



Regeneration and Sustainable Communities overview and scrutiny Committee meeting :

Contaminated Land Strategy

24th November 2009



Dealing with Contamination

Environmental Health provides several key services to internal departments and external stakeholders through:

Statutory Function

The Strategy
Part II A EPA 1990

Non - Statutory Function

Consultations
Environmental information regulations 2004 & Land Charge Searches

Consultations
Internal Departments eg Planning DC, Spatial Planning, Building Control, Parks and Leisure, Housing, Property Procurement



Statutory Function Environmental Information Regulations (2004)

- The Council holds environmental information on areas of land across the Borough for a range of reasons:
 - As part of it's statutory function under Part IIA EPA 1990 related to sites of potential concern.
 - Land it owns or has owned
 - Building control records
 - Planning application records
- Interested parties, e.g. during a conveyancing process, can request details of Environmental information that the Council has through this legislation.



Non-Statutory Function Planning Consultation

- Environmental Health act as internal consultees to Planning DC.
- Consultation responses are guided by Planning Policy Statement 23 (PPS23)
- Successes of this process can be seen at St Peter's Wharf (former town gas works) and the Syngenta site, Yalding (former pesticide manufacturer)
- Other Departments that consult Environmental Health include Parks and Leisure, Property Procurement, Housing, Spatial Planning, Building Control.



The Contaminated Land Strategy Key Aims

- The Strategy must clearly set out a Council's approach to dealing with potentially grossly contaminated sites which may trigger investigation under Part IIA EPA 1990.

Definition of contaminated land:

*"any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –
a) Significant harm is being caused, or there is a significant possibility of such harm being caused; or
b) Pollution of controlled water is being, or is likely to be caused."*

- Provide a guide to the authority on all aspects relating to contamination to ensure continuity of approach across overlapping regimes.



Part IIA Statutory Duty:

Part IIA of the Environmental Protection Act 1990 places a statutory duty on Local Authorities to:

- Cause its area to be inspected from time to time to identify contaminated land
- To decide whether such sites are "Special Sites"
- To maintain a public register
- To write and publish a Contaminated Land Strategy



Secretary of State Guidance

- The strategy should be written in accordance with guidance issued by the Secretary of State; It should be:
 - transparent and consistent
 - rational, ordered and efficient
 - proportionate to the seriousness of the risk
 - seeking to ensure that the most serious and pressing problems are located first
 - ensuring resources are concentrated on areas most likely to contain contaminated land
 - ensuring requirements for detailed inspection are identified



2001 Strategy – Key Elements

- Written to comply with statutory duty and secretary of state guidance
- It provided a framework which detailed how the Council would identify, prioritise and remediate potentially grossly contaminated sites that may fall into the Part IIA definition of contaminated land
- It provided guidance on how the council would manage contamination through the planning process
- It provided guidance on partnership working with the Environment Agency
- It provided guidance on how the council would manage it's own assets



Progress Since 2001

- Formally determined Furfield Quarry as "Contaminated Land" in 2002. Remediation of site secured through Planning process.
- Secured 220 Contaminated Land conditions on developments in the Borough between 2001 and today.
- Secured £13K grant funding from DEFRA Capital grants scheme for Meades Close site investigation 2003/04.
- Provided approximately 580 Environmental Information Regulation requests.
- Secured range of improvements to LA owned or managed landfills.
- Landfill gas monitoring carried out around LA owned/managed sites.
- Managed BVPI 216a&b databases during and after it was discredited in 2007.



Moving Forward

- Update Strategy in accordance with DEFRA circular 01/2006, Environmental Liability Regulations & the Soils Strategy 2009.
- Update strategy with internal structure changes
- Screen 2001 Strategy prioritisation list to bring up to date.
- Update GIS data.
- Develop new prioritisation software to bring up to date.



Action Plan

- Re-draft Strategy incorporating changes
(Jan 2010)
- Submit draft strategy to Management team
(Jan 2010)
- Submit draft strategy to scrutiny
(Jan 2010)
- Send draft strategy for external consultation
(minimum of 6/8 weeks)
(Feb 2010)
- Preliminary work updating GIS data
 - polygonising post 1945 source data
 - Screening of source data points to ensure up to date**(March 2010)**
- Upgrade prioritisation software to CONCEPT by BGS in accordance with 2009 Strategy
(April 2010)
- Publish Updated Contaminated Land Strategy
(April 2010)