



NOTICE OF MEETING

CABINET

TUESDAY 1 DECEMBER 2020 AT 12PM

VIRTUAL REMOTE MEETING

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: Democratic@portsmouthcc.gov.uk

Membership

Councillor Gerald Vernon-Jackson CBE (Chair)

Councillor Steve Pitt (Vice-Chair)

Councillor Chris Attwell

Councillor Dave Ashmore

Councillor Suzy Horton

Councillor Lee Hunt

Councillor Darren Sanders

Councillor Lynne Stagg

Councillor Matthew Winnington

Councillor Hugh Mason

(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

A written deputation stating which agenda item it refers to must be received by the Local Democracy officer named on the agenda by 12 noon two working days preceding the meeting.

Any written deputation received will be sent to the Members on the relevant decision making body and be referred to and be read out at the meeting.

AGENDA

1 Apologies for Absence

2 Declarations of Interests

3 Record of Previous Decision Meeting - 3 November 2020 (Pages 7 - 14)

RECOMMENDED that the record of the previous decisions taken at the Cabinet meeting on 3 November 2020 be agreed as a correct record.

4 Approval of the Council's Test and Trace Support Payment Discretionary Scheme (Pages 15 - 16)

RECOMMENDED that the report be noted.

5 Portsmouth International Port: Carbon Reduction Strategy. (Pages 17 - 32)

Purpose

To brief the Cabinet on Portsmouth International Port's (PIP) aim to be:

- The first net carbon neutral UK port by 2030.
- The first zero emission port as part of the Government's Maritime 2050 strategy.

To seek approval on the contents of and actions from the Port Carbon Reduction/ Air Quality Strategy requested by the Department for Transport (DfT).

RECOMMENDED that the Cabinet accept the proposed Carbon Reduction/Port Air Quality Strategy.

The Integrated Impact Assessment (IIA) will follow.

Post Publication Note: The IIA was published on 26 November 2020.

6 Portsmouth Mental Health Alliance (Pages 33 - 50)

Purpose.

- To introduce the Cabinet to the Portsmouth Mental Health Alliance (PMHA)
- To update and raise awareness within the Cabinet on the purpose of the alliance, membership, current work streams, examples of work to date and future plans.
- To note proposed accountability of the PMHA to the Health and Wellbeing Board (HWB) (subject to a decision on the 25th November)

RECOMMENDED that this report be noted.

7 Treasury Management Mid-Year Review (Pages 51 - 64)

Purpose.

The purpose of the report is to inform members and the wider community of the Council's Treasury Management position, ie. its borrowing and cash investments at 30th September 2020 and of the risks attached to that position.

Whilst the Council has a portfolio of investment properties and some equity shares which were acquired through the capital programme; these do not in themselves form part of the treasury management function.

RECOMMENDED that the following be noted:

- 1. That the Council's Treasury Management activities have remained within the Treasury Management Policy 2020/21 in the period up to**

30th September 2020.

- 2. That the actual Treasury Management indicators as at 30th September 2020 set out in Appendix A be noted.**

- 8 An update on supporting Rough sleepers and hidden homeless (Pages 65 - 76)**

Purpose.

To provide Cabinet with an update on the successful bid and allocation to the Ministry of Housing, Communities and Local Government (MHCLG) Next Steps Accommodation Programme (NSAP) interim fund and its use.

To provide Cabinet with an update on the successful bid and allocation to the MHCLG (NSAP) long term capital and revenue fund.

For Cabinet to note the proposed use of the long term capital and revenue fund and to note the work and timescales attached to meeting the funding requirements.

RECOMMENDED that the report be noted.

- 9 Land Contamination Strategy (Pages 77 - 248)**

Purpose.

The purpose of this report is to seek approval of the 2020 Portsmouth City Council's Contaminated Land Part 2a strategy. The previous strategy produced in 2001 has been updated in light of new Statutory Guidance. The strategy describes the Council's approach to identifying and bringing about the remediation of statutory contaminated land.

RECOMMENDED that the Cabinet:

- 1. Agrees to adopt the 2020 Contaminated Land Part 2a Strategy.**
- 2. Delegate authority to the Director of Regeneration, in consultation with the Leader of the council to make decisions on the determination of statutory contaminated land and upon decisions of cost recovery and hardship in accordance with the details contained in the strategy referred to in (a) above.**

- 10 Revenue Budget Monitoring 2020/21 (2nd Quarter) to end September 2020 (Pages 249 - 264)**

Purpose.

The purpose of this report is to update members on the current Revenue Budget position of the Council as at the end of the second quarter for 2020/21 in accordance with the proposals set out in the "Portsmouth City Council - Budget & Council Tax 2020/21 & Medium Term Budget Forecast 2021/22 to 2023/24" report approved by the City Council on the 11th February 2020.

RECOMMENDED that:

- (i) The forecast financial shortfall of between £6.1m & £12.6m across the**

General Fund and the Housing Revenue as consequence of the Covid-19 Pandemic be noted.

(ii) The following Revised COVID-19 Deficit Recovery Strategy be approved in the sum of £11.9m (being sufficient to cover the Council's pessimistic forecast COVID-19 related overspend of £11.8m):

- **Earmarking £5m of the Council's Corporate Contingency - leaving a residual £5m for all other known and unknown financial risks that may arise during the year**
- **Earmarking £5m of the MTRS Reserve which currently holds an uncommitted balance of £8m - leaving just £3m only to fund future Spend to Save schemes and any costs of redundancies that may be required**
- **Removal of Capital Schemes that have been funded by Revenue with a total value of £1.927m**
- **Should any funding remain after meeting the financial impact of COVID- 19, that it be returned to the MTRS Reserve / Contingency to be available for any short-term legacy impacts of COVID-19 that continues into 2021/22**
- **(iii) In accordance with the Revised COVID-19 Deficit Recovery Strategy it is recommended that the schemes up to the value shown are removed from the approved Capital Programme.**

Scheme to Be Removed From Capital Programme	Amount Released From Corporate Resources £
Children, Families & Education	
Tangier Road Children's Home*	2,100
Beechside Children's Home*	6,600
Enable and Improve Mobile Working	191,000
Adaptations to Carers Homes	600,000
King Richard School Rebuild 900-1000 places*	150,000
Universal Infant Free School Meal Provision*	35,100
Special Education Needs - Building Alterations*	350,000
Beacon View Primary School - Kitchen Block*	3,300
Culture, Leisure & Economic Development	
Allotment Security Grants	3,800
Canoe Lake De-silting	25,000
Outdoor Fitness Equipment	19,400
Round Tower Improvement Works	75,000
Health, Wellbeing & Social Care	
Shearwater House - Backup Power Supply*	9,200
Kestrel Centre Relocation to Civic Offices*	37,700
Leader	
Port Master System*	13,500
Communities & Central Services	
Project Management	44,900
Ground Floor Reception Improvements	14,900

Traffic & Transportation	
Local Transport Plan & Road Safety 3	192,000
Eastern Road Waterbridge*	21,800
Anglesea Road Footbridge*	26,800
Traffic Signal Upgrade Packages*	2,500
Western Corridor - South	102,000
Total Value of Schemes to Be Removed	1,926,600

The forecast General Fund outturn position, inclusive of funding Losses, for 2020/21 be noted:

- (a) The Base Case forecast of COVID-19 related overspending of £5,362,000 after expected government funding.
- (b) That the Base Case forecast overspending of £5,362,000 remains uncertain and in a pessimistic scenario could see that overspending rise to £11,800,000
- (c) The COVID-19 forecasts do not currently make any provision for additional costs or losses of income / funding that may arise from the new national restrictions.
- (d) Non COVID-19 related underspending of £4,094,100
- (e) Taking account of the likely range of COVID-19 forecast overspends, the combined overspending for the Council is forecast to be between £1,268,100 and £7,706,100.
- (v) Members note that in accordance with approved policy as described in Section 8, any actual non COVID-19 overspend at year end will in the first instance be deducted from any Portfolio Reserve balance and once depleted then be deducted from the 2021/22 Cash Limit.
- (vi) Members note that at the time this report was prepared the Country had just entered a period of new national restrictions. Due to the wide ranging and rapidly changing implications arising from the COVID-19 Pandemic, the overall financial impact of COVID-19 over the remainder of the 2020/21 financial year and into the medium term remains very uncertain and maintaining headroom within the Revised COVID-19 Deficit Recovery Strategy is vital in order to ensure that the financial resilience of the Council is not compromised and the council continues to remain financially resilient into the medium term.
- (vii) Directors, in consultation with the appropriate Cabinet Member, consider options that seek to minimise any forecast non COVID-19 overspend presently being reported and prepare strategies outlining how any consequent reduction to the 2021/22 Portfolio cash limit will be managed to avoid further overspending during 2021/22.

(Pages 265 - 292)

Purpose.

Central Government has imposed a Ministerial Direction on the City Council to deliver a Class B charging CAZ (and other measures) to reduce levels of nitrogen dioxide to comply with at least the legal limit value in the shortest possible time.

This report provides an overview of the results of the recent on the operation of the charging Clean Air Zone (CAZ) in Portsmouth. This report discusses the results relating to sunset and exemption periods for non-compliant vehicles driving in the zone.

RECOMMENDED that the Cabinet:

- 1. Approve a sunset period of 6 months for non-compliant wheelchair accessible vehicle (WAV) Hackney carriages and private hire vehicles. The owner/operator of this vehicle will be required to apply for the sunset period, and provide proof of intent to reach compliance.**
- 2. Approve a sunset period of two years for non-compliant vehicles providing community transport and school transport. The owner/operator of this vehicle will be required to apply for the sunset period, and provide proof of providing these types of services, such as a contract.**
- 3. Approve an exemption for the lifetime of the Clean Air Zone for emergency service vehicles. The owner/operator of this vehicle will be required to apply for the exemption.**
- 4. Approve an exemption for the lifetime of the Clean Air Zone for specialist heavy vehicles, on a case-by-case basis. Operators/owners will need to apply for this exemption. Operators/owners will need to provide proof that their vehicle is unsuitable for retrofitting or details regarding their circumstances for purchasing a replacement vehicle.**
- 5. Approve an exemption for ten days of the calendar year for non-commercial vintage buses for the lifetime of the Clean Air Zone. These vehicles would be required to apply for the exemption.**

The report will follow.

Note: This report was published on 24 November 2020.

Agenda Item 3

CABINET - DRAFT

RECORD OF DECISIONS of the meeting of the Cabinet held remotely on Tuesday 3 November 2020 at 12pm

Present

Councillors	Steve Pitt (in the Chair) Dave Ashmore Chris Attwell Suzy Horton Lee Hunt Hugh Mason Darren Sanders Lynne Stagg Matthew Winnington
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Also present during the virtual meeting were Councillor Cal Corkery, who was making a deputation, and Councillors Benedict Swann and Claire Udy as observers.

64. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Gerald Vernon-Jackson, Paddy May and Chris Ward.

65. Declarations of Interests (AI 2)

There were no declarations of interest.

66. Record of Previous Decision Meeting - 6 October 2020 (AI 3)

The record of decisions of the previous Cabinet meeting held on 6 October 2020 were approved as a correct record.

67. Skills and Labour Market Strategy 2020-2025 (AI 4)

Jane Lamer, Business Manager (Employment, Learning & Skills), introduced the report, explaining that Full Council on 15 October 2019 had requested a specific strategy on skills. Extensive consultation and a significant amount of work had already been done on the strategy before Covid-19. Shaping Portsmouth and partners created the Employers' Skills Survey. The Shaping Portsmouth Business Leaders' Group would take ownership of the action plan to ensure a clear reporting mechanism; the Skills Group would represent businesses. The strategy built on existing good work as well tackling challenges. A response to Covid-19 has been added to the original three themes.

The Chair thanked Jane Lamer and Stephanie Parker (Economic Growth, Skills & Employment Officer) on behalf of the administration for the strategy. As a council Portsmouth did not talk enough about the work it does to develop skills such as literacy and employability. The strategy showed the great partnership working and the "phenomenal" work done to support the business community during Covid-19. The exciting and invigorating strategy would help Portsmouth recover, especially communities who have historically been hard to reach. The strategy should be implemented as soon as possible as issues need tackling now. Cabinet will review the strategy for an update.

Members noted much of the strategy had been in place before Covid-19, for example, apprenticeships and collaborative work. Encouraging aspirations is particularly important in view of the impact of Covid-19 on children and young people; they need to know they can be whoever they want to be.

In response to questions, officers clarified that there are already existing relationships with partners and the mechanism offered by Shaping Portsmouth makes them more collaborative. The strategy as a whole has been a council-wide and very collaborative piece of work. The restructure of August 2020 saw the Employment and Skills team move to Planning & Economic Growth to enable a more joined-up and broader approach to economic growth, employment and skills. Shaping Portsmouth and the Business Leaders' Group will play a major part in implementing the strategy. In difficult and challenging times continuous review, change management and working together are even more important.

The Cabinet noted the information report.

68. Tackling poverty during the pandemic: an action plan for the city (AI 5)

Mark Sage, Tackling Poverty Co-ordinator, introduced the report, noting that the Tackling Poverty Strategy will be refreshed in 2021 together with the Health & Wellbeing Strategy as there are close links with poverty and the wider determinants of health. Covid-19 has exacerbated many issues related to poverty. The strategy is based on six key priorities. The action plan focuses on where additional work needs to be done. Section 7 considers wider issues in tackling poverty, which even if the council cannot address, it should add its voice to help people falling into poverty, for example, free school meals.

Councillor Cal Corkery, Labour spokesperson for Housing & Preventing Homelessness, gave a deputation. Deputations can be viewed on the livestream on the following link:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=126&MId=4581&Ver=4>

In response to comments made in Councillor Corkery's deputation Jane Lamer clarified that government funding for the Kickstart placements covers the national minimum wage, not the living wage. As Kickstart is a specific placement opportunity HR considered it exempt from the living wage. The Chair thought that as the council is a living wage employer the placements must be paid the living wage. Placements had to be treated the same as other employees and some of them had the potential to become long-term. It would also set an example to partner organisations. He therefore proposed an additional recommendation that all Kickstart placements must be paid the living wage in line with the Living Wage Foundation and that the additional cost of employing a Tackling Poverty Support Officer will be met from the Emergency Assistance Grant.

Members thanked Mr Sage and all those who have contributed to the strategy and action plan, which they thought would help reduce poverty in the city. In response to questions, Mr Sage acknowledged the importance of budgeting in income maximisation, especially during Covid-19 when many have suffered major changes in their lifestyle. A large number of online resources, for example, the

Money Advice Service, will be available, and budgeting is a key part of debt advice. Advice Portsmouth offers budgeting sessions but getting the message across is important as past experience has shown that people do not always like talking about money in groups. The Hive are doing work on budgeting along with initiatives like the white goods store and community larder.

Members noted that Covid-19 had "shone a massive light" on existing inequalities and issues such as loneliness. However, the strategy was positive in that it aimed to empower people and not keep rescuing them. Covid-19 has shown the need to maintain a "twin track" of helping people in need but also to enable them to help themselves. Poverty made people vulnerable and it was crucial to stop them falling through the net. The strategy shows key strands which can add capacity when more resources are available.

The Chair thanked Councillor Horton and other members who had helped deliver meals over half-term. Vouchers would be available at Christmas, a difficult time of year for many people. The council is committed to helping vulnerable people. He also thanked Mr Sage for the report and the work done on tackling poverty.

DECISION

The Cabinet

- 1. Noted the ongoing impact of poverty in Portsmouth, and how this has been exacerbated for many households by the impact of the pandemic.**
- 2. Commended the work of council services and partners including Portsmouth HIVE and the wider voluntary and community sector, who have continued to provide vital support and assistance to residents to reduce the impact of poverty during the pandemic.**
- 3. Noted the learning from the resident research and other local data, on how residents have been affected financially.**
- 4. Approved the six priority areas for action outlined in section 4 and the implementation of an action plan to include the elements outlined in section 5.**
- 5. Instructed the Tackling Poverty Coordinator to lead on the coordination, delivery and monitoring of the action plan to address the six priorities, with the Tackling Poverty Steering Group providing guidance, support and scrutiny to delivery.**
- 6. Identified tackling poverty as an essential part of our response to the pandemic for all council services that can contribute to the delivery of the action plan.**
- 7. Approved the creation of a Tackling Poverty Support Officer job placement funded by the Government's Kickstart scheme.**
- 8. Noted the estimated cost to implement the income maximisation campaign, and that the cost of this will be met from the Emergency Assistance Grant.**
- 9. Agreed to lobby central government and relevant regulatory bodies to take action on the policy issues which can help to reduce poverty in Portsmouth outlined in section 7.5.**
- 10. Approved that all Kickstart placements must be paid the living wage in line with the Living Wage Foundation and that the additional cost of employing a Tackling Poverty Support Officer will be met from the Emergency Assistance Grant.**

69. Retention of additional Community Wardens (AI 6)

Colette Hill, Assistant Director of Neighbourhoods, introduced the report.

