

Report to the Cabinet

Report reference: C/019/2007/08.

Date of meeting: 16 July 2007.



**Epping Forest
District Council**

Portfolio: Planning & Economic Development.

Subject: Contaminated Land Consultancy Budget.

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Recommendations/Decisions Required:

That Council is recommended to create a specific £40,000 Contaminated Land Consultancy budget for Planning Services as a Continuing Services Budget.

Background:

1. Under environmental protection legislation the Council has identified over 5,000 sites within the district that may have some level of potential contamination. Environmental Services has an obligation under the Environmental Protection Act 1990 Part 2A to gradually carry out an analysis of the risk associated with the potential contamination and, once prioritised, to seek remediation.

2. However, Government guidance in PPG23: Planning and Pollution Control identifies that much of the necessary work of remediation will come forward under the planning process and must be dealt with when sites are redeveloped. The costs of the remediation all fall on the landowner or developer but there are significant costs occurred by the Council in assessing whether the site investigation has been adequate and then whether the remediation measures proposed and carried out are adequate. There has been no dedicated budget for this work to date and this report seeks authorisation to create such a budget.

Experience to Date:

3. Contamination, or more strictly potential contamination, comes in a variety of forms: major issues where evident when it was first decided to redevelop the Royal Ordnance site and Royal Gunpowder Mills at Waltham Abbey, but contamination to some greater or lesser degree is likely to be an issue in the redevelopment of any urban, commercial site or of any former intensive agricultural site or on or close to any landfill site. Members will be aware that a Key Performance Indicator relates to development on 'previously developed land' or 'brownfield' sites and, particularly in a Green Belt authority, much new residential development is on sites that have some level of contamination that needs to be addressed as part of the planning process.

4. Experience has been that few developers deal with this matter at their own instigation at an early stage. Instead, they submit a planning application that is then scrutinised against the database of potentially contaminated sites. Having had

regard to the advice of internal, expert opinion, a condition or an informative is included in any planning permission that will require further details to be submitted of how a site investigation is to be carried out and what remediation measures are then intended to deal with any contamination the investigation reveals. Specialist consultants often submit these further details. Planning Officers themselves do not have the technical expertise to deal with those reports and so they were forwarded to Environmental Health officers for assessment, but they have not had the in-house resources (and in some complex cases the specialist expertise) to deal with the large volume of such "consultations" from Planning, so they in turn send the material to selected consultants for their input.

5. This consultancy advice has not had a budget of sufficient size within Environmental Services. The lack of a budget has meant that Environmental Services has not been able to be proactive in the analysis of potentially contaminated sites to reduce the number on the register (as required by BVPI 216a/b) since the budget intended for that work has been spent on this planning consultation work.

6. Cabinet agreed in its meeting on 14 November 2005 (minute 100 refers) that the Council would try to deal with such costs by requiring legal agreements that would include the expense of such work being passed to the developer rather than being met from the public purse. This will continue to be the intention but experience is that few such agreements have proved possible (the agreement in relation to Grange Farm has been the only one in the past 18 months), and, to date, no income has come into the Council to offset these growing consultancy costs.

7. From the beginning of the financial year 2007/08, the officer carrying out this work in Environmental Services has transferred into Planning Services and a specific budget should be created of an appropriate scale and in order to properly comply with financial requirements. In recent time the costs of consultancy have been running at £40,000 per annum, so a CSB budget of that scale is required.

8. It was made clear to officers in the last major budget round that new budgets would not be favoured, in particular, where savings could be secured from existing budgets then they should be used, at least in the first instance. However, Planning Services has not generated savings to the degree to create a budget of this scale.

9. Accordingly, a CSB budget of £40,000 per annum is sought.

Statement in Support of Recommended Action:

10. The recommended action is entirely necessary if contaminated land issues are to be properly considered and suitable remediation undertaken with development as it takes place. The level of resource required reflects experience of the level of development that has been undertaken locally and the degree to which this Council is successful in encouraging the regeneration of contaminated or potentially contaminated land.

Other Options for Action:

11. The option of doing nothing is untenable, and any other long-term possible solutions would effectively require Government action. In the short term there is little option but to create a proper budget.

Consultation Undertaken:

12. None.

Resource Implications:

Budget Provision: £40,000 CSB budget though possibly offset to some degree by other source of income (refer to later item on the agenda - Charging for Pre-Application Discussions).

Personnel: Nil.

Land: Nil.

Council Plan 2006-10/BVPP Reference: BVPI 216a & b.

Relevant Statutory Powers: The Environmental Protection Act 1990 and the Town & Country Planning Act 1990.

Background Papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision Reference (if required): N/A.