Low	Medium	Medium	Medium
Minor Minor environmental damage. Contained on site. Quick clean up possible.	Low	Low	Low	Medium	Medium
	Very unlikely (Probably won't happen). Less than 1 event per 100 years.	**Unlikely** (could happen) 1 event per 10 in 100 years.	**Likely** (may happen in most circumstances). 1 event per 10 years.	**Very Likely** (may happen in most circumstances). More than 1 event per year.	**Almost certain** (may happen at any time). More than 1 event per month.

APPENDIX F

WASTE MANAGEMENT ACTIVITIES AND RESPONSIBILITIES FOR COUNCIL OWNED LAND

Landfill and Waste Transfer Stations on Council owned land – Activities and responsibilities

Activity - Historic landfill sites, risk assessment and action plans.

Responsible Officer – Contaminated Land Officer

Activity - Shaw Farm Landfill phases three and four.

Responsible Officer – Shaw Farm Landfill Technically Competent Officer

Activity - Landfill and Waste Transfer stations operating on Council owned land which is under lease agreement

Responsible Officer – Head of Property Assets

Activity – Decision making for mitigating waste related risks and issues arrangements. Where relevant, commission a specification to address relevant actions.

Responsible Officer – Board Director, Service Delivery

Activity – commissioned specifications subject to the Capital Bid process.

Responsible Officer – Project Sponsor