Councillor Cal Corkery, Labour spokesperson for Housing & Preventing Homelessness, gave a deputation. Deputations can be viewed on the livestream on the following link:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=126&MId=4581&Ver=4>

Members said the wardens were "worth their weight in gold" and were an invaluable asset. They have a visible street presence and are often the first port of call for issues like fly-tipping or anti-social behaviour around the Hotwalls. They have no statutory authority so achieve results through their personality and building up relationships. They are sympathetic and empathetic yet also firm when needed. They have good local knowledge and liaise with other agencies such as the police. They have also helped the homeless and rough sleepers during Covid-19.

Members thanked the wardens for their exceptional service and thanked officers for funding the wardens, who are a non-statutory service. It would be good if there were more wardens, or if temporary posts could be made permanent, though some people might prefer a one-year contract.

DECISIONS:

The Cabinet

1. Approved the proposal to retain 4 additional community warden posts on a permanent employment basis.

2. Approved the proposal to retain a further 4 additional community warden posts for a further extended period until 31 March 2022.

70. Portsmouth International Port - Preparations for the new Border Operating Model post EU transition (AI 8)

Mike Sellers, Port Director, introduced the report, noting that Portsmouth is a high impact port as 66% of its trade is with the EU, and outlined the stages of the Border Operating Model (BOM) and the infrastructure needed at an estimated cost of £20m. The key date is 1 July 2021 when physical border infrastructure has to be in place. Live animals passing through the Port include 9,000 racehorses annually; it is not for animals for slaughter. The port had worked with Kier and Royal HaskoningDHV on a bid to the Port Infrastructure Fund (PIF) which was submitted in the last week of October. The Port had participated in the Skills & Labour Market Strategy and the PIF bid had application shown that the BOM would create 130 jobs.

In response to questions, Mr Sellers said that if there was no PIF funding then this would have implications on ferry business for the port. There would, however, be additional charges for inspecting freight; there are already tariffs on non-EU goods which go directly to shippers. Ultimately, everyone would pay in terms of the cost of goods. It is expected the Port will receive at least some PIF funding, particularly for the Border Control Posts (BCP) which are a legal requirement. If the PIF is

oversubscribed then ports may be asked to contribute. A response is expected in the next couple of weeks. As about 50% of ro-ro freight has to be inspected there would be major implications if the Port does not have the infrastructure to do this. During Covid-19 critical freight trade has still been passing through the Port.

The BOM is a requirement regardless of whether there is a UK / EU deal; the deal is more about tariffs. However, a no deal could have implications on the number of inspections.

If the PIF funding is received, then it is expected this will maintain more of a streamlined operation, particularly if Operation Transmission goes ahead. If it is not received and the infrastructure is not in place, the impact is not so much gridlocked roads but that traders will go elsewhere so there will be less income for Portsmouth and the Port. Mr Sellers acknowledged that trade may move from Dover and the Port has already seen a rise in unaccompanied trailers so there could be an opportunity to increase income from this source.

Members expressed concern about the effect on the council's financial reserves if the PIF funding was not received.

The Chair thanked Mr Sellers for his report and asked him to update the Cabinet if there were any significant changes.

The Cabinet noted the information report.

71. An update on the Aquind Interconnector Project (AI 8)

Ian Maguire, Assistant Director of Planning & Economic Growth, introduced the report, noting that the matter has been ongoing since July 2018 and outlining the deadlines. The March deadline for the end of the examination is inflexible and cannot be changed, even in exceptional circumstances such as Covid-19. Planning officers are working to maximise the benefits whilst minimising the implications for Portsmouth and persuading the Examining Authority scheme to accept conditions. Officers are working with Aquind for the Milton and Eastney allotment holders to be considered "affected persons", which means they do not need to register individually their wish to speak at the virtual hearings because of their rights over the land. Aquind have agreed to amend the order limits in the area to be clearer about their plans. Traffic congestion and disturbance to recreational areas are also key matters. The Examining Authority's website contains all the project documents.

In response to questions, Mr Maguire explained that the "duty to co-operate" is more a statutory duty to deliver the functions of a local planning authority under the Planning Act 2008, which embeds Nationally Significant Infrastructure Projects in the planning process. Other partners such as the Secretary of State are obliged to participate in the examination process. Participation gives Portsmouth the opportunity to maximise benefits and minimise harm as much as possible. After the Development Consent Order (DCO) is granted then responsibility is discharged to the planning authority in the local area.

Throughout the process Planning has worked with other local authorities and key bodies such as National Parks and Highways England; there are regular meetings

as a cross-local authority group between each deadline. Areas of commonality are considered; for example, to avoid Portsmouth and Hampshire having two separate transport management plans.

Portsmouth has raised with the Examining Authority the consequences of delayed or lack of approval in France as that would remove the certainty of the project. Officers are taking advice with counsel on this scenario. There is no connection with French planning authorities; there is no similar DCO process.

Officers and members have met over the last two years over Aquind and have been well-aligned in their views. Officers have spoken to individual members over issues such as the impact of a road closure near a school.

Members reiterated their opposition to the project. Interconnectors are not necessarily a problem in themselves but the proposed route goes through a densely populated area when other areas of the south coast are nearer the French end of the route. In addition, power has been taken away from local authorities and the applicants seem to offer very little mitigation for the disruption that will be caused in all areas affected by the project.

Kieran Laven, Planning & Highways Solicitor, advised that the legal team was sending a letter that day to the Planning Inspectorate detailing concerns and responding fully to questions the Inspectorate had asked about the allotments.

The Local Democracy Officer read out a deputation from the Let's Stop Aquind group. Deputations can be viewed on the livestream on the following link:

<https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=126&MId=4581&Ver=4>

The Chair asked officers to respond to the group on technical and procedural points raised in the deputation. The Chair and members thanked Mr Maguire and his team for the work they were doing in trying to find the best outcome for Portsmouth.

DECISIONS:

The Cabinet

- 1. Noted that the Examination of the Aquind Interconnector Project has started.**
- 2. Noted the future timelines for the examination.**
- 3. Agreed that the Council should continue to represent the interests of the people of Portsmouth and maintain its opposition to the proposal.**

72. Fairtrade and Nestlé (AI 9)

David Williams, Chief Executive, introduced the report, explaining that it was an opportunity on how to respond to Nestlé's decision to no longer buy Fairtrade cocoa and sugar, whilst bearing in mind the council's statutory requirements with regard to procurement.

Members noted the cocoa trade was now more competitive and that Cadbury had withdrawn from the Fairtrade scheme in 2016. Although Nestlé's own Cocoa Plan

Sustainable Scheme was approved by the Rainforest Alliance members were concerned how decent wages for workers would be maintained. There was also concern about child labour and the lack of independent judgement in non-Fairtrade approved organisations. If more companies withdrew from Fairtrade the movement as a whole might be jeopardised. Members recommended obtaining full details of what is happening with Nestlé from the Fairtrade Foundation and then deciding if it was appropriate for the council to take action and, if so, what type of action.

DECISIONS:

The Cabinet

- 1. Noted that Nestlé have ceased their partnership with Fairtrade instead using their own Cocoa Plan Sustainable Scheme which is approved by the Rainforest Alliance**
- 2. Considered how, as an organisation committed to Fairtrade, it wishes to respond to this decision**

The meeting concluded at 2.10 pm.

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Councillor Steve Pitt
Deputy Leader of the Council

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Agenda Item 4

Note of SO58 urgent decision teleconference with the Chief Executive - Resources Portfolio - Wednesday 4 November 2020

Purpose: David Williams, Chief Executive asked that a telephone conference facility be used for him to consult on the urgent decision required on the following **recommendation:**

Approve the Council's Test and Trace Support Payment Discretionary Scheme

Reason for Urgency

The Standard and Discretionary Schemes are open for a limited period from 28 September 2020 to 31 January 2021. The Government expectations is for local authorities to process applications with immediate effect and commence making payments to eligible applicants as soon as possible from 12 October 2020.

Consultation

The Chief Executive consulted the following members:

The Leader
The Leader of the Opposition
The Portfolio holder
Group spokespersons

Teleconference attendance

Councillors: Gerald Vernon-Jackson (Leader), Chris Attwell (Cabinet Member for Resources), Donna Jones (Leader of the Opposition), Tom Coles (Labour opposition spokesperson), Benedict Swann (Conservative opposition spokesperson).

Officers: David Williams (Chief Executive), Peter Baulf (City Solicitor), Natasha Edmunds (Director of Corporate Resources), Chris Ward (Director of Finance & Resources) and Anna Martyn (Local Democracy Officer).

Apologies for absence were received from Cllr Jeanette Smith (Progressive Portsmouth People Group opposition spokesperson). Cllr Smith's comments had been received and noted.

The SO58 referral and report had been circulated to all the required consultees.

Reporting Back

As stated above Standing Order 58 requires all such decisions to be reported to the relevant decision making body at its next meeting, in this case Council. In the meantime the Members' Information Service will be used to relay this decision to members and to make it public.

Members' Questions and Comments

Cllr Jones requested a short briefing on the background to the SO58 decision. Natasha Edmunds said that the council has an element of discretion on how it disburses payment to people who would suffer financial hardship if they had to self-isolate and were unable to work. She explained how the council would apply the criteria for discretionary payments. For example, the council would consider an applicant's

financial and medical situation, their income and reasonable expenditure and that of their household, their savings and those of a partner. Other special circumstances may be taken into account such as child maintenance payments or extra heating costs where a member of the household is at home a lot of the time. There may also be cases, for example, where people have no recourse to public funds or are full-time students. Applicants will be assessed on merit and will be asked to demonstrate how they would suffer financial hardship without the payment, as with other locally applied benefits. The applicant also has to meet the criteria fixed by the government for the standard scheme: they have to have been told to self-isolate by the Test and Trace scheme, have a unique ID number, live in the council's area, be employed or self-employed, cannot work from home. The difference with the discretionary scheme is that applicants are not in receipt of a qualifying benefit.

Chris Ward pointed out that whereas the council can be reimbursed by the government for payments made under the standard scheme, the government have allocated a fixed amount for the discretionary scheme. The government will not extend the £66,100 it has already provided to fund discretionary payments.

Those members present approved the Council's Test and Trace Support Payment Discretionary Scheme. Cllr Smith had commented that although she agreed with the proposal she thought some of the hurdles may put people off claiming; however, a lockdown from 5 November may alter the situation. Cllr Jones thought in practice only a very small number of people, probably casual workers, would be eligible for discretionary payments. David Williams said the decision would be reported to the Cabinet on 1 December.

DECISION

The Chief Executive agreed to approve the Council's Test and Trace Support Payment Discretionary Scheme.

Meeting duration: 2 pm to 2.07 pm.

Agenda Item 5



Title of meeting: Cabinet

Date of meeting: 01 December 2020

Subject: Portsmouth International Port – Carbon Reduction Plan

Report by: Mike Sellers, Port Director

Wards affected:

Key decision: No

Full Council decision: No

1. Purpose of report

To brief the Cabinet on Portsmouth International Port's (PIP) aim to be:

- The first net carbon neutral UK port by 2030.
- The first zero emission port as part of the Government's Maritime 2050 strategy.

To seek approval on the contents of and actions from the Port Carbon Reduction/Air Quality Strategy requested by the Department for Transport (DfT).

2. Recommendations

That the Cabinet accept the proposed Carbon Reduction/Port Air Quality Strategy.

3. Background

The Clean Air Strategy published by DEFRA in 2019 has led to the request from Government (DfT) that English ports that trade more than 1m tonnes of cargo per year produce 'Port Air Quality Strategy' and associated 'Action Plan' aimed at reducing the effect of port operations on air quality.

Portsmouth International Port (PIP) is the largest and most successful municipal port in the UK and has a significant impact on the UK economy with supply chains extending across the South East and beyond. The port contributes £390million to the national economy and £189 million to the Portsmouth City Council area. The port's success is the City's success and we have an obligation to reduce the environmental impact on the community.

All of PIP's infrastructure developments to date have sustainable measures incorporated such as the terminal building which uses wind catchers on the roof of the building to ventilate and cool and sea water harvesting for heating, cooling and toilet flushing. The latest linkspan (bridge between the vessels and the quay) uses 'soft-start' electric motors to reduce electricity consumption. The Terminal Building currently has a PV array installed supplementing approximately 10% of the Terminal Building electricity usage.

This strategy is being presented to the DfT purely on a voluntary basis however PIP is producing this action plan in order to be aligned to the City's visions and ambitions of reducing emissions and improving air quality.

4. Reasons for recommendations

PIP has currently engaged Royal HaskoningDHV to provide a 'road map' towards the post-Covid, post-Brexit development opportunities that will feed into the Council's Local Plan. Not only will this master plan be aligned to the City's vision, it will follow the DfT's Maritime 2050 Strategy. PIP has expressed its ambitions within the ports and maritime industry to become the first zero emissions major UK port. Additionally a strategy to become net carbon neutral on all landside operations by 2030 in order to be aligned to the City's ambitions.

As a front runner amongst UK ports in improving the sustainability of its operations the port has recently received funding towards innovation and decarbonisation. These initiatives include real time air quality sensors and a state of the art storage battery that utilises machine learning and artificial intelligence to store and distribute renewal energy.

The air quality sensors are being mounted around the port to give port management real time data of air quality pollutants and a management tool to reduce port activity and ship arrivals during periods of peak pollution from commuting vehicles into and out of the City.

5. Integrated impact assessment

Carbon Reduction Strategy

In addition to current 'live' projects, the port has produced a Carbon Reduction Strategy which will include the following actions:

Approved Schemes

- Replacing diesel engines with electric vehicles.

An order has been placed to replace 4 port diesel vehicles will be replaced with electric vehicles this year.

- Replacing diesel fuel with Gas to Liquid (GTL) fuel.

Portico Shipping Ltd now use GTL fuel as an alternative to diesel on their remaining equipment that is not electric which reduces the particulate matter and emissions. Although less equipment used at PIP, the switch to GTL will take place this year.

- The maximisation of photo-voltaic cells (solar arrays) and battery storage, commencing 2021.

PIP have been working with the Council's energy management team to develop a plan to fill the remaining flat roofs of existing buildings with photo-voltaic (solar arrays) and battery storage which will commence early 2021. By the end of 2021 this has the potential to provide around 60% of the ports base electricity requirements.

- Euro 6 compliant bus contract.

PIP has recently completed the tender for contracting bus shuttle services at the port. In line with Council policy, the new award will provide, as a minimum, Euro 6 compliant shuttle buses plus an electric mini-bus. The new contract will commence April 2021.

- Fast charge EV points for passenger vehicles. 80% in 20 minutes

The port will be providing these charging points outside the Terminal Building from 2021.

- Wind turbines

PIP will include our ambition to install landside wind turbines in the port masterplan which will feed into the Local Plan for future planning consents.

Grant Funding

The port is also seeking grant funding for the following projects:

- Updated port and freight management software in order to flatten peak vehicle movement*.
- Mitigation via externally based, large, fine particle filters and Living Walls adjacent to all Port entry and exit points.

Clean Maritime Plan

PIP is the Statutory Harbour Authority and Competent Harbour Authority responsible for all commercial shipping within Portsmouth Harbour. As an absolute minimum, all vessels using PIP burn fuel that complies with the requirements of the Sulphur Emissions Control Area (ECA) in which they were required to switch to lower sulphur fuels.



We are extremely fortunate that our largest port users are investing heavily in new build vessels that are lowering emissions due to vessel operations.

Wightlink are now operating the Solent's only hybrid car / freight ferry 'Victoria of Wight'

Brittany Ferries will introduce two LNG powered large passenger / freight ferries by 2022 and are looking to invest further in LNG for the future.

