

## Cabinet 11 December 2017

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<b>13 EXCLUSION OF THE PRESS AND PUBLIC</b> To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 3 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)	
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# Report to Cabinet

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<b>Title:</b>	<b>Proposed Restoration of Former Landfill Sites – Trenches Lane, Wexham and Thorney Park, Iver.</b>
<b>Date:</b>	11 December 2017
<b>Date can be implemented:</b>	19 December 2017
<b>Author:</b>	Cabinet Member for Resources
<b>Contact officer:</b>	Oster Milambo – D/Head of Strategic Assets
<b>Local members affected:</b>	Cllrs Ralph Bagge & Luisa Sullivan
<b>Portfolio areas affected:</b>	Resources

*For press enquiries concerning this report, please contact the media office on 01296 382444*

**There are confidential appendices to this report, which are exempt by virtue of paragraph 3 of Schedule 12A of the Local Government (Access to Information) (Variation) Order 2006 because it contains information relating to the financial or business affairs of any particular person.**

## Summary

- The proposal recommends dispersion of inert spoil and restoring the sites to improve landscaping, visual impact with additional planting and ecosystems thereby re-providing significantly improved public amenity to the residents.
- The two sites are former landfill sites that have massively been underutilised for the past 27 years, a maintenance liability to the Council, a magnet for anti-social behaviour and illegal encampment.
- The Council has an on-going licence with the Environment Agency (EA) to periodically monitor gas levels / emissions from contaminants in the ground.
- The proposal entails granting the preferred Contractor an 'agreement for Lease' that allows the Contractor to assemble the environmental, design and planning team at own cost to progress a planning application and resident engagement. If planning is granted, the Council and the Contractor are to enter into a Lease agreement that allows the Contractor to undertake the restoration project as per planning consent.



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- Local and Cabinet Members have been consulted in this matter and are supportive of the recommendation.

## Recommendation

### That Cabinet:

1. **Approve the Restoration Project as outlined in this report.**
2. **Approve the preferred Contractor.**
3. **Authorise the Cabinet Member for Resources to sign off agreed terms for the Option to Lease and the Lease should Planning Permission be granted.**
4. **Allow the Council to enter into agreements to facilitate completion of the Lease.**

## Background

### Trenches Lane, Wexham

Trenches Lane is a former landfill site with the last waste received in 1989. It measures approximately 30ha. During its operation, it was a pre-legislation landfill which comprised simply a hole in the ground that received all kinds of waste. Due to its previous use, the site is effectively sterilised from development by prohibitive remediation costs. It has not been used for the past 28 years apart from providing access to overhead electricity pylons and buried cables/pipes. It also has some public access via public rights of way. The land has some covenants restricting development on this former landfill and Green Belt land. The Council also has an on-going licence with the EA to periodically monitor gas levels and emissions from contaminants in the ground.

The site has been subject to continuous public nuisance activities, including fly tipping, horse fly grazing, illegal encampment etc. These are a constant irritation/risk to dog walkers and concern to neighbouring residents. Residents have often reported to the police various forms of public nuisance on site but the police have always maintained that, as it is County Council land, it is not their responsibility. Resolution of these anti-social and illegal matters has always been costly to the Council Tax payer. Currently, the Council is dealing with another illegal encampment on site brought to the Council's attention by adjacent residents via the County Council's Local Member. The land is a significant nuisance to local residents and a maintenance liability for the County Council.

### Thorney Park, Iver

Thorney Park is a former landfill site with the last waste received in 1990. The site measures circa 22 ha, of which about 8 ha is a lake that is subject to a fishing licence yielding a stepped annual income of £6k pa. The park is not well used and generally unkempt. Current public use includes fishing, bird watching and dog walking. It also gives access to electricity pylons but in the main considered underutilised. The Council also bears the Park's on-going maintenance liability.

