

Report to Cabinet

Title:	Proposed Restoration of a Former Landfill Site – Thorney Park, Iver.
Date:	22 February 2018
Date can be implemented:	09 March 2018
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Local members affected:	Cllr Luisa Sullivan
Portfolio areas affected:	Resources

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[Guidance can be found on the intranet at the following link:

<https://intranet.buckscc.gov.uk/how-do-i/member-services/decision-making-and-forward-planning/>

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 a significantly improved public amenity to the residents.
- The site is a former quarry and landfill site that has been massively underutilised for the past 27 years and a maintenance liability to the Council.
- 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 residents consultation. If planning is



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granted, the Council and the Contractor are to enter into a Lease agreement that will allow the Contractor to undertake the restoration project as per planning consent.

- Local and Cabinet Members have been consulted in this matter and are not averse to 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

Thorney Park is a former gravel pit and 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 Thorney Park 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 Iver 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, with additional eco-systems and planting etc. subject to planning permission. 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 across the Ivers by rail to the site directly removing the need to move the spoil a short distance from nearby rail sidings onto the site. The attached plan shows the location where the trains will offload directly onto the site where the freight line adjoins the Council’s freehold ownership. 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 a stringent planning process and EA’s conditions prior to 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 one 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 a Lease for importation of inert spoil and subsequent landscaping of the site. After the project, a significantly enhanced and self-sustaining public amenity space / leisure facility (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 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.

Heathrow Expansion

The Council is aware that Heathrow Airports Limited (HAL) is currently consulting on options to expand the airport including construction of a third runway. It is understood that the runway may partly be in the flood plain of the Colne valley and replacement flood storage would therefore be required to ensure there is no increased risk of flooding. In view of this, HAL has identified the Thorney Park site as a potential site for flood storage. They state that 'this would need land to be lowered or existing watercourses widened to increase flood storage capacity'.

In order to increase flood storage capacity, HAL may need to acquire ownership or alternatively temporary rights to the Thorney Park site from the Council. The flood capacity scheme would form an integral part of the planned Heathrow expansion application to be submitted around 2020. The scheme would most likely require the excavation of this settled former landfill site to a sufficient depth to enable flood capacity to be created with the excavated material removed from site by road or possibly by rail. Doing so would create a potential contamination and pollution risks from disturbing the landfill and it is unclear at this stage if Thorney Park would still be available for public use. The HAL flood storage scheme would need to be in place before works at the main Heathrow site affected the wider areas' flood storage capacity, if approved, by the mid-2020s.

The HAL waste excavation and flood option and the Council's proposed Restoration Scheme to raise the level of the land via inert spoil dispersion are diametric opposites. The flood option on one hand may lead to the loss of the Park when in flood, whilst the restoration scheme on the other hand would lead to re-provision of a significantly enhanced public amenity to be enjoyed by Buckinghamshire residents in Iver and beyond.

The Council's restoration scheme therefore guarantees residents' continued enjoyment of the park and protection from other proposals including the flood option that may render the park inaccessible to the public when in flood. Achieving planning consent for the Council's proposed restoration scheme and its lawful commencement could provide a significant financial obstacle to HAL in taking forward their waste excavation and flood works option. Following local consultation by the selected restoration scheme contractor, the swift resolution of the future landform and restoration of the Thorney Park land, in accordance with Policy 32 of the Minerals and Waste Local Plan, through the Council's scheme would also enable its consideration as part of the wider Colne valley ecology and landscape mitigation works required from HS2 and which Heathrow will also need to bring forward.

Heathrow's consultation does not propose to alter the course of the Colne Brook in Buckinghamshire, which runs through Thorney Park land, although all options proposed by Heathrow look to alter its channel and/or put the Colne Brook in culvert under the runway to the south of the M4 outside of the county.

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 will bear the risk 100%.

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

The proposal will generate enough revenue stream 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

All environmental and potential pollution matters will be managed via a well-resourced Council Project Board and watertight legal agreements – 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, community forum and the Colne Valley Park Community Interest Company. 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 and they have registered strong concerns on the potential HGV movements resulting from the proposals. The Cabinet Member for Resources has received about 37 email objections to the proposal from Iver residents expressing concerns regarding potential traffic movements. A similar email objection from the Iver Parish Council was also received.

The Cabinet Member for Resources has written back to the Parish Council 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 Council has also consulted with the Colne Valley Park Community Interest Company with regards to the restoration project. The CIC is happy to work with the Council to ensure the proposal is consistent with their 6 core objectives and that the project is used to drive wider improvements to the area, e.g. local walk ways and rivers.

Both Local Members, previous and current, have been fully consulted and briefed on the details of the proposal. 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 Council's website 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.

Background Papers

Thorney Park – Site Plan

Thorney Park – Spoil Drop off Point

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 02 March 2018. This can be done by telephone (to 01296 387969), or e-mail to democracy@buckscc.gov.uk