The port has ambitions to increase ferry and cruise activity in the future and, with this in mind, have asked Royal HaskoningDHV to engage with shipping lines to understand their future green ambitions.

We see LNG as a "stop gap" before either shoreside power (Cold Ironing) or hydrogen. The port masterplan will ensure that we adapt to the changes for shipping in the future.

Innovation

The port's policy for infrastructure changes will, at the very least, include sustainability and explore innovation.

For example, the port is now required to build a Border Control Point (BCP) under the Government's Border Operating Model for handling EU trade after the end of the transition period. The BCP will have ambient, chilled and frozen chambers to carry our storage and inspection of products of a plant or animal origin. The design of this building will use 'green' energy to provide the power for this building.

The port masterplan will also look an innovation, automation and artificial intelligence to work cleaner and smarter in the future.

Port Air Quality Strategy

The port has drafted the Port Air Quality Strategy, including our Action Plan outlined in this document which is ready to submit to the DfT.

Approval is being sought to submit the attached document before the year end.

6. Legal implications

As stated in the main body of this report, in July 2019 the DfT published its Clean Maritime Strategy together with associated guidance inviting ports which meet certain requirements to prepare voluntary air quality strategies. Such air quality strategies are expected to contain commitments by individual ports to reduce emissions from their operations and to support the reduction of emissions from their customers.

Currently, there is no legal obligation on the Council/Portsmouth International Port to produce such a plan, however, the Environment Act 1995 gives the power to the Secretary of State to assess the air quality standards and objectives and subsequently give directions to local authorities requiring them to take such steps as may be specified in the directions in order to address air quality issues.

7. Director of Finance's comments

Council funding has already been identified for a number of air quality measures the port is currently progressing. This includes:

- Electrification of light goods vehicles
- Fast charge EV points for passenger vehicles
- Living Walls (initial stage)
- Wind turbines
- Maximisation of photo-voltaic cells (solar arrays)
- Feasibility study for shoreside power (cold ironing)

The port actively looks for external grant opportunities. Together with Council funding, grants are currently financing the installation of real time air quality sensors, and a storage battery that stores and distributes renewal energy.

The port is seeking grant to update freight management software in order to flatten peak vehicle movements. Grant and sponsorship are being sought for living walls at the port. In October 2020 the port submitted a bid for the Port Infrastructure Fund to meet the requirements of the new Border Operating Model. The bid includes funding for green infrastructure and green energy for the facility.

A number of measures that will improve air quality at the port are being funded by operators. For example, Brittany Ferries are investing in two LNG powered ferries and are looking to invest further in LNG for the future. The shuttle bus contractor is investing to ensure busses operated at the port are Euro 6 compliant.

Funding sources will be identified and agreed prior to the Council entering into contract for measures that will improve the air quality at the port.

Signed by:

Appendices:

Port Air Quality Strategy

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Port Air Quality Strategies	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815665/port-air-quality-strategies.pdf
The Clean Air Strategy Executive Summary	www.gov.uk Clean Air Strategy 2019 Executive Summary
Maritime 2050 Strategy	www.gov.uk Maritime 2050 Strategy

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on



Signed by:

Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity This can be found in Section A5

Directorate:

Port

Service, function:

Port Management

Title of policy, service, function, project or strategy (new or old) :

Carbon Reduction/Port Air Quality Strategy

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

To measure, manage and reduce (on an intensity based measure) the amount of Carbon produced from Port Operations and the consequent Air Pollutants from those operations. That is to say a reduction year-on-year in Carbon per tonne, per lorry, per vehicle or per ship.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

Consultation was taken with all Port users as a precursor to asking for their consumption figures. The outcome of consultation was generally positive but with a great deal of reservation about the eventual use of the figures released and public perception. This informed the proposal insofar as (in order to obtain the consumptions required Port carbon Audit) agreement was given not to disaggregate individual company figures in the eventual results.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?

In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The measurement and management of port emissions in terms of both Carbon and Air Pollutants will be a Public 'Good' but with no measurable Public Health benefit on a local scale as the port contributes only to the background pollution levels. None of the existing Air Quality management Areas (currently designated in the City) are associated with PIP. The Wightlink operation at Gunwharf/Camber does have an AQMA local to it. This will be the first time any port will have revealed its emissions and this will have a negative public impact particularly with the proposal of a Clean Air Zone. Mitigation of that impact will be through transparency of measures to reduce those Carbon Emissions (on an intensity basis) particularly with respect to the Air Quality sensors being commissioned within the port.

How will you measure/check the impact of your proposal?

Annual Carbon Audit using the DEFRA 2014 guidance on measuring greenhouse gases.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?

In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety	Yes	No
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Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Although further studies are needed the effect of poor air quality on both physical and mental health is becoming apparent. This is particularly the case with the effect upon growing bodies of the ingestion of fine particles. The development of an Air Quality sensing system around the port will help us detect, understand and control emissions of these fine particles. the development of a strategy to control emissions of pollutant from port operations will aid quality of life in Portsmouth.

How are you going to measure/check the impact of your proposal?

Using Air Quality Sensors and an Annual carbon Audit.

A - Communities and safety	Yes	No
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Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty -Will it consider income deprivation and reduce poverty?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?



In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Although further studies are needed the effect of poor air quality on both physical and mental health is becoming apparent. This is particularly the case with the effect upon growing bodies of the ingestion of fine particles. The development of an Air Quality sensing system around the port will help us detect, understand and control emissions of these fine particles. the development of a strategy to control emissions of pollutant from port operations will aid quality of life in Portsmouth.

How are you going to measure/check the impact of your proposal?

By annual Carbon audit.

On a per tonne/ per person / per vehicle basis but not absolute.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?



In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The Carbon Reduction/Port Air Quality Strategy includes measures that erect solar panels within the port and the storage of the energy so produced by large intelligent storage batteries.

How are you going to measure/check the impact of your proposal?
Annual carbon Audit

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?



In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The Carbon Reduction/Port Air Quality Strategy and its implementation will reduce the amount of Carbon that would otherwise have been produced without the strategy and thus contributes to a future reduction in Carbon produced as a result of Port Operations.

How are you going to measure/check the impact of your proposal?
Annual Carbon Audits

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?



In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

An intensity based reduction in the production of air pollutants would mean that the port is producing less of them as a result of this Carbon Reduction/Port Air Quality Strategy than it would have without the strategy and therefore contributes to the protection of habitats and species

How are you going to measure/check the impact of your proposal?
Annual Carbon Audit.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The implementation of this strategy would mean that there would be an intensity based reduction of the key air pollutants that would otherwise be produced as the port continues to operate and succeed as a port.

How are you going to measure/check the impact of your proposal?

By measuring pollutant levels including NO, NO2, SO2, CO2 and PM 2.5/10 using port-wide Air Quality sensors and by an annual Carbon Audit.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?



In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Part of the DEFRA guidance on measuring greenhouse gases (and then reducing them) recommends looking at all areas of the port operation including the purchase of Goods and Services. Part of the Strategy is to look at all providers of Goods and Services to the port and ensuring that they have the 'greenest' credentials possible. This and greater control of waste production will reduce waste on the port.

How are you going to measure/check the impact of your proposal?

Annual carbon Audit.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The continued operation of the port with measurement and mitigation of emissions will allow the port to keep training and up-skilling its employees, help create employment, high quality jobs and increased earnings as the port continues to attract higher quality shipping and trade.

How are you going to measure/check the impact of your proposal?

Annual port return of funds to the City. Annual carbon Audit.

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The port contributes £390million to the national economy and £189 million to the Portsmouth City Council area. The port’s success is the City’s success and we have an obligation to reduce the environmental impact on the community.

How are you going to measure/check the impact of your proposal?
The amount of revenue returned to Portsmouth city Council and Annual Carbon Audit

Q8 - Who was involved in the Integrated impact assessment?
Jeremy Clarke

This IIA has been approved by: Mike Sellers

Contact number: 07585123790

Date: 24.11.2020

Agenda Item 6



Portsmouth
CITY COUNCIL

THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Cabinet
Subject:	Briefing on Portsmouth Mental Health Alliance
Date of meeting:	1 st December 2020
Report by:	Dr Fiona Wright, Consultant in Public Health, Portsmouth City Council Gordon Muvuti, Director of Partnerships, Solent NHS Trust
Wards affected:	All

1. Requested by

Cllr Matthew Winnington, Cabinet Member for Health, Wellbeing and Social care

2. Purpose

- To introduce the Cabinet to the Portsmouth Mental Health Alliance (PMHA)
- To update and raise awareness within the Cabinet on the purpose of the alliance, membership, current work streams, examples of work to date and future plans.
- To note proposed accountability of the PMHA to the Health and Wellbeing Board (HWB) (subject to a decision on the 25th November)

3. Information Requested

An introduction to the Portsmouth Mental Health Alliance (PMHA) and an information update for Cabinet on:

- the establishment of the PMHA, membership organisations, work streams, the work to date and future plans.
- the proposed accountability of the alliance to the HWB
- the opportunities for involvement in and support for the work of the alliance (including training and communications and embedding a trauma informed approach)

4. The COVID-19 pandemic and the impact on mental health and wellbeing

Evidence from previous pandemics and outbreaks (such as SARS and Ebola) has shown a negative impact on the community's mental health and wellbeing. We might

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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

expect this to be even greater for COVID-19 as it continues and given the impact on the economy. The pandemic can be viewed as a “collective trauma”. The impact of non-pharmaceutical interventions, for example the “lockdown” of March 2020, have far reaching impacts on mental health directly e.g. through loss of social contact and through impacting on the wider determinants of health such as unemployment. There is widespread evidence of the unequal impact of the pandemic, especially for Black and Minority Ethnic (BAME) and low income groups. It is also likely that we will see a widening impact on mental health inequalities. The impact on mental health is seen across the life course. Figure 1 is a visual representation of some of the expected impact of the pandemic on mental health across the life course.

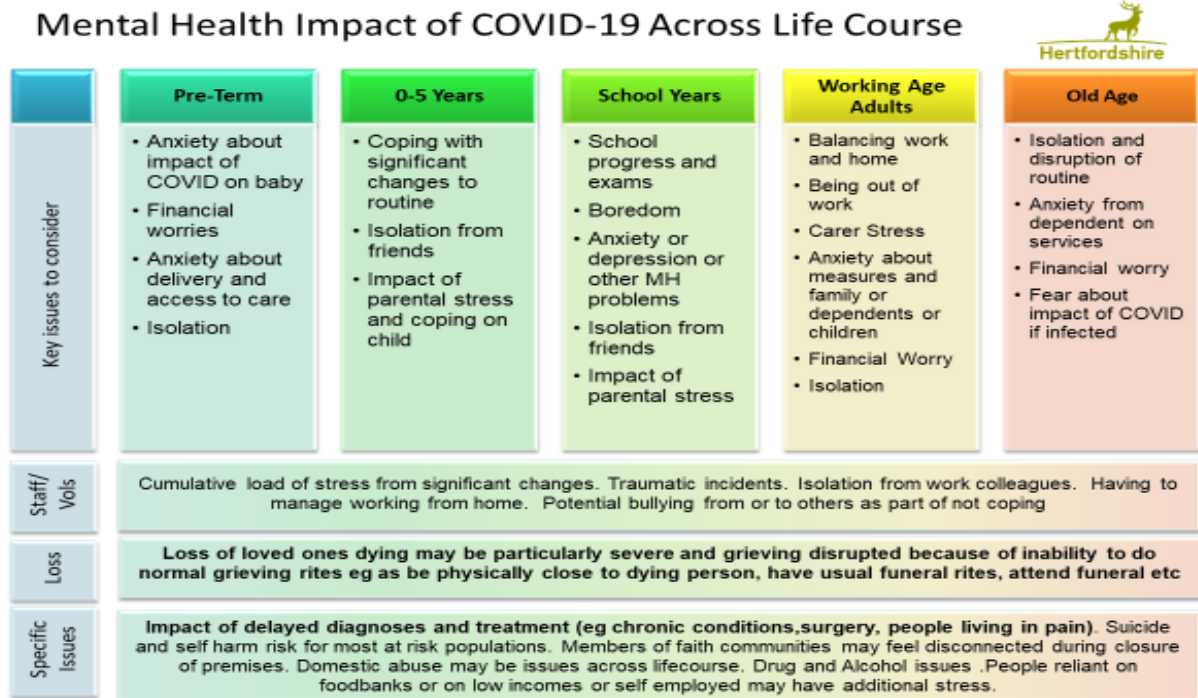


Figure 1. Adapted with permission from Hertfordshire County Council.

Research evidence is emerging of the impact of the pandemic on mental health, for example through a number of longitudinal studies. Much is still to be understood and there is a paucity of robust national or local data though tools are in development (e.g. the recent Wider Health Impacts of COVID-19 tool developed by Public Health England). Population level indicators also mask underlying differences within population groups. The impact of the pandemic and associated interventions on mental health such as anxiety and depression are also varying over time.

Some key messages from the research evidence to date are:

- 49.6% adults in UK expressed increased anxiety in April but this then reduced in May
- Loneliness was higher amongst those not in employment or on low incomes

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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

- Young adults and women were more likely to report worse mental health and wellbeing (due to family and caring responsibilities and social factors)
- Some evidence that mental health and wellbeing outcomes were worse in adults with long term illness, urban residents and key workers.
- Population estimates are difficult but 7 - 53.8% of BAME population groups experience psychological impact of COVID-19
- The prevalence of mental health issues on children increases with age, affecting the older age groups more than younger age groups
- 7% increase in complex bereavement expected due to the impact on normal grieving rituals.
- 20% of people treated in critical care are expected to have a post-traumatic reaction.
- The effects of long COVID-19 can include prolonged neuropsychological factors such as fatigue, loss of concentration, intense shakes
- BAME patients account for 24.9 per cent of the patients admitted to UK intensive care units due to COVID-19, it is reasonable to expect they will experience a significant negative psychological reaction
- People with existing mental health problems and/or drug and alcohol dependency are at greater risk of adverse mental health consequences
- Mental health impacts are being seen amongst those with no previous history of mental health disorders
- Alcohol consumption in the general population has increased
- 20% of people unemployed say they are not coping and have experienced suicidal thoughts. Employment is a strong indicator of mental health
- People in lower socioeconomic bracket are likely to be more affected.
- 50% of health workers feel their mental health declined and over 20% are more likely to leave the sector as a result of Covid-19
- Given the impacts on mental health and determinants of health an increase in suicide rates is expected.

5. The Portsmouth Mental Health Alliance

This alliance was set up in May 2020 in response to the COVID-19 pandemic. The aim of the alliance is to bring people and organisations together from across the city to improve the mental health and wellbeing of all who live, work or study in Portsmouth. Given the context of the pandemic a key part of its vision is to develop and embed a trauma informed approach. Figure 2 states the meaning of a trauma informed approach. Taking this on board, from the outset the alliance has taken a collaborative, "bottom up" and system wide approach. This approach also allows us to maximise capacity and work with communities - seen as essential given the scale and complexity of the challenge responding to mental health needs across the city at this time.

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“Being trauma-informed is much more than just a ‘simple’ word or term. It is multi-layered and a whole system approach. It should apply to every sphere of an organisation and be fully embedded into the different levels of a system. This includes integrating trauma-related aspects, knowledge and concept into things such as training, recruitment, induction, policies, procedures, mission statements, language used, having experts of experience, the environment, team meetings, supervision, reflective practice, leadership style, and so much more!”

Figure 2. Trauma informed approach.

The alliance is co-chaired by Gordon Muvuti, Director of Partnerships, Solent NHS Trust and Dr Fiona Wright, Consultant in Public Health, Portsmouth City Council. Cllr Matthew Winnington, Cabinet Member for Health, Wellbeing and Social care and the Council's Mental Health Champion attends the Alliance on behalf of all members. Hollie Morris of, Solent NHS Trust, acts as project manager across the alliance. Following an initial presentation of the likely impact on mental health, suggested interventions and an introduction to the trauma informed approaches, the subsequent meetings took the format of thematic virtual workshops. Leads have volunteered, with active engagement of members inside and outside of the meetings, brought their knowledge and expertise and influence to develop several work streams. Figure 4 below lists the resulting work streams of the alliance developed by this collaborative process. For each we state, the importance of the work stream, the focus/approach in Portsmouth and examples of work being undertaken. . A detailed action plan is in development.

