

**TO: ENVIRONMENT, CULTURE & COMMUNITIES OVERVIEW & SCRUTINY PANEL  
7 MARCH 2017**

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**CONTAMINATED LAND  
Director of Environment, Culture & Communities**

**1 INTRODUCTION**

- 1.1 The national Contaminated Land Regime was introduced in response to the legacy of contaminated land left from a wide range of historical, industrial, mining and waste disposal activities. Both local authorities and the Environment Agency have mandatory obligations to discharge in relation to contaminated land.

**2. BACKGROUND**

**Legislative background**

- 2.1 The Regime was introduced by Part IIA of the Environmental Protection Act 1990 and came into force in April 2000.
- 2.2 The legislation provides for powers that enable for example the remediation of contaminated land, and it compliments the planning regime. The planning regime enables the use of planning conditions to deal with any associated risks. Part IIA also empowers local authorities and the Environment Agency to deal proactively with land that is not actively undergoing redevelopment, but is posing unacceptable risks to humans, controlled waters or the wider environment. This legislation is consistent with the 'Polluter Pays Principle' in that it seeks to place the cost burden of dealing with contamination on the polluter where they can be found, or the landowner/ occupier where the polluter no longer exists.
- 2.3 For any land to be designated as 'contaminated land' under the Environmental Protection Act, three criteria must be met. Namely, there must be an identified contaminant, an identified receptor that is likely to be harmed by the contaminant should the two come into contact, and a feasible pathway by which the two can connect. Therefore some redevelopment may be undertaken on contaminated land sites if the future use of the land would prevent a pathway being created e.g. a car park in a residential development thereby not allowing vegetables to be grown in the area which could be eaten by a human (receptor).

**Local Risk**

- 2.4 The history of industry and development in the Borough does not lend itself to the creation of numerous high-risk sites of contaminated land. The Borough is not rich in raw materials such as coal, iron ore etc; thus there is little heavy industry apparent in the historical make up of the Town. Today the current employment activity is generally in the high technology field. However, Bracknell Forest has been home in the past to a number of landfills and industries whose processes have the potential to contaminate land. These include:
- Breweries
  - Brickworks

## Unrestricted

- Chemical works
- Gasworks
- Landfills
- Metal finishers
- Paper and printing works
- Petrol stations
- Scrap yards
- Sewage works and sewage sludge treatment

2.5 Between May 1999 and June 2000, a desktop survey was undertaken to identify potentially contaminated sites within, and up to 250m beyond, the boundary of Bracknell Forest Borough Council. That survey identified and risk assessed some 2,500 potentially contaminated sites within the Borough.

### **Current Position**

2.6 The sites identified in the survey have all since been mapped onto the UNIFORM database and those considered to be high risk have had site visits undertaken by Environmental Health to investigate if further any further assessment was required to determine contamination, which has not been the case. No sites that the Council is responsible for have been found to be 'contaminated' within the meaning of the Act such that direct intervention is required as things stand.

2.7 In the majority of instances where there are potentially contaminated land sites there has been no need to undertake any additional measures as the nature of the land and its occupation do not warrant it. There is only a need to review the situation if the land use changes. Invariably, this comes to the Council's attention through the planning process and as a result many of what were once considered contaminated sites have now been dealt with through that process. The position locally is that the trigger for change will be when there are proposals for redevelopment of brownfield sites. There is no longer any sites where there is an identified need for direct intervention. Accordingly the planning regime is now our primary mechanism for dealing with any potentially contaminated land issues. Any remediation deemed necessary will be dealt with via planning conditions and not under Part IIA of the Environmental Protection Act 1990. Environmental Health assesses all planning applications for sites considered potentially contaminated and seeks appropriate conditions to mitigate risk to health.

2.8 Under the Environmental Protection Act, the Council must record its regulatory actions on a public register in relation to contaminated land. The Council's approach to contaminated land is set out in a strategy <http://www.bracknell-forest.gov.uk/contaminated-land-inspection-strategy.pdf>

### **Role of the Environment Agency**

2.9 The Act provides a shared responsibility for contaminated land management with the Environment Agency. Both organisations work together as necessary and the Agency is the enforcing authority for land designated as a Special Site. Special Sites are the most complex and dangerous contaminated sites. They include defence and nuclear sites, and some sites involving water pollution (e.g. where drinking water is affected). Locally, they also have the enforcement responsibility for Strong's Heath (London Road).

### **Historic Local Authority Landfills**

- 2.10 Within the Borough there are three former local authority landfill sites. Longhill and Longshot Lane are former landfill sites that still need active monitoring. The responsibility for such monitoring, and ensuring compliance with regulatory standards, falls to the Council. Annual reports are produced each year and recommendations to improve the gas management on both of these sites are made. These include such items as repairs to boreholes and structures on the sites to ensure current users of the site are not exposed to any landfill gas which may be emitted.
- 2.11 The third landfill site is Strongs Heath. That became a closed site in 1998 and it is managed by the Council on behalf of all of the Berkshire Authorities. Strongs Heath is a former Berkshire County Council municipal waste site. It is regulated by the Environment Agency according to terms set out in a Permit. That permit requires the ongoing management and monitoring of gas and leachate. The site was constructed in a former sandpit. The site is unlined and it was designed to operate as a dilute and disperse site. The management of the site has been outsourced to specialists. They have the day to day responsibility for the gas management of the site. Leachate is extracted and sent for specialist disposal. Methane is drawn off and burnt by an onsite flare. In the past the site was able to produce electricity and provide the local school with hot water produced as a by product of the process. Over the years the quality of the gas deteriorated and it became uneconomical to continue and the equipment was removed.
- 2.12 Each year an annual report is produced that details the monitoring results and outlines recommendations to improve the gas management on the site. In recent years this has included a programme of re-drilling a number of boreholes, replacing manifolds and pipework on site and improving the leachate removal from the site.
- 2.13 The site is considered an active site and is likely to remain so for at least a further thirty years under current conditions.

### **3 EQUALITIES IMPACT ASSESSMENT**

- 3.1 Not applicable.

### **4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 None.

#### Background Papers

None.

#### Contacts for further information

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