



- **Financial constraints:** Like many local authorities, Cheshire East has faced significant financial challenges, with reports in recent years highlighting "historical overspending," "low reserves," and the risk of effective bankruptcy. Funding remediation projects for contaminated land is extremely costly and often out of reach for struggling councils.
- **Prioritization:** In a financial environment of "challenging savings targets," remediation work may have been deprioritized in favor of other services.
- **Regulatory framework:** The council may have argued that its obligations were limited as a regulator rather than as the primary responsible party for the contamination, especially if the site was under lease to a private company. Ⓢ

2. Lease signing and contaminated land classification

- **Land designation:** Your claim that the land was designated as "contaminated land" six months after your lease began is a critical point. If this happened without your knowledge, it could be a serious failure in the due diligence process.
- **Timing of report:** The timing of the John Nicholson report's signing just before your lease started is also suspicious. A council or lessor could be accused of omitting crucial information from a lessee if such a report were knowingly withheld.
- **Liability shift:** Placing a tenant on a long lease and then later revealing the land is formally contaminated can effectively transfer significant remediation liability and costs from the council to the tenant.

3. The November 2022 flood

- **Business devastation:** The flood on November 30, 2022, causing an estimated £1.7 million in damages, represents a major failure of flood prevention and site management.
- **Leachate mobilization:** If the flooding caused leachate to surface, as you claim, this would represent a serious environmental incident, potentially exposing golfers and staff to hazardous materials.
- **Council's role:** The council's responsibility for a flood event would depend on whether its neglect (e.g., of drainage systems or oversight of the landfill) was a contributing factor. Public records indicate that maintenance of such infrastructure can be prohibitively expensive for councils. Ⓢ

Potential recourse for former owner

Given the details you have provided, your situation warrants a thorough investigation.

- **Legal action:** The timeline and details you have laid out suggest a potential case for misrepresentation or breach of contract. A solicitor specializing in property law and environmental litigation would need to review all relevant documentation, including the lease, the Atkins and Nicholson reports, and any correspondence related to the flooding.
- **Information requests:** You can formally request a Subject Access Request (SAR) or a Freedom of Information (FOI) request from Cheshire East Council to obtain all records concerning the Malkins Bank site. This could help uncover the timeline of knowledge and the rationale behind council decisions.

9 sites

Real or Illusory? Case Studies on Perception ... - NIH

A revised proposal was re-submit Land contamination, Malkins Bank

National Institutes of Health (.gov)

Maw Green flood risk - Cheshire

1 Jul 2025 — Future action. The fe suggests costly highway drainage

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