The focus of the alliance is across all ages, although most of the work of the alliance has related to adults with a firm link to the children's Social Emotional Mental Health strategy that is already well established. There is also work under way on the longstanding challenge of co-occurring conditions (people with substance misuse and mental health issues) which remains a service issue, although Portsmouth has strong examples of good practice. For some areas of work that are enabling and cross cutting, the wide membership of the alliance provides an important opportunity. These include embedding the trauma informed approach, collaboration on training offers, community engagement (including engaging people with lived experience (PLE)) and the coordination and strengthening of communications across agencies. The breadth of the multi-agency approach is visible in the leads of the work streams and the involvement of a wide range of organisations. A strap line and public statement developed for the alliance by the communications group is shown in Figure 3. The full draft terms of reference (including list of member organisations) is in Appendix 1.

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“Portsmouth Mental Health Alliance - Bringing our City together to improve mental health & wellbeing for all”

The Portsmouth Mental Health Alliance is a collaboration of partners working together to improve the mental health and wellbeing of everyone living and working across the city. The partnership involves representatives from local communities including voluntary organisations, healthcare providers and businesses. The Alliance is supported by Portsmouth City Council, Portsmouth Clinical Commissioning Group and Solent NHS Trust.

Figure 3: Portsmouth Mental Health Alliance strap line and public statement

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Work streams of the PMHA (lead)		Why is this important?	Focus	Examples of work underway
1	<p>Embedding the Trauma Informed Approach</p> <p>Dr Mahdi Ghomi, Clinical Director and Consultant Counselling Psychologist for Talking Change and Veteran Services, Solent NHS Trust</p>	<p>The pandemic is an experience of collective and individual trauma. Working together we can understand signs and impact of trauma and poor mental health and respond and lead in an effective and compassionate way.</p>	<p>Embedding a trauma informed approach across the work of the alliance and the city.</p>	<p>Bringing organisations together to coordinate workplace training offer on mental health across the city; including trauma informed training.</p>
2	<p>Community Engagement and Upskilling Communities</p> <p>Carolyn Barber, Good Mental Health Cooperative</p>	<p>Community engagement important to ensure link with assets as well as deficits, empower diverse communities to support their own mental health and engage with and improve the quality of services. Working with people with lived experience is an important tenet of a trauma informed approach and of addressing the needs of marginalised groups.</p>	<p>Initial focus on a BAME community event. Will broaden out with series of community workshops on topical issues. Also developing an approach to involving people with lived experience in the alliance</p>	<p>Online event raising awareness of mental health and COVID-19 in the BAME community.</p> <p>Online workshop on 'Managing Money Worries'</p> <p>Produced list of online emotional first aid courses for circulation to voluntary/community sector</p>

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Work streams of the PMHA (lead)		Why is this important?	Focus	Examples of work underway
3	<p>Communications and Coordination of Information</p> <p>Catherine Morrow, Press and Communications Manager, Solent NHS Trust</p>	<p>Use the network of partners of the alliance to get messages out e.g. businesses, community groups and statutory organisations. Economise on efforts. Wide range of themes e.g. self care, signposting for support, debt, social isolation</p>	<p>Building on work already going on across organisations. Developing a communication plan with themes, partners and channels.</p>	<p>Publicising BAME event (above). Increasing public messaging in the light of second national lockdown. Series of articles on mental health in the Portsmouth news</p>
4	<p>Debt and Financial Issues</p> <p>Mark Sage (PCC Tackling Poverty Coordinator) and Dan Warren-Holland (Solent Mind Head of Support and Recovery Service)</p>	<p>Well established that there is a two way vicious circle between debt and mental ill health. Rising debts and loss of employment and housing issues. There is concern that when reactive schemes (e.g. furlough) come to an end there will be a greater need. Evidence that certain groups are not seeking advice</p>	<p>Improve early identification of debt and mental health issues by up-skilling the workforce and strengthening pathways. Increase access to money advice by promoting hope and reducing shame and stigma.</p>	<p>Pilot Citizens Advice Portsmouth (CAP) advisers training to ask all clients about their mental health. Proto-type training for further roll out in 2021 if effective. Work stream members will deliver an online workshop in December on Managing Money Worries, in partnership with the Community Engagement work stream. Linking PCC income maximisation campaign with PMHA communications strategy.</p>
5	<p>Bereavement</p> <p>Dr Paul Beadon, Consultant Clinical Psychologist</p>	<p>Increase in deaths from COVID-19. Also increase in complex bereavements (eg due to not saying goodbye to loved ones), including suicide.</p>	<p>Develop an education resource for upskilling professionals in providing bereavement support in the light of the pandemic.</p>	<p>Mapping of bereavement resources in the city – using this to provide clear signposting to professionals. Develop a video resource tailored to local professionals in health and social care, as well as voluntary services</p>

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	Work streams of the PMHA (lead)	Why is this important?	Focus	Examples of work underway
			Set out clear and accessible signposting for professionals making referrals for bereavement support – with reference to level of complexity of presentation. Monitoring for changing demand upon bereavement services	Liaise between multiple work streams and facilitate local bereavement service's forum. Liaison over commissioning services for those bereaved by suicide.
6	Children and Young People Stuart McDowell, Senior Project Manager, Children and Families Commissioning, Portsmouth CCG and Portsmouth City Council	Deterioration in children and young people's mental health. Including due to time out of school, loss of social contact, parental anxiety. Longstanding challenge with the age group in transition between services.	Link the Social and Emotional Mental Health (SEMH) Strategy for the city with the work of the alliance. Particular focus on the age group in transition between adults and children.	Explore extending the digital mental health service offer for 18 - 25 year olds. Support the development of an SEMH Scorecard that includes mental health related service data for 18 - 25 year olds. Liaise with university to support mental health and wellbeing of students.
7	Raising Awareness in Workplaces and supporting staff and volunteers Gordon Muvuti, Director of Partnerships, Solent NHS Trust	Economic impact on businesses in the city Opportunity to access people (particularly those on low income) in their workplace settings and work with large employers	Working with businesses in the city to raise awareness and support mental health of staff	Supporting Shaping Portsmouth to convene engagement events with employers in the city to raise awareness of mental health in the city. Training and messaging re good mental health and sign posting to support through business networks.

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Work streams of the PMHA (lead)		Why is this important?	Focus	Examples of work underway
8	<p>Suicide Prevention</p> <p>Dr Fiona Wright, Consultant in Public Health, Portsmouth City Council</p>	<p>Increase in suicide rates expected.</p> <p>Opportunity with the funded STP suicide prevention programme and local suicide prevention plan informed by the evidence from the last suicide audit.</p>	<p>Embed suicide prevention across the work of the alliance and ensure needs of Portsmouth attended to in the STP suicide prevention programme and funding.</p>	<p>Developing real time surveillance and post-vention support.</p> <p>Resources and training developed for Portsmouth schools community to support children and young people who have been bereaved by suicide.</p>

Figure 4 - Work streams of the alliance with lead, focus and examples of current work.

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6. Way forward

The alliance has been in development for six months and it evolves flexibly and responsively. It will continue to provide a forum for specialist mental health services and wider health and wellbeing stakeholders in Portsmouth to work in partnership to improve wellbeing and resilience in our communities into the future.

All work streams are strengthening and planning future work and this is being embedded in the action plan. We will enhance our use of data and evidence of the impact of the COVID-19 pandemic on mental health and wellbeing as it emerges. Across the whole alliance we will strengthen our approach to community engagement (including working with PLE), public facing communications, training offers and acting as a strong advocate for trauma informed approach in the city.

.....
Signed by (Director)

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Appendix 1 - Terms of Reference

Portsmouth Mental Health Alliance

Terms of Reference

1. Constitution

- The Portsmouth Mental Health Alliance (PMHA) brings together communities and organisations across the city of Portsmouth to improve everyone's mental health and wellbeing.
- The Alliance aims to work with organisations and communities to promote an effective response to the mental health impact of the COVID-19 pandemic, taking a trauma informed approach.
- The organisations of the PMHA will engage with the whole community to promote mental health and wellbeing and publicise and improve equitable access to support, creating clear pathways for individuals.
- The PMHA will establish several work streams lead by and with engagement of stakeholders.
- The PMHA will develop and oversee the delivery of an action plan.

2. Purpose

- To develop a mental health and wellbeing action plan in Portsmouth with partners including those from the commercial and business sector; emergency services; health and social care; voluntary sector organisations and police and criminal justice services.
- Part of this plan is to help the wider workforce to be better trained and aware of detecting signs of trauma and emotional distress in order to address these as early as possible to prevent a distress turning into a crisis.

3. Duties

The PMHA will:

- Create a co-ordinated trauma informed approach across the city, working with organisations and systems to manage the mental health impact of COVID-19 and work to improve emotional wellbeing of all our residents.
- Develop a set of priority actions to achieve through agreed work streams.
- Monitor the progress of project completion within each work stream.
- Identify quick wins and longer-term actions in line with strategic priorities and the trauma informed approach to improving mental health for all in the city.
- Consider and share information which identifies gaps in provision for mental health support and key research outcomes.

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- Embed early intervention and addressing wider social and economic determinants of mental ill health within all work streams
- Develop methods of educating the public and key workers about signs and symptoms which raise concerns, promote tools and methods to improve mental health and wellbeing.
- Work to ensure access to emotional support through community-based support services, dedicated helplines and, developing a joint pathway to universal mental health services for those that need further support.

Strategic Priorities:

- Take a trauma informed approach to improving mental health and wellbeing for all residents of Portsmouth during COVID-19 and beyond.
- Ensure effective prevention, early help and targeted outreach to build resilience and minimise poor mental health in response to COVID-19 and during recovery.
- Target mental health support to those at high risk of poor mental health such as victims and witnesses of domestic abuse, substance misuse, homelessness, people with SMI, disabilities etc.
- Improve and protect mental health and wellbeing through addressing the wider “determinants” of good/poor mental health. For example, embed mental health outcomes within various COVID-19 recovery approaches such as economic and financial recovery.
- Ensuring the workforce is supported, particularly front-line key workers, and those facing other COVID-19 related pressures i.e. social isolation, bereavement, household financial anxiety.
- Ensuring robust and timely support and services are in place to respond to a “surge” or number of surges (including a good primary care, VCS, alternative models, and digital offer) of mental health needs.
- Improving the pathway and care for people in crisis (mental health, trauma, bereavement). Including but not limited to services i.e. access to online/telephone resources and support groups also important.
- Coordinate data, intelligence and evidence to support planning and action (including real time surveillance of suicides and population health management).

4. Membership

- The Membership of this group is by invitation only from the Chair and Co-Chairs of this group. Existing Members can recommend other organisations to the Chair and Co-Chairs who will make the final decision to issue an invitation.
- The Membership can consist of any organisation within Portsmouth in the below sectors who wish to be part of developing the Wellbeing and Recovery Strategy as they represent a key population group or are a stakeholder in mental health. A full list of current membership is shown in Addendum 1.

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- Members are expected to have devolved accountability for their lead areas and be aware of the key issues to raise at the meeting and to endorse/support PMHA decision making.
- Members may send a representative from their organisation if they cannot attend a meeting. This is in relation to the main meeting and to any established working groups.

Membership Organisations can be from:

- Commercial and Business Sector
- Emergency Services
- Health, Social Care and other public bodies
- Voluntary Sector Organisations
- Police and Criminal Justice Services

5. Attendees

- The PHMA may call upon any external expertise in relation to their work in developing the strategy to attend the meeting.
- The PHMA may call upon Alliance work stream leads to co-ordinate any new or follow-on requirements, within their specialist areas.

6. Chair

- The Director of Partnerships from the Solent NHS Trust will co-chair the PMHA with the Consultant in Public Health at Portsmouth City Council.

7. Secretary

- The administration of the meeting shall be supported by the PA to the Director of Partnerships who will arrange to take minutes of the meeting and provide appropriate support to the Chairman and committee members.
- The agenda and any working papers shall be circulated to members 3 working days before the date of the meeting.

8. Quorum

No business shall be transacted at the meeting unless the following are present:

- A Co-Chair
- A representative from Portsmouth City Council

9. Frequency

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- The PMHA will meet more frequently initially and then monthly.
- Meetings of work streams, and of leads of work streams, will take place as required to ensure actions are developed and progressed.

10. Notice of meetings

- Meetings shall be summoned by the secretary of the committee at the request of the Co-Chairs.

11. Minutes of meetings

- Minutes of the meeting will be shared with the members following agreement by the Co-Chair.

12. Authority

- The PMHA has no powers, other than those specifically delegated in these Terms of Reference.
- The PMHA is authorised:
 - To seek any information, it requires from any employee of the organisation in order to perform its duties.
 - To call any employee to be questioned at a meeting of the PMHA as and when required.
 - To liaise with Alliance work stream leads for the development of any new or follow-on requirements, within their specialist areas

13. Reporting

- A Co-Chair will report by exception to the Health and Wellbeing Board (or designated subgroup) on a six monthly basis via a formal written report.
- A Co-Chair will report by exception to the Health and Wellbeing Board (or designated subgroup) on any significant risk matters that could impact on the work of the PMHA.
- The PMHA shall make relevant recommendations to the Health and Wellbeing Board (or designated subgroup) it deems appropriate, via the report from a Co-Chair.
- All reporting groups to the PMHA are required to report to the Health and Wellbeing Board or designated subgroup (via exception reporting).

Version	5
Agreed at PMHA	Date: 13/11/2020
Agreed at Health and Wellbeing Board	Date:
Date of Next Review	Date: 13/05/2021

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Addendum 1 of Terms of Reference

List of current member organisations

The Alliance membership is open to representatives from business, voluntary and community sector and statutory organisations from across Portsmouth who seek to work in collaboration to improve the mental health and wellbeing of our city. The current members of the alliance include:

AGE UK
Clinical Commissioning Group Portsmouth
Good Mental Health Cooperative
Hampshire Hypnotherapy
Hampshire Police
Healthwatch Portsmouth
HIVE
Portsmouth City Council
Shaping Portsmouth
Solent Mind
Solent NHS Trust
Southsea Mindfulness
The Society of St James'
The YOU Trust
Together All
RNRMC
University of Portsmouth
Veterans Outreach Support

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Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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Agenda Item 7



Title of meeting:	Governance and Audit and Standards Committee Cabinet City Council
Date of meeting:	Governance and Audit and Standards Committee 20 th November 2020 Cabinet 1 st December 2020 City Council 8 th December
Subject:	Treasury Management Mid-Year Review 2020/21
Report by:	Chris Ward, Director of Finance and Resources (Section 151 Officer)
Wards affected:	All
Key decision:	No
Full Council decision:	Yes

1. Executive Summary

This report outlines the Council's performance against the treasury management indicators approved by the City Council on 17th March 2020.

The Council borrowed £60m in quarter 1 of 2020/21. No further borrowing was undertaken in quarter 2 of 2020/21.

Investment returns have continued to be on a downward trend in line with the likelihood that increases in Bank Rate are unlikely to occur before 2023.

2. Purpose of report

The purpose of the report is to inform members and the wider community of the Council's Treasury Management position, ie. its borrowing and cash investments at 30th September 2020 and of the risks attached to that position.

Whilst the Council has a portfolio of investment properties and some equity shares which were acquired through the capital programme; these do not in themselves form part of the treasury management function.

3. Recommendations

It is recommended that the following be noted:

- 3.1 That the Council's Treasury Management activities have remained within the Treasury Management Policy 2020/21 in the period up to 30th September 2020.
- 3.2 That the actual Treasury Management indicators as at 30th September 2020 set out in Appendix A be noted.

4. Background

The Council's treasury management operations encompass the following:

- Cash flow forecasting (both daily balances and longer term forecasting)
- Investing surplus funds in approved cash investments
- Borrowing to finance short term cash deficits and capital payments
- Management of debt (including rescheduling and ensuring an even maturity profile)

The key risks associated with the Council's treasury management operations are:

- Credit risk - ie. that the Council is not repaid, with due interest in full, on the day repayment is due
- Liquidity risk - ie. that cash will not be available when it is needed, or that the ineffective management of liquidity creates additional, unbudgeted costs
- Interest rate risk - that the Council fails to get good value for its cash dealings (both when borrowing and investing) and the risk that interest costs incurred are in excess of those for which the Council has budgeted
- Maturity (or refinancing risk) - this relates to the Council's borrowing or capital financing activities, and is the risk that the Council is unable to repay or replace its maturing funding arrangements on appropriate terms
- Procedures (or systems) risk - ie. that a treasury process, human or otherwise, will fail and planned actions are not carried out through fraud or error

The treasury management budget accounts for a significant proportion of the Council's overall budget.

