

Report to Cabinet

Title:	Proposed Restoration of Former Landfill Site – Trenches Lane, Wexham.
Date:	18 December 2017
Date can be implemented:	28 December 2017
Author:	Cabinet Member for Resources
Contact officer:	Oster Milambo – D/Head of Strategic Assets
Local members affected:	Ralph Bagge
Portfolio areas affected:	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 site to improve landscaping, visual impact with additional planting and ecosystems thereby re-providing a significantly improved public amenity to the residents.
- The site is a former landfill 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 teams 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 the 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.

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 Trenches lane Landfill Site falls 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 the former Landfill site is a complex engineering restoration project which offers invaluable benefits to the residents of Wexham and the wider area of southern Buckinghamshire. The scheme is predicated on the importation of inert spoil to the site 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 site could be an important public amenity 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 by rail to nearby railway siding next to the site. 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, environmental surveys and design 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 site. After the 6 year period, significantly enhanced and self-sustaining public amenity space / leisure facilities (the site) 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 Site and rid itself of the contamination liabilities in the ground, but doing so would lose the Council control of an important public amenity space in this strategic location 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 project 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 and cost 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 site.

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

All environmental and potential pollution matters will be managed via a well-resourced Council Project Board and a watertight Option agreement – the Option agreement leading to the grant of a Lease on receipt of planning permission. The Project Board will meet regularly to ensure momentum, monitoring and coordination of community consultation and risk management. The team will of course engage closely with the chosen Contractor and their professional team. Such engagement is important in order to retain visibility of the Contractor's activities and exert required influence over decisions made.

The Project Board will include:

- Senior Council representatives (Waste team, Highways, etc)
- Specialist minerals advisor
- Specialist legal advisor
- Communications coordinator
- Representation from specialist sub-contractors
- Residents representation

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. The Wexham Parish Council wrote to the Cabinet Member for Resources asking for clarification on the proposed scheme and raised concern on additional traffic movements the proposal may generate. A resident of the Orchards Residential Park also wrote to the Cabinet Member seeking more information on the proposed project. The Cabinet Member has written to both explaining in detail the rationale of the proposed scheme and which has helped to allay the concerns.

The Local Member, 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 with regards to potential 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.

Background Papers

Trenches Lane – Site Plan

Confidential Appendix 1 – Financial Implications

Confidential Appendix 2 – Preferred Contractor

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 Friday 15 December 2017. This can be done by telephone (to 01296 387969), or e-mail to democracy@buckscc.gov.uk