

CABINET

Emergency Response – Waste Removal at Former SupaSkips Site, Lancaster

Individual Cabinet Member Decision (ICMD)

Report of Chief Officer – Planning and Climate Change

PURPOSE OF REPORT			
The report considers the options regarding the removal of waste at the former SupaSkips site in Lancaster.			
Key Decision	✓	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	Decision taken under Rule 15 Special Urgency following the agreement of the Chair of Overview & Scrutiny.		

RECOMMENDATIONS OF Councillor Phillip Black

- (1) To provide a further contribution from the City Council's reserves of up to £500,000, to conclude the removal of waste at the above site as part of the continuing emergency response.

1.0 Introduction

- 1.1 Lancaster City Council has been providing direct support and financial assistance in response to the declared major emergency at the former SupaSkips site in Lancaster.
- 1.2 The site caught fire in the early hours of 3 December 2023, and a multi-agency response was immediately established. A Tactical Coordination Group (TCG) and Strategic Coordination Group (SCG) was set up to consider strategy and to address any escalating or changing events. These group meetings took place daily throughout early and mid-December and have been continuing since on a regular basis.
- 1.3 The Group meetings have been successful in terms of agreement of the initial response (to suppress the fire), and in terms of identifying the level of direct intervention necessary to move towards a more aggressive firefighting approach. This intervention involved the demolition of ancillary outbuildings that were obstructing the firefighting effort; the removal of approximately 1,500 tonnes of unburnt waste from the site; and the testing and removal of ignited waste from the site to landfill. In total approximately 5,000 tonnes of waste have been removed to date.
- 1.4 It is via the SCG Group and other more direct forms of dialogue that requests for additional funding from other partners have been sought to assist with mitigating the

financial burden of this incident. With the exception of the Environment Agency (a contribution of £65,000), no other contributions from partners, including Government, have been forthcoming. A request to waive Landfill Tax was rejected by HMRC due to there being no available mechanism for such a waiver. Conversations to seek a contribution to the Council's costs from Government continue at the very highest level. At the time of writing this report no decision from Government has been forthcoming.

2.0 The Response of Lancaster City Council

- 2.1 Lancaster City Council has no direct obligation to fund the emergency intervention works. It chose to do so because of the disruptive impacts that the fire was having on local residents and businesses. Without intervention from the City Council, there was a possibility that the fire would have burned continually for 3-6 months. Such a prolonged fire would have had a far greater impact upon business adjacent to the site and may also have necessitated the evacuation of local residents from their houses during the lead-up to the Christmas period.
- 2.2 The City Council initially contributed £262,000 from its reserves to facilitate the first phase of the emergency work. All works were agreed as part of the multi-agency meetings and following direction from Lancashire Fire and Service. A second phase of work costing up to £650,000 was agreed by the City Council later in December. The total committed contribution to date therefore is £912,000.
- 2.3 The City's contribution cannot be under-estimated both in monetary terms and in terms of real-life impact. The plumes of smoke that were causing distress and nuisance to residents and businesses was brought under control quicker; the piles of unburnt waste were removed before they could lead to a further deterioration of living conditions; and the visual and environment impact caused by rotting waste has been alleviated, although not yet eradicated.
- 2.4 Based on the potential of ongoing health risks, the advice to partners at the height of the blaze in December was that if the fire was left to its own course, there was a realistic possibility of the nuisance/hazard escalating into health risks relating to poor air quality for local residents and businesses. Therefore, the SCG was advised to take steps to create access to the seat of the fire which in turn would improve the chances of extinguishing the blaze. This is in accordance with the provisions of the Fire Safety Act.
- 2.5 In practical terms creating access to the seat of the blaze to allow the Lancashire Fire and Rescue Service to quickly extinguish the fire requires removal of the waste from the site. This will avoid deep-seated pockets of heat igniting. With the exception of a smaller contribution from the Environment Agency, the only partner willing to cover the substantial costs of removal and disposal of the waste has been Lancaster City Council.
- 2.6 The Council fundamentally believes that it should not have to continue to foot the bill for safeguarding our local communities from the devastating impacts of the fire at this privately-owned site. Local authority finances are already seriously stretched, and a further contribution would place additional pressure on the authority's budget.
- 2.7 Efforts to seek contributions from Government and other partners will continue.