The Council's Treasury Management Policy aims to manage risk whilst optimising costs and returns. The Council monitors and measures its treasury management position against the indicators described in this report. Treasury management monitoring reports are brought to the Governance and Audit and Standards Committee for scrutiny.

The Governance and Audit and Standards Committee noted the recommendations to Council contained within the Treasury Management Policy 2020/21 on 3rd March 2020. The City Council approved the Treasury Management Policy 2020/21 on 17th March 2020.

5. Reasons for recommendations

To highlight any variance from the approved Treasury Management Policy and to note any subsequent actions.

To provide assurance that the Council's treasury management activities are effectively managed.

6. Integrated impact assessment

An integrated impact assessment is not required as the recommendations do not directly impact on service or policy delivery. Any changes made arising from this report would be subject to investigation in their own right.

6. Legal implications

The Section 151 Officer is required by the Local Government Act 1972 and by the Accounts and Audit Regulations 2015 to ensure that the Council's budgeting, financial management, and accounting practices meet the relevant statutory and professional requirements. Members must have regard to and be aware of the wider duties placed on the Council by various statutes governing the conduct of its financial affairs.

7. Director of Finance's comments

All financial considerations are contained within the body of the report and the attached appendices.

.....
Signed by: Director of Finance and Resources (Section 151 Officer)

Appendices:**Appendix A: Treasury Management Mid-Year Review 2020/21****Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Treasury Management Records	Financial Services

APPENDIX A**TREASURY MANAGEMENT MID-YEAR REVIEW 2020/21****A1. SUMMARY OF TREASURY MANAGEMENT INDICATORS**

The City Council originally approved the authorised limit (the maximum amount of borrowing permitted by the Council) and the operational boundary (the maximum amount of borrowing that is expected) on 11th February 2020. The Council's debt at 30th September was as follows:

Prudential Indicator	Limit £m	Actual £m
Authorised Limit - the maximum amount of borrowing permitted by the Council	883	786
Operational Boundary - the maximum amount of borrowing that is expected	868	786

The maturity structure of the Council's fixed rate borrowing was:

	Under 1 Year	1 to 2 Years	3 to 5 Years	6 to 10 Years	11 to 20 Years	21 to 30 Years	31 to 40 Years	41 to 50 Years
Minimum proportion of loans maturing	0%	0%	0%	0%	0%	0%	0%	0%
Maximum proportion of loans maturing	10%	10%	10%	20%	30%	30%	40%	40%
Actual proportion of loans maturing	1%	1%	4%	11%	18%	7%	31%	27%

The maturity structure of the Council's variable rate borrowing was:

	Under 1 Year	1 to 2 Years	3 to 5 Years	6 to 10 Years	11 to 20 Years	21 to 30 Years	31 to 40 Years	41 to 50 Years
Minimum proportion of loans maturing	0%	0%	0%	0%	0%	0%	0%	0%
Maximum proportion of loans maturing	10%	10%	10%	20%	30%	30%	30%	30%
Actual proportion of loans maturing	2%	2%	6%	11%	22%	24%	19%	14%

Surplus cash invested for periods longer than 365 days at 30th September 2020 was:

	Limit	Quarter 2 Actual
	£m	£m
Maturing after 31/3/2021	117	80
Maturing after 31/3/2022	50	38
Maturing after 31/3/2023	50	20

A2. GOVERNANCE

The Treasury Management Policy approved by the City Council on 17th March 2020 provides the framework within which treasury management activities are undertaken.

There have been no breaches of these policies during 2020/21 up to the period ending 30th September 2020.

A3. BORROWING ACTIVITY

Gilt yields had already been on a generally falling trend up until the coronavirus crisis hit western economies during March. After gilt yields initially spiked upwards in March, we have seen yields fall sharply in response to major western central banks taking rapid policy action to deal with excessive stress in financial markets during March, and starting massive quantitative easing driven purchases of government bonds: these actions also acted to put downward pressure on government bond yields at a time when there has been a huge and quick expansion of government expenditure financed by issuing government bonds. Such unprecedented levels of issuance in “normal” times would have caused bond yields to rise sharply. At the close on 30th September, all gilt yields from 1 to 6 years were in negative territory, while even 25-year yields were only at 0.76% and the 50 year at 0.60%.

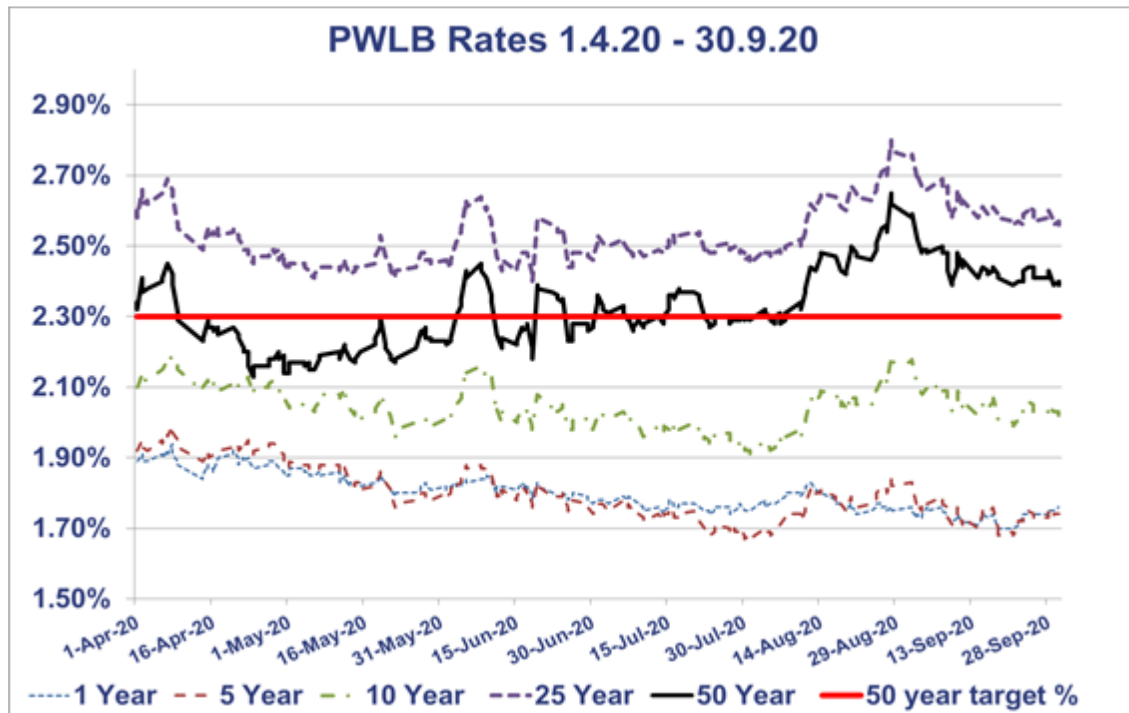
From the local authority borrowing perspective, HM Treasury imposed two changes of margins over gilt yields for Public Works Loans Board (PWLB) rates in 2019/20 without any prior warning. The first took place on 9th October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then, at least partially, reversed for some forms of borrowing on 11th March 2020, but not for mainstream non-HRA capital schemes. At the same time the Government announced in the Budget a programme of increased infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; the HM Treasury consultation was initially due to end on 4th June, but that date was subsequently put back to 31st July. To date, the outcomes of the consultation have yet to be announced but it is clear that HM Treasury will most likely no longer allow local authorities to borrow money from the PWLB to purchase commercial property if the primary aim is to generate an income stream (assets for yield). The definition of such commercial activity in the consultation is vague.

Following the changes on 11 March 2020 in margins over gilt yields, the current situation is as follows: -

- **PWLB Standard Rate** is gilt plus 200 basis points (G+200bps)
- **PWLB Certainty Rate** is gilt plus 180 basis points (G+180bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

The Council qualifies to borrow from the PWLB at the certainty rate for both General Fund and Housing Revenue Account purposes. It is possible that the non-HRA Certainty Rate will be subject to revision downwards after the conclusion of the HM Treasury consultation; however, the timing of such a change is currently an unknown, although it would be likely to be within the current financial year.

There has not been a great deal of volatility in PWLB rates since the start of the financial year, apart from a more significant spike up during the second half of August into early September. This is shown in the graph below.



There is likely to be little upward movement in PWLB rates over the next two years as it will take economies, including the UK, a prolonged period to recover all the momentum they have lost in the sharp recession caused during the coronavirus shut down period. Inflation is also likely to be very low during this period.

£60m was borrowed from the PWLB at the HRA certainty rate in the first quarter of 2020/21 to fund the HRA capital programme. This was because PWLB rates were very low and because the Council may not be able to access funding from the PWLB in future because of its commercial activities. These loans were all for £20m and are repayable in 50 years at maturity. These loans have an average interest rate of 1.17%.

Whereas this authority has previously relied on the PWLB as its main source of funding, it now has to fundamentally reconsider alternative cheaper sources of borrowing at cheaper rates from the following:

- Local authorities (primarily shorter dated maturities)
- Financial institutions (primarily insurance companies and pension funds but also some banks, out of spot or forward dates)
- Municipal Bonds Agency (limited issuance at present but there is potential)

At the current time, this is a developmental area as the action taken by HM Treasury on PWLB rates has also taken the financial services industry by surprise. The market has yet to settle down and Members will be updated as this area evolves.

At the start of the year, the Council had £30m of short term loans to help fund the payment of 3 years' of employer's pension contributions in advance in return for a discount. These loans were repaid in the first quarter of 2020/21.

The Council's gross borrowing at 30th September 2020 of £786m is within the Council's Authorised Limit (the maximum amount of borrowing approved by City Council) of £883m and also within the Council's Operational Boundary (the limit beyond which borrowing is not expected to exceed) of £868m.

The Council plans for gross borrowing to have a reasonably even maturity profile. This is to ensure that the Council does not need to replace large amounts of maturing borrowing when interest rates could be unfavourable.

The actual maturity profile of the Council's borrowing is within the limits contained within the Council's Treasury Management Policy (see paragraph A1).

Early Redemption of Borrowing

Debt rescheduling opportunities have been limited in the current economic climate and following the various increases in the margins added to gilt yields which has impacted PWLB new borrowing rates since October 2010. During the quarter ended 30th September 2020 no debt rescheduling was undertaken.

With the exception of two loans all the Council's borrowings to finance capital expenditure are fixed rate and fixed term loans. This reduces interest rate risk and provides a high degree of budget certainty.

The Council's borrowing portfolio is kept under review to identify if and when it would be financially beneficial to repay any specific loans early. Repaying borrowing early invariably results in a premium (early repayment charges) by the PWLB that are sufficiently large to make early repayment of borrowing financially unattractive to the Council.

No debt rescheduling or early repayment of debt has been undertaken during the two quarters of 2020/21 as it has not been financially advantageous for the Council to do so.

A4. INVESTMENT ACTIVITY

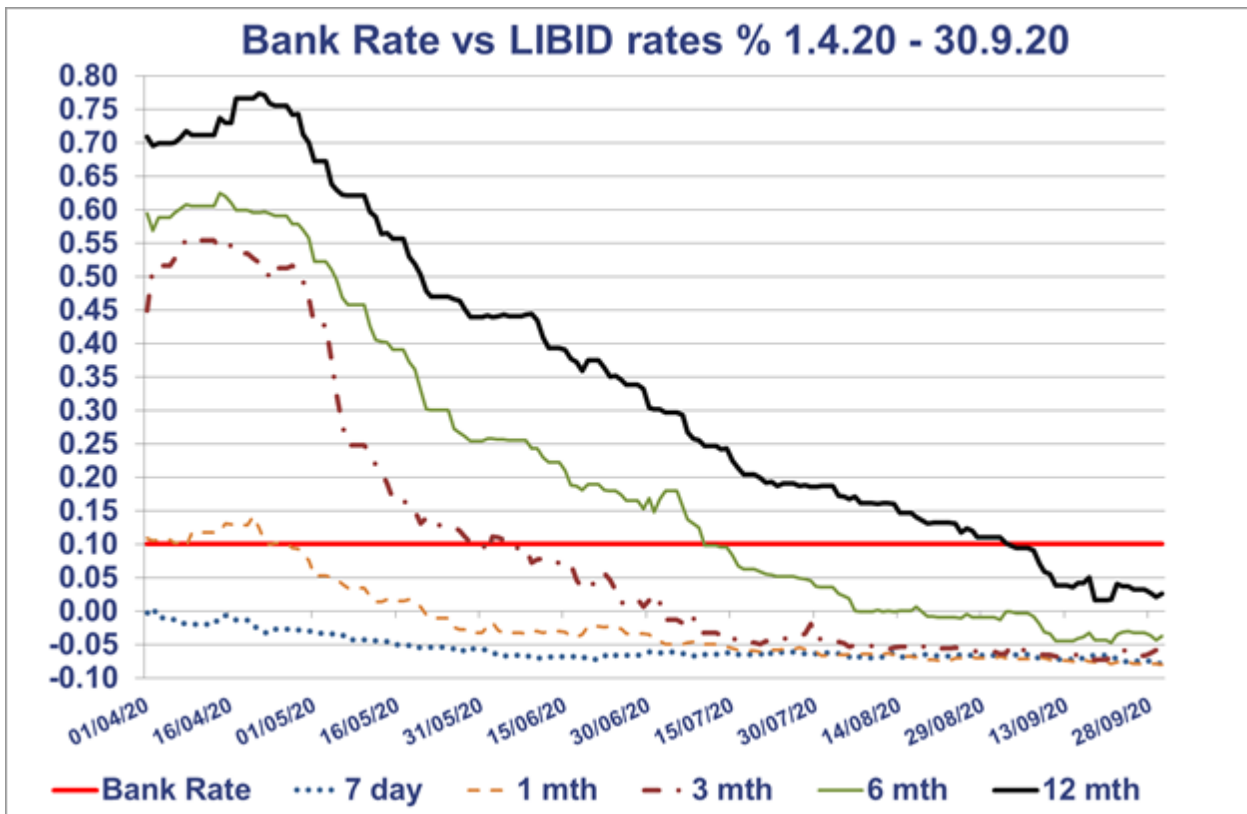
Although the credit rating agencies changed their outlook on many UK banks from stable to negative outlook during the quarter ended 30th June 2020, due to upcoming risks to banks' earnings and asset quality during the economic downturn caused by the pandemic, the majority of ratings were affirmed due to the continuing strong credit profiles of UK banks. However, during Q1 and Q2 2020, banks did make provisions for expected credit losses and the rating changes reflected these provisions. As we move into the next quarters ahead, more information will emerge on actual levels of credit losses. This has the potential to cause rating agencies to revisit their initial rating adjustments later in 2020. These adjustments could be negative or positive, although it should also be borne in mind that UK banks went into this pandemic with strong balance sheets. Indeed, the Financial Policy Committee (FPC) report on 6th August revised down their expected credit losses for the banking sector to "somewhat less than £80bn". They stated that, in their assessment, "banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the Monetary Policy Committee's (MPC) central projection". The FPC stated that for real stress in the sector, the economic output would need to be twice as bad as the MPC's projection, with unemployment rising to above 15%.

All three rating agencies have reviewed banks around the world with similar results in many countries of most banks being placed on negative watch, but with a small number of actual downgrades.

It is possible to insure deposits with banks against the risk of the bank defaulting through a financial instrument known as a credit default swap (CDS). CDS prices are therefore market indicators of credit risk. The CDS prices for UK banks spiked upwards at the end of March / early April due to the liquidity crisis throughout financial markets. CDS prices have returned to average levels since then, although they are still elevated compared to end-February.

Uncertainty over Brexit caused the MPC to leave Bank Rate unchanged during 2019 and at its January 2020 meeting. However, since then the coronavirus outbreak has transformed the economic landscape: in March, the MPC took emergency action twice to cut Bank Rate first to 0.25%, and then to 0.10%.

Actual market investment rates (London Interbank Bid rate) are shown in the graph below.



It is now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates are barely above zero now that Bank Rate is at 0.10%, while some entities, including more recently the Debt Management Account Deposit Facility (DMADF), are offering negative rates of return in some shorter time periods. Given this risk environment and the fact that increases in Bank Rate are unlikely to occur before 2023, investment returns are expected to remain low.

