



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Officer Delegated Decision

24 October 2025

Richard Wyles Deputy Chief Executive and
s151 Officer

Abandoned Waste Filled Trailer – A1 Layby Great Ponton

Contact

Karen Whitfield, Assistant Director – Leisure, Culture and Place



01476 406080



karen.whitfield@southkesteven.gov.uk

Decision made by:	Richard Wyles – Deputy Chief Executive and s151 Officer.
Decision:	To commission the removal of waste contained within a trailer located within a layby on the A1.
Public or Exempt:	Public
Reasons for exemption:	Not applicable
Conflicts of interest:	No
Policy compliant:	Yes
Details of delegation:	The Deputy Chief Executive and s151 Officer has the appropriate delegation to release funds from the insurance reserve.

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

- 1.1 The Council should seek to recover all costs to other liable parties that are incurred but not the responsibility of the Council. Any residual costs payable by the council will be funded from the insurance reserve which has sufficient monies available to cover this.

Completed by: David Scott – Assistant Director of Finance and Deputy s151 officer.

Legal and Governance

- 1.2 The Council has commissioned specialist legal advice to ascertain who is responsible for the costs associated with the removal of the trailer and its contents.
- 1.3 Due to serious health and safety concerns and the risk to the environment, a decision has been made to remove the waste and facilitate the removal of the trailer. Should it be possible following receipt of further legal advice, the Council will seek to recover the expenditure incurred from the appropriate party.

Completed by: James Welbourn, Democratic Services Manager

2. The Purpose of the Report

- 2.1 To record the decision to fund the removal of the waste contained within the abandoned trailer unit on the A1. The costs associated with the disposal of the waste will be recovered from Lincolnshire County Council.

3. Background

- 3.1 An articulated trailer unit full of waste has been deposited on the A1 near to Great Ponton and has been in situ for a number of weeks. Due to the size of the waste deposit the responsibility to investigate falls to the Environment Agency.
- 3.2 Although the incident occurred adjacent to the A1, it is classed as a fly-tipping incident on land within the district boundary rather than within the operational highway network maintained by National Highways. As such, there is the potential that it falls under SKDC's statutory responsibility for waste clearance under the Environmental Protection Act 1990.

- 3.3 A responsible contractor has been identified, who can remove the waste and take it to their permitted site for disposal. Lincolnshire County Council have confirmed in writing that they will be responsible for the waste disposal costs.
- 3.4 The Environment Agency will be responsible for assessing the waste to establish whether there is any evidence identifying who is responsible for leaving the trailer and waste in situ. Should evidence be found this could lead to prosecution and recovery of costs.
- 3.5 There is an urgent need to remove the waste due to public safety concerns. The load does appear unsecure and whilst South Kesteven District Council has ensured that the waste has been strapped, this is not a long-term measure for securing the safety of the load.
- 3.6 The unit is in a poor state of repair and has suffered additional damage following a road traffic collision. The structural integrity of the unit is now in question and must be addressed as an urgent matter.
- 3.7 Should the condition of the unit deteriorate further it is highly likely that part of the unit and waste within could fall into a live carriageway with life threatening consequences. Section 3 of the Health and Safety at Work Act 1974 is very clear on the duty to those persons not in our employment. **“It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety”**. The Council holds both a legal and moral obligation under our duty of care to others.
- 3.8 A specialised waste contractor has provided a quote to remove and dispose of the waste and has estimated the cost to be £40k. The Council will recoup all the costs associated with disposing the waste from Lincolnshire County Council.
- 3.9 Although they have received legal advice that they have no statutory duty to do so, National Highways has agreed to remove the trailer from the layby once the waste has been decanted.
- 3.10 There is a pre-arranged overnight road closure in place on the 27th and 28th October on the A1. Should the Council and National Highways not take the opportunity to undertake the works during this closure period then it will be several weeks before a further road closure can be arranged, and this would attract additional costs.

4. Preferred Option

- 4.1 To place an order to decant the waste from the trailer on the A1 during the pre-arranged period of closure on 27th and 28th October. The costs of waste disposal will be recharged to Lincolnshire County Council. Following the receipt of legal advice, should there be a basis to do so, the Council will seek to recoup any costs from the appropriate agency.

5. Reasons for the Decision(s)

- 5.1 There is an urgent need to remove the trailer and waste. The waste is unsecure and leaking, this is potentially hazardous to the environment and poses a risk to the safety of the public.

Signed by: **Richard Wyles**

Date: **24 October 2025**