

Report to the Cabinet

Report reference: C-028-2010/11
Date of meeting: 13 September 2010



**Epping Forest
District Council**

Portfolio: Environment

Subject: Bobbingworth former Landfill Site – Final Account

Responsible Officer: Kim Durrani (01992 564055)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) To note that works for restoration and remediation of Bobbingworth former landfill site have been completed and the 7 year after care maintenance by Veolia Environmental Limited has commenced;**
- (2) The final account be noted and the estimated capital saving of £38,000 be retained within the budget and a further report be submitted outlining the forecast savings in ongoing revenue maintenance costs by utilising these capital savings, for example by purchase of maintenance equipment;**
- (3) That the Portfolio Holder be authorised to consult and agree the membership and terms of reference for the local liaison group**

Executive Summary:

It is a requirement of Council's Constitution to present a final account for any scheme in excess of £1 million

The Bobbingworth Tip is a 23 acre parcel of land owned by the Council. It was an active waste landfill receiving domestic waste from 1961 to 1972, for which the then Epping and Ongar Rural Council received financial contributions. The Council is responsible for any pollution caused by the site. To limit the risk of pollution a landfill remediation project was approved by the Council in 2003.

This is a key decision.

"Green and Unique – Ensuring the protection of the unique, green and sustainable environment of the District", Action Plan (Council Plan 2006-2010) Ref: SC3.

Reasons for Proposed Decision:

Any outstanding works can be completed by the Council officers without the need to delay completion of Final Account. Costs will be higher if the remaining minor works are to be completed by Veolia Environmental Services, due to their 15% handling costs, design and supervision fees.

The Cabinet has earlier resolved the formation of a local advisory group, to assist in the ongoing management of the site. The works are now complete and the Portfolio Holder can commence work on formation of the group. The group will offer advice but will not have any

decision making powers.

Other Options for Action:

Costs will be higher if the Final Account is delayed until all minor civil works are complete. However if these works are carried out by the Council itself then there will be a saving.

The formation of a local liaison group will provide advice and assistance to officers responsible for the day to day management of the site. The group can assist with activities such as applications for funding and other local community participation events.

Report:

History and Background

1. The site is a former gravel pit and once gravel extraction ceased it was used for the landfilling of waste. The gravel pit was not lined with clay or any other suitable protective liner and this resulted in pollutants escaping from the site.
2. As part of the original design the contaminated water from the site, termed 'leachate', was collected in a drain pipe at the base of the gravel pit. This was then discharged into the Thames Water Sewage Treatment works at the edge of the site. However this system had not been operating adequately and the quality of leachate was breaching the consent agreement between the Council and Thames Water.
3. Leachate continued to cause problems which appeared to worsen in the early 1990s, with signs of leachate in the Cripsey Brook which is located to the north of the site. Leachate was also entering groundwater around the site.
4. The Council made attempts to remediate and restore the site. This included importation of clay from North Weald when a flood alleviation scheme was constructed in 1990.
5. However, when this approach proved to be unsuccessful the Council resolved to take action to avoid prosecution by the Environment Agency, reduce the risk of pollution and to enable the site to become an amenity for the local community to use.

Procurement and Design Options

6. To assist with the selection of most appropriate procurement solution the services of Atkins Consultants were acquired. It was assessed that in light of unknown factors and to reduce financial risks to the Council the most appropriate option was to appoint a partnering contractor for designing and building the works.
7. A partnering contract was awarded to Veolia Environmental Services Limited (Cleanaway Limited at the time). The contract required Veolia to carry out detailed monitoring to prepare an informed design and then implement the solution.
8. A benefit of this method of procurement is that the contractor, Veolia is committed to operating the site for a seven-year period following the completion of the works (*recommendation 1*). This will ensure that if the design objectives are not achieved or if any element of the scheme underperforms then Veolia can be held to account.

Delays and Cost Overruns

9. The original budget estimate for the project was based on the assumption that all the leachate collected from the site could be discharged into the Thames Water Sewage Treatment

Works located next to site. This assumption was proven wrong following a year long site monitoring by Veolia Limited. As a result a new, more sustainable, design solution was prepared. The new solution enables the ongoing removal of pollutants from the site in a managed way which will eventually lead to stabilisation of waste and a reduction in risk. This should, over time, also reduce ongoing maintenance costs.