The Council's cash investment portfolio consists of the following.

	Portfolio at 31st March 2020	Return in 2019/20	Portfolio at 30th June 2020	Annualised Return to 30th June 2020	Portfolio at 30th September 2020	Annualised Return to 30th September 2020
Plain vanilla interest bearing deposits	£375.7	0.98%	£374.2m	0.98%	£415.0m	0.92%
Tradable structured interest bearing deposits where the interest rate or the maturity date is determined by certain criteria	£9.7m	2.05%	£10.2m	22.55%	£10.3m	13.88%
Externally managed corporate bonds	£7.4m	-1.16%	£8.0m	24.28%	£8.0m	18.92%
Total	£392.8m	0.99%	£392.4m	2.02%	£433.3m	1.58%

Plain Vanilla Interest Bearing Deposits

As previously reported in the Treasury Management Outturn Report for 2019/20, the return on plain vanilla interest bearing deposits in 2019/20 was reduced through the need to provide £0.6m to write off the investment in Victory Energy Services Limited (VESL). The underlying return on these deposits in 2019/20 before providing for the write off of the investment in VESL was 1.16%. Therefore the underlying return on these investments has fallen by 24 basis points in the first half of 2020/21. This trend is expected to continue as when the current investments mature, it is unlikely that it will be possible to replace them with new investments paying the previous rates.

Tradable Structured Interest Bearing Deposits

This now consists of a single collared floating rate note purchased in June 2018 with a nominal value of £10m maturing in June 2023. Interest is paid at the 3 month London Inter Bank Offer Rate (LIBOR) with a floor of 1.60% and a cap of 3.50%. Interest is currently being paid at 1.60%.

At the end of 2019/20 this investment had a market value of £9.7m because the financial markets had become illiquid.

However, liquidity has returned to the financial markets and the guaranteed return of at least 1.60% is very attractive against the current 3 month LIBOR rate of 0.06%. Consequently at 30th September 2020 this investment had a market value of £10.3m. The market value of this investment should be £10m when it matures in June 2023.

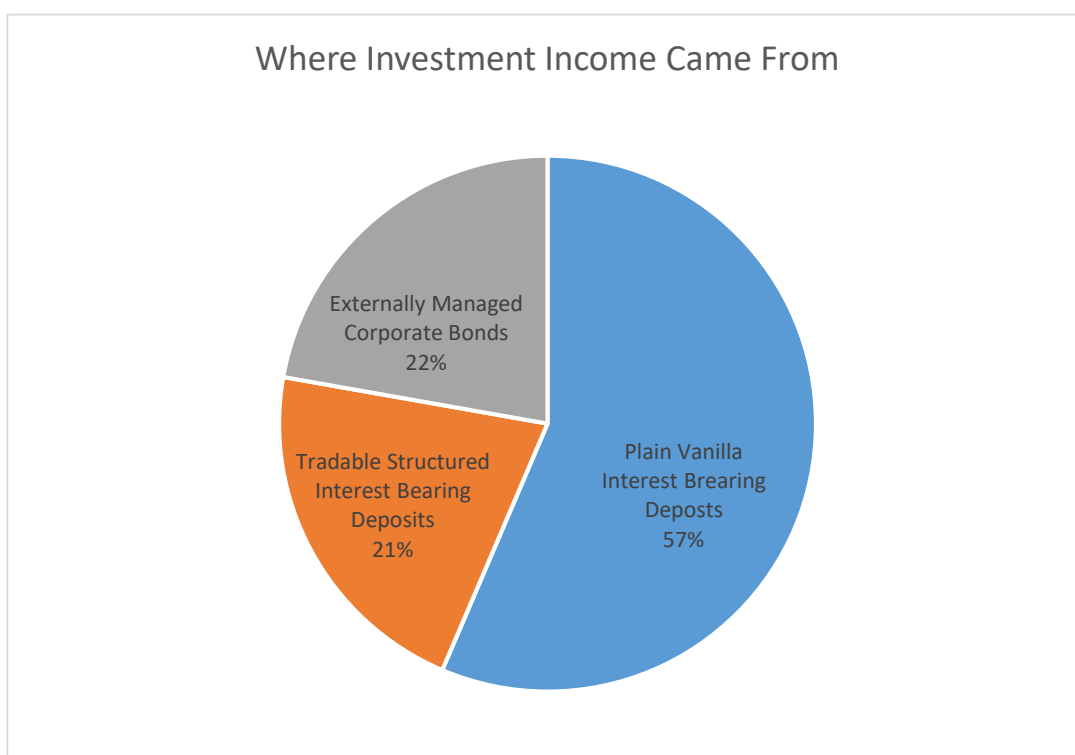
Externally Managed Corporate Bonds

The shortage of liquidity in the financial markets in March 2020 also caused the market value of corporate bonds to fall sharply. As a consequence of this the Council's externally managed corporate bonds made a negative return of 1.16% in 2019/20.

The corporate bond portfolio has been defensively managed and has no direct exposure to the energy, travel, hospitality, or non-food retail sectors. Now that liquidity has returned to the financial markets the value of the corporate bond portfolio has made a strong recovery.

Overall Return

The Council made an overall return of 1.56% on its cash investments in the first half of 2020/21. The chart below shows the source of the Council's cash investment income.



43% of the Council's investment income came from externally managed corporate bonds and tradable structured interest bearing deposits, despite these investments making up less than 5% of the investment portfolio. However, much of these gains result from a recovery in the market value of these investments and the level of returns experienced in the first quarter of 2020/21 is not being sustained.

Over the remainder of the year, the vast majority of the Council's investment returns will come from plain vanilla interest bearing deposits which make up over 95% of the investment portfolio. The returns on this type of investment are falling in line with market interest rates.

Given these factors, the return on the Council's investments over the remainder of the year is likely to be around 1%.

A5. COMBINED BORROWING AND INVESTMENT POSITION (NET DEBT)

The Councils net debt position at 30th September 2020 is summarised in the table below.

	Principal	Average Interest Rate	Interest to 30th September 2020
Borrowing (including finance leases & private finance initiative (PFI) schemes)	£786m	3.44%	£13.5m
Investments	(£433m)	(1.58%)	(£3.2m)
Net Debt	£353m		£10.3m

*Although the Council's investments were £433m at 30th September 2020, the average sum invested over this period was £404m.

Agenda Item 8



Portsmouth
CITY COUNCIL

THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Cabinet
Subject:	Information Update on the Rough Sleeping Work
Date of meeting:	01 December 2020
Report by:	James Hill, Director for Housing, Neighbourhood and Building Services
Wards affected:	St Jude, St Thomas and Charles Dickens

1. Requested by Councillor Darren Sanders, Cabinet Member for Housing and Preventing Homelessness

2. Purpose

- 2.1. To provide Cabinet with an update on the successful bid and allocation to the Ministry of Housing, Communities and Local Government (MHCLG) Next Steps Accommodation Programme (NSAP) interim fund and its use
- 2.2. To provide Cabinet with an update on the successful bid and allocation to the MHCLG (NSAP) long term capital and revenue fund
- 2.3. For Cabinet to note the proposed use of the long term capital and revenue fund and to note the work and timescales attached to meeting the funding requirements

3. Update on bid for funding to MHCLG's Next Steps Accommodation Programme

- 3.1. A report was brought before Cabinet on 14 July 2020 titled "Supporting rough sleepers and the hidden homeless: options for the way forward". The purpose of that report was outline the support in place for rough sleepers and street homeless prior to the COVID-19 emergency, the response to the call for 'everybody in' in light of the COVID-19 emergency and the work to continue to support those individuals and the direction of travel for the longer term.
- 3.2. Therefore this report is solely focussed on the issue surrounding those who the City Council does not have a formal duty to support in finding housing under various legislation, and are referred to as Non-Priority Homeless. Those whom the council has established, or is in the process of establishing, that it has a formal duty to support will continue to be provided with temporary accommodation in the usual way, despite the rise in numbers as a result of the COVID-19 crisis.

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- 3.3. The recommendations agreed within that report included the delegation of authority to the Assistant Director of Housing, working with the S151 Officer, to submit a bid to NSAP for the funding to support emergency, interim and long-term accommodation.
- 3.4. Subsequent to the decision, officers worked with MHCLG to co-produce a plan which met the strategic interim and long term plans outlined by the Cabinet decision and the desired direction of travel of MHCLG and the City Council in reducing the number of rough sleepers within the city. Officers submitted a bid on 20 August 2020 to NSAP, alongside other authorities and against both a fixed funding source and MHCLG's bid criteria.
- 3.5. Throughout the process officers have regularly engaged with the Leader, Deputy Leader and Portfolio Holder for Housing and Preventing Homelessness through the exit strategy management group. In addition group leaders and the City Council's 'Gold Command' have been updated and opposition spokespeople for Housing and Preventing Homelessness have met with officers on a fortnightly basis which included updates on this work. Finally the Street Homeless Partnership Board has continued to meet on a regular basis and has been engaged in the long term plan.

4. NSAP Interim funding and pathway

- 4.1. A bid for NSAP interim funding for the remainder of financial year 2020/21 was made. Confirmation was received in mid-September that the council had been awarded £1,565,427, the seventh highest allocation in England.
- 4.2. This funding has been used to support the emergency hotel accommodation during August and September, and fund the interim pathway model. This included the use of 60 HMO rooms and two intensive support accommodation properties on Elm Grove and St Michael's Road. These intensive support accommodation were previously used as student accommodation and leased on a 12 month basis whilst a more permanent solution was considered. A third property had been identified for the pathway but is not currently not available for use.
- 4.3. Residents and stakeholders in both locations were written to before the interim accommodation was used, and ward councillors have been appraised throughout. A temporary planning application was also submitted.
- 4.4. To date the operation within the private rented accommodation, HMOs and intensive support accommodation has gone very well. Service users have somewhere stable in which to settle and be supported whilst they prepare to move on to more permanent and settled accommodation, and the number of reported issues have been low. The number of complaints from neighbouring residents has been very low and ward members are not reporting more than a handful of issues.

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4.5. In summary, the exit of service users from the emergency hotel accommodation was completed by 16th September. The interim funding provides the following model funded until the 31st March 2021

- HMO - 60 rooms
- Elm Grove & Registry - up to 60 rooms
- Hope House - 7 rooms
- Kingston Point - 11 rooms

4.6. Although not funded from the NSAP interim funding approximately 40 individuals were supported from the emergency hotel accommodation to access the private rented sector

4.7. The Leader and Cabinet Member for Housing and Preventing Homelessness wrote to all involved in the emergency response, exit and standing up of the interim arrangements. The letter highlighted the efforts involved in the response to date. (Appendix A)

5. NSAP Capital & Revenue funding and long-term pathway

5.1. A bid for capital funding was submitted to support the purchase of properties within the pathway. This totalled £2,152,100 and the council was informed at the end of October that, subject to final verification, it had been successful in receiving funding.

5.2. A bid for revenue funding to support the operation of the pathway within the sites purchased by the capital was submitted totalling £2,456,303. The council was also successful in receiving funding linked to the capital projects, again subject to final verification. The funding covers the period 31 March 2021 - 31 March 2024. Together, these form the sixth highest allocation to any council in England.

5.3. With the confirmation of the capital and long-term funding, officers are working to implement the bid and purchase property within the conditions set out. This sets a clear expectation that properties will be purchased and available for use by 31 March 2021.

5.4. As part of the lease discussions with the current owners of the three identified interim properties, confidential discussions were also had regarding options for the possible purchase of the properties. These negotiations were subject to a Non-Disclosure Agreement (NDA) until early November.

5.5. On the 9th November 2020 the NDA was released allowing disclosure in this report that the NSAP long term funding enables the discussion with the property owner to continue involving the purchase by the City Council of the two properties located in Elm Grove, namely 155 - 157 Elm Grove & Kingsway House, Elm Grove and the Registry Building at St Michael's Road.

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5.6. Officers are undertaking preparatory work to purchase the identified properties, including:

- 5.6.1. Preparing to submit a planning application for the change of use for the properties so that they can be used for temporary homeless accommodation
- 5.6.2. Undertaking pre-application consultation with local residents
- 5.6.3. Undertaking building surveys and valuations

5.7. Subject to the work currently being undertaken by officers, a formal decision will be required to purchase the properties. The properties are likely to be held within the Housing Revenue Account or Housing General Fund, for use as homeless accommodation and adopting the pathway model. The decision report including the financial appraisal is expected to be brought to either the Housing Portfolio decision meeting in January 2021 or to a Special Housing Portfolio decision meeting arranged specifically for this acquisition decision.

5.8. Subject to the formal decision outlined in 5.7 of this report, it is anticipated that an application will be put before the planning committee in February 2021.

5.9. The Portsmouth City Rough Sleeping and Homelessness Partnership Group will continue to be sighted on this work.

5.10. The existing Street Homelessness and Rough Sleeping Partnership Strategy 2018 - 2020 was planned to be updated during the second half of 2020. That has been delayed by the Covid-19 pandemic and that will now be undertaken in 2021. There remains the opportunity in doing so for a single strategy to be created combining the City Council's statutory homelessness strategy with the street homelessness and rough sleeping work.

6. Summary

6.1. Though the NSAP funding requirements provide a challenging timescale the priority to deliver against the timescales is fully understood by the relevant services within the key directorates involved in the work; Housing, Neighbourhoods and Building Services and the Regeneration Directorate.

6.2. The MHCLG and Homes England will monitor the delivery against the funding allocation and issues impacting on the delivery against the timescales will be discussed with them in addition to the relevant Cabinet members and Cabinet as appropriate.

6.3. It is anticipated that an update to Cabinet would be brought in February/March 2021.

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Appendices:

Appendix 1 - Letter of thanks to support partners

Background list of documents: Section 100D of the Local Government Act 1972

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Street Homelessness and Rough Sleeping Partnership Strategy 2018-2020	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Street-Homelessness-and-Rough-Sleeping-Partnership-Strategy-2018-2020.pdf
Homelessness Strategy 2018 - 2023	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Homelessness-Strategy-2018-2023.pdf

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Homelessness Strategy 2018 - 2023	https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Homelessness-Strategy-2018-2023.pdf

Agenda Item 9



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet Meeting
Date of meeting:	1 December 2020
Subject:	Contaminated Land Part 2a Strategy
Report by:	Director of Regeneration
Wards affected:	All Wards
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to seek approval of the 2020 Portsmouth City Council's Contaminated Land Part 2a strategy. The previous strategy produced in 2001 has been updated in light of new Statutory Guidance. The strategy describes the Council's approach to identifying and bringing about the remediation of statutory contaminated land.

2. Recommendations

- 2.1 It is recommended that the Cabinet:
- Agrees to adopt the 2020 *Contaminated Land Part 2a Strategy*.
 - Delegate authority to the Director of Regeneration, in consultation with the Leader of the council to make decisions on the determination of statutory contaminated land and upon decisions of both cost recovery and hardship in accordance with the details contained in the strategy referred to in (a) above.

3. Background

- 3.1 Portsmouth City Council has a statutory duty under Part IIa ("Part 2a") of the Environmental Protection Act 1990 to inspect its area to identify any land that may be contaminated land. Land is only statutory 'contaminated land' if chemical pollutants are present in quantities and circumstance where they are likely to significantly affect people's health.
- 3.2 Part IIA of the Environmental Protection Act 1990 main aim is to help address the legacy of historical contamination and the harm it can pose to health or the environment. The Act requires that local authorities identify contaminated land and ensure that significant risks are dealt with. It requires a strategy to be produced that

details the council's strategic approach to inspection of land, and when contaminated land is found, that it be made safe. On occasion this can require enforcement action.

