

BABERGH DISTRICT COUNCIL

FROM: Head of Environmental Services

REPORT NUMBER **E 13**

TO: STRATEGY COMMITTEE

DATE OF MEETING 28 April 2005

REVISED CONTAMINATED LAND STRATEGY FOR THE BABERGH DISTRICT

1. **SUMMARY**

This report presents progress on and makes recommendations regarding revisions of the Council's strategy for inspecting and dealing with contaminated land, prepared in accordance with the requirements of the Environmental Protection Act 1990.

2. **RECOMMENDATIONS**

- 2.1 The Committee is recommended to approve and adopt the revised Contaminated Land Strategy for publication.
- 2.2 The Committee is able to resolve this matter.

3. **FINANCIAL IMPLICATIONS**

- 3.1 £15,000 budgetary provision has been made to fund the inspection programme in 2005/06. The Committee is advised that at least this level of funding will be required in each year of the initial 10 year inspection programme.
- 3.2 It is impossible to estimate what the detailed inspection of individual sites will reveal and how much further work it will necessitate. Subsequently potentially significant sums may be required if major contamination is identified on a particular site or if enforcement action is necessary to secure remediation (clean-up) of sites. In such circumstances, it would be anticipated that an application would be made for DEFRA support to local authority capital projects under the Contaminated Land Capital Projects Programme. The Council has already been successful in securing approval for expenditure towards an on-going investigation.

4. **KEY INFORMATION**

- 4.1 The Environment Act 1995 introduced provisions into "Part IIA" of the Environmental Protection Act 1990 to secure the remediation of land identified as contaminated. These provisions came into force in April 2000 and gave district councils the primary regulatory role for dealing with contaminated land. In accordance with its duties under the Act, the Council published a strategy in June 2001 setting out how it intended to:-
 - Identify potentially contaminated sites and prioritise them for inspection.
 - Inspect the sites to establish whether they should be formally determined "Contaminated Land", as defined in the legislation.
 - Manage the remediation of "Contaminated Land" sites through voluntary or enforcement action.

The strategy not only provides inspection arrangements and procedures, but also a justification for and transparency in, the Council's decisions on how it will inspect its area.

- 4.2 Since the adoption of the strategy a considerable amount of work has been undertaken to identify potentially contaminated sites and to devise a timetable for their inspection. Action has also been taken or commenced on inspecting approximately 50 higher risk sites either through the Part IIA regime or redevelopment of brownfield sites. This work has identified a need to review the Council's strategy to incorporate the intended inspection timetable and to reflect the Council's revised priorities. This report presents the revised strategy.
- 4.3 The revised strategy is a substantial document and the significant changes and progress in implementing the strategy are summarised below. A paper copy of the draft, revised strategy is available in the Members' Room or can be requested from the Head of Environmental Services. It can also be viewed on the Council's internet site at: www.south-suffolk.gov.uk/Babergh/Home/Environment+and+Planning/Environmental+Protection/Contaminated+Land/Summary.htm.
- 4.4 Most of the changes made to the strategy are minor to reflect changes in terminology, phraseology or titles, plus other consequential amendments. The significant changes are summarised below.

5. **SUMMARY OF CHANGES AND PROGRESS REPORT**

- 5.1 Most of the changes made to the strategy are minor to reflect changes in terminology, phraseology or titles, plus other consequential amendments. The significant changes are summarised below.
- 5.2 Amendments have been made to place the strategy in the context of the Council's revised Vision and Service priorities (paragraphs 1.1 and 3.2 of the strategy).
- 5.3 A Geographical Information System (GIS) has been developed to assist in the handling and interrogation of 35 relevant datasets including historical mapping of former industries, former military sites, current and former landfill sites, groundwater vulnerability maps, geological maps and borehole records. These datasets have been cross-referenced with potential receptors such as residential areas, schools, recreational areas, ecological sites with statutory protection and ancient monuments. The GIS has been interrogated to identify 1135 **potentially** contaminated sites and a preliminary risk assessment of each site has been completed to place them in priority categories for detailed inspection:-

Category A	6	Highest risk
Category B	286	
Category C	101	↓
Category D	566	
Category E	176	Lowest risk

- 5.4 A 10 year programme is proposed for the inspection of Category A, B and C sites and a timetable for inspecting the Category D and E sites will be proposed thereafter. It should be noted that achievement of the timetable will be heavily dependent on:-
- The rate of brownfield redevelopment which will affect the Environmental Services staff resources that can be dedicated to Part IIA inspection work. The remediation of contaminated brownfield sites during redevelopment may obviate the need for inspection under Part IIA. However, the priority given to assisting the Planning Control Division may result in sites being dealt with ahead of our prioritised schedule under Part IIA.

- Expenditure incurred on inspecting individual sites. It is impossible to estimate what the detailed inspection of sites will reveal and how much further work it will necessitate. Consequently, it is not possible to quantify the likely expenditure on a particular site until it is actually inspected and assessed in detail.

5.5 The section detailing the statutory framework for the recovery of costs in the event of the Council taking enforcement action has been expanded (paragraph 4.8 of the strategy). In general, the Council will seek to recover in full its reasonable costs. However, the Council will consider waiving or reducing the recovery of costs to the extent that it considers this appropriate and reasonable, either where hardship is caused or where one of a series of specific considerations set out in the statutory guidance apply.

5.6 Members are informed that, to date, no site has been designated as contaminated in the District in accordance with this duty.

6. **APPENDICES AND BACKGROUND PAPERS REFERRED TO:**

- (a) Technical Advice for Local Authorities. Contaminated Land Inspection Strategies. Department of the Environment, Transport & the Regions, 2001
- (b) Babergh District Council Contaminated Land Strategy, June 2001

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