

## TORBAY COUNCIL

Report No: **447/2005**

Title: **Review of Contaminated Land Strategy**

To: Executive on 11th October 2005

### 1. Purpose

- 1.1 To inform Members of the Council's responsibilities for Contaminated Land and the new best value performance indicator associated with it and to seek approval for the revised Contaminated Land Strategy.

### 2. Relationship to Corporate Priorities

- 2.1 The Contaminated Land Strategy contributes to the corporate priorities of Valuing our Environment; Making Torbay a Safer Place and Improving Torbay's Economy.

### 3. Recommendation(s)

- 3.1 That the revised Contaminated Land Strategy, set out at Appendix 1 to this report, be approved.

### 4. Reason for Recommendation(s)

- 4.1 The production of a Contaminated Land Strategy is a requirement of the Environmental Protection Act 1990, and this is our first review of our policy produced in June 2001.

### 5. Key Risks associated with the Recommendation(s)

- 5.1 As the recommendation relates to a review of an existing strategy, there are therefore no significant risks associated with it.

|            |   |        |    |    |    |
|------------|---|--------|----|----|----|
| Likelihood | 6 | 6      | 12 | 18 | 24 |
|            | 5 | 5      | 10 | 15 | 20 |
|            | 4 | 4      | 8  | 12 | 16 |
|            | 3 | 3      | 6  | 9  | 12 |
|            | 2 | 2X     | 4  | 6  | 8  |
|            | 1 | 1      | 2  | 3  | 4  |
|            |   | 1      | 2  | 3  | 4  |
|            |   | Impact |    |    |    |

Low risk
  Intermediate risk
  High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

### 6. Alternative Options (if any)

- 6.1 Not to approve the revised Strategy or to recommend changes to the revised Strategy.

### 7. Background

- 7.1 The Strategy addressed two key issues: land contaminated in Torbay and the timescales for implementation of remedial measures, where appropriate.

- 7.2 When the Strategy was originally produced in 2001 it was anticipated that we would achieve full implementation within 5 years, subject to the levels of contamination found. The revisions to the strategy include a revised timescale and the reasons for the deviation from the original strategy.
- 7.3 From 1st April 2005 a new Best Value Performance Indicator for contaminated land was introduced. This new BVPI 216a and 216b relate to the identification of contaminated land.
- BV216a requires us to identify the number of 'sites of potential concern' within Torbay with respect to land contamination.
- BV216b requires us to identify the number of sites of which sufficient detailed information is available to decide whether remediation of the land is necessary, as a percentage of all 'sites of potential concern'.
- 7.4 The review of the contaminated land strategy incorporates the new BVPI requirements in the timescales stated.
- 7.5 The level of resource required in future years will be directly proportional to the level of contamination identified. The ownership of the land is also critical. Land that is determined as contaminated, and has no ownership and where the past owners responsible for the contamination cannot be found, will become the Local Authority's responsibility. We also have responsibility for our own land.
- 7.6 Any detailed investigation of contaminated land is resource intensive and where issues are identified, other activities in Environmental Health & Consumer Protection will need to be reprioritised, where possible.

**Frances Hughes**  
**Assistant Director (Environmental Health & Consumer Protection)**

Contact Officer: Frances Hughes  
Telephone no. 208002

## IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

### Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources, Estates and Property and Procurement.

| Does the proposal have implications for the following issues? If "Yes" - give details.<br><i>delete as appropriate</i> |   | Name of responsible officer |
|--|---|-----------------------------|
| Legal  | Yes – The Council has a statutory duty in relation to contaminated land.  | Jeremy Shute                |
| Financial – Revenue  | No immediate revenue impact but potential implications for future years as indicated in paragraphs 7.5 and 7.6.   | Adrian O'Rourke             |
| Financial – Capital Plan   | Whilst there are no capital finance implications arising from the review of the Strategy and site investigations, there will potentially be resource requirements in achieving remediation of problem sites identified, when investigations are complete. | Steve Warren                |
| Human resources  | No  | Susan Wiltshire             |
| Property   | Yes – There are implications for the Council's land holdings when identified as contaminated.   | Sam Partridge               |
| Procurement and Efficiency   | No  | Andy Mitchell               |

### Part 2

The author of the report must complete these sections.

| Could this proposal realistically be achieved in a manner that would more effectively:<br><i>delete as appropriate</i> |  |    |
|--|--|----|
| (i)  | promote environmental sustainability?  | No |
| (ii)   | reduce crime and disorder?   | No |
| (iii)  | promote good community relations?  | No |
| (iv)   | promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief? | No |
| (v)  | reduce (or eliminate) unlawful discrimination (including indirect discrimination)?                                   | No |

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

### Part 3

The author of the report must complete this section.

|   | <i>delete as appropriate</i> | If "Yes", give details |
|---|------------------------------|------------------------|
| Does the proposal have implications for any other Business Units? | No                           |                        |

Part 4

|  |  |
|--|--|
| Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework? | <i>delete as appropriate</i>   |
|  | Yes  |
| 1.   | If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body. |
| 2.   | If "Yes" - details and outcome of consultation, if appropriate.  |

Part 5

|                                 |                              |                                  |
|---------------------------------|------------------------------|----------------------------------|
| Is the proposal a Key Decision? | <i>delete as appropriate</i> | If "Yes" - give Reference Number |
|                                 | Yes                          | X17/2005                         |

Part 6

**Wards**

All Wards

**Appendices**

Appendix 1

Review of Torbay Council's Contaminated Land Strategy

**Documents available in Members' Room**

None

**Background Papers:**

The following documents/files were used to compile this report:

None