



City Development

**CONTAMINATED LAND:
AN INSPECTION STRATEGY FOR LEEDS**

**SEVENTH ANNUAL REVIEW
AUTUMN 2008**

1.0 INTRODUCTION

Under Part 2A of the Environmental Protection Act 1990, each local authority has a statutory duty to keep its Contaminated Land Inspection Strategy (CLIS) under periodic review. Chapter 11 of Leeds City Council's Strategy document says a review will be carried out after each year of the Strategy's implementation. This approach was considered to be the most efficient and effective way of making sure that the Strategy remains up-to-date and reflects current practice, but also that it is realistic and achievable. Annual reviews were deemed the best way of enabling timescales and targets to be revised appropriately.

This document comprises Leeds City Council's Seventh Annual Review of its CLIS; it is not intended to be a standalone document, but should be read in conjunction with the original CLIS document and earlier Annual Reviews.

1.1 Who has undertaken the Review?

The Seventh Annual Review has been undertaken, and this document prepared, by the Contaminated Land Officer and others involved in the implementation of the CLIS within Leeds City Council's City Development Department. A copy of this review has been submitted to the Environment Agency for their information.

1.2 Structure of the Review Document

The layout of this review follows a similar format to that of earlier reviews, which follow the listing of the principal features of the CLIS methodology as presented in Chapter 5 of the CLIS document. For each feature, the progress made in the seventh year of implementing the CLIS is discussed, including details of any proposed changes to procedures, timescales or targets.

1.3 Definitions & Terminology

Various terms and abbreviations used throughout this document may have a specific meaning within the context of the Part 2A Contaminated Land regime and/or they have already been defined within the Glossary and text of the original CLIS document. On this basis, definitions will not be repeated here.

1.4 Publication

This Review document can be viewed and/or downloaded free of charge from the Council's website at www.leeds.gov.uk/contaminatedland. Alternatively, a hard copy can be purchased for £10.00 from the Contaminated Land Officer at the Leonardo Building, 2 Rossington Street, Leeds LS2 8HD.

1.5 Enquiries

Any enquiries about this Review, earlier Annual Reviews or the CLIS document should be addressed to:

The Contaminated Land Officer

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Further information about the CLIS can also be found at www.leeds.gov.uk/contaminatedland. The CLIS and subsequent annual reviews can be viewed on this website and downloaded free of charge.

2.0 CONTAMINATED LAND GIS & DATABASE

The Contaminated Land GIS and associated attributes tables have continued to be developed as and when necessary.

The 'Potentially Contaminated Land' (PCL) database referenced in the earlier annual reviews continues to be expanded to store site-specific information supplementary to that held in the GIS attributes tables.

The database for storing and managing data collated at the detailed inspection stage of the Part 2A process has been further developed.

3.0 DEVELOPMENT OF KEY DATASETS

The GIS holds over 250 datasets providing a range of information relating to contaminant sources, pathways and receptors. It is intended that all the datasets will cover the whole of the Leeds District; indeed, this is already the case for the majority of the datasets. During the year, the Contaminated Land team completed the historical land uses dataset (HLUD) for the 'rest of Leeds'.

Datasets in the process of being acquired/developed

- 'Potentially Contaminated Land' (PCL) Dataset

The PCL dataset is comprised predominantly of potentially contaminated sites that have been investigated and/or remediated through the planning and redevelopment process, through voluntary remediation or have been brought to the Council's attention through other means.

The PCL dataset has continued to be developed during the past year. New PCL sites have been added to the dataset including digitising the site boundary onto the GIS system and inputting site-specific details into the database.

- Early Year Centres (nurseries) – private

A list of private nurseries within the Leeds District has been made available to the Contaminated Land team from the Learning and Leisure Department. Unfortunately, the GIS data has not been provided in a polygon (site boundary)

format and generally the point source data locations are inaccurate. It is intended for this dataset to be digitised and included as a Human receptor within the prioritisation process. As the dataset still requires development, work will continue on this dataset as soon as resources permit.

4.0 PRIORITISATION OF SITES FOR INSPECTION

The GIS-based software package, GroundView™, is a tool to prioritise sites that have been identified as potentially Contaminated Land. The adopted method begins by comparing the location of areas of potential contamination with areas where there are sensitive receptors. By overlaying these two types of data, a preliminary list of sites that have two parts of a potential pollutant linkage is compiled in prioritised order. The principles and methodology behind GroundView™ are explained in Appendix F of the CLIS document.

