

FOR: REGULATORY AND LICENSING COMMITTEE

Date: 18th February 2014

Agenda Item: 6

**Contact Officer: Neil Wait
Telephone: 308734**

SUBMISSION BY NEIL WAIT- SENIOR ENVIRONMENTAL PROTECTION OFFICER

CONTAMINATED LAND STRATEGY UPDATE

1. Purpose of Report

- 1.1 To report to Committee the Contaminated Land Strategy's progress to date, future actions, issues and risks.
- 1.2 To ensure the Council meets its statutory duty to inspect land within the district for the purpose of identifying contaminated land, to determine whether any particular site is contaminated and act as the enforcing authority for all contaminated land which is not a "Special Site".

2. Background

- 2.1 Previous reports to: Cabinet; Community, Housing & Health (Overview & Scrutiny) Committee; and this Committee, with the last update to this Committee being October 2012, reported a current position of:
 - Initial desk top work has identified 55 sites that require intrusive investigation;
 - Six site investigations have commenced with the aid of Department of Environment grants totally £99K;
 - Two of these site investigations have been concluded as suitable for residential use. Four site investigations were ongoing;
 - Twelve sites were currently at the initial investigation stage;
 - To assist Officers with the intrusive site investigations consultants were tendered on a 5 year basis (2009 to 2013). The successful company was Grontmij.
 - The department annual budget is £6K;
 - The Department of Environment local authority grant scheme has reduced its annual budget from £17 million in 2009/10 to £4.55 million in 2011/12.

- The Department of Environment changed its grant application review procedure. Previously all sites that required a full intrusive investigation were eligible for a grant. The new scoring system targets only the most contaminated sites. This has created a funding void between sites that have just enough contamination to require a full site investigation, and the sites with high levels of contamination where grants are available. All of our previously awarded grant sites fit within this scoring void.
- 2.2 Considering all of the above Members approved a revised Strategy timetable to: completed the pending investigations, then investigate one site at a time in accordance with our priority ranking within existing budgets. Should site remediation be required, site specific options would be presented to Members.

3. Current Position

- 3.1 When Members determined the revised Strategy timetable 16 site investigations were ongoing at various stages. The position now is:
- In April 2012 the Department of Environment published new Contaminated Land Statutory Guidance.
 - Nine site investigations have been concluded and reports issued, all confirming they are suitable for residential use. The most significant of these in terms of cost (second grant application refused) & time, was the Admiral Parker Drive site in Shenstone.
 - A further five site investigations have been concluded. Provisional results are being reviewed in line with the new statutory guidance.
 - Of the two remaining sites, one site was subject to two unsuccessful grant application and we are reviewing future options. The second site has now been linked to a much larger site so further works may be required.
 - We have re-tendered our consultants, the successful bidder being Hydrock.
 - In December 2013 the Department of Environment announced that the Capital Grant Scheme is ceasing.

4. Risk

- 4.1 Contaminated Land and its affects on human health are key aspects of the quality of life and confidence in the environment in which we live.
- 4.2 This statutory process of regulation and enforcement contribute to the well-being and safety of our residents and towards protecting and providing a high quality and sustainable environment for this and future generations
- 4.3 Due to the reduction in grant funding available the Department of Environment have changed the grant evaluation scoring so only the most contaminated sites gain funding. Although this makes sense from a public health point of view, it does not assist residents who live on a site listed to be investigated. A number of residential

sales have fallen through - not because the site is contaminated, but because we cannot prove it is not contaminated!

- 4.4 The government's national budget for Local Authority contaminated land grants has been significantly cut from £17 million in 2009/2010 to £2 million this financial year. It was announced in December 2013 that the grant scheme will cease after this financial year.
- 4.5 Our existing budget is insufficient to fund a detailed site investigation. This could result in it being phased over a number of years.
- 4.6 The Council has a statutory duty to complete its Contaminated Land Strategy, and could be legally challenged should it fail to progress it satisfactory.

5. Issues

- 5.1 Of the 55 sites originally identified as requiring intrusive investigation, 37 are yet to commence.
- 5.2 Residents who live on and adjacent to these sites face a potential public health and commercial issues until their site has been fully investigated.
- 5.3 Challenges for Officers are to maximise our annual budget.

6. Future Actions

- 6.1 Continue to implement the Councils Contaminated Land Strategy in line with the Member agreed timetable.
- 6.2 Review our Contaminated Land Strategy in line with the 2012 revised statutory guidance.
- 6.3 Completed and issue reports on the remaining ongoing sites.
- 6.4 Investigate new sites on a one by one basis within the existing budget.

7. Recommendation

- 7.1 For the Committee to note the progress to date in implementing the Contaminated Land Strategy, and note the future actions, issues and risks faced.