



Ryedale District Council

REPORT TO: Community Services and Licensing Committee

DATE: 31 January 2008

REPORTING OFFICER: Environmental Health Manager
Steven Richmond

SUBJECT: REVIEW OF CONTAMINATED LAND
STRATEGY

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

To advise Members of progress on the implementation of the Strategy for the identification and inspection of contaminated land and to seek Members' approval of the review of the strategy.

2.0 RECOMMENDATION

The Strategy be revised in accordance with section 7.7 and timetable in Annex A.

3.0 REASONS SUPPORTING DECISION

Part IIA of the Environmental Protection Act 1990 came into force on 1 April 2000 and provided a new regulatory regime, the main objective of which is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risk to human health or the wider environment, assessed in the context of current use and circumstances. Statutory guidance requires the local authority to develop a strategic approach to inspection and for the production and content of a published strategy document.

4.0 BACKGROUND

4.1 A report was presented to the General Services and Licensing Committee on 31 May 2001, which confirmed the adoption of the Council's Contaminated Land Strategy.

4.2 The Strategy contains a commitment to be reviewed on an annual basis. The last formal review was presented to Community Services and Licensing Committee on 23 November 2006. This review is the fifth review of the original strategy. Matters to be considered in such a review include: -

- Strategy content
- Priorities for further investigation
- Potential for new receptors
- Potential for new contamination
- The enforcement process
- Identification of special sites
- Implementation progress

5.0 INTRODUCTION

The report advises Members as to the proposed amendments to the Strategy, progress on the Strategy and the revised timetable for implementation.

6.0 POLICY CONTEXT

- Community Plan
- Corporate Plan
- Environmental Health Services Delivery Plan
- Corporate Risk assessment
- Budget Priorities and Policies

7.0 REPORT

7.1 The Council have purchased digital historical land use data for the entire district from Landmark Information Group. The data identifies 67 categories of potentially contaminative land use over six time layers or epochs, from the mid nineteenth century to the late twentieth century. This database provides a very comprehensive record of sites warranting assessment, however other information sources outlined in the Strategy will complement this database. To date 5,721 sites have been identified as “sites of potential concern” with respect to land contamination.

7.2 In order to assist in the risk assessment of potentially contaminated sites use is made of the contaminated land Risk Evaluator (CLARE) software. This software is essentially a contaminated land management tool. The risk assessment element of the software is based on the source-receptor-pathway approach and uses information about land use, pathways and receptors to calculate on site risk scores. The higher the risk scores the greater the priority given for detailed assessment.

7.3 The CLARE software is used to compile and manage a comprehensive database of all potentially contaminated sites. Each site of potential concern will be allocated a contaminated land reference number. This

reference number will assist in the identification of sites on the Geographical Information System (GIS) and provide a link between the GIS and the CLARE software.

- 7.4** The Council has adopted Cadcorps GIS as the corporate GIS. Environmental Health has a licence to use the system, and have been active in providing and downloading information onto the GIS of relevant receptors and pollutant sources. A number of layers already held on the Corporate GIS system have assisted in the risk assessment of contaminated land.
- 7.5** In the original Strategy a provisional timescale for the programme of inspection and assessment was produced. The Strategy advised that although it was anticipated that ultimately there will not be a large number of designated contaminated land sites in Ryedale, nevertheless several thousand sites must be formally assessed. There was therefore a significant degree of uncertainty at the time over the provisional timescale for the programme and due to lack of staff resources little progress has been made.
- 7.6** Following a successful bid to the 2006/07 budget, a partnership agreement was entered into with Selby District Council resulting in a shared Contaminated Land Officer being employed from August 2006. Due to the highly technical nature of the post there was a need for a significant amount of initial training. Priority work has concentrated on consultations on development control applications however some work has been commenced on Part IIA in implementing the Strategy, namely the recording of certain sites on the CLARE database. The post became vacant in July 2007 and has remained so since. Neither Ryedale nor Selby are replacing the post on the same basis as previously. Instead it is proposed to progress work on high priority sites within the existing team and some external assistance. It is emphasised that the work required under the Part IIA Strategy is additional to and complementary to the work undertaken in conjunction with Development Control on the remediation of contaminated land through the development control regime.
- 7.7** Within this context, it is proposed to progress our inspections and assessment of sites of a high priority. An Initial Risk Assessment has been undertaken on potentially contaminated sites and the risk to human health. This risk assessment was based on the source pathway receptor model (human health as the receptor) and covered potential contaminated sites in the most populated areas of the district, namely, Malton, Norton, Pickering, Kirkbymoorside and Helmsley. The risk assessment was based on a method in Contaminated Land Report (CLR 6) as modified by Zero Environment Ltd (not using the CLARE software). The proposal is that the top 15 sites which have been identified as being of the highest priority are to be investigated further. These sites include former gas manufacture and distribution works, landfills, military land, timber processing works, road haulage sites and railway land. A detailed site assessment and inspection will be undertaken for each of these sites in accordance with the Strategy Timescales for Prioritised Activities are available in Annex A