Identification and prioritisation of sites likely to require Detailed Inspection within Priority Areas for 1a, 1 to 7 have now been completed. The 'rest of Leeds' HLUUD data is complete and approximately 35% of this area has been prioritised resulting in an additional 517 sites. General areas covered by each of the Priority Areas are listed below:

Identification & Prioritisation of Site Completed	Priority Area	General area covered	No of sites currently known
Yes	1a	Meanwood	36
Yes	1	City Centre, Holbeck, Beeston, Wortley & Armley	322
Yes	2	Guiseley & Yeadon	143
Yes	7	Hunslet, Stourton & Cross Green	210
Yes	3	Morley, Gildersome, Middleton & East Ardsley	220
Yes	4	Horsforth, Pudsey & Calverley	427
Yes	5	Rothwell & Oulton	183
Yes	6	Garforth, Micklefield & Kippax	89
Work in progress – approx 35% complete	Rest of Leeds	Rest of Leeds not covered by Priority Areas 1a and 1 to 7	517
TOTAL			2147

Further details on the approach towards, and progress regarding, the prioritisation work are provided below.

4.1 Selection of datasets for preliminary prioritisation - Humans

The approach to prioritisation has not changed since the Autumn 2004 Annual Review and continues to target, as far as possible, the highest priority, most sensitive receptors, ie humans. A buffer zone of 5m has been placed around the source datasets in order that Groundview can readily identify those sites where potential sources and receptors lie adjacent to each other. The justification for this approach is included in Appendix 1 of this document.

At a later date, it is intended to assess potential sources of contamination in relation to the lesser sensitive receptors of controlled waters, ecology and property.

4.2 Scoring system and 'rolling' prioritisation list

The scoring system and concept of the 'rolling' prioritisation list has not changed since the last Annual Review. For completeness, this is reiterated as follows. Except for Priority Area 1a which has been addressed separately as the initial pilot study area, when prioritisation of sites within a certain Priority Area has been completed, these sites will be combined with the list of sites available at that time so that ***there is one overall 'rolling' prioritisation list***. The sites that represent the highest risks will be subject to detailed inspection first regardless of the area in which they are located.

4.3 Priority Areas and the rest of Leeds

Prioritisation work will continue on the 'rest of Leeds' data and it is anticipated that this work will be completed by the end of March 2009.

It should be borne in mind that other sites requiring detailed inspection may be identified at a later date for various reasons, for example, through noting additional historical land uses that were not included within the Historical Land Use dataset (as this dataset is derived from only 5 epochs of data).

A total of 2147 sites are currently recorded on the database and this covers all Priority Areas, the additional sites created in Priority Area 1a and 35% of the 'rest of Leeds' area. Prioritisation remains to be carried out for the remainder of the 'rest of Leeds'.

4.4 Potential Source - Railway line land use

The general methodology outlined in the 2006 Annual Review is being used when identifying sites for detailed inspection where the historical land use data highlights railway lines as a potential source of contamination.

Where potential receptor sites (eg back gardens of residential properties) are located adjacent only to current or past railway lines, it was previously stated that an attempt would be made to address these sites and add them to the prioritisation list at the time of carrying out the prioritisation process for each area. Due to workload, this has not been done so far but it is anticipated that this work can be considered in April 2009 when the 'rest of Leeds' sites are expected to have been prioritised.

4.5 Potential Receptor - Controlled Waters

Further to the 2006 Annual Review, there is nothing further to add here. For completeness, this is reiterated as follows. The definition of Contaminated Land has been amended by Government so only 'significant' and the 'significant possibility' of pollution of controlled waters requires addressing under the Contaminated Land regime as opposed to all pollution of controlled waters. Guidance on what is meant by 'significant' and 'significant possibility' is currently awaited from DEFRA. A more detailed methodology for dealing with these sites will be considered further in subsequent annual reviews, in particular in light of the aforementioned further guidance on the definition of Contaminated Land currently awaited from DEFRA.

