

DRAFT CONTAMINATED LAND STRATEGY

Executive Summary

Following publication of the Woking Borough Council Contaminated Land Inspection Strategy in 2001 and review in 2015, a revised Strategy has been produced to reflect legislative, economic, Borough and Council changes since its first publication.

The revised strategy is proposed to run from 2018-2023, with a full review scheduled in 2023 unless any significant changes to Council or government policy are introduced or guidance necessitates an earlier review.

The Strategy outlines the Council's policy in relation to managing contaminated land within the Borough. The Strategy also incorporates the Council's proposed Contaminated Land Hardship and Cost Recovery Policy Statement. This statement outlines the position taken on cost recovery should land clean up (remediation) be ultimately required on a site.

The Strategy is aimed at having a greater regard to potential financial implications to the Council. The Strategy therefore tries to minimise financial risks to the Council as far as reasonably practicable.

It is proposed to undertake a technical consultation with key stakeholders on this Draft Strategy before the Executive and Council are asked to agree the finalised strategy.

Recommendations

The Executive is requested to:

RESOLVE That

the Draft Contaminated Land Strategy, attached at Appendix B to the report, be approved for technical consultation.

Reasons for Decision

Reason: To ensure compliance with the Council's obligations as set out in the Environmental Protection Act 1990 and accompanying statutory guidance.

The Executive has the authority to determine the recommendation set out above.
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Background Papers: None.

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1.0 Introduction

- 1.1 Part IIA of the Environmental Protection Act 1990 requires local authorities to prepare, maintain and periodically review their Contaminated Land Strategy. The strategy aims to detail how a Local Authority will investigate and manage contaminated land issues in their area.
- 1.2 Since the introduction of the contaminated land regime over a hundred potentially contaminated land sites have been effectively dealt with by the Council through a variety of mechanisms such as the below:-
 - i) Direct input on planning applications for development carried out on contaminated land.
 - ii) Working with site owners of industrial and other contaminated land sites to investigate, remediate, or develop their land via Planning.
- 1.3 This report sets out the updated approach in dealing with contaminated land in the Borough.

2.0 Background

- 2.1 The Council is required to have in place a Contaminated Land Strategy. The Statutory Guidance recommends that the strategy is reviewed every 5 years or as necessary e.g if there are any updates to statutory guidance, changes to government grant funding etc.
- 2.2 This strategy is updating the existing strategy which was first published in 2001 and reviewed in 2015.
- 2.3 The strategy details how the Council will prioritise, investigate, manage and remediate (if required) contaminated land sites in our Borough.
- 2.4 This proposed update will also help to minimise any potential financial impact contaminated land issues could have on the Council by setting out the Council's hardship and cost recovery policy in relation to remediation.
- 2.5 This strategy is scheduled for a full review in 2023.

3.0 Contaminated Land Strategy Revision Overview

- 3.1 The aims and objectives of the our current published Strategy have been considered and following the publication of new Statutory Guidance in 2012 the current objectives have been reviewed and amended as deemed appropriate. The full proposed strategy can be found as Appendix B.
- 3.2 The Contaminated Land Inspection Strategy Report considers how the Strategy should proceed for the next 5 years.
- 3.3 The strategy is split into seven sections. Section 1 offers an introduction to contaminated land and the aims and objectives of the strategy.
- 3.4 Section 2 outlines the characteristics of the Borough such as land uses and geological information.
- 3.5 Section 3 provides an overview of the historical land uses in the Borough.

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- 3.6 Section 4 provides a summary of the holistic approach of the Council, and details contaminated land related information from the perspective of different Council departments.
- 3.7 Section 5 provides a summary of the approach the Council uses in relation to its statutory functions under Part IIA of the Environmental Protection Act 1990. It outlines seven stages from data gathering all the way up to investigating and declaring land as contaminated. This section also outlines the future focus for 2018-2023 and states the Council's "investigatory tool box".
- 3.8 Section 6 looks in detail into determination and remediation of contaminated land. The Council's hardship and cost recover strategy relating to contaminated land is present in this section and is outlined further in Section 4.0 below.
- 3.9 Section 7 outlines the review mechanisms for updating the strategy in the future.

4.0 Hardship & Cost Recovery Policy

- 4.1 The Council will aim to recover all reasonable costs associated with required remediation, no costs are planned to be waived or reduced. This is to minimise any potential financial risk to the Council.
- 4.2 Current Contaminated Land Statutory Guidance advises that hardship and cost recovery should be considered and the Council is under no obligation to waive or reduce potential costs.
- 4.3 There are three options listed in the policy in order of priority on how the Council proposes to seek cost recovery. The three options, stated in Section 6.4.2 of the Contaminated Land Strategy, make provision to cover cost recovery whilst not creating or exacerbating financial hardship for our residents. The options range from payment in full down to levying a charge on the property so payment only occurs when the property changes hands.

5.0 Transparency

- 5.1 The Contaminated Land Strategy seeks to openly outline the Council's policies in relation to contaminated land, thus aiming to avoid doubt or leaving potential situations open to challenge.
- 5.2 By recommending technical consultation this will seek the views of key stakeholders and also inform them that a new revision to our strategy is imminent.
- 5.3 The Council's Contaminated Land Strategy is published on our website as well as a register of designated contaminated land within the Borough (no entries on the register at present).

6.0 Project Cost and Benefit

- 6.1 The Contaminated Land Strategy is required to be produced and updated as and deemed necessary, usually every 5 years at least.
- 6.2 The Strategy provides environmental and social benefits and also clearly states the Council policy and direction. Incorporating a hardship and cost recovery policy within the strategy adds further benefit to the Council by safe guarding potential financial liabilities associated with contaminated land related investigatory work.
- 6.3 The financial cost of renewing and updating the strategy is officer and management time in preparing and reviewing and ultimately publishing the documentation.

7.0 Implications

Financial

- 7.1 By fulfilling the recommendations it is not anticipated any further expense other than Officer time.

Human Resource/Training and Development

- 7.2 No specific requirements.

Community Safety

- 7.3 There are no community safety related issues arising from this report.

Risk Management

- 7.4 Risks are minimised as far as reasonable practicable by the strategy. The incorporation of a hardship and cost recovery strategy seeks to minimise financial risk to the Council as far as is reasonably practicable.
- 7.5 The strategy also seeks to minimise the risk of property blight for our residents.

Sustainability

- 7.6 The strategy promotes the investigation, assessment and remediation of land and groundwater in the Borough so that it will continue to improve and enhance the natural and built environment, whilst bringing back brownfield land into beneficial use.

Equalities

- 7.7 There are no adverse equality issues relating to this project.

Safeguarding

- 7.8 There are no foreseen adverse safeguarding issues relating to this project.

8.0 Consultations

- 8.1 In preparing this Draft Strategy internal consultation with key departments referenced in the strategy such as Legal Services, Estate Management, Environmental Health, Building Control, Planning and Land Charges has been undertaken. This report makes recommendations for technical consultations to be undertaken with external key stakeholders.

REPORT ENDS

Consultation List

Guilford Borough Council

Surrey Heath Borough Council

Runnymede Borough Council

Elmbridge Borough Council

Surrey County Council

Surrey Wildlife Trust

Environment Agency

Department for Environment, Food and Rural Affairs (DEFRA)

Natural England

Public Health England

Health and Safety Executive

National House Building Council

Water, sewage, electric, and gas providers operating within the Borough.