- 3.3 There is a statutory definition in Part 2A of what amounts to statutory contaminated land and this definition and all the other legislative provisions are fleshed out in the detailed Contaminated Land Statutory Guidance issued by the Secretary of State for Environment, Food and Rural Affairs in April 2012, to which the council must have regard. This Guidance covers objectives, investigation, risk assessment, definition, determination and remediation of contaminated land, liability for and recovery of remediation costs. The Guidance requires the strategy be reviewed every 5 years.
- 3.4 The council has an enforcement role to play if land is determined as contaminated land. Unless suitable action is being undertaken to prevent exposure to the pollutants, it must serve a remediation notice on the appropriate persons to secure the remediation of the land. These are statutory duties of the council. The council has the power, a choice, as to whether to enforce the remediation notice. There is also a leadership role in ensuring sustainable development. That is to say, not burden current residents with high costs of unnecessary works, but ensuring current residents and the public in the city are protected from foreseeable impacts from historical pollution.
- 3.5 Aims of the legislation
- 3.5.1 Part 2A sets out the duties of the council in relation to contaminated land. The principle behind the Act is that those responsible for creating contaminated land should pay to clean it up, i.e. 'polluter pays'.
- 3.5.2 Many of the health impacts resulting from the exposure to chemicals are subtle and easily overlooked. Defra's 'Potential Health Effects of Contaminants in Soil' (2010), highlights a plausible linkage between exposure to land contamination and birth defects including congenital anomalies and low birth weight. There are no proven examples that link cancer to directly to land contamination, but there are impacts documented at the same concentrations that can result from contaminated land (the examples are from accidental and occupational exposures).
- 3.5.3 Without proactively seeking contaminated land, on-going health impacts from contaminated land are unlikely to be noticed. The history of a person's house is unlikely to be mentioned with a doctor during a consultation. For a causal relationship to be noticed it would require almost all site occupiers to succumb to similar health complaints at the same time, and even then it is more likely to be attributed to family tendency to a particular health problem or even lifestyle rather than contaminated land. The testing of land where there is already evidence of pollution and then comparing exposures to concentrations that may cause health problems is the only way to prevent such exposures.

3.6 Local Background

- 3.6.1 Portsmouth City Council has already inspected and remediated contaminated land under the requirements of the 1990 Act. The council's first strategy in 1991 was ahead of its time and led to the council, winning a substantial portion of the national funding for 30 sites that were investigated and 11 subsequently remediated. These early actions meant that Portsmouth City Council was perceived as a leading council in the subject area. Portsmouth's strategy was updated in 2001 when the 1995 Environment Act introduced a new regime for contaminated land management and a different approach was adopted. Three further sites were investigated and risk assessed under the new Part 2a regime. The in-depth assessment allowed greater reliance on exposure assessments and meant that these sites did not require formal remediation.
- 3.6.2 Since the 1990's land has been assessed by developers and other parts of the council with guidance from the Contaminated Land Team to ensure that land does not then need to be assessed under the Part 2a regime. The databases and knowledge of the city created for the Part 2a work is used to inform our regulatory approaches to development across the city, and to avoid creating new exposures by allowing or encouraging development without properly assessment.
- 3.6.3 As with many industrial cities, Portsmouth soils often contain some residual pollution from previous usages and large areas have been reclaimed from the sea using industrial and domestic wastes. This land is now public open space, people's homes and businesses.
- 3.6.4 The Part 2a regime is not aimed at finding polluted sites which are widespread and can wait to be remediated when they are redeveloped, but on identifying land that is so polluted that harm will be caused unless the council intervenes. Portsmouth's legacy of waste management does not predispose the city to having large tracts of statutory contaminated land so long as appropriate regulation and management continues. Portsmouth early engagement with contaminated land management has meant tens of sites across the city have previously been assessed (albeit under a slightly different regime). These sites should be reviewed in light of regime change and our greater understanding of the impacts of pollutants upon human health (lead, nickel and arsenic for example are known to cause harm at lower concentrations than previously thought), and organic pollutants were previously not fully considered in site surveys as laboratory techniques were limited.

3.7 Cost Implications

- 3.7.1 The Strategy does not alter or create new duties, but only describes existing responsibilities, and the council must have this document publically available and updated. As it does not change the council duties, there are no cost implications of its adoption. However if land is determined to be contaminated land the process of investigation and remediation can be costly.



- 3.7.2 The council has a statutory duty to identify and investigate any contaminated land within the city. Whilst the emphasis is on the council to seek contaminated land, in most cases statutory contaminated land is brought to local authorities' attention rather than being found by strategic inspection, as such unexpected costs are an ever present risk to councils. Rather than just being a statutory duty, having a strategy in place and an approach to hardship known in advance, will provide a framework for clear communication and aid the council take a leadership role when or if contaminated land is found.
- 3.7.3 If contaminated land is found then its clean-up may be required. The costs of clean up are clearly stated as being borne by the person who caused or permitted the contamination or, if they cannot be found, by the current owner/occupier of the land in question. These costs may be transferred to the council by virtue of the council being land owner, having previously been connected with the land, or by the land owner being unable to pay. In the latter case, claims of hardship may result in the costs of the 'orphaned land' falling to the council.
- 3.7.4 One significant addition in the new strategy is the consideration of how the council would recover costs and consider applications for hardship should remediation be required. For transparency, it is important that these matters are raised before contaminated land is found. The legal method of apportioning costs is described in the strategy, along with an indication of how hardship would be assessed by the council. This is included so that there is less possibility of the council being seen to be either too eager to step in and pay for remediation (using council tax payers money) or too eager to avoid costs (at the expense of a smaller number of residents).
- 3.7.5 This creates a secondary problem, of the council deciding when it will accept or reject claims of hardship from people who are liable for the costs but where the council should intervene in its pastoral duties to protect its residents where no other agency exists. To ensure a transparent process is evident, a skeletal cost recovery policy based solely on our duties and powers is included in the strategy.
- 3.7.6 The council may at short notice have unexpected and potentially considerable costs to bear from its statutory duty to investigate and bring about the remediation of contaminated land. These risks will be reduced by having a strategy and approach in place, but cannot be removed altogether as sites may be brought to the councils attention.
- 3.7.7 Although there is currently a moratorium on national funding of land remediation by central government, the documented consideration of matters hardship is a prerequisite for obtaining national funding if that funding is reinstated.

4 Reasons for recommendations

- 4.1 To provide a clear framework to contaminated land management within the city.

- 4.2 It is a statutory requirement of the council to have a current and periodically updated Contaminated Land Strategy. The Strategy should be adopted because it describes but does not change the council responsibilities and so allows the public to view the processes that should be in place.
- 4.3 The Director of Regeneration is responsible for 'pollution', and as such should have powers delegated to make decisions on the determination of statutory contaminated land and upon decisions of cost recovery and hardship

5 Integrated impact assessment

- 5.1 No negative adverse impacts are noted by this document that describes internal procedures. There are also no opportunities to create beneficial impacts until land has been determined as Contaminated Land. At that point, when processes can be put in place, full consideration will be given.
- 5.2 The Integrated impact assessment is attached as Appendix 2.
- 5.3 The purpose of this report is not at this time to ask for any funding, but to provide an approach to our statutory duties which include having this up to date strategy. Where sites are identified as needing works to prevent harm, there may potentially be investigative and remediation costs being borne by the council, then further reports will be submitted to the Portfolio Holder and Director for consideration. By having a Policy in place, we will be allowed to assess more clearly what, if any, costs might be incurred by the council.
- 5.4 Corporate Priority Implications
- 5.5 There are no implications for any corporate priorities. The requirement to inspect and investigate suspected contaminated land is mandatory function.

6 Legal implications

- 6.1 The Strategy describes but does not change the council responsibilities, there are no legal implications

7 Director of Finance's comments

- 7.1 There are no direct financial implications to the Council as a result of approving these recommendations.

.....
Signed by: Tristan Samuel, Director of Regeneration

Appendices:

1. Contaminated Land Part 2a strategy
2. Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Portsmouth City Council Contaminated Land Inspection Strategy 2001	Available from the Portsmouth City Council website: https://www.portsmouth.gov.uk/ext/documents-external/cou-policies-contaminated-land-strategy.pdf
Part IIa of the Environmental Protection Act 1990	Available from the government legislation website: http://www.legislation.gov.uk/ukpga/1990/43/part/IIA
Contaminated Land Statutory Guidance. 2012. PB13735	Available from the government website: https://www.gov.uk/government/publications/contaminated-land-statutory-guidance

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

Appendices

Appendix A Glossary

Appendix B Land Quality in Portsmouth

Appendix C Definition of Significant Harm

Appendix D Special Sites

Appendix E Contact Points

Appendix F Powers and 'Suitable Persons'

Appendix G Information Requirements from Consultant

Appendix H Potentially Contaminative Land-Uses

Appendix I Other Regulatory Regimes

Appendix I Environmental Permitting Regulations

Appendix J Liaison and Communication

Appendix K Site Prioritisation Methodology

Appendix M Funding and Resources

Appendix N Assessments of Statutory Contaminated Land

Appendix A Glossary

AONB Area of Outstanding Natural Beauty

Brownfield Site a site that has been generally abandoned or underused, often by heavy industry. For a short time gardens were viewed as Brownfield Land. Redevelopment is complicated by actual or perceived pollution. Only a small proportion of brownfield land will meet the definition of contaminated land

'Class A' person a person who is an appropriate person for a significant pollutant linkage in that he/she has caused or knowingly permitted a pollutant to be in, on or under the land

'Class B' person a person who is an appropriate person for a significant pollutant linkage in that he/she is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a remediation action

CLEA Contaminated Land Exposure Assessment model, is the UK's method for assessing exposure to pollutants in soil. It has several standardised land-uses. The current model is version is CLEA 1.07, released August 2015

Contaminant linkage refers to where a contaminant, a pathway and a receptor exist so that exposure is occurring.

Contaminated Land any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances, in, on or under the land that: significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be caused

Controlled Waters these include inland waters (river, streams, underground streams, canals, lakes and reservoirs) groundwater (any water contained in underground strata, wells or boreholes) territorial waters (the sea within three miles of a baseline) coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit)

DEFRA department of environment, food and rural affairs

Drinking Water Abstraction the taking of water from a source (in this case, primarily an underground source) for drinking water

DQRA detailed quantitative risk assessment

Generic Assessment Criteria (GAC) a screening tool used to determine if measured concentrations of contaminants can be excluded from the need for further inspection and assessment

GIS Geographical Information System

Groundwater any water contained in underground strata, wells or boreholes. It does not include water held in pores of surface soil.

Health has been defined by WHO as a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.

Hardship where an 'appropriate person' (see Class A and Class B persons, above) can demonstrate that carrying out a remediation action would cause him/her 'hardship', the council will assess whether it is appropriate to require that person to carry out the remediation

ICRCL Interdepartmental Committee on the Remediation of Contaminated Land

Hydrocarbons When testing hydrocarbons, the data should be fractionated into equivalent carbon chain lengths as described in British Standard BS11504

NNR National Nature Reserve

Pathway one or more routes by which a receptor can be exposed to a contaminant

RAMSAR site a site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl.

Receptor the health of a person, waters, ecosystem or property type that could be affected by contamination

Remediation generally accepted as the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land

Remediation Action any individual thing which is being, or is to be done by way of remediation

Risk the combined effect of the probability and consequence of a defined hazard, or the probability of exposure to harm

Risk Assessment the study of the probability, or frequency, of a hazard occurring; and the magnitude of the consequences

Risk Summary produced prior to determining land as contaminated land, the risk summary will explain the risks in a context that is easily understandable to the lay person.

SAC Special Area of Conservation

Significant Harm any harm that is determined to be significant in-line with the statutory guidance

Significant contaminant linkage a proven or likely pollutant linkage which forms the basis for a determination that a piece of land is contaminated land

Significant pollutant linkage a pollutant linkage which forms the basis for a requiring a detailed quantitative risk assessment (DQRA)

Significant contaminant a pollutant which forms a part of a significant contaminant linkage

Significant pollutant a pollutant which forms a part of a significant pollutant linkage

Source a substance in, on or under the ground with the ability to cause harm

Source protection zone protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted

SPA Special Protection Area for bird life

Special Site any contaminated land designated due to the presence of: waste acid tar lagoons; oil refining; explosives; integrated pollution control sites; nuclear, biological and chemical weapon sites; MOD land; land containing weapons; radioactive sites; and pollution of controlled waters used for human consumption. The Environment Agency may choose to accept the regulatory burden of such sites on behalf of the Local Authority.

SPOSH Significant Possibility of Significant Harm. The level, above which, the local authority considers (on basis of probability based on professional judgement) to cause significant harm to a specified receptor.

Suitable Person a person suitably qualified and experienced to carry out a specific task, as assessed by the relevant authority

SSSI Site of Special Scientific Interest (designated due to geological or wildlife interest)

TPH Total Petroleum Hydrocarbons is the total concentration of all types and forms of hydrocarbons. It is a crude measure and is no longer used because individual fractions have health based screening criteria. See hydrocarbons

VOCs volatile organic compounds

Written Statement a statement produced by the authority about land it considers not to be contaminated land after undertaking a risk assessment

Appendix B Land Quality in Portsmouth

Description of Portsmouth

Portsmouth is the second largest city in Hampshire located on the south coast of England, 64 miles south west of London. Portsmouth is the United Kingdom's only island city located on Portsea Island and 6 local areas on the main land. These distinct areas together make up the 15 square miles (4040 ha) of the city of Portsmouth. The city is tightly constrained by its coastal boundaries on three sides and by Portsdown Hill to the north. There are no opportunities for urban expansion and pressure to redevelop land within the city is great (p.1.20 Portsmouth Plan).

Portsmouth was officially founded in 1180 and a city in 1926. Much of the city's expansion has occurred in the last two hundred years and across much of the island the land have been repeatedly developed upon. The town was heavily bombed during the World War 2 destroying many buildings in the dockyard and the naval and military establishments as well as housing across the city and this allowed further redevelopment. This was rebuilt, and later prefabricated houses, many of which have now themselves been cleared.

Portsmouth City Council was formed in 1972. It has land borders with Fareham Borough Council, Winchester District Council, and Havant Borough Council, and its maritime neighbour on the west of the harbour is Gosport Borough Council. Due to the Royal Navy dockland the whole of Portsmouth Harbour (up to and including mean high water) is part of Portsmouth and this includes Burrows Island at the opening to Gosport.

The most recent census for Portsmouth was conducted in 2011 by the office of national statistics. The results recorded a population for the city of 205,100. It is the most heavily populated urban area in the United Kingdom with an average density of 50.4 people per ha compared to the south east average of 4.5 persons per ha.

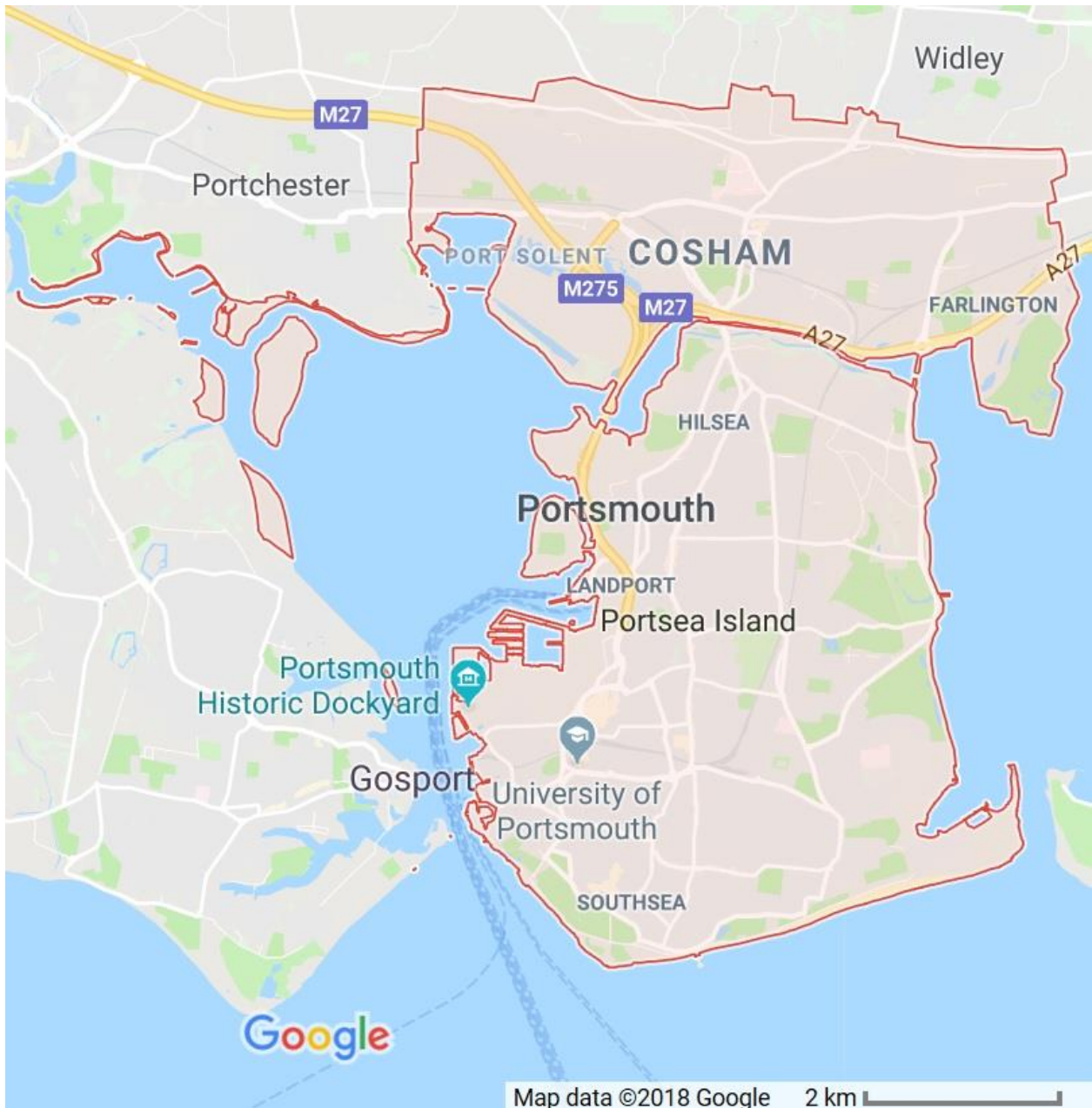


Figure 1: Outline of Portsmouth

The City has had a long history of industrial use including 4 commercial gasworks sites (Rudmore gasworks, Flathouse Quay gasworks, Hilsea gasworks on Voyager Park, Green Lane and Cosham gasworks on Salisbury Road), in addition to the often poorly recorded private gasworks (e.g. Eagle brewery), chemical works, timber importers/treatment yards, tar distillation plants and the normal range of smaller industries common in urban areas such as hat manufacturers, metal workers, and dry cleaners existed. Portsmouth continues to have military uses and these are addressed as part of our strategy. The two primary sources of information on historical land-uses in Portsmouth, are the Ordnance Survey historic maps dating back to 1860 and the Trade Directories (the 'Kellys directories') for Portsmouth dating back to 1823. There are also petrol

licence files, environmental permits, and MOD observations of locations where ordnance was dropped in World War 2.

