

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 12 th November 2019
Report Subject	Contaminated Land Report
Cabinet Member	Cabinet Member for Planning & Public Protection
Report Author	Chief Officer for Planning, Economy & Environment
Type of Report	Operational

EXECUTIVE SUMMARY

On 1st July 2001, legislation requiring land contamination to be investigated and addressed was enacted in Wales. The legislation is known as Part 2A of the Environmental Protection Act 1990 and it introduced a detailed way by which land contamination could be regulated. It charges each Local Authority with a duty to identify and investigate land which may be affected by contamination. It also requires Local Authorities to secure the remediation of land contamination where necessary.

This duty is imposed regardless of the ownership of the land.

The investigation and assessment of land which may be affected by contamination is carried out in an ordered manner and sites posing the highest potential risks to human health or the environment are assessed first.

Each Local Authority, including Flintshire County Council, is required to publish a Contaminated Land Inspection Strategy to explain how this will be done.

Flintshire County Council's Contaminated Land Inspection Strategy has been updated in 2019 to reflect the introduction of new legislation and guidance which affects wider corporate policies and the way in which land contamination should be considered.

This Report sets out the work completed over the 2018-2019 financial year and summarises significant number and type of sites which have been assessed as a result of Part2A.

RECOMMENDATIONS

1	That Members note the progress made addressing historically contaminated land and support the progression of Flintshire County Council's Contaminated Land Inspection Strategy
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REPORT DETAILS

1.00	Summary of Part2A actions taken
1.01	Flintshire County Council has a statutory duty to identify and assess any land within Flintshire which may be affected by contamination and to secure the remediation of contaminated land in accordance with Part 2A of the Environmental Protection Act 1990.
1.02	Land contamination assessments are highly complex, detailed and take place in up to 4 phases over time, often a number of years. The findings of each phase determines the next.
1.03	<p>Significant progress has been made with respect to the Contaminated Land Inspection Strategy. The summary of Part2A actions can be found in Appendix 1.</p> <ul style="list-style-type: none">• Completion of Phase 1 and Phase 2 assessments for 180 Council owned properties located in historical lead mining areas in Rhosesmor, Brynford and Gronant;• Completion of Phase 2 and Phase 3 assessment of former Ddol landfill site in Afonwen;• Completion of Phase 1 and Phase 2 detailed assessment of former tank cleaning site in Connah's Quay;• Completion of Phase 1 and 2 assessment of former Castle Park landfill sites in Flint• The Council's advisory note on heating oil tank spills has been updated and published;• The Council's advisory guide for those developing land affected by land contamination has been updated and published.• The Council's Contaminated Land Inspection Strategy had been reviewed and updated. This will be published in 2019.

2.00 RESOURCE IMPLICATIONS

2.01	Flintshire County Council has an annual revenue budget to fund the assessments, which is held within the Pollution Control budget. In addition to this, Pollution Control employs a dedicated Contaminated Land Officer (full-time). The Contaminated Land Officer also supports the Council's Planning service.
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2.02	Capital funding is also set aside from the capital programme to fund the costs of any remediation works necessary at any site where such works are required.
2.03	Capital funding of £1m by the Welsh Government was made available for the 2017/18 financial year and competitive applications for funding were invited from Welsh Local Authorities and Natural Resources Wales.
2.04	Flintshire County Council made four bids, all were successful and was awarded £221,268.00, almost one quarter of the £1m fund for all of Wales.
2.05	The continued progression of the Contaminated Land inspection Strategy ensures that Flintshire is in a strong position to bid for funding. Bids for funding will continue to be made when the Welsh Government make it available.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>Formal consultation is not required for non-material changes to the Contaminated Land Inspection Strategy.</p> <p>The Welsh Government were consulted upon Flintshire County Council's Contaminated Land Inspection Strategy, when it was re-written fully in 2013 and, although not required, has been made aware each time that Flintshire's Strategy has been reviewed.</p>

4.00	RISK MANAGEMENT
4.01	Flintshire County Council has a statutory duty under Part2A to identify, assess and secure the remediation of contaminated land.
4.02	Both private and public land is included, along with any land that the Council may own itself. The Council also has a responsibility to ensure that the Council's assets and liabilities and any legacy obligations from activities which took place in the past, are appropriately assessed from due diligence and environmental liability perspectives.
4.03	The assessment and remediation of land affected by contamination ensures that public health and the environment are protected, that land is brought back into beneficial use.
4.04	Addressing land contamination transforms the natural environment and by turning derelict land into green space, transforms communities into healthier human environments by providing space for recreation and exercise.
4.05	The continued progression of the Contaminated Land Inspection Strategy also addresses 4 of the 6 goals set out in the Well Being of Future Generation Act (Wales) 2016; 'a more resilient Wales', 'a globally responsible Wales', 'a prosperous Wales' and 'a healthier Wales'.

4.06	The financial and human resources provisions made by the Council enable these duties and responsibilities to be fulfilled.
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5.00	APPENDICES
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5.01	Appendix 1 - Summary of Part2A Actions – October 2019.
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	None. Contact Officer: Rachael Davies Telephone: 01352 703400 E-mail: rachael.davies@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
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7.01	Phase 1 land contamination assessment: a term used to refer to the information gathered about the history of a site, activities which may have resulted in land contamination in the past and the potential risks to human health and the environment.
7.02	Phase 2 land contamination assessment: a term used to refer to the steps taken to assess the potential risks to human health or the environment. For example, by collecting and analysing samples of soil and water. The Phase 2 assessment may take from a few weeks to several years to complete.
7.03	Phase 3 land contamination assessment: a term used to refer to the information provided to explain the steps that have been taken to remediate land contamination. Phase 3 may take from a few weeks to several years to complete.
7.04	Remediation: a term used to refer to the steps taken to either remove unacceptable levels of land contamination or to reduce it to an acceptable level.
7.05	Phase 4 land contamination assessment: a term used to refer to the information provided to show that the remediation work has actually been carried out and has been successful.
7.06	Financial Year: the period of 12 months commencing on 1 April
7.07	Revenue: a term used to describe the day to day costs of running Council services and income deriving from those services. It also includes charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.

7.08	Capital: a term used to describe the money set aside by the Council to ensure that there is enough money for a particular activity or service to go ahead.
7.09	Budget: a statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and capital programme and any authorised amendments to them.