

Report to: Cabinet Member - Communities & Environment Cabinet Council	Date of Decision 5 September 2012
	Date of Meeting 11 October 2012 22 November 2012

Subject: Capital Programme - Contaminated Land Capital Project Grant

Report of: Director of Built Environment **Wards Affected:** Derby

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose

To accept the allocation of DEFRA grant funding of £30,803 to undertake further investigation into potentially contaminated land and to include the fund in the 2012/13 capital programme.

Recommendation(s)

That Cabinet accepts the DEFRA Contaminated land investigation grant of £30,803 and recommends that Council agree to include the grant in the Council's 2012/13 capital programme.

That Council agrees to include the DEFRA contaminated land investigation grant for £30,803 in the Council's 2012/13 capital programme.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability	✓		
4	Health and Well-Being	✓		
5	Children and Young People		✓	
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy		✓	

Reasons for the Recommendation: Acceptance of the grant funding and undertaking the investigation will assist the Council in discharging its statutory duty in relation to managing contaminated land in an appropriate manner.

What will it cost and how will it be financed?

(A) Revenue Costs

(B) Capital Costs : The capital cost will be £30,803 which will be financed completely by grant funding from Defra.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal The Council's statutory duty to inspect its area under Part 2A of the Environmental Protection Act 1990 is referred to in the body of the report	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Assistance in discharge of the Council's contaminated land statutory duty that otherwise would fall to the Council to fund.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD 1740) and Head of Corporate Legal Services (LD 1065) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Not to accept the time related grant and to fund further investigation from core resources.

Implementation Date for the Decision

Following the decision of Council.

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Background Papers:

The following papers are available for inspection by contacting the above officer.

1. Sefton Council's Contaminated Land Inspection Strategy (Revised August 2010)
2. Scope of Works for the site investigation of Vaux Crescent, Bootle

1. Background

- 1.1 Under Part 2A of the Environmental Protection Act 1990, each local authority has a statutory duty to inspect their areas to identify land that meets the statutory definition of contaminated land and ensure that it is managed in an appropriate manner.
- 1.2 Sefton Council's Contaminated Land Inspection Strategy (Revised August 2010) sets out how the council proposes to implement its inspection duties under Part 2A and adopt a strategic risk based approach to identify land which presents unacceptable risks to human health or the wider environment.
- 1.3 The Environment Agency (EA) manage the Contaminated Land Capital Projects Programme to help local authorities to cover the capital cost of implementing the contaminated land regime under Part 2A of the Environmental Protection Act 1990. The programme is funded by DEFRA.
- 1.4 The programme funds two types of work:
 - Intrusive site investigations, which aim to find out whether a site is contaminated and if so, to inform how it should be remediated.
 - Site remediation, which aims to ensure that contamination at a site will no longer pose a significant risk to people or the environment.
- 1.5 The project site in the vicinity of Vaux Crescent has been identified for further detailed inspection on the basis of the previous use of part of the site as an Insulating Works and preliminary site investigation data obtained as part of a wider site assessment. The available data has recorded contaminants at levels that may pose an unacceptable risk, but given the limited data it is not possible to determine whether there is a significant possibility of harm to residents.
- 1.6 A scope of works for an intrusive investigation was prepared free of charge by the environmental consultancy Atkins and a bid for £44,588 was submitted to the EA to fund the site investigation in the vicinity of Vaux Crescent. The EA assessed the project that included consideration of the technical merit and value for money and offered an approved grant of £30,803. The reduced amount is due to amendments to the proposed scope of works.
- 1.7 The funding provides an opportunity to perform our statutory function and investigate a site that potentially may pose a risk. If the site investigation identifies that further investigation works are required or if remediation is required, we will be in a position to apply for funding through the (EA) Capital Projects Programme. Whilst there is no guarantee that funding will be provided for future works, priority scores are given to ongoing projects which have previously received capital funding as part of the assessment of the bid.
- 1.8 The funding offer has been preliminarily accepted. However, a Council decision is required to include the fund in the Councils 2012/13 Capital Programme to meet corporate constitutional requirements. The allocation must be spent by 31 March 2013.

2.0 Financial Implications

- 2.1 The Head of Corporate Finance and ICT comments that the financial implications of the report for the Council are that capital expenditure of £30,803 will be incurred in 2012/13 for detailed inspection of land at Vaux Crescent, as indicated above, and will be fully financed from DEFRA grant once approved in the Capital Programme.