The County Council finds itself in an extremely challenging financial situation. Buckinghamshire is one of the first two counties, along with Dorset, to lose all central government funding (Revenue Support Grant) from the end of this financial year. At the same time the growth in costs for Children's Services, support for elderly adults and the need to provide new school places is squeezing the funding of all other services.

It was therefore decided some years ago that the Country Parks could no longer be subsidised but would have to break even and cover their running and investment costs. Country Parks are currently doing so but Thorney Park is in a different position. It is a former gravel pit and landfill site plus its relative small size offers little prospect for it to ever attract sufficient revenue to

cover its current maintenance costs. The current usage of Thorney Park is very low and sporadic compared to the other parks and the Council lacks the money required to adequately maintain it. Its current usage is also reduced by the high level of background ambient noise.

Options such as the Parish Council taking over the Park have been explored in the past but did not materialise. The Parish Council was not in a position to take over the running of the park years ago due to complications the Park presented with regard to potential liabilities for the original landfill use and leachate problems. Currently therefore the Council is faced with the dilemma of how to best improve the Park and make it accessible to more local residents in view of the resource constraints.

#### **A. Narrative setting out the reasons for the decision**

The County Council's Property Asset Management Plan (PAMP) incorporated a number of innovations which are fundamentally changing the way we manage our property assets. This is in response to the extremely challenging financial circumstances in which the Council finds itself, like many other local authorities around the Country.

The core thread of the PAMP is to adopt a commercial approach in the management of the Council's property portfolio. This entails disposing of underperforming and surplus properties whilst 'sweating' the retained portfolio to understand & implement its long term opportunities – not only in terms of supporting service delivery, but also as a means of deriving long term revenue streams for the Council to support growing budget pressures around the Children's Services, support for elderly adults and the need to provide new school places.

Buckinghamshire is one of the first two counties, along with Dorset, to lose all central government funding (Revenue Support Grant) from the end of this financial year. The Council is therefore under pressure to manage its property assets and ensure that underutilised assets are no longer subsidised. It is also looking to see how property assets can be better used for the benefit of local residents. Where possible assets should additionally, generate an income to support wider service provision and/or to break even to cover their running costs.

The two Landfill Sites fall into this category of underutilised and subsidised assets. The Council has had limited options in the past to optimise the site due to its historic use. However the Council believes that this proposed restoration project offers a unique opportunity to both enhance the existing landscape and create a self-sustaining public amenity / leisure facility for the residents, whilst at the same time producing enough income during the restoration period for the Council to provide vital services to the county's residents.

#### The Restoration Scheme

The proposed Restoration project of former Landfill sites is a complex engineering restoration project which offers invaluable benefits to the residents of Iver, Wexham and the wider area of southern Buckinghamshire. The scheme is predicated on the importation of inert spoil to both sites from key infrastructure projects, and then landscaping the site to create a self-sustaining public amenity / leisure facility as determined by residents that is fit for purpose and to be enjoyed by all ages for generations to come. Potentially the site could be developed, in discussion with local residents, into a playing field, a community park with modern facilities etc subject to planning, with additional eco-systems and planting. The restored sites could be important public amenities offering recreational and wildlife study opportunities not just for the benefit of immediate residents but also the wider area of southern Buckinghamshire.

The inert spoil will be moved across the Ivers by rail to nearby rail sidings next to the two former landfill sites. The exact volumes of spoil that could be dispersed on site will be determined via the planning process. Before the project can commence, it will be subject to the stringent planning process for approval with full public consultation. Residents will be fully consulted as part of the planning process.

Once a preferred Contractor is appointed by the Council, they will have approximately 1 year to undertake community consultation as part of the planning process at their own cost. If planning permission is granted, the Contractor will be granted an approximate 6-year Lease for inert spoil importation and subsequent landscaping of the sites. After the 6 year period, significantly enhanced and self-sustaining public amenity space / leisure facilities (the sites) will revert back to the Council.

## **B. Other options available and their pros and cons**

The Council could choose to sell its freehold interest in the Landfill Sites and rid itself of the contamination liabilities in the ground, but doing so would lose the Council control of important public amenity space in these two strategic locations in view of the Heathrow expansion plans in the near future.