3.0 Community Engagement

- 3.1 Despite the urgency required for this decision (caused by the increase in Landfill Tax due on 1 April 2024), it would still seem to be an appropriate juncture to consult district residents, including the local community, regarding any decision to contribute further to the emergency works.
- 3.2 The Council established a residents’ survey was established to gauge public opinion. In addition, a public drop-in event took place at Lancaster Cricket and Sports Club on Thursday 22 February from 1700-1900.
- 3.3 There was no clear definitive view arising from the survey as to which option (see 4.1, below) should be pursued. Those who were of the view that activity should be paused tended to be concerned regarding the financial implications of the decision. Those who considered that the work should be completed referenced the potential for fire risk and odour nuisance. Both groups were concerned that the operator of the site was not financing the waste removal. Those who attended the drop-in event were advised that the Environment Agency continue to pursue two separate prosecutions in respect of the site.

4.0 Options and Options Analysis

- 4.1 In the (current) absence of any significant secured contributions from elsewhere, the decision for the City Council is the same as the one that it faced in December, to either wait for contributions from elsewhere, or to deliver public funding to complete the work.

	Option A: Pause site activity until funding from elsewhere is secured	Option B: Public funding is provided by the City Council (if no other funding contribution is forthcoming)
Advantages	There would be no further financial burden on Lancaster City Council	Removing the remaining waste would also take away any further risk of the fire reoccurring.
Disadvantages	While the blaze is contained for now is likely that pockets of fire will continue to be found and these have the potential to escalate further. Other environmental nuisances (odour) will occur in the warmer months.	While efforts to seek contributions from other agencies, including the Government, will continue, given the lack of response so far, it is not known if funding will be forthcoming. Lancaster City Council would therefore bear the cost which creates further pressures on the council’s budget.
Risks	Risks of increased fire risk and odour nuisance arising from an unresolved incident. Risk of wider reputational damage irrespective of the financial contribution made to date.	The Council may not recover the amount it has funded.

5.0 Officer Preferred Option (and comments)

The preferred option is Option B. There are still approximately 3,000 tonnes of waste remaining at the

site. This waste will require testing before disposal to landfill, and payment of Landfill Tax. The estimated (current) cost is, with a contingency, £500,000.

6.0 Conclusion

- 6.1 The City Council is, yet again, in an unenviable position caused by the absence of funding from other partners. The preferred option above – to intervene again to safeguard the amenity of our local residents and business community – is a responsible course of action despite the financial burden it places on the authority.
- 6.2 A decision to contribute *up to* £500,000 does not preclude the continuation of efforts to source other funding to more proportionately share the burden of the costs of removing the waste from the site.

RELATIONSHIP TO POLICY FRAMEWORK

The contribution to fund the remaining waste removal links to the following Council priorities:

- Social use of resources – benefitting local communities.
- Community Engagement – ensuring that the local community is involved and connected.
- Early intervention – focusing on early intervention and involving our communities in project delivery
- Partnership – working in partnership with residents and partners (such as Lancashire Fire and Rescue Service) to build a powerful force serving our district.
- Listening and Empathy – listening to our communities
- Openness – Making responsible decisions which support our ambitions for the district whilst being open, accountable and rooted in evidence.
- Increasing the amount of sustainable energy produced in the district and decreasing the district’s energy use.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

The preferred option would help safeguard the amenity of local residents and businesses and bring the emergency incident to a swifter conclusion.

LEGAL IMPLICATIONS

Legal services to be consulted on statutory basis for works and possible cost recovery.

FINANCIAL IMPLICATIONS

As stated in the report, the Council have currently committed £912,000 from unallocated reserves to contribute to the initial stages of building clearance and demolition. Whilst efforts are being made by Members and Officers to reduce this amount via government aid or contributions from other key partners, only one substantial pledge (£65,000) has been received.

Whilst Option A has currently no direct financial implications, the preferred option within this report, Option B requests a further £500,000 (estimated including contingency) to be committed from unallocated reserves. This would inevitably place further pressures on the council’s budget. For information the latest projections as considered by Cabinet on 20th

February 2024 include the 2023/24 closing balance of the unallocated reserves to be £8.620M which is £3.620M above the minimum recommended level.

OTHER RESOURCE IMPLICATIONS

Aside from the further financial intervention, there is continued cost in terms of officer time across a number of city council areas including emergency planning, building control, legal, finance, community engagement. However, these teams would continue to be actively involved in this case regardless of the options presented in the report.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no comments to add to those already provided within the financial implications.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

None

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