

Blaby District Council
Council

Date of Meeting	21 May 2024
Title of Report	Future Management and Use Options for Land to the Rear of Huncote Leisure Centre This is a Key Decision and not on the Forward Plan
Lead Member	Cllr. Terry Richardson - Leader of the Council
Report Author	Executive Director - Place
Strategic Themes	Enhancing and maintaining our natural and built environment.

1. What is this report about?

- 1.1 This report details considerations and recommendations for the future use of the land to the rear of Huncote Leisure Centre, previously allocated as a BMX track. Following identified safety and environmental concerns relating to the contaminated land site and the expiry of the BMX clubs lease, the report explores the options available for the future use of the land considering its complex management requirements and ongoing public safety risks.

2. Recommendation(s) to Council

- 2.1 That the Council approves the ceasing of the use of the land to the rear of Huncote Leisure Centre as formal BMX track provision.
- 2.2 That the land is reopened to the public, when it is safe to do so and upon completion of the outstanding legal action, as open space, which will include the planting of trees and rewilding.
- 2.3 To allocate £50,000 from the general reserve to implement the recommendation.

3. Reason for Decisions Recommended

- 3.1 To address the legal and environmental issues arising from the land's previous use as a Landfill Site.
- 3.2 To determine the most beneficial use of the site, maximising the site's potential long term value to the community and supporting achievement of the council's priorities.

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| 3.3 | To manage public safety and environmental risks, providing the Council with scope to assess the ongoing landfill site risks. |
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4. Matters to consider

4.1 Background

In 2014, Blaby District Council (BDC) supported Huncote Hornets BMX club with a Sport England Capital Fund Application to build a BMX track to the rear of Huncote Leisure Centre. During the course of relations with the BMX club the Council have dealt with both the club and the associated limited company. They are known as Huncote Hornets BMX Club ('the Club') and Leicester Huncote Hornets BMX Limited ('the Company') respectively. For the purposes of this report Huncote Hornets BMX Club will be used to describe the entity.

The Sports England Capital Fund application was successful and the track was funded by Sport England with contributions from the Council, Huncote Parish Council, the Huncote Hornets BMX Club and local businesses. The funding required open community use except for club sessions for a period of 7 Years (this has now expired). During this period, the Huncote Hornets BMX Club made alterations and carried out works to the site including the installation of flood lighting without permissions as required by the lease. This was subsequently addressed through a retrospective planning consent and the part recovery of costs associated with remediation of the damage to the landfill management systems.

For the context of this report it is noted that Blaby District Council own the land on which the BMX track is located. The Council do not own the physical track itself, this is owned by Huncote Hornets BMX club.

It was known that the track was built on a former landfill site and the construction was tailored to this. In 2021 planned landfill gas works identified dangerous levels of methane near the leisure centre building and as such the Council closed the leisure centre and the site with immediate effect, due to the risk of explosion. Remediation works since have been undertaken to the Leisure Centre and the surrounding land to mitigate the effects of the landfill and manage the gas. This has been a lengthy and costly process with significant expenditure (£729k as at 31st March 2024) being required to ensure the landfill gas is managed and does not pose a risk to those using the site.

The Council's analysis of the complexities and management of the contaminated land at Huncote has developed since the site was originally developed. This includes the land stability, which has experienced several issues relating to land compression resulting from the movement of waste underground. This is now a site that requires significant monitoring and management going forwards to maintain safe levels of methane. It is not considered suitable for a use that requires generators, electrics and the installation of lighting systems given the risks involved. Any such actions would compromise the safety of the site.

Once the extent of the site risks was understood an independent options appraisal was undertaken to explore the potential long-term use for the site going forwards. As part of this options appraisal the BMX Club, parish council, British Cycling, Sports England and officers at BDC were consulted. This resulted in a report being produced which is included at Appendix A highlighting the risks and a series of options available to BDC going forward. This work was used to inform the next stage of option appraisal which included the assessment of costs and risks associated with some the options proposed.

