

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 24 July 2007

**Portfolio Holder:** Councillor Mrs A Grigg

**Item:** 10(c)

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## **1. CONTAMINATED LAND CONSULTANCY BUDGET**

### **Recommending:**

**(1) That approval be given to the creation of a new Continuing Service Budget for contaminated land consultancy in the sum of £40,000 per annum;**

**(2) That this budget be funded by income from the introduction of a scheme of charging for planning pre-application discussions; and**

**(3) That, should the additional spending exceed the additional income, the contaminated land consultancy budget be funded from other savings to be identified within the Planning Services budget such that there is no overall increase in the Continuing Services Budget.**

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- 1.1 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 to carry out an analysis of the risks associated with the potential contamination and, once prioritised, to seek remediation.
- 1.2 However, Government guidance suggests 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 for the Council in assessing whether the site investigation has been adequate and then whether the remediation measures proposed and carried out are adequate.
- 1.3 Contamination, or potential contamination, comes in a variety of forms. In this District major issues were evident when it was first decided to redevelop the Royal Ordnance site and Royal Gunpowder Mills at Waltham Abbey. However, 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.
- 1.4 Experience shows that few developers deal with this matter at their own instigation at an early stage. Instead, they submit a planning application that is scrutinised against the database of potentially contaminated sites. A condition or an informative is then included in any planning permission that requires 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.

- 1.5 Planning Officers do not have the technical expertise to deal with these reports which are forwarded to Environmental Health Officers for assessment, but they do not have the in-house resources, or in some complex cases the specialist expertise, to deal with the large volume of reports received so they in turn send the material to selected consultants.
- 1.6 The lack of a sufficient budget within Environmental Services has resulted in them being unable to be proactive in the analysis of potentially contaminated sites to reduce the number on the register as it has been necessary to spend the budget on planning consultation work.
- 1.7 At our meeting on 14 November 2005 we agreed that such costs should be met 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 aim but experience is that few such agreements have proved possible and, to date, no income has been received to offset these growing consultancy costs.
- 1.8 From the beginning of the current financial year, the officer undertaking this function within Environmental Services was transferred into Planning Services and it is now necessary to create a specific budget of an appropriate scale in order to comply with the financial requirements. In recent years, the costs of consultancy have been running at £40,000 per annum and a CSB budget of that size is requested.
- 1.9 The Local Government Act 2003, allows local authorities to charge customers for holding discussions prior to the submission of planning applications. We are proposing that a charge of £1,500 plus VAT for major schemes be introduced from 1 October 2007 and that the income from this scheme should be used to offset the £40,000 CSB budget for contaminated land consultancy.
- 1.10 In the event that the additional spending exceeds the additional income, we are further proposing that the contaminated land consultancy budget be funded from other savings to be identified within the Planning Services budget such that there is no overall increase in the Continuing Services Budget.
- 1.11 We recommend as set out at the commencement of this report.