

Report on	Local Authority Deed Agreements for Landfill Sites
Date of Meeting	10 th January 2023
Reporting Officer	Mark McAdoo, Assistant Director, Environmental Services
Contact Officer	Karl McGowan, Waste Disposal & Contracts Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To inform members on the closure and aftercare arrangements for the Councils three landfill sites and to seek approval for revised Local Authority Deed Agreements.
2.0	Background
2.1	Mid Ulster District Council currently manages one closed landfill site at Magheraglass (Cookstown) and two mothballed sites at Tullyvar (Aughnacloy) and Ballymacombs (Bellaghy). Due to the potential environmental impact of large waste facilities such as these, it is necessary to model the long term financial liabilities and to make provision for this liability in the Councils annual audited accounts.
2.2	These models were reviewed in 2019 by the consulting engineers, WDR & RT Taggart with a view to more accurately predicting the number of years that the sites must be managed for. The sites must meet a number of closure criteria before the Pollution Prevention Control (PPC) Permits may be surrendered and a detailed computer model of the site is developed to predict when these criteria are likely to be achieved. The modelling takes into consideration the surrounding geology of the site, its lining system and the types and volumes of waste accepted at the site. Council officers have carried annual reviews since this with the latest update having been submitted to the Northern Ireland Environment Agency (NIEA) in June 2022.
2.3	It is also a regulatory requirement for large waste facilities to have a financial bond in place to safeguard against operators going bankrupt or otherwise abandoning the site post closure. This would leave the NIEA, as regulator, responsible for any clean-up or aftercare of the site. However local authorities are able to use a Local Authority Deed Agreement in lieu of a financial bond and at the previous major review in 2019 the Council put in place individual agreements for each landfill site with the NIEA. The value of these local authority deed agreements based on the financial models generated for each site.

3.0Main Report

3.1

The review undertaken by WDR & RT Taggart resulted in a reduction in the number of years each site is predicted to require aftercare. Prior to 2019 this was based on an aftercare period of 60 years which was the standard at the time and the period recommended by the NIEA. The agreed revised length of the aftercare periods and the resulting year of permit surrender are detailed in the table below:

Site	Aftercare Period (Years)	Year of Permit Surrender
Ballymacombs	25	2044
Magheraglass	27	2046
Tullyar	19	2038

3.2

NIEA have recently advised that the wording previously accepted for all Local Authority Deeds has been reviewed and updated based on legal advice. The new format has been provided and this must be completed and signed for each of the three landfill sites (copies include as appendices).

3.3

Going forward, the expenditure plan for each site will be reviewed annually but the mechanism i.e. the deed agreement, will not need updated as long as the amount is less than the expenditure calculated and the deed does not have an expiry date. The revised deed agreements have the new expenditure plan amount detailed on them which have been calculated as follows following the latest annual review:

Site	2019 Local Authority Deed Value (£)	Revised Local Authority Deed Value (£)
Ballymacombs	1,254,445	1,296,433
Magheraglass	849,127	749,894
Tullyar	1,396,596	585,524

The provision for Ballymacombs is considerably higher than that for Magheraglass and Tullyar reflecting that capping works that still have to be completed there.

3.4

It should be noted that since Tullyvar Landfill Site is jointly owned by both Mid Ulster District Council and Fermanagh and Omagh District Council only 50% of the aftercare liability is provisioned within the Mid Ulster District Council accounts. The Local Authority Deed Agreement for Tullyvar will therefore have to be jointly signed and sealed by both Councils (as was previously the case in 2019).

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: The combined value of the three Local Authority Deed Agreements is £2,631,851,
	Human: None
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members are asked to note the content of this report and to approve revised Local Authority Deed Agreements for the three Council landfill sites.
6.0	Documents Attached & References
6.1	Appendix 1 – Local Authority Deed Agreement for Magheraglass Landfill Site
6.2	Appendix 2 – Local Authority Deed Agreement for Ballymacombs Landfill Site
6.3	Appendix 3 – Local Authority Deed Agreement for Tullyvar Landfill Site