- 7.8** Two new Best Value Performance Indicators (BVPIs) for contaminated land came into effect on 1 April 2005. This is following informal enquiries by DEFRA that many authorities still do not have a prioritised programme of detailed inspections of land in their area under Part IIA, or may not be actively pursuing such programmes. The Government however continued to attach considerable importance to local authorities actively tackling the legacy of land contamination and is working to develop new guidance and tools for authorities to use in both Part IIA and Development Control. The BVPis are still valid for 2007/08 but will not be included in the new National Indicators for Local Authorities from 2008/09.
- 7.9** The Council subscribed to the Chartered Institute of Environmental Health training package. In addition the authority have subscribed to the Local Authority Contaminated Land Network (LAACL) through the Construction Industry Research and Information Association (CIRIA), which provides training workshops, events and publications. The Council is also attends the North Yorkshire Contaminated Land Group which has been formed under the Yorkshire and Humberside Pollution Advisory Committee (YAHPAC), which acts as a support group and information exchange on matters relating to contaminated land.

8.0 OPTIONS

The Council has a legal duty to provide information to the Environment Agency to fulfil its own obligation to periodically produce a "State of Contaminated Land Report". The Council also commits itself to review the Strategy on an annual basis.

9.0 RESULT OF OPTION APPRAISAL

The Council has a commitment to review the Contaminated Land Strategy on an annual basis.

10.0 FINANCIAL IMPLICATIONS

A shared Contaminated Land Officer with Selby District Council was in post from August 2006 to June 2007 and has remained vacant since. Neither Ryedale nor Selby are replacing the post on the same basis as previously. Priority will be given to investigating those sites as identified as highest priority within the existing team and some external assistance. There are no direct financial implications as a result of the review of the Strategy.

11.0 LEGAL IMPLICATIONS

The Council are under a statutory duty under Part IIA of the Environmental Protection Act to develop a Strategy for identifying and assessing land, which may be contaminated. The Council should keep its strategy under periodic review.

12.0 ENVIRONMENTAL IMPLICATIONS

The Strategy provides a framework for the rational approach to the identification and assessment of potential contaminated land. It seeks to ensure that approach is proportionate to the risk and resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land. If land is determined as contaminated under the provisions of this regulatory regime, remediation of the land to prevent linkages to vulnerable receptors will be instigated.

13.0 RISK ASSESSMENT

The BVPI indicators are still valid for 2007/08. The Environment Agency can require progress reports on the development of the Council's Strategy. All the above provide a Corporate Risk. The Council has now increased its risk on Contaminated Land by reducing resources to comply with its statutory duties. The risk will be mitigated by focusing on sites identified as high priority.

14.0 CONCLUSION

The Contaminated Land Strategy requires annual review. Priority will be given to potentially contaminated sites through the Development Control route. Any additional resources will be focused on sites identified as high priority.

Background Papers:

- Community Services and Licensing Committee 3/10/02 – *Strategy for the Identification and Inspection of Contaminated Land* and 23 November 2006 and 6 October 2005.
- The Strategy for the Identification and Inspection of Contaminated Land is available on www.ryedale.gov.uk

OFFICER CONTACT: Please contact Steven Richmond, Environmental Health Manager if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, Malton on ext. 247 or e mail steve.richmond@ryedale.gov.uk.

RISK APPRAISAL FORM *(One for each Option)***Annex A**

Policy Context	Risk Appraisal/Impact Assessment	Impact +ve -ve Neutral	Level of Risk
Community Plan Themes <i>(Identify any/all that apply)</i>	- Environment & Landscape Theme - Health Theme - Strong and Safe communities	+ ve	
Corporate Objectives/Priorities <i>(Identify any/all that apply)</i>	- To have a clean and sustainable built and natural environment - To have efficient and effective high quality services accessible to everyone in a way that suits them	+ ve	
Service Priorities	There is a requirement in the Environmental Health Services Delivery Plan to follow the timetable in the Strategy		
Financial	No direct financial implications for reviewing Strategy	neutral	
Procurement Policies			
Asset Management Policies	N/A unless contaminated land identified in council ownership	neutral	
LA21 & Environment Charter	Identifying and dealing with contaminated land assists in the Environmental, Economical social regeneration of areas and minimises blight		
Community Safety	Identifying contaminated land and identifying any pathways to receptors will improve Community Safety	+ve	
Equalities	N/A		
E-Government	Contaminated Land Strategy on Council website Use of GIS to identify contaminated land and undertake risk assessment		
Risk Assessment	Risk increased due to lack of shared Contaminated Land Officer. Limited resources available.	-ve	
Estimated Timescale for achievement	Strategy to be reviewed on an annual basis		