The Council could also choose to do nothing and maintain the status quo. This would not represent best asset management practice and the Council would forfeit the chance to re-provide a significantly improved public amenity/leisure facility to the residents and an income stream for County-wide benefit.

## **C. Resource implications**

The financial implications relating to this proposed purchase are commercially sensitive and are explained in the attached confidential appendix to this report.

The proposed Restoration project is at zero cost to the Council Tax payer as the appointed Contractor bears the risk 100%.

The proposal will eliminate the Council's current on-going operational and maintenance liability.

The proposal will generate enough revenue streams to help fund, in part, local mitigation measures during the period of the project and establish a significant financial endowment to contribute towards the future maintenance of the restored sites.

There is a revenue loss implication from the existing fishing license at Thorney Park of £6k pa.

## **D. Value for Money (VfM) Self Assessment**

The proposed Restoration project represents value for money as it turns a surplus and underutilised public space into significantly improved facility to benefit all ages for generations to come which would not be possible otherwise. The proposal will also resolve the Council's maintenance liability and on-going public nuisance on site.

## **E. Legal implications**

HB Public Law, the Council's in-house legal service has been consulted with regard to legal viability of the proposed scheme. Counsel's opinion was secured in this matter via

HBPL and there were no 'show stoppers' identified with regards to the details of the proposal.

The Council has a legal obligation in achieve best value in all its property transactions as per the Local Government Act 1972.

**F. Property implications**

The proposal guarantees the Council's continued control of a much improved public space within an important strategic location likely to be impacted by the Heathrow expansion plans.

**G. Other implications/issues**

None

**H. Feedback from consultation, Local Area Forums and Local Member views**

The Local Area Forum (LAF) of Wexham & Iver was consulted with regards to the proposal and they have registered strong concerns on the potential HGV movements resulting from the proposals. The Cabinet Member for Resources has received 37 email objections to the proposal from Iver residents expressing concerns on potential traffic movements. A similar email objection from the Iver Parish Council was also received. The Wexham Parish Council also wrote to the Cabinet Member asking for clarification on the proposed scheme and raising concern on additional traffic movements the proposal may generate.

The Cabinet Member for Resources has written back to both Parish Councils and the Iver residents in response to their email objections to the proposed restoration project. The Leader of County Council together with the Cabinet Member for Resources has attended a Richings residents meeting to answer, in person, the residents' concerns. The Cabinet Member for Resources has also written back to the residents of the Orchards Residential Park in response to their request for more information and to allay any concerns.

Both Local Members, previous and current, have been fully consulted and briefed on the details of the proposal, and the Council's presentation at the Wexham & Iver LAF meeting is part of the communication strategy with local residents. However should the Council decide to go ahead with the proposed scheme, a full planning application will be submitted to the Planning Authority. The application will be subject to a full public consultation and will be considered against national and local planning policy. Residents will again be able to comment on the merits of the planning application and those comments will then be taken into consideration by the Development Control Committee who will independently determine whether planning permission should be granted or not. Development Control Committee meetings are public meetings in which interested parties are able to participate. All concerns raised by Iver residents with regards to HGV movements, pollution and disruption to life will be addressed as an integral part to the wider consultative planning process.

**I. Communication issues**

The decision will be published on the intranet for all to see.

## **J. Progress Monitoring**

A review of progress and ongoing site activities / issues will be overseen by the Cabinet Member for Resources via the Landfills Project Board, should planning permission be granted.

## **K. Review**

A review of progress and revenue audit will be overseen by the Cabinet Member for Resources via the Asset Strategy Board.

