

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 11 JULY 2017

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### Title:

**WEYDON LANE FORMER LANDFILL SITE – FUTURE USE AND SITE MANAGEMENT**

**[Portfolio Holder: Cllr Jim Edwards]  
[Wards Affected: Farnham Firgrove]**

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### Summary and purpose:

1. The Council has, for some time, been exploring the scope and viability of undertaking works on the former landfill site on Weydon Lane, Farnham to enable greater public use, for example for recreational purposes.
2. This report updates Members on the situation to date with those investigations, the outcome of the specialist legal advice received in relation to Weydon Lane Sandpit, Farnham and the Memorial Grounds, Crosby Way, Farnham, as part of the feasibility study, the current position and the short to medium term site maintenance issues which need to be addressed.

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### How this report relates to the Council's Corporate Priorities:

This report relates to the Council's **Environment** priority; monitoring contaminated land is an important duty that the Council performs.

It also relates to the Council's **Community wellbeing** and **Value for money** priority, the site is an informal dog walking area that is widely used by local dog walkers however management of the site needs to have a sustainable cost.

### Financial Implications:

The 2016/17 budget included £50,000 to fund the feasibility study. Approximately £10,000 of this has been spent on obtaining further legal advice.

There was an £8k underspend on the funding provided to the Parks Team in 2016/17 and it is anticipated this would be sufficient for maintenance works required during 2017/18. A request has therefore been submitted for this to be carried forward.

Future costs for managing the site could be significant if major works are required to repair or replace the clay cap for example but it is not possible to predict these at this stage in terms of amount or timescale and there is consequently no budget provision for them.

## **Legal Implications:**

There are wide legal implications and obstacles to overcome based on the specialist legal advice received. The Council would need to ensure that it was not breaching any restrictive covenants on both sites before commencing any works to develop and formalise its leisure and recreational use.

As owner of the Weydon Lane Former Landfill Site, Waverley Borough Council has a duty of care to users of the land. The land was conveyed to Farnham Urban District Council in 1972. The terms of the conveyance deed require that the land should not be used for any purpose "other than that of a recreation ground or public open space".

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## **Introduction**

1. The Council has, for some time, been exploring the scope and viability of undertaking works on the former landfill site on Weydon Lane, Farnham to enable greater public use. In January 2015, a Special Interest Group (SIG) was established to assist the Portfolio Holder for the Environment in reviewing future options for the Weydon Lane site. The SIG met on three occasions and considered and consulted on a number of high level options.
2. On 1 March 2016, the Executive approved a supplementary budget of £50,000 for officers to undertake a detailed feasibility study into relocating the Farnham Town Football Club on to the Weydon Lane site and making available their current site for housing.
3. The moving of Farnham Town Football Club would be beneficial for the Club as the current ground has restricted use and access. The relocation of the Club could also allow for the current ground to be developed for much needed housing which in some way finances the upgrade costs for the move to Weydon Lane.
4. Members will be well aware that both of these sites are significantly constrained by complex legal restrictions on their future use by virtue of their trust status and covenants attached to them. Because of these complexities as the first stage of the feasibility study, further external legal advice has been sought in relation to both the Weydon Lane and the Memorial Grounds, Farnham, sites regarding: (i) the nature of the restrictive covenants at each site; (ii) what limitations there are on the Council's ability to grant leases or sell land at each site.
5. This advice confirmed that there are significant legal hurdles and obstacles to overcome and the Council would need to ensure that it was not breaching any restrictive covenants on both sites before commencing any works. The legal advice does however also confirm that these obstacles are not impossible to overcome but that it will be challenging, very costly and could meet significant local opposition. There are also significant legal and financial risks and political implications were the council to proceed with the project.
6. On the basis of this legal advice a range of options were considered and these included:
  - a. Doing nothing – simply maintain the site as required;
  - b. Fence off the boundary at Weydon Lane to prevent unauthorised access;

- c. Continue with the technical feasibility study;
  - d. Continue with the technical feasibility study but concentrate on Weydon Lane only;
  - e. Approach Heineken to release all of the restrictive covenants at the Farnham Memorial Grounds;
  - f. Look at undertaking the feasibility study at a later date, e.g in 2-3 years.
7. The Council faced significant financial cuts to its budget support from Central Government for 2017/18 and as a result major projects planned had to be reviewed as part of the budget process. It was therefore resolved, as part of the Financial Strategy 2017/18 – 2019/20 and General Fund Budget 2017/18 report, that in the light of the significant cuts to Waverley's New Homes Bonus, the progression of all other capital schemes that do not generate a positive revenue benefit be suspended, with this position being reviewed in the Spring/Summer of 2017.
8. On the basis of this Council decision regarding capital funding of projects, proposals for redevelopment of the landfill site cannot currently be progressed and Option F is therefore recommended.

### **Short to Medium Term Site Maintenance**

9. The site will, however still need to be managed in the short to medium term, particularly because, as a closed landfill site, it is still generating landfill gases. The site is not considered to meet the definition of contaminated land as defined under Part II A of the Environmental Protection Act 1990 but as Waverley Borough Council owns the site this management is Waverley's responsibility.
10. A site maintenance and management plan (SMMP) was completed for the site in 2012 and updated in 2014. In order to implement the short term recommendations of the SMMP in 2016 a Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) assessment was completed for the site as well as an updated site assessment report.
11. The 2014 SMMP recommended the following short term measures:
- (i) six rounds of gas & groundwater monitoring over a 3 month period
  - (ii) two rounds of groundwater sampling
  - (iii) surface emission monitoring
  - (iv) lead hotspot delineation and assessment
  - (v) DSEAR (Dangerous Substances and Explosive Atmospheres Regulations 2002) assessment
12. These works are reported in the DSEAR and site assessment reports dated February 2016.
13. These works have now been completed but as a result further additional works have been identified which are estimated to cost up to £8k during 2017/18. These maintenance works will be carried out in line with the Council's contaminated land management plan. There was an £8k underspend on the funding provided to the Parks Team in 2016/17 and a request has been submitted for this to be carried forward.

14. The longer term issues with the site capping as identified in the 2012 report remain. In the interim topographical and visual surveys are monitoring the site for further subsidence or cracking. The site will continue to require monitoring and maintenance into the future. .

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### **Recommendation**

It is recommended that

1. in view of the Council's current financial position and the decision taken by the Council regarding capital projects in the 2017/18 budget, option f, in paragraph 6, be agreed as the way forward; and
  2. the necessary monitoring and maintenance works during 2017/18 be confirmed.
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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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