5.0 DETAILED INSPECTION

All detailed inspection completed so far are outlined in the table below:

	Area 1A ⁽¹⁾	Rest of Leeds (as per the rolling prioritisation list) ⁽²⁾
	06-07	07-08
Desk Studies completed + no further work recommended OR site reprioritised OR site being redeveloped OR other reason for not progressing to limited sampling stage	12 (PLS4, 14, 15, 16, 17, 22, 23, 24, 26, 27, 27, 352 – desk studies completed by November 2006)	12 (PLS123, 172, 177, 225, 336 – sites reprioritised as on closer inspection they are adjacent only to the former potentially contaminative uses; PLS 246, 663, 198, 701 - removed from list as no pollutant linkage present based on available information; PLS 278 – on hold as site boundary needs more thought; PLS 827, 923 –on hold as being considered under the planning process)
Desk Studies completed + further work recommended. Further limited sampling completed	23 (PLS1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 25, 351, 353, 541, 542, 543, 544 – site work completed by August 2007)	17 (PLS167, 168, 185, 414, 459, 460, 478, 484 – site work completed by October 2007 + 190, 502, 734, 764, 807, 828, 830, 896, 910 – site work completed by April 2008)
Further site investigation work required	10 (PLS 5, 6, 7, 8, 9, 18, 19, 20, 21, 541 – currently in process of being completed)	4 (PLS459, 484, 830, 896 – anticipated to be carried out in 2009)

NB: PLS = Priority List Site

- ⁽¹⁾ The Area 1A data was reported in the last Annual Review. For the remaining 10 sites in Meanwood that required further detailed inspection, a grant from DEFRA was obtained in February 2008 and a detailed site investigation carried out during August and September 2008. The detailed outcome from this investigation is currently awaited from the Council's consultants.
- ⁽²⁾ In Spring 2007, the top 29 sites on the rolling list were selected for commencing routine detailed inspection works. By October 2007, 22 of the sites had been looked at. 5 were reprioritised as the potential contaminative historical land use was adjacent only. 4 were removed from the list: 2 were removed as they were hard surfaced and no pollutant linkage could be identified; 1 was removed as the suggested current land use was no longer applicable and again no pollutant linkages could be identified; and 1 was removed from the list as a conversation with the Environment Agency suggested that there had been no potentially contaminative land use present on the site. A further 3 were put on hold, 1 as the site boundary needed further consideration and 2 as the site was undergoing redevelopment through the planning process. Soil sampling and, in some cases, air monitoring were considered necessary at the 8 remaining sites. Limited site investigations were carried out at these sites in October 2007.

By March 2008, soil sampling and, where necessary, air monitoring were considered necessary at the 7 remaining sites. Limited site investigations were carried out at these sites in March and April 2008.

Overall this data was reviewed and it was concluded that, of the 17 sites subject to limited investigation, 13 of the sites required no further sampling and 4 of the sites needed some further work undertaking. It is intended to carry out this further work in 2009.

Leeds City Council continues to be involved with sites which are being investigated and remediated 'voluntarily' (i.e. outside of any regulatory regime) by their current landowners/occupiers. In addition, many sites are investigated and/or remediated at the redevelopment stage and the government has stressed the importance of this. Section 2.51, Annex 2 of Planning Policy Statement 23 (published 2004) states that:

'As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as Contaminated Land under Part 2A of the EPA 1990'.

Given that the Council now holds detailed records on these sites, it is anticipated that the process of detailed inspection will be more straightforward in future.

As detailed in Chapter 1 of the CLIS document, the ultimate purpose of the Inspection Strategy is to identify sites which meet the definition of Contaminated Land. **To date, no sites have been determined as Contaminated Land in Leeds.** Please refer to Section 6.0 of the First Annual Review Autumn 2002 on the Council's approach to those sites so far that have been brought to the Council's attention where there is known to be potential for Part 2A 'pollution of controlled waters'.

6.0 DEALING WITH COUNCIL LAND

Please refer to Chapter 7 of the First Annual Review (Autumn 2002) with regard to the Council's key means through which it is addressing its own land contamination issues. There have been no significant changes from the earlier Annual Reviews with regard to the work undertaken in the past year for dealing with Council land.

7.0 URGENT SITES

Chapter 5 of the CLIS document highlights how 'urgent sites' will be prioritised for inspection as and when they are brought to the Council's attention. Such sites can be from any part of the district and are those which are considered to present an immediate risk of serious pollution or harm to human health. **To date, no sites have been considered to be 'Urgent'.**

8.0 RADIOACTIVE CONTAMINATED LAND REGULATIONS 2006

The Contaminated Land Inspection Strategy continues to take into account radioactivity under the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 brought into force in August 2006, as outlined in the 2006 Annual Review (Section 9.0).

9.0 BEST VALUE PERFORMANCE INDICATOR

The following best value performance indicator, BVPI216a and b, was withdrawn at the end of March 2008.