10. Cabinet approved the revised scheme design which enabled preparation of detailed design, submission for a planning application, legal and land consents from other authorities. One cause of significant delay was the finalisation of Section of 278 by Essex County Council. Once all consents and approvals were obtained construction commenced in April 2007.

11. All major engineering works namely the construction of an underground grout wall barrier, installation of a leachate collection drainage system, groundwater interceptor drains, pumps, leachate treatment plant and some surface soil spreading were all completed by the end of 2007.

12. However, the final phase of soil importation and spreading on the surface could not be completed before the onset of winter, when it was not possible to work safely on site. Therefore, to avoid escalating costs, all works were suspended during winter of 2007.

13. Soil importation recommenced in 2008, but due to the slow down in the building industry it was not possible to secure the good quality soil required for surface restoration. Consequently it took longer to complete the final phase of surface restoration and Veolia had to source material at cost (not to the Council) to finish the final phase.

14. The delay in completion of surface restoration works had a knock on effect on some of the final works: tree planting, arrangements for parking facilities, site safety and enhanced CCTV systems. These have all now been completed.

Final Account and Costs

15. This project has been the subject to delay and supplementary budget allocation. The biggest expenditure was with Veolia Limited for design and construction. The form of contract used for this project is a Target Price with "Pain / Gain" share. A feature of this contract is that if the final costs of the works are below the target then both partners share the savings and similarly any expenditure over the target is also shared.

16. The Target Price agreed with Veolia for construction and design for the scheme was £2,079,159. The Final Account has now been completed and total payable to Veolia is £2,110,102. This is £30,943 over the agreed target and, in accordance with the contract, will be shared equally between the Council and Veolia. The Council's 50% share of the target price overspend is £15,471, bringing the total cost of the design and construction to £2,094,630 including the £20,000 for tree planting.

17. Essex County Council, as Highways Authority, had concerns that movement of heavy engineering plant and lorries for the works would damage the local highway network. It was a requirement of the consent for works that the District Council would pay the County Council any costs for making good any damage due to the lorry movements. The Cabinet has earlier resolved to set aside a sum of £60,000 as a maximum payment to the County Council. The final assessment of damage is £6,410.81 which is significantly less than original estimates. Arrangements are being made to release this amount to Essex County Council.

18. A separate sum of £37,653 was paid to County Council as the Deposit Fee under the Section 278 agreement. This was to enable the County to complete any works left unfinished by the Council's contractors. Now that all works have been completed 90% of the Deposit Fee, equating to £33,887 is being released by the County Council. The remaining balance of £3,766

will be released at the end of the 12 month maintenance period.

19. The total approved budget for the scheme to date is £2,492,000, excluding the £20,000 contribution from Essex County Council for tree planting. Total expenditure on the scheme so far is £2,413,000; this leaves £79,000 to carry forward. It has been estimated that there will be costs of approximately £41,000 for outstanding works (details in para 15) and fees required to complete the scheme. This would result in a saving of £38,000 which is proposed to be retained within the capital budget allocation to enable officers to establish whether on-going CSB savings can be achieved by purchasing maintenance equipment, for example a tractor or other grass cutting accessories which could be operated by Countrycare staff (*recommendation 2*).

Outstanding Construction Works and Commissioning

21. All construction works have been completed barring a few items, for example lining of a new surface water drain, installation of concrete bag work around a head wall, installation of information boards and planting of hedges around pump wells and near the southern site boundary. These works are estimated to cost £41,000. It is proposed that rather than delay the project sign off these works be carried out by the Council itself from within the existing budget allocation.

22. Over the coming months officers will review and check all data and reports being produced by Veolia to confirm the achievement of design objectives, following which the Operation and Management manuals for the ongoing maintenance of the site will be commissioned.

Aftercare and Community Liaison

23. The site is in the ownership of the District Council and it has made significant capital investment to restore and remediate the site. The priority now is to ensure the investment is fully realised by careful ongoing management of the site.

