

## **Report to the Cabinet**

**Report reference:** C-028-2008/09  
**Date of meeting:** 1 September 2008



**Portfolio:** Environmental Protection  
**Subject:** Progress report - Bobbingworth Tip  
**Responsible Officer:** Kim Durrani (01992-564055).  
**Democratic Services Officer:** Gary Woodhall (01992-564470).

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### **Recommendations/Decisions Required:**

- (1) To recommend a supplementary capital estimate to Council for approval in the sum of either:**
  - (a) £ 86,000 to enable the completion of the scheme to a basic level; or**
  - (b) £112,000 to enable the completion of the scheme to the original enhanced level including additional security; and**
- (2) That the submission of a report on the membership and scope of a working group, as required under an earlier Cabinet resolution, for the on going management of the site be delayed until the end of construction phase of the project.**

### **Executive Summary:**

The Bobbingworth Tip is a former landfill site that is in the ownership of the Council. From 1961 to 1972 the site accepted domestic waste. The mixing of ground and rainwater with the waste within the site resulted in the creation of 'leachate'. The spread of this leachate liquid from the site into the surrounding environment was exposing the Council to prosecution by the Environment Agency. Additionally the volumes of leachate generated were greater than the consent under the licence between the Council and Thames Water Limited.

The risks to the Council were unacceptable and the Cabinet resolved to address this. Following a rigorous procurement process Veolia Environmental Services (formerly Cleanaway) were selected as a partnering contractor for remediation of the site with a Target Price type of contract. Site investigation and design was completed in 2006 and construction works commenced in April 2007. The design solution consisted of installation of underground drains to pump leachate for treatment to a treatment plant, groundwater interceptor drains for preventing groundwater from mixing with waste, an underground grout wall to act as a barrier for movement of water and leachate and the final element was importation of soil to make the surface safe and the site available to the public as an amenity site. All major infrastructure construction works were completed by end of summer 2007.

The importation of soil was delayed due to the exceptionally wet summer last year and this year, although the weather has been suitable for soil importation, it has been difficult to procure suitable quality soil due to the slow down in the new build housing market.

Two options are put forward for consideration, restoring the site to a basic level which will enable public access or also providing an enhanced level of security to prevent unauthorised use of the site and damage to the sensitive reed bed and other on-site equipment.

Given the delays in the construction it is proposed that the outstanding report to Cabinet on the formation of the working group to oversee the management of the site be delayed until the all major works are complete.

#### **Reasons for Proposed Decision:**

The slow down in the construction industry has meant a lack of suitable quality clean soil required for the final phase of site restoration. Although some soil continues to be imported it is not enough and a further 600 lorries are required to finish the scheme.

This will cause a delay in the completion of the construction phase of the scheme and the additional funding allocation will ensure that all works are completed within this year. However, given the increase in costs, two options for the scheme completion are put forward for consideration

The formation of a key stakeholder working group will ensure achievement of environmental benefits of the projects by advising the technical officers responsible for the ongoing maintenance of the new infrastructure. It is important to clarify the scope of the working group to ensure that the capital investment undertaken by the Council is not compromised and there is a clear understanding of the role of stakeholders within the group.

#### **Other Options for Action:**

If additional funding is not made available there will be insufficient top soil to complete the coverage of the scheme. This will result in the site not being accessible to the general public, contrary to earlier Cabinet resolutions of creating a public open space and cannot therefore be recommended.

#### **Report:**

1. This report sets out the present position with regards to the remediation of the Bobbingworth Tip. Work on the remedial scheme commenced in April 2007 and comprises:

- (a) the installation of underground drains for the removal of polluting leachate;
- (b) a local treatment works for the collected leachate;
- (c) an underground grout wall around the site to prevent the movement of leachate away from the site onto adjoining land; and
- (d) a final surface treatment with top soil and planting in order to provide a local leisure/amenity facility (a 'pocket park') for local residents and visitors.

2. All major infrastructure works were completed by the end of summer 2007, but the very wet weather prevented the importation of soil. This has resulted in delays and although soil importation commenced in 2008 the slow down in construction industry has created a regional shortage of clean soil required to provide the surface cover and the basis for the pocket park. Local residents continue to have access to a local telephone contact to discuss any issues regarding the vehicles delivering the soil material to site.

3. The time delays associated with the shortage of suitable quality topsoil means that it

will not be possible to complete the scheme without a further capital allocation. Provided the weather remains reasonable and at least the current reduced flow of clean soil can be maintained, which is likely as only 600 of the total 7000 lorries of soil now remain outstanding. The site planting, arrangements for parking facilities, safe access, CCTV and ongoing monitoring can only be carried out once all of the soil importation is completed, but it is anticipated that all the works should be completed by the end of the 2008 calendar year.

4. However, given these cost increases Cabinet is requested to consider whether it wishes to forego the full suite of final scheme enhancements by not including the enhanced level of security currently included within the scheme (i.e. CCTV, security fencing, reinforced gates etc).

4. Once all works have been completed it will be important for the restored site to be effectively managed to ensure that no damage is caused to the underlying infrastructures and the flora and fauna can thrive. Given the delays to the scheme completion, it is suggested that the report to Cabinet in respect of the make-up and scope of a management group for the ongoing management of the site be delayed until completion of all construction works.

#### **Resource Implications:**

The financial status of the project is presented in the table below:

	<b>Current</b>	<b>Anticipated Outturn (Basic)</b>	<b>Additional Outturn (Enhanced)</b>
Target Price under contract with Veolia	£1,999,000	£2,029,000	£2,055,000
Expenditure outside of contract (preliminary costs, legal fees, consultants etc)	£100,000	£141,000	£141,000
Design Division	£119,000	£134,000	£134,000
<b>Total</b>	<b>£2,218,000</b>	<b>£2,304,000</b>	<b>£2,330,000</b>
<b>Additional Expenditure</b>		<b>£86,000</b>	<b>£112,000</b>

#### **Legal and Governance Implications:**

The Council was obliged to abate the nuisance being caused by discharging leachate from the Tip and had a legal obligation to reduce the volumes of leachate being discharged to the nearby Thames Water sewage treatment works.

The Council has permissive Community Wellbeing powers which enable it to undertake works such as the provision of leisure/amenity facilities as part of the remediation works

There are no human rights, equality or diversity issues associated with this progress report

#### **Safer, Cleaner and Greener Implications:**

The restoration of the tip will deal with damaging leachate and gas emissions which have the potential to adversely affect the local environment. The creation of a leisure/amenity facility for local residents will have a positive effect and provide a facility which can be enjoyed by many in the community

#### **Consultation Undertaken:**

Throughout the design and build process contact has been maintained with the Ongar and Moreton Parish Councils. Local residents have been kept informed on issues such as vehicle movements and overall progress of the scheme through the issue of regular newsletters.

Essex County Council have been consulted upon and have approved the details of the construction and soil importation arrangements where relevant.

**Background Papers:**

Previous Cabinet reports on the restoration of Bobbingworth Tip.

**Impact Assessments:**

There remains the risk that further delays might be occasioned to the works through:

- (i) further restrictions on the availability of suitable quality topsoil;
- (ii) adverse weather when top soil is available but cannot be transported to the site;
- (iii) if a reduced level of security is implemented there are risks associated with illegal use of the site (e.g. travellers), damage to on-site equipment, damage to flora and fauna; and
- (iv) other unforeseen engineering issues.