

# Agenda Item IMD40

## INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2015/40

<b>TITLE</b>	<b>Wokingham Borough Council Contaminated land Strategy</b>
<b>FOR CONSIDERATION BY</b>	Executive Member for Resident Services
<b>ON</b>	30 November 2015
<b>TIME</b>	7pm
<b>WARD</b>	All
<b>DIRECTOR</b>	Heather Thwaites, Director of Environment
<b>VENUE</b>	Room FF12, Council offices

### **OUTCOME / BENEFITS TO THE COMMUNITY**

The Revised Wokingham Borough Council Contaminated Land Strategy sets out how the Council will deal with contaminated land over the next 5 years to protect residents from the potentially harmful effects of contaminated land and to ensure that land undergoing development is suitable for its proposed use

### **RECOMMENDATION**

The Executive Member for Resident Services adopts the Revised Wokingham Borough Council Contaminated Land Strategy.

### **SUMMARY OF REPORT**

The local authority has a statutory requirement to prepare a publically accessible Contaminated Land Strategy. The existing strategy needs revision to reflect the changes in statutory guidance, the development management regime and the priorities of Wokingham Borough Council. The strategy focusses on three main areas :-

- Undertaking studies to determine the need for further investigations on existing land uses
- Activity associated with development of land through the planning system
- Management and Provision of Information under the Environmental Information Regulations 2004

Overall Wokingham Borough Council has a low number of potentially contaminated sites which need to be looked at. The main focus is on supporting and utilising the planning regime to secure decontamination of sites that are proposed for redevelopment or reuse, to ensure that the level of contamination is acceptable for the intended users of the site.

## Background

The Environmental Protection Act 1990 (sections 78A-78YC) known as “Part IIA” was introduced in 1995 by the Environment Act to provide a legal framework for dealing with contaminated land. Each local authority has a duty to “*cause its area to be inspected from time to time for the purpose of identifying contaminated land*”

Part Ila, Contaminated Land Statutory Guidance was revised in 2012 and reiterates the need for the Council to have a Contaminated Land Strategy.

The Council adopted the Contaminated Land Strategy in 2001 and this needs to be revised to reflect changes in legislation and the planning development management regime. This is because the planning system is the main mechanism to secure the decontamination of contaminated sites to ensure that they are suitable for their intended use.

## Analysis of Issues

The prevalence and levels of contamination is dependent on a number of matters which include past land uses, geology and hydrogeology. The strategy sets out how these impact on potentially contaminated land found in the Wokingham Borough Council area. Further chapters outline the regulatory context and principles applied when addressing contamination. The Council is responsible for land that could impact on the health of residents and not the pollution of water which the Environment Agency would seek to minimize.

**Key achievements to date** - The Strategy sets out the key achievements to date, which include Sandford Farm (Woodley) remediation (through the development management process) and Strathmore Drive (Charvil) intrusive investigation under Part Ila of the Act. The strategy sets out with volume of work and timescales detailed, where appropriate, the Targets for the next 5 years.

**Focus on the Planning System** -The Council needs to be mindful of the resource implications when dealing with land contamination and that the planning process is an effective way of reducing contamination. The strategy does not aim to remove all contaminants across the whole borough but to focus resource on the most contaminated sites and on decontaminating those sites that are proposed for redevelopment or reuse to ensure that the level of contamination is acceptable for the intended users of the site.

**Proactive identification of new sites** - Wokingham Borough Council has taken a pragmatic approach in determining the highest priority sites for investigation in the past. Moving forward, the Council in following statutory guidance and being in line with industry approach, will deal with sites through the development management process. From time to time if the Council is notified of sites and/or new information, this will be reviewed on a site by site basis to determine and risks posed and any action required.

The targets of the revised strategy follow 4 main themes

- Management and Provision of Information – including maintenance of our

database

- Activity associated with Development of Land – working closely to support the Local Planning Authority
- Activity under Part IIa of the Environmental Protection Act 1990 – proactive work to identify and/or remove known sites
- Maintaining Competency and Quality Control – ensuring appropriate training and QMS documents are maintained and followed.

The final part to the Strategy sets out the legal framework surrounding declaring a site contaminated and the implications of taking such action.

Overall Wokingham Borough Council has a low number of potentially contaminated sites which need to be looked at. The position and numbers will be reviewed on an annual basis.

Blight is sometimes cited as a concern surrounding potential land contamination. Environmental Searches are carried out on properties when they are purchased and the Council responds based on the questions asked as well as the amount of information held. By having a clear strategy residents can be confident that the Council will act when necessary. In addition the initial assumption taken should be to assume land is not contaminated.

#### **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Neutral - met through the Environmental Health shared service fee	Yes	Revenue
Next Financial Year (Year 2)	Neutral - met through the Environmental Health shared service fee	Yes	Revenue
Following Financial Year (Year 3)	Neutral - depending on new arrangement for delivery of the Environmental Health Shared Service	Yes	Revenue

**Other financial information relevant to the Recommendation/Decision**

By taking an approach to primarily use the development management process to reduce contamination the cost of investigation and remediation is covered by the developer (and or the past/future occupants).

**Cross-Council Implications** (how does this decision impact on other Council services, including property and priorities?)

There is a need to continue working closely with Development Management service to ensure sites are appropriately remediated before development

**SUMMARY OF CONSULTATION RESPONSES****Director - Resources**

No comment

**Monitoring Officer**

No comment

**Leader of the Council**

I support the recommendations of this updated Contaminated Land Strategy

**List of Background Papers**

Environment Act 1995, Environmental Protection Act 1990

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