Definitions

BV216a – Number of ‘sites of potential concern’ [within the local authority area], with respect to land contamination.

BV216b – Number of sites for which sufficient detailed information is available to decide whether remediation of the land is necessary, as a percentage of all ‘sites of potential concern’.

Targets for Contaminated Land work have been included in the Service Development Plan 2008/09 for the Sustainable Development Unit.

10.0 WORK PROGRAMME

This section presents a revised work programme for the implementation of the Inspection Strategy. Predicted timescales are based largely on what outputs can be realistically achieved bearing in mind typical workload, financial constraints and resources.

10.1 Work progress during the past year

During 2008, resources have generally been focussed on routine detailed inspection including the acquisition of data through desk studies, limited soil sampling and, where necessary, air monitoring with risk assessment, conclusions and recommendations. Resources have also been concentrated on the detailed site investigation of the 10 sites in Meanwood for which the DEFRA grant was obtained. Further details of work undertaken are listed below:

Detailed Site Investigation of 10 sites in Meanwood

- Application for and obtaining DEFRA grant funding
- Revising and implementing a Risk Communication Strategy
- Regular meetings with the Health Protection Agency and Primary Care Trust
- Procuring the site investigation works through competitive tender and setting up a contract
- Project managing site investigation works including site and contract supervision of the works

Other ongoing detailed inspection work

- Completing Phase I Desk Study reports for the next batch of sampling work
- Undertaking soil sampling and, where necessary, air monitoring at 9 sites in March 2008 (PLS190, 502, 734, 764, 807, 828, 830, 896, 910). Completing Phase II Site Investigation reports for these sites
- Completing Phase II Site investigation reports for those sites sampled in October 2007 (PLS 167, 168, 185, 414, 459, 460, 478, 484) + reviewing 12 sites where the decision was taken not to carry out limited sampling work at this stage in the process for a variety of reasons

Database, GIS and prioritisation work

- Completing the historical land use dataset for the 'rest of Leeds'
- Completing approximately 35% of the 'rest of Leeds' prioritisation work
- Completing the Phase II limited sampling reporting template

10.2 Revised Work Programme

Taking account of the progress made during the seventh year of implementation of the CLIS, ***the significant points from the Work Programme for the upcoming year is anticipated to be as follows:***

- (i) The prioritisation process continues to focus on targeting the most sensitive end uses and the work programme is therefore primarily addressing human receptors at this stage. A separate work programme will be considered at a later date for other less sensitive receptors within the district of Leeds, that is, controlled waters, ecology and property as defined in the legislation and guidance.
- (ii) New guidance has been issued this year on statistics and risk assessment. The database will need revising accordingly.
- (iii) The remainder of the 'rest of Leeds' needs to be prioritised. It is intended to complete this exercise by March 2009.
- (iv) Although the detailed results from the DEFRA-funded additional site investigation works at the 10 sites in Meanwood are not yet available, based on initial discussions with the Council's consultant, some clean up work is likely to be necessary. It is intended to review all the data and, where applicable, apply for a grant from DEFRA for any additional works.
- (v) The initial data suggests that further delineation works will be needed at the boundaries of some of the 10 Meanwood sites and detailed proposals are currently awaited from the Council's consultants. Agreement, in principle, has already been obtained from DEFRA to use the DEFRA grant to support this work. If this use of the grant is agreed with and permitted by DEFRA, it is intended to carry out this work before the end of March 2009
- (vi) Routine detailed inspection continues with the work as listed under Section 10.1. Currently work is progressing on the next batch of sites, and it is intended to complete these and carry out associated limited soil sampling in 2009.

- (vii) As noted in the previous annual review, it has become increasingly difficult to estimate when detailed inspection for the whole of Leeds will be complete. This is primarily due to unknown workloads, for example, if land is determined as Contaminated Land there will be an increase in workload including preparing a record of determination for the site, identifying the appropriate person/s and securing its remediation. Any completion date will also be dependent on staff and financial resources.
- (viii) In the last annual review, a figure of 30 sites per annum had been viewed perhaps as a probable maximum rate given the work and resources at the time. This year though, much resource has been taken up with the DEFRA-funded detailed site investigation work at the 10 sites in Meanwood and therefore completing 30 new sites through routine detailed inspection has not been possible,.
- (ix) It is intended to provide a written Annual Review of the Contaminated Land Inspection Strategy in Autumn 2009.