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### **Background Papers**

Trenches Lane – Site Plan

Thorney Park – Site Plan

Confidential Appendix 1 – Financial Implications

Confidential Appendix 2 – Preferred Contractor

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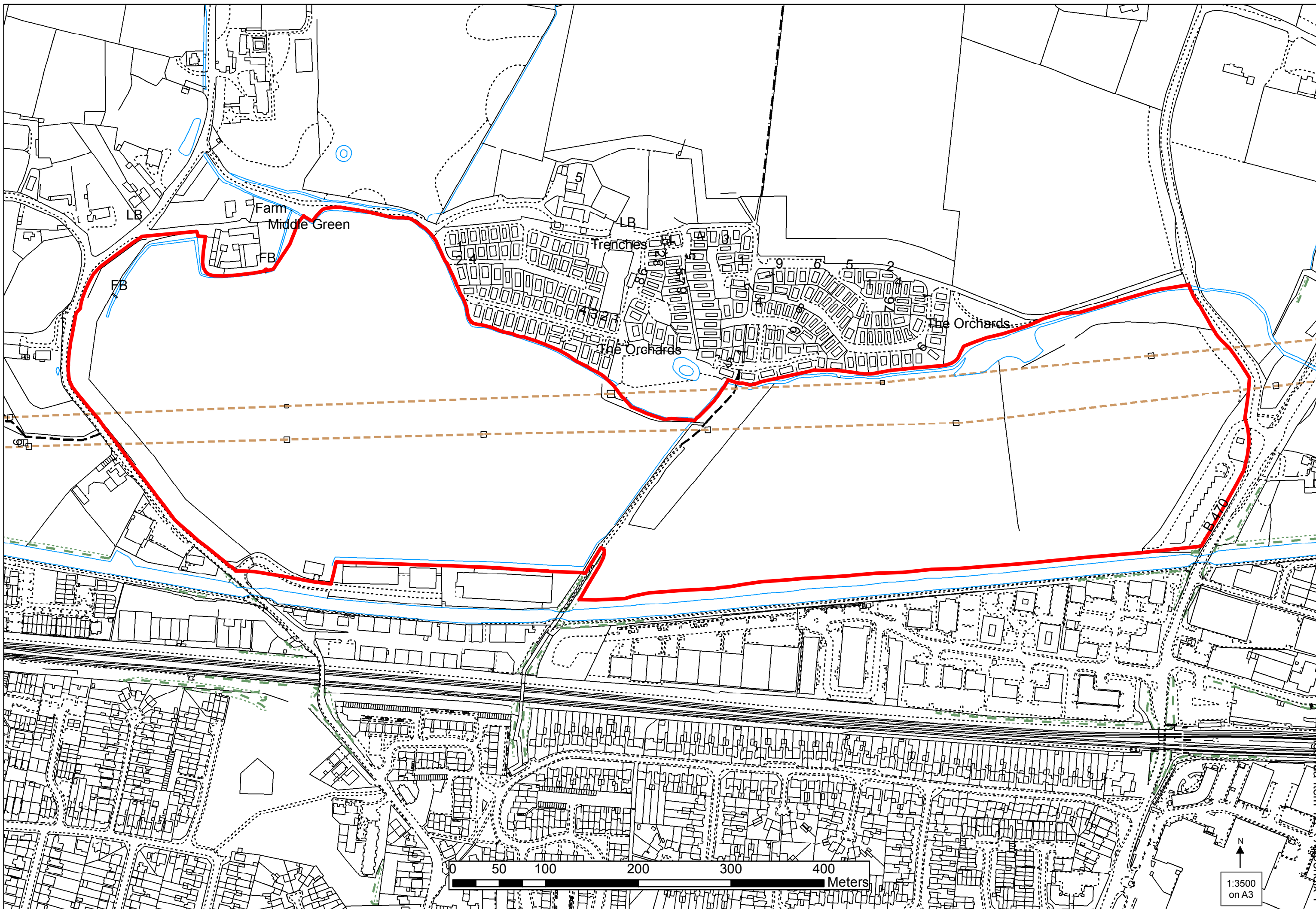
### ***Your questions and views***

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Member Services Team by 5.00pm on 8 December 2017. This can be done by telephone (to 01296 387969), or e-mail to [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*

