

# APPENDIX I

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 1 DECEMBER 2009

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**Title:**

**CAPITAL PROJECT – DEFRA FUNDING FOR SITE INVESTIGATIONS**

**[Portfolio Holder: Cllr John Sandy]  
[Wards Affected: Farnham Moor Park]**

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**Summary and purpose:**

The Council is under a statutory duty to determine whether contaminated land exists in its area. Where such prescribed sites exist a determination as to whether remediation works are needed must also be made. A programme is in place to deal with these duties.

As part of its Contaminated Land Strategy information from development sites is scrutinised and potentially contaminated sites' risk assessments are reviewed. As a result of a review earlier this year a potentially contaminated site – the former Farnham Gasworks - needed further investigation as to the likelihood of it being determined a Contaminated Land site.

To complete the determination process intrusive investigations (i.e. physical sampling of ground conditions) must be undertaken over the area of the site. The funding for this stage has been sought from defra (Department for Environment Food and Rural Affairs) and a bid was made in July this year.

The result of the bid is a grant to fund the majority of the costs of the works involved (£126k), the remainder covered by the contaminated land capital budget. The investigation project identified for grant funding should be endorsed by the Executive as an addition to the current year's Capital Programme.

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**How this report relates to the Council's Corporate Priorities:**

Four of the Council's corporate priorities are impacted upon in a positive way:

**Environment** - Protecting and enhancing Waverley's unique mix of rural and urban communities is supported by the project as it aims to protect the community potentially affected by the site

**Improving lives** - Improving the quality of life for all, particularly the more vulnerable within our society. Housing association premises and elderly residents' accommodation are potentially improved by this project

**Value for money** – The grant funding ensures Waverley's capital spend is minimised on this site and will therefore help in the cost of investigation works as and when other potential sites are progressed.

**Equality and Diversity Implications:**

None.

**Resource/Value for Money implications:**

Waverley's current Contaminated Land Officer is absent on maternity leave until late spring 2010. Temporary cover arrangements utilising the savings from this post are in place until November 2009, and are being reviewed. Additional costs associated with staffing this project were identified in the bid to defra but there is no grant included for them. Defra have been asked to look at this again and unless these are approved the project will be managed within existing staff resources.

The project must be completed by the end of the current financial year in order to comply with defra's grant conditions. The project is managed jointly by Waverley's Environmental Health service and the specialist contractors (Parsons Brinckerhoff). The cost of the site investigations project will be met from Waverley's existing capital programme provision and the grant awarded by DEFRA. All indications are that if remedial works are required, they will be met by further grant – although this cannot be absolutely guaranteed at this stage.

**Risk Management Implications:**

The site is owned by Waverley with various leases in operation. Should the site be determined as Contaminated Land remediation costs are recoverable on the 'polluter pays' principle. Waverley is the residual body for the former municipal gasworks and can apply to defra for funding of remediation costs.

The Health Protection Agency is not aware of problems with users of the current site (residents and commercial premises) and there is currently no evidence of exposure of humans or ecosystems to potential contaminants from the site. The site investigation will evidence whether contaminants exist, if so whether there is then potential for harm and, if so, whether there is a pathway that allows that potential harm to take effect.

A need for re-housing has not been identified but this does need including in the process from a public relations perspective in case of emergency.

**Legal Implications:**

The Council's Contaminated Land Strategy, including the investigation and determination of potentially contaminated land, is controlled under Part IIA of the Environmental Protection Act 1990 (the 1990 Act). In carrying out the intrusive investigations required, access to private residences' gardens will be necessary. Advance information and advice will be issued to all those potentially affected but it is possible that individuals' heightened concerns could lead to private solicitors, etc. contacting Waverley Borough Council in some numbers.

## **Introduction**

1. Local Authorities have a duty to identify land that is contaminated (as defined under Part IIA of the 1990 Act) and to determine what remediation steps, if any, are necessary once any such land is declared. In order to do this Waverley's Strategy has looked at historical mapping data, site reports and other pieces of evidence resulting in the compilation of a priority list of Potentially Contaminated sites.
2. These sites are being investigated on a risk based ranking in order to determine whether measures under the 1990 Act come into play. One such site is the former Farnham Gasworks. However, the ranking is not static and as new information or further details come to light, sites are re-assessed and may move up or down the risk table.
3. Development works at the Farnham Leisure Centre required the Contaminated Land Officer to notify the developer of the potential for contaminated land to exist and for investigation works to be undertaken. The results were shared with the Council and these indicated that the adjacent sites to the Leisure centre should be looked at in more detail.
4. A number of specialist environmental consultancies are recognised by the Government's OGC (Office of Government Contracts) pre-selective framework and Parsons Brinckerhoff were approached to undertake a more detailed, desktop study. The results of this would inform the Council if further, intrusive investigations would be needed. This desk study ("Phase 1 Environmental Desk Study, Former Farnham Gasworks, July 2009") recommended that the detailed study be commissioned as per the submission to defra.

## **Background**

5. The winning of the grant from defra is an important step in Waverley's duty to assess potentially contaminated sites. The project encompasses areas of land currently with commercial, leisure and residential uses and will determine whether:-
  1. All tests are fine, no resultant issues.
  2. Problems exist because significant contaminants found likely to be affecting human health; possibly leading to a declaration by WBC that site is "Contaminated Land" and therefore needs remediation.
  3. Problems exist because significant contaminants found likely to be affecting controlled waters (aquifers, groundwater, river, etc.); would lead to declaration of "Special Site" and Environment Agency would manage.
  4. Uncertainty exists – i.e results found to be inconclusive and therefore further, targeted sampling required to enable a decision as per 1-3 above.

**Table 1: Detail of costs submitted to defra**

<b>Item</b>	<b>Detail</b>	<b>Cost (£)</b>
1	Site investigation works – Parsons Brinckerhoff proposal	78,361
2	Additional works required by Environment Agency	36,951
3	Existing project management, legal costs, monitoring, etc.	30,000
4	Contingency sum	11,531
	Sub – total	156,843
5	Grant allocated	126,843
6	WBC existing capital budget	30,000
	Total	156,843

6. The project will incorporate significant public information in advance of, during and after sampling. The timescales are designed to minimise disruption to residents and users alike with the bulk of the physical work being completed before Christmas.

### **Conclusion**

7. Having sought and accepted grant funding for this important work it is incumbent on Waverley Borough Council to follow through on this project. At all times the Council must act in a way that not only ensures our statutory duties are met but also achieves outcomes the maximum benefit to residents' well-being and public health.

### **Recommendation**

It is recommended that the Executive

1. endorse the former Farnham Gasworks site investigation project; and
2. increase the 2009-10 Capital Programme of £30,000 for contaminated land by £126,843 to £156,843 to reflect the project costs to be met from the DEFRA grant.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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