

Report of the Director of Neighbourhood Services

## **CONTAMINATED LAND UPDATE**

### **Summary**

1. The purpose of this report is to seek approval by the Executive Member for the adoption and publication of an updated contaminated land strategy.
2. The report also provides an update on the outcome of the recent contaminated land grant applications made to the Department for Environment, Food and Rural Affairs (DEFRA). Two bids were made to DEFRA under the Capital Grant Scheme in relation to the council's ongoing contaminated land work.

### **Contaminated Land Strategy – 2010**

3. Part 2A of the Environmental Protection Act 1990 requires local authorities to investigate their areas for contaminated land. If contamination is found, then remediation (clean-up) works will be secured to protect human health and the environment.
4. All councils must outline their approach to the identification of contaminated land in a written strategy. City of York Council's initial contaminated land strategy was published in July 2001, followed by an update and review document in February 2005.
5. A complete review of City of York Council's contaminated land strategy was undertaken in January 2010, to incorporate a number of recent changes in contaminated land legislation and guidance e.g. The Contaminated Land (England) Regulations 2006 and DEFRA Circular 01/2006.
6. The strategy explains how the council's environmental protection unit will inspect the city for contaminated land, manage the information generated, assess all sites which could potentially fall under the definition of contaminated land and secure remediation. The strategy also includes information on timescales and progress made since 2001.
7. It is a requirement that the strategy be kept under periodic review. It is intended to update and republish the strategy every three years, as the Yorkshire and Humberside Pollution Advisory Council (YAHPAC) consider this to be an appropriate review period.

8. Following approval by the Executive Member, the revised contaminated land strategy will be published and reviewed every three years thereafter.
9. The published strategy will be available to download from the City of York Council website and paper copies will be held at reception (9 St Leonard's Place) and at York Central Library.

### **Contaminated Land Grants**

10. Local Authorities must investigate potentially contaminated sites within their district to assess whether land contamination is present. The government supports local authorities' capital expenditure for contaminated land through the DEFRA Capital Grant Scheme.
11. Previous contaminated land grants have funded the investigations of closed landfill sites at Fulford Cross, Nun Ings, Huntington Road, Fifth Avenue and Water End.
12. In July 2009 officers submitted two bids for DEFRA to support the council's contaminated land work during 2009/2010. The amounts bid for were:

Investigation of a closed landfill site at Chapman's Pond (off Moor Lane)	= £24,000
Investigation of a closed landfill site behind Westfield School (off Askham Lane)	= £27,000

13. On 14<sup>th</sup> October, DEFRA confirmed that the following amounts had been allocated to City of York Council:

<b>2009/2010</b>	
Investigation of a closed landfill site at Chapman's Pond	= £21,500
Investigation of a closed landfill site behind Westfield School	= £24,500

<b>2010/2011</b>	
Investigation of a closed landfill site at Chapman's Pond	= £2,500
Investigation of a closed landfill site behind Westfield School	= £2,500

Please note that if any of the grant money allocated to 2009/2010 is not spent, it can be carried over to 2010/2011.

14. On 20<sup>th</sup> November 2009, we invited quotations from a number of specialist consultants to undertake the site investigation and risk assessment of Chapman's Pond and the land behind Westfield School. The quotations were evaluated and a successful consultant was selected.

15. Site investigation works are scheduled to commence at both sites in February 2010. The investigation works will incorporate soil sampling, water sampling and ground-gas monitoring. The results will then be assessed to determine if either site falls under the legal definition of contaminated land.

## **Consultation**

16. Copies of the draft contaminated land strategy have been sent to:

City of York Council Planning Department  
DEFRA  
East Riding of Yorkshire Council  
English Heritage  
Environment Agency  
Food Standards Agency  
Hambleton District Council  
Harrogate Borough Council  
Health Protection Agency  
Natural England  
Ryedale District Council  
Selby District Council

17. All comments received to date have been incorporated into the document where appropriate. Comments received prior to publication will also be incorporated as appropriate.

## **Options**

18. (a) To approve the contaminated land strategy and to undertake a review every three years.
- (b) To reject the contaminated land strategy.

## **Analysis**

19. Option (a) will allow the council to update its contaminated land strategy and to continue its programmed inspection of potentially contaminated sites.
20. Options (b) would prevent the council progressing with its contaminated land work. Failure to investigate potentially contaminated sites (and secure clean-up as necessary) could mean that contamination remains in the ground and continues to present a risk to human health and the environment.

## **Corporate Priorities**

21. We aim to protect people, property and the environment from contaminants in the ground and encourage the brownfield regeneration of contaminated sites. The council's contaminated land work contributes towards our corporate priorities of a thriving, sustainable and healthy city.

## **Financial Implications**

22. There are no financial implications.

## **Human Resources**

23. There are no human resource implications.

## **Equalities**

24. There are no equalities implications.

## **Legal Implications**

25. The council has a statutory duty to inspect its area for contaminated land. If contaminated land is found, the council must secure remediation to protect human health and the environment.

26. The council must ensure that the contaminated land strategy is kept under periodic review.

## **Crime and Disorder**

27. There are no crime and disorder implications.

## **Information Technology (IT)**

28. There are no IT implications.

## **Risk Management**

29. In compliance with the council's risk management strategy. There are no major risks associated with the recommendations of this report.

## **Recommendations**

30. We advise the executive member that:

**Option (a) at paragraph 18 should be accepted** - to approve the updated contaminated land strategy and to undertake a review every three years.

*Reason:* The updated contaminated land strategy fulfils the council's regulatory requirement to periodically review its strategy. It allows the council to continue its programmed inspection of potentially contaminated sites and make progress on corporate priorities of a thriving, sustainable and healthy city.

### **Options (b) should be rejected**

*Reason:* Rejection of the contaminated land strategy would prevent the council's progress on contaminated land. The council would fail to meet its regulatory duty to keep the strategy under periodic review.

## Contact Details

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**Report Approved**  **Date** 19/01/2010

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

Contaminated Land Strategy, July 2001

Executive Member for Environment and Sustainability and Advisory Panel, July 2001

Review of the Contaminated Land Strategy, February 2005

Executive Member for Environment and Sustainability and Advisory Panel, February 2005

**Annexes:**

Draft Contaminated Land Strategy, January 2010 – **Available online and hard copy on request.**