24. The Council has resolved that the site should be made available to the local community as an amenity feature. This was one of the project objectives and the design has included open public access following completion.

25. Veolia Environmental Services is of the opinion that the site is not yet ready for open public access, due to the lack of adequate vegetation cover on the surface. It is for this reason that only managed public access is allowed at present. This includes volunteers of the Council's country side management service, Countrycare. The site will be monitored on an ongoing basis and as soon as the vegetation has stabilised open public access will be allowed.

26. The challenge is to ensure efficient performance of the complex engineering works without unduly limiting access to members of the public. The aftercare of the site will be the responsibility of the Environment and Street Scene Directorate. To facilitate considerations of the local community and to assist technical officers with the management of the site the formation of a local advisory and liaison group, to be headed by the Portfolio Holder for Environment, is proposed (*recommendation 3*). The group is not intended to have any decision making powers over the management and maintenance arrangements of the site.

Resource Implications:

Existing staff will manage the tasks arising out of this report. There is a Continuing Services Budget (CSB) allocation of £36,420 for ongoing maintenance and operation of the site. This allocation will be used to operate and maintain the infrastructure installed: leachate treatment plant, leachate and ground water pumps, payments to Thames Water for discharge into the

Sewage Treatment works, CCTV equipment, energy costs, grass cutting and sampling and testing costs etc.

Legal & Governance Implications:

As the landowner the Council is legally obliged to undertake these works to abate the nuisance caused by discharging leachate arising from the former landfill operations. 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 allow the use of the land by the public.

Safer, Cleaner, Greener Implications:

The Council has converted a previously abandoned and disused piece of land into a safe and usable local amenity feature for the enjoyment of the local community. This along with the planned enhancement in biodiversity of the flora and fauna at site will create a valuable environmental asset. Over 5,000 trees have already been planted and more are proposed. The creation of a 5 hectare flower rich meadow will contribute towards targets laid down in the Epping Forest Biodiversity Action Plan. Furthermore, the remediation has dealt effectively with the discharge of pollutants into the surrounding environment and this has been achieved using the most environmentally friendly techniques.

The site will be managed under an environmental management plan, as agreed at the planning approval stage. A key aspect of this plan is the advice from Countrycare, the Council's country side management service and their valuable technical knowledge.

Consultation Undertaken:

The project was subject to planning control and the associated statutory consultation process. The local Parish Council was the primary link for liaison with local residents, the Parish Clerk being a member of the project delivery team. The Parish arranged a town hall style meeting before the scheme commenced where officers of the Council and designers addressed concerns of local residents. Newsletters were issued to the residents of the local Parish as well as those residents of the neighbouring parish who were affected by the works.

Essex County Council was consulted with regards to biodiversity management of the site and they have made a contribution of £20,000 for tree planting and £2500 towards the meadow creation.

Background Papers:

Previous Cabinet reports on the restoration of Bobbingworth Tip.

Impact Assessments:

Risk Management

The site represented significant risk of pollution of the local environment. There were reported outbreaks of leachate within and outside the site boundary. The Council was exposed to the risk to prosecution by the Environment Agency and others. These risks were managed and controlled by carrying out the remediation scheme.

In addition there were risks associated with the construction project itself. These were managed by regular monitoring of the project risk register. This resulted in timely interventions when cost or programme risks were identified.

Wildlife Considerations

Essex Ecology Services Ltd a subsidiary company owned by the Essex Wildlife Trust was engaged to advise before construction work could commence. A number of mitigation measures were carried out to limit disruption to protected species such as badgers and grass snakes. Evidence suggests that the control measures employed during construction have been successful, efforts will continue to be made to enhance wildlife on the site. Already further works have been undertaken with a population of 150 slow worms being introduced to the site in October 2009 as part of a planning mitigation from another development in Ongar.

Equality & Diversity

Disabled access has been provided to the site by installation of disable friendly access gates as well as placing standard issue RADAR locks.

<i>Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?</i>		No
<i>Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?</i>		No
<i>What equality implications were identified through the Equality Impact Assessment process?</i>	N/A.	
<i>How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?</i>	N/A.	