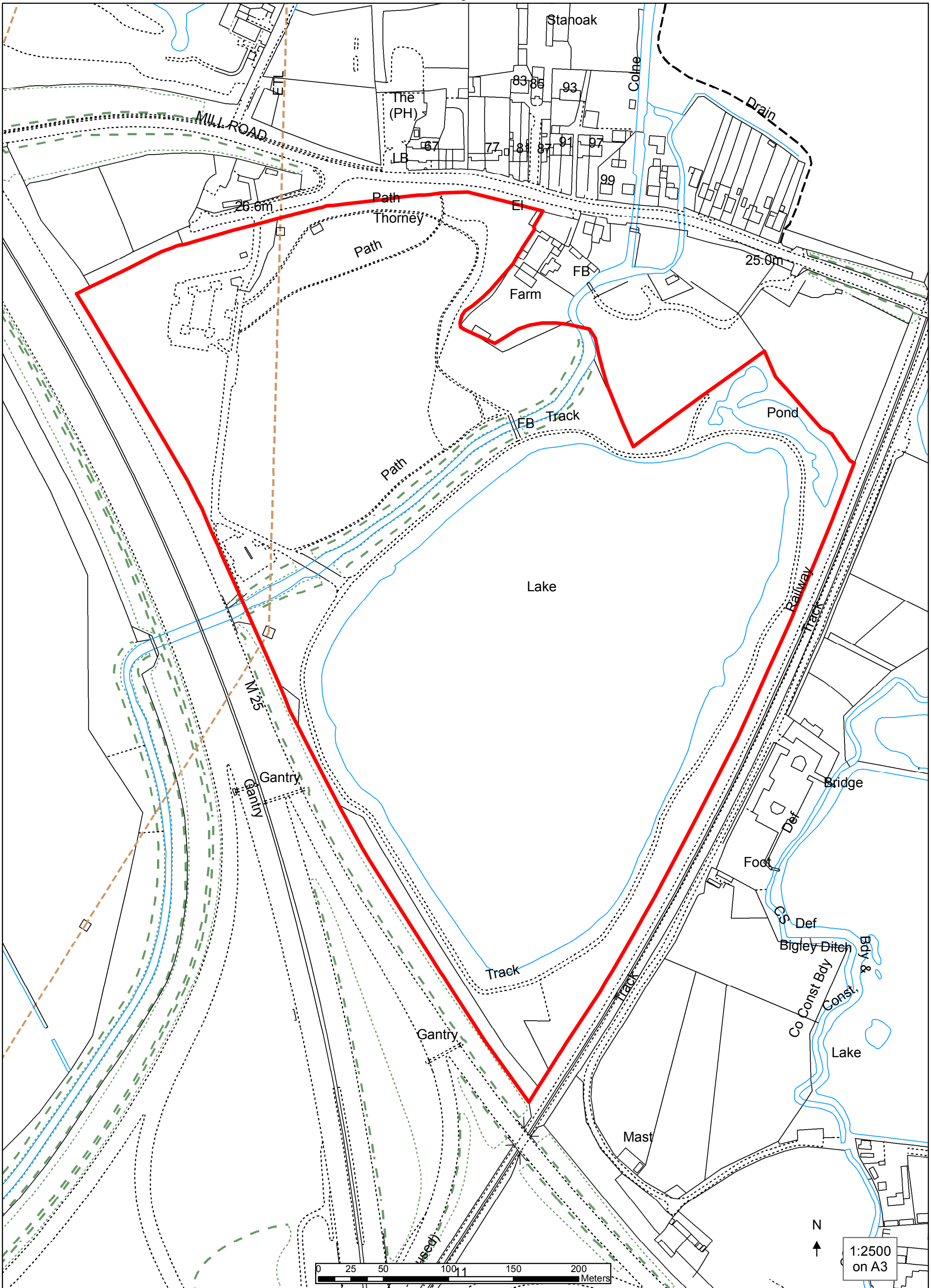


# Land at Trenches Lane





# Thorney Park





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