During this time, consideration was given to entering a new Lease with Huncote Hornets BMX Club which included additional responsibilities for them as a Tenant due to the additional requirements needed for site management. This was not something that the BMX club felt they could sign up to. As we learned more about the site, it became clear that further consideration was needed as to the future of the site, including the balancing of considerations as to its future use, the safe management of the site and the opportunities to provide open public space. It was at that point that the decision was taken not to pursue negotiations with Huncote Hornets BMX Club about a new lease.

The recommendations proposed are based on the current known risks to ongoing management of the site. Further assessments of the council's liability for the site will continue to be undertaken with our insurers. This will ensure site access for the public is managed safely in line with the Council's public liability responsibilities.

The recommendations also recognise the ongoing legal challenge by Huncote Hornets BMX Club who claim they have a legal right to a new lease for the site. This is something Blaby District Council do not agree with. Therefore, any decision by Council will only be enacted once the legal position is confirmed. This would be determined by the courts; however, it is likely to be within the next 12 months.

4.2 Proposal

This report recommends that the council returns the site to informal public open space. This recommendation includes the re-wilding of the site and the planting of trees, to ensure the public have access to and continue to benefit from this open space.

This proposal is being made because the current site usage as a BMX track is deemed unsustainable due to the ongoing environmental issues and the associated site management issues resulting from the landfill gas leakage and land movement. The challenges with the site mean that significant and complex management arrangements are needed to ensure the long-term safety of the site and its users. While there have been improvements in gas levels, bringing the site up to health and safety standards to be regularly used as a BMX track would require substantial financial investment, including repair works.

The proposed option balances the needs of the local community, feedback from the options appraisal and the financial considerations to ensure value for money for Blaby District Council residents. This has been a difficult and lengthy process, and we believe this reflects the best option going forwards for all Blaby District residents.

4.3 Relevant Consultations

Engagement with Huncote Parish Council, Huncote Hornets BMX club, Sports England, British Cycling, contaminated land and environmental health experts.

4.4 Significant Issues

Summary of Human Rights implications:

Right to Access Public Services

- Impact on Accessibility: Change in land use could affect how accessible public services are, particularly recreational services previously offered. The council must ensure that the new open space continues to provide equitable access to recreational facilities or alternatives that meet the community's needs.

Right to Non-Discrimination

- Equitable Use: The redesign and change of use should consider the needs of all community members, including marginalised and vulnerable

groups. The process should actively avoid any form of discrimination in access to and use of the open space.

Summary of Legal implications:

- There is ongoing legal action being undertaken at the time of writing this report regarding the site. The Huncote Hornets BMX Club have served a section 26 notice requiring an automatic renewal of their lease which is being resisted by the Council.

Summary of Equalities Act implications:

Accessibility

- Physical Accessibility: The new open space must be accessible to individuals with disabilities.

Economic Accessibility

- Affordability: Ensure that the open space remains free to access and does not include any features that might require payment, thus ensuring that low-income families and individuals can still enjoy the space without economic barriers.

Health Implications

- Promoting Healthy Lifestyles: Open spaces contribute positively to public health, offering opportunities for exercise, relaxation and social interaction. The option being recommended allows provision for the ongoing risk assessment of gas levels associated with the site. Should levels increase action will be taken to limit access to the site.

Equal Opportunities for Participation

- Volunteer Opportunities: Offer volunteer opportunities related to the maintenance or activities in the open space that are accessible to all.

5. What will it cost and are there opportunities for savings?

A summary of the identified costs are outlined below.

	£
Remediation of the land to return to open public access	30,000
Contingency funds	20,000
Total	<hr/> 50,000

It is proposed that £50,000 be added to the Council's existing revenue budget and provided from the Council's general reserve. As the works are

understood more fully the funds will be applied either to revenue or capital expenditure and reported accordingly.

