

Report to the Cabinet

Report reference: C-116-2008/09

Date of meeting: 20 April 2009



**Epping Forest
District Council**

Portfolio: Environmental Protection.

Subject: Bobbingworth Tip - Progress Report.

Responsible Officer: Kim Durrani (01992 564055).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) To note the progress on the restoration and remediation of Bobbingworth former landfill site at Moreton;**
- (2) To note that the anticipated cost of delay in completion of £30,000 will be contained within the existing project contingency; and**
- (3) That the submission of a report, as required by an earlier Cabinet resolution, on the membership and scope of a working group for the on going management of the site be delayed until all works have been completed and the site fully restored.**

Executive Summary:

The Bobbingworth Tip is a 23-acre former landfill site, which 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 results in the generation 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 permitted by the licence between the Council and Thames Water Limited and the quality of leachate was also in breach of the licence agreement.

The risks to the Council were unacceptable and the Cabinet resolved to address this, and following a rigorous procurement process Veolia Environmental Services were selected as a partnering contractor for remediation of the site using 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 importation of clean soil to make the surface safe and available for public use as an amenity site. All major infrastructure construction works were completed by end of summer 2007.

Although there was a delay in importation of soil due to a combination of exceptionally wet summer in 2007 and the difficulty in procurement of suitable quality soil in 2008, all soil importation was completed in 2008.

Cabinet approved additional funding for the installation of an enhanced CCTV system and

improved site security. The design work for these has been completed and currently the market is being tested to seek the best price following which planning permission will be sought for the CCTV masts. There has been a slippage in the completion of the final phase of the project which consists of restoration of the site to allow tree planting and make the surface safe for use by members of the public, one of the objectives of the site restoration was to create a local amenity feature. This delay means that the site will not be available for public use until some time in 2010.

The additional costs due to the delay are currently containable within the project contingency. There is however a need to continue close monitoring of the project expenditure to ensure that any additional funding requirements are reported to Cabinet immediately.

Due to the delays in completion of the project 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 all works are complete.

Reasons for Proposed Decision:

It is a requirement of Contract Standing Order C31 to provide regular project update report to Cabinet on projects greater in value than £1 million.

It is important to keep the project funding under review and raise early warning if additional funding is required, or alternatively seek a reduction in scope of works to achieve project completion without additional funding.

Cabinet has earlier resolved to form a key stakeholder working group to ensure achievement of environmental benefits of the scheme by advising technical officers responsible for the ongoing maintenance of the new infrastructure. The group will be of more value once works are completed and not at this stage when all efforts are being made to achieve timely project completion.

Other Options for Action:

It is possible to fence off the site and abandon further work however in light of earlier Cabinet resolutions to create a safe public open space at the end of all construction work this can not be recommended.

The working group could be established now, but given delays this cannot be recommended and officer time is better spent ensuring the timely completion of the project.

Report:

1. 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 summer weather prevented the importation of sufficient soil. This resulted in delays and although soil importation commenced in 2008 the slow down in construction industry created a regional shortage of clean soil required to provide the surface cover and the basis for the pocket park.

3. All soil importation was completed in 2008 however the delays associated with the shortage of suitable soil meant that it was not possible to finalise the top surface of the site i.e. spread the imported soil to level, pick stones and seed to make it safe for public access.

4. Cabinet has earlier allocated additional funding for tree planting, arrangements for parking facilities, safe access and enhanced CCTV systems. These are being progressed but the delay in preparing the top surface of the site has impacted some of these tasks. It is therefore not possible to make the site available for public use in 2009, as was originally planned.

5. 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 works.

Resource Implications:

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

Total project allocation	£2,492,000
Preliminary set up costs	£94,000
Target Price (as agreed with Veolia under contract)	£1,999,412
Design Division (including estimates for costs up to end of project)	£149,000
Non Veolia expenditure so far (third party and consultant costs)	£90,800
Estimated Legal costs (easements and consents)	£5000
Estimated Non Veolia spend up to end of project	£15000
Costs for enhanced site security and safety, already approved by Cabinet	£96,000
Additional costs due to delay in completion of the scheme in 2009	£43,000
Sub Total of costs	£2,492,212
Balance	-£212
Money to be returned by Veolia as a result of savings due to tree planting contribution by Essex County Council	£13,000
Project Contingency available up to completion	£12,788

Essex County Council will pay for planting approximately 4,500 trees on the site. This will result in a saving to the Council of approximately £13,000.

The costs associated with the delay in completion of £43,000 will be approved as a contract Compensation Event. This mainly consists of Veolia staff time for dealing with the issued associated with the delay in completion of the scheme in 2009.

Legal and Governance Implications:

As the landowner the Council is legally obliged to undertake these works to abate the nuisance caused by discharging leachate from the former tip. It used its powers under Section 111 of the Local Government Act 1972 to carry out these works.

The Council had a legal obligation to control the volumes and quality of leachate being discharged to the nearby Thames Water sewage treatment works, under the terms of the discharge consent agreement .

The Council also has powers under the Open Space Act 1906 or, more appropriately the Local Government Act 1976 to use the land as Recreation Land. These powers are being used to use the former Tip site as a 'pocket park' which will be open to members of the public. .

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 construction 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 caused to the works through:

- (i) the project is being delivered by Veolia Ltd under a Target Price and as such any costs associated with delays caused by unforeseen circumstances are chargeable to the Council, currently these additional costs are within allocated budgets however this can change;
- (ii) additional funding may be required if planning permission for CCTV installation results in onerous conditions; or
- (iii) other unforeseen site issues

It is the intention to make the public access points to the site comply with the requirements of wheel chair access