

NORTH LINCOLNSHIRE COUNCIL

**NEIGHBOURHOOD, ENVIRONMENT AND
COMMUNITIES CABINET MEMBER**

ACQUISITION OF CLOSED LANDFILL SITE, BELTON

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The object of this report is to consider progress made with the acquisition of the former landfill site at Belton.
- 1.2 The key points in this report are:
- The acquisition of the site has previously been agreed.
 - After a protracted period of negotiation, the transfer of ownership has now been concluded.
 - A management plan for the closed landfill needs to be formulated.

2. BACKGROUND INFORMATION

- 2.1 Between 1974 and 1981 Humberside County Council as a Waste Disposal Authority (WDA) infilled the former quarry. In 1996 the historic environmental liability associated with this activity passed to North Lincolnshire Council (NLC). To minimise any potential pollution risk, the council completed the installation of a leachate recirculation system in order to manage the liquid waste within the site and provide a clay cap to restrict the quantity of future leachate production.
- 2.2 In April 2005 a report, plus a detailed risk analysis, was presented to the Cabinet Member for Neighbourhood Services. This outlined the ongoing obligations of the council for environmental monitoring both on and around the site and ensuring the continued operation of the leachate recirculation system for the foreseeable future.
- 2.3 Legal opinion has since confirmed that irrespective of the future ownership of the land, there is a risk that the council may be liable under the provisions of Part 2A of the Environmental Protection Act 1990 (EPA) and to incur civil liability in respect of the land.

- 2.4 In order to facilitate the necessary monitoring work, Ibstock Limited, the previous landowner, had proposed that the Council acquire the site and a further 8.58 acres of agricultural land that borders the closed landfill at 'nil cost'.
- 2.5 After a significant delay and protracted negotiation, during which further legal opinion was sought and obtained by both parties, Ibstock have now confirmed the sale to the Council. Terms agreed are in the sum of £1 together with an indemnity satisfactory to both sides.

3. OPTIONS FOR CONSIDERATION

- 3.1 The legal transfer of ownership was completed in week commencing 13 July.
- 3.2 Possible options, if any, for the future use and management of the landfill and agricultural elements of the site now need to be considered and documented in a Management Plan.

4. ANALYSIS OF OPTIONS

- 4.1 Options for the beneficial end use of the site will be limited by virtue of its former use and the need to maintain the integrity of the engineered clay cap and installed leachate recirculation and landfill gas management systems.
- 4.2 One proposal, currently under consideration, is a short term tenancy for the agricultural land.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The acquisition of the site has been brokered by a team comprising staff from Legal Services, Asset Management and Neighbourhood and Environment with external legal advice where necessary.
- 5.2 A limited budget currently exists for ongoing site monitoring only. The cost of any schemes proposed during the formulation of a site management plan will form the basis for a future development funding bid.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The Council has liability as the original polluter and as such it is required to ensure that it complies with the statutory requirements of the Environmental Protection Act 1990 Part 2A and any resulting determination that may confirm the land to be contaminated land.
- 6.2 The site is producing methane, a natural gaseous by-product of the decomposition of the landfilled waste. Although this is only in relative

small quantities, methane is a powerful greenhouse gas (GHG) and consideration must be given to its future long-term management.

7. OUTCOMES OF CONSULTATION

- 7.1 The issues surrounding site acquisition have been discussed at length with representatives of Asset Management and Legal Services and there is a consensus that the benefits of acquisition outweigh the disadvantages. These issues were considered in the original Cabinet Member report.
- 7.2 External legal advice, including Counsel's opinion, was obtained to ensure the best outcome for the council was achieved.

8. RECOMMENDATIONS

- 8.1 That the acquisition of the closed landfill site at Belton is confirmed.
- 8.2 A site Management Plan, which reflects those issues referred to in paragraph 4 above, is formulated at the earliest opportunity.
- 8.3 Further reports on progress made with site development are submitted as and when necessary.
- 8.4 This report is submitted to the next meeting of the Corporate Services Cabinet Member.

SERVICE DIRECTORS FOR NEIGHBOURHOOD & ENVIRONMENT AND ASSET MANAGEMENT & CULTURE

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Background Papers used in the preparation of this report
Report to Cabinet Member for Neighbourhood Services – April 2005