6. What are the risks and how can they be reduced?

Current Risk	Actions to reduce the risks
<p>Environmental Risks: The site is built on a former landfill, which has been found to emit elevated levels of methane. Any decision regarding the site must consider the need for ongoing environmental monitoring and potential remediation to mitigate these risks, especially if the area is opened to the public or repurposed.</p> <p>The movement of land and other associated issues with contaminated land is also a factor to be considered.</p>	<p>Continuous Monitoring: Maintain a robust environmental monitoring system to continuously assess methane levels and other pollutants.</p> <p>Remediation Plan: Develop and execute a comprehensive remediation plan tailored to the specific environmental challenges posed by the former landfill.</p>
<p>Legal and Compliance Risks: The unauthorised modifications made by the Huncote Hornets, such as the installation of flood lighting and a generator, pose legal challenges.</p>	<p>Legal Review: Conduct thorough legal reviews and audits to address all unauthorised modifications and ensure compliance with all current laws and regulations.</p>
<p>Financial Risks: Significant investment is required regardless of the chosen management option. The costs include initial capital outlays for site modifications or restorations and potential ongoing operational costs.</p>	<p>Financial Planning: Develop a detailed understanding underlying financial risks and establish a robust financial plan for the site.</p> <p>Cost Control Measures: Implement strict budget controls and regular financial reviews to monitor costs and adjust plans as necessary.</p>
<p>Operational Risks: If the site continues operations, either under its current management structure or a new one, there are risks related to the sustainability of operations, including maintenance standards, safety and compliance with health regulations, particularly</p>	<p>Operational Reviews: Conduct regular operational reviews to ensure that management practices meet safety and regulatory standards.</p> <p>Maintenance Schedules: Develop and strictly adhere to a comprehensive maintenance schedule to ensure they are in good working order and safe for users.</p>

in light of the site's history and location on a former landfill.	
Community Risk: Local BMX enthusiasts and users of the track may feel disappointed by the decision. This could lead to negative public perceptions of the Council prioritising environmental concerns over community sports.	Promote the Benefits of the New Public Space: Actively promote the benefits of the new public open space, such as increased accessibility for a broader segment of the community, enhanced environmental benefits and improved safety. Highlighting how the space can be used for various activities beyond BMX could help promote broader community support. The council's Physical Activity Development Officer will explore ways to work with the local community to promote the open public space and increase physical activity.

7. Other options considered

As part of the options appraisal process, several other options were identified. Outlined below are alternative options considered, with a summary of why they were deemed not to be viable to progress.

Option description	Reason for not progressing
Continue the operation of the BMX track under a private leisure contractor, for example SLM.	The initial capital costs for infrastructure improvements have been estimated to be upwards of £170,000. This coupled with the annual management fees result in the option not being feasible.
Continue with the BMX facility leased to the Huncote Hornets BMX Club.	The remedial work to bring the facilities back to a club standard is seen as cost prohibitive. Coupled with the ongoing site management activities this option is not recommended.
Fence off the site and wait for gas levels to stabilise.	This option is not considered necessary at this time as the gas and land monitoring systems in place ensure the site can be open to the public. However, should gas levels increase or land movement be detected the site will require closing to the public. This would also require a significant capital investment.

8. Environmental impact

Positive impacts include increased green space and reduced public safety risks. The site is built on a former landfill, which has been found to emit elevated levels of methane. Any decision regarding the site must consider the need for ongoing environmental monitoring and potential remediation to mitigate these risks, especially if the area is opened to the public or repurposed.

9. Other significant issues

9.1 In preparing this report, the author has considered issues related to Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9.2 Significant issues relating to the environment, legal and compliance, finances and operation of the site have been addressed at paragraph 4.4.

10. Appendix

10.1 Appendix A – Active Communities Consultancy (ACC) report

10.2 Appendix B – Equality Impact Assessment

11. Report author's contact details

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