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**REPORT TO: MORAY COUNCIL ON 10 MARCH 2021**

**SUBJECT: FORMER GREENBRAE LANDFILL, CUMMINGSTON**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of costs for removal of gas extraction equipment from Greenbrae Landfill
- 1.2 This report is submitted to Committee in terms of Section III (A) (2) of the Council's Scheme of Administration relating to Capital and Revenue Budgets

**2. RECOMMENDATION**

- 2.1 **The Council is asked to approve a budget of £90k to remove the gas extraction system at the former Greenbrae Landfill, Cummingston.**

**3. BACKGROUND**

- 3.1 The Planning and Regulatory Committee of 25 February 2020 agreed that the Council no longer requires to occupy the land at Greenbrae, Cummingston (para 23 of the minute refers).
- 3.2 The Committee also approved the removal of the existing gas extraction equipment from the land at Greenbrae Cummingston. This could not be progressed as rapidly as anticipated due to the national Covid-19 lockdown and ongoing continued restrictions.
- 3.3 Once the restrictions on construction were removed a tender process was undertaken. A quote has been received of around £84,000 to remove the gas extraction equipment from site.
- 3.4 There is no budget to meet this level of expenditure on contaminated land and the work requires to be funded to allow removal of the gas extraction and allow the Council to cease occupation of the site.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Monitoring and enforcement of contaminated land protects public health

**(b) Policy and Legal**

The Environmental Protection (Scotland) Act 1990 introduced a new duty for Local Authorities to address contaminated land.

Expert legal opinion confirms that Moray Council could argue it is not liable for the actions Moray District Council in relation to the operation of the old landfill.

**(c) Financial implications**

A budget of £90k is required for the purpose of removing gas extraction equipment from the former Greenbrae landfill.

**(d) Risk Implications**

As with all legal opinion there is a risk of challenge with regard to liability for contaminated land and there is a risk that the landowner will continue to seek financial gain from the situation and this will need to be defended.

Risk of gas migration will be prevented through ongoing monitoring of gas migration from the site with this monitoring being undertaken off site.

**(e) Staffing Implications**

Staff time to prepare the tender, assess submissions and monitor quality of work. It is expected that this can be undertaken within existing Environmental Health staff resources.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

No Equality Impact Assessment is required for this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Head Governance, Strategy and Performance, the Equal Opportunities Officer, the Head of Financial Services and Tracey Sutherland, Committee Services Officer have been consulted and comments received have been incorporated into the report.

#### **5. CONCLUSION**

**5.1 The Greenbrae site and historical action to prevent gas migration and current dispute with the new landowner needs to be resolved by removing the gas collection and flaring equipment from the site.**

**5.2 Approval of the budget is required to enable the removal of the gas extraction system.**

Author of Report: Karen Sievewright (Environmental Health and Trading Standards Manager)

Background Papers: Committee Report Planning & regulatory services committee on 25 February 2020, Former Greenbrae landfill, Cummington

Ref: