Appendix B

Land Contamination Action Plan 2010/11

Measure	Detail	Risk
Review and update the Contaminated Land Strategy 2001	The Contaminated Land Strategy (CLS) 2001 was revised in 2006, but as it was not formally ratified by members is still annotated as 'Draft'. The existing draft contains a commitment for a further review, and this has now taken place. The revision has removed out-of-date and incorrect statutes and references and updates key tasks and timescales.	**MEDIUM.** *Dealing with contaminated land is potentially controversial. The Council needs to work from a strong, clear and up-to-date base and would be vulnerable were it to be seen to working outside its own strategy. The updating of this strategy is important to maintain credibility.*
Review and agree future prioritisation for investigating potentially contaminated sites.	The 2006 draft strategy indicates in its key tasks and timescales that 'the initial prioritisation of sites for investigation was completed in September 2004. It is the intention to work through the prioritised list of sites with those identified as high risk being investigated first.' Significant progress has not been made on this issue, and as identified above, had it have progressed, it would have been based on an excessive and potentially inaccurate list. The initial strategy and unratified revision were steered via a working group within the Council involving legal, property management and EH. The group is currently being re-formed.	**MEDIUM.** *Whilst the list remains inaccurate, its prioritisation is key. This will become a more significant issue once the list has been amended. The Council is open to criticism for not having a clear strategy for prioritisation in place.*
Implement the new BGS software system	The research undertaken 2001-03 provided a sound basis on which to build the CLR. To enable prioritisation MBC, like a number of other Local Authorities, purchased a system called CLARE. This system has been shown now to be insufficient for the enormity of the data it was expected to process. Further, it is no longer supported and has become obsolete. MBC purchased a new system from the British Geological Survey (BGS) in 2007. The data held in the previous system has been transferred across, but additional information, particularly regarding work on post 1945 maps needs to be completed by IT. A lot of work has already been done plotting the polygons from the previous point sources and has further given a commitment to do the necessary work on the post 1945 maps however, this does not now have a high priority within their workload and the completion of this project is awaited. This software will allow more meaningful prioritisation to be undertaken giving the Council a clearer picture of how many sites may need determination and in which order they should be tackled.	**HIGH.** *The existing system has provided unsupportable risk assessments which the officers have little or no confidence in. In order to manage the CLR it is essential the highest risk sites are identified and plans put in place for how they will be dealt with. Until this is done the Authority is at risk of being shown not to be managing this controversial issue competently.*
Screen, amend and update the list of	The current list of approximately 600 potentially contaminated sites (PCS) is derived from a comprehensive piece of work undertaken in 2001-3. Developments since then will have reduced this number and therefore will no longer be contaminated. In some cases better information has become available which will	***HIGH.*** *The current inaccurate and overly extensive list places the Council in a potentially vulnerable position. The current list is used as a basis for responses to*

potentially contaminated sites	enable the risks associated with the site to be reduced. The list however has not been updated since 2005. It is likely the list could potentially be reduced to some 200 sites – maybe less. The planning records held on APAS unfortunately are not mapped in a way which enables this data to be readily extracted. IT are endeavouring to write a programme to improve access to data held, but are wary of reliance being placed on this as it is likely some key data prior to 2008 may not have been recorded. The services of an external consultant have now been secured, and he will start the screening exercise once the BGS software is fully operational; this is dependent on IT completing the mapping of post-1945 source data described above. It is anticipated that the screening of records will take approximately 4 weeks.	*Environmental Searches and Land Registry Searches. Its inaccuracies mean the quality of the information we provide the public may be unreliable. The current strategy commits the Council to disclosing FACTUAL information. It may be regarded as unacceptable that the Council does not have factual information 8 years on from the initial strategy. Should the current list be placed in the public domain the potential for media interest and unnecessary blight is high. A number of FOI requests have been made pertaining to this list. To date the list remains an internal document.*
Confirm which sites on the revised list are Council-owned	It has been suggested in the past that Council owned sites should be considered first (not to the detriment of higher priority non-council sites), however there is doubt over whether or not some sites listed are Council owned. Reassurance is needed that the Council has accurate details of sites in its ownership.	**MEDIUM.** *As the prioritisation criteria is not yet in place this may not be a key issue now, but will be in the future.*
Develop and implement a communications strategy.	The way in which Land Searches, Environmental Searches, FOI's and routine enquiries are responded to must be clear and consistent. A communication strategy is currently being developed.	**LOW** *Work is currently ongoing on this and it is anticipated a clear strategy will be in place within 3 months.*
Establish future procedures for effective management of contaminated land issues.	i) This relates to updating and management of the data which will need to be agreed with IT. ii) Further, clarity is needed over which department has responsibility for checking and discharging planning conditions relating to contaminated land. There does not appear to be a reliable or consistent system in place for ensuring that planning conditions relating to contaminated land are complied with and so many premises have conditions which have not been discharged and cannot now be checked. It may not be possible to resolve many of the old cases, but effective measures need to be put in place regarding conditions on current and future planning applications. iii) Who is responsible for monitoring landfill gas levels at sites where MBC has a historic liability? iv) Who is responsible for maintaining council-owned sites where remediation measures have been implemented previously?	**MEDIUM.** *If records cannot show when a condition has been determined a premises may unnecessarily remain on the CLR. This may create inaccuracies in responding to any future Environmental or Land Registry Searches.*
Identify and implement measures necessary to safeguard potential future	Currently grants are available to the LA from DEFRA where a need has been identified to remediate existing contaminated land. However criteria have now been put in place that precludes any grant being available if the site has been through the LA planning system since 1994. Since that time it has been possible to deal with Contaminated Land and any necessary remediation through planning	**HIGH** *Until the CLR is accurate, there is a risk that the LA could place itself if a position which would preclude it from future grant assistance from DEFRA.*

access to Government Grants.	conditions. The view of DEFRA in effect is that they will not support LA to undertake work which could have been placed on an owner/developer through the planning system. This point links with item 3 above. It is crucial that the CLR is accurate as it provides the trigger for responses to planning consultations as well as the Environmental searches and Land Registry Searches referred to earlier.	