As much as 20% of the current land area has been reclaimed from the sea by drainage or land raising activities. Approximately 10% of the current land area has been reclaimed by tipping of waste. Most of this land creation took place before 1974 when pollution control legislation began. The military owned large tracts of land across the city. With sea level rise being expected the city's coastal defences are being updated to protect its current outline.

The first Royal Naval Dockyard was established in 1495, with other uses ranging from firing ranges to luminising workshops (navigational instruments are coated with luminescent materials for night time use).

MAGiC

Land Use

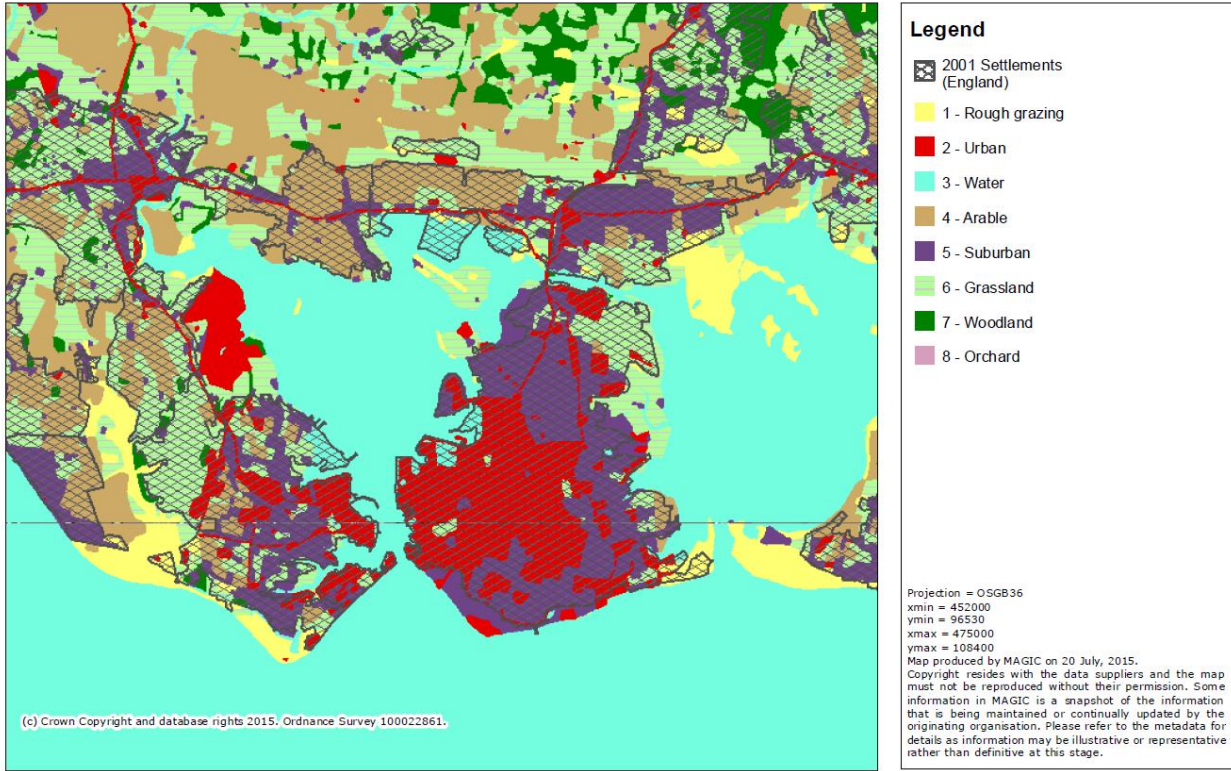


Figure 2: Land use

The city is urban/suburban land with areas of landfill transforming Milton Harbor to its current Milton Common. However, the entire 480 acres of Southsea Common whilst former MOD land, has been Crown land from the 16th century to allow clear lines of fire adjacent to Southsea Castle.

Historic landfill sites are a potentially significant source of risk, most notably from the production of leachate, leading to the contamination of groundwater, and the migration of methane and carbon dioxide gases. The city has some 30 disused formal landfill sites that were operational prior to the licensing requirements of the Control of Pollution Act 1974. It also has areas of infilling. Unusual and interesting local examples include:

- The Great Morass and Little Morass are historic tidal inlets from the sea which are associated with a significant thickness of peat and localised gas generation.
- Milton Harbour was filled with dockland wastes and by uncontrolled tipping. This created Milton Common which has become a pleasant green space with proposed Local Nature Reserve (LNR) status.
- The Portsmouth to Arundel Canal is a linear fill feature crossing the city from the relict lock at Eastney Lake in Langstone Harbour to the East to the wide opening intended for small ships on the west of the island. The canal is now infilled but generally follows the railway and roads such as Goldsmith Avenue and Locksway Road (originally Asylum Road)

MAGIC

Soil

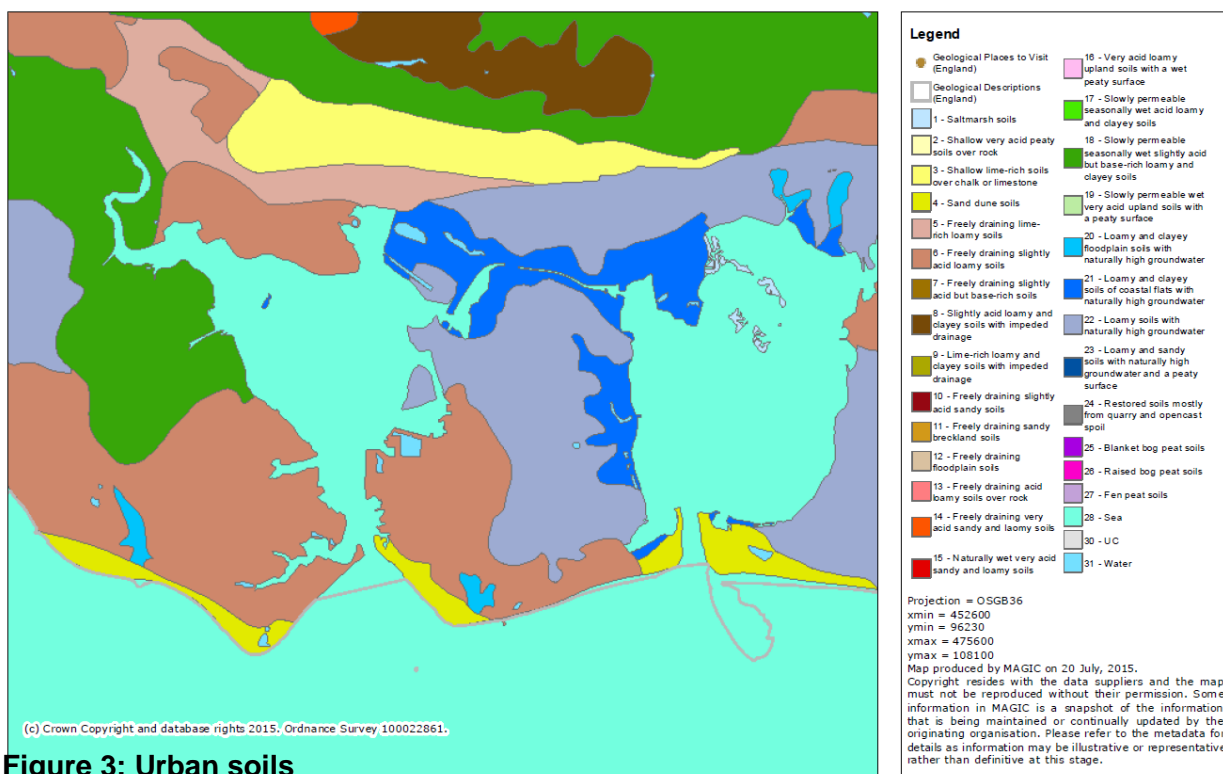


Figure 3: Urban soils

Urban soils are chemically distinct from their equivalent rural soils due to the accumulated impacts of human use. In Portsmouth the soils vary from the gley soils of the northern edge to loamy soils (blue and indigo in Figure 3, above) to the freely draining acid loams in the south, but with naturally occurring thin alkaline soils in the south west and south east. Mostly soils are covered with development.

Appendix C Definition of Significant Harm

Significant harm and significant possibility of harm to non-human receptors)

**Table B1
Ecological System Effects**

Relevant type of receptor	Significant harm	Significant possibility of significant harm
<p>Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> • A SSI • A national nature reserve • A marine nature reserve • An area of special protection for birds • A “European site” within the meaning of reg. 8 of the conservation of habitats and species regs. 2010 • Any habitat or site afforded policy protection under para. 6 of pps9 on nature conservation (i.e. Sac, spa, RAMSAR sites) • Any nature reserve established under Section 21 of the national parks and access to the Countryside Act 1949 	<p>The following types of harm are considered to be significant harm:</p> <ul style="list-style-type: none"> • Harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • Harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. <p>In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the conservation of habitats and species Regulations 2010.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that:</p> <ul style="list-style-type: none"> • Significant harm of that description is more likely than not to result from the contaminant linkage in question; or • There is reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage particularly in relation to the ecotoxicological effects of the contaminant.</p>

“relevant information” refers to information which scientifically-based, authoritative, relevant to the assessment of risks arising from the presence of contaminants in the soil, and appropriate

**Table B2
Property Effects**

Relevant type of receptor	Significant harm	Significant possibility of significant harm
<p>Property in the form of:</p> <ul style="list-style-type: none"> • Crops, including timber; • Produce grown domestically, or on allotments, for consumption; • Livestock; • Other owned or domesticated animals; • Wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food is regarded as no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution or loss in value is caused by a contaminant linkage, a 20% diminution or loss it is regarded as a benchmark for what constitutes a substantial diminution or loss.</p> <p>In this chapter, this description of significant harm is referred to as an “animal or crop effect”.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
<p>Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled ancient monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled ancient monument the</p>

	<p>of which the monument was scheduled.</p> <p>In this chapter, this description of significant harm is referred to as a "building effect".</p>	<p>foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>
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"relevant information" refers to information which scientifically-based, authoritative, relevant to the assessment of risks arising from the presence of contaminants in the soil, and appropriate

Appendix D Special Sites

1. Once a local authority has identified land as contaminated land by definition, it must also consider whether it falls into the category of a Special Site.

2. What exactly constitutes a Special Site is specified in the contaminated land (England) Regulations 2006. For a legal definition the regulations must always be consulted. In simple terms, however, they include land:

- Polluting controlled waters;
- On sites subject to integrated pollution control;
- With waste sulphuric acid tar lagoons (sites used for refining benzole ('motor spirit'))
- Used as an oil refinery;
- Used to manufacture or process explosives;
- Used to manufacture or dispose of atomic, chemical or biological weapons (non-biological contamination only);
- Used for other nuclear purposes;
- Owned or occupied by a defence organisation (excluding off base housing);

3. contaminated land beyond the boundary of these premises (but contaminated by them) also forms part of Special Sites.

4. If the local authority has reason to believe that a site falls under the definition of a Special Site it will arrange with the Environment Agency to carry out the remediation. The council will authorise a person from the Environment Agency to use powers of entry conferred under Section 108 Environment Act 1995.

Land cannot be designated as a Special Site until it has been determined as contaminated land. The local authority must make this determination, but in such cases will take account of any advice/ information provided by the Environment Agency. Note that the Environment Agency then decides whether it is a 'Special Site'

If the Environment Agency agrees that the site is a Special Site, then the Environment Agency will become the enforcing authority for that site. If the Environment Agency does not agree with the decision that a site is a Special Site it must notify the local authority in writing within 21 days detailing reasons for the disagreement. Any disputes over the issue will be referred to the Secretary of State.

When a site is designated a Special Site the council will notify in writing: Environment Agency; the owner; any occupier of all/part of the land; the person(s) responsible for remediation. Other parties may also be notified such as local water companies and the health protection agency in the case of affected drinking water.

*non biological and non-radioactive contamination only

Appendix E Contact Points

Portsmouth City Council

Contaminated Land Team

Contaminated Land Team
Regeneration
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

Tel: 023 9284 1399
Email: contam@Portsmouthcc.gov.uk
Website: www.Portsmouth.gov.uk

Development Management

Regeneration
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

Tel: 023 9268 8633.
Email: planningpolicy@portsmouthcc.gov.uk or planningapps@portsmouthcc.gov.uk
Website: www.Portsmouth.gov.uk

Building Control

Building Control Partnership
Depot Offices
Broadcut
Fareham
PO16 8SP

Tel: 01329 824823
Email: bcpartnership@fareham.gov.uk
Website: www.buildingcontrolpartnershipants.gov.uk/

Hampshire County Council

Hampshire County Council
The Castle
Winchester
Hampshire.
SO23 8ZB
Info@hants.gov.uk
Tel: 01962 841841
Fax: 01865 810106

Hampshire Highways

Tel: 0845 603 5633

Household Waste Recycling Centres/Household Waste Management

Tel: 0845 603 5634

Heritage England

Heritage England South East Region
Eastgate Court
195-205 High Street
Guildford. GE1 3EH
Tel: 01483 252002
Fax: 01483 252001

Natural England

Natural England
Dorset, Hampshire and Isle of Wight Area Team
Pheonix House
33 North Street
Lewes
East Sussex
BN7 2PH
Tel: 0300 060 0873
enquiries.southeast@naturalengland.org.uk

Environment Agency

Solent and South Downs Office
Guildbourne House
Chatsworth Road
Worthing
West Sussex
BN11 1LD
Tel: 03708 506506

Customer and Engagement team

SSDEnquiries@environment-agency.gov.uk

Health Protection Agency

7th Floor
Holborn Gate
330 High Holborn

London
WC1V 7PP
Tel: 020 7759 2700 / 2701

Chemical Hazards and Poisons Division Headquarters
Centre for Radiation, Chemical and Environmental Hazards
Chemical Hazards and Poisons Division
Chilton
Didcot
Oxon OX11 0RQ
Telephone: 01235 824852
Telephone: 01235 822895 (General Enquiries)
chemicals@hpa.org.uk

Food Standards Agency
Alan Dowding
Incidents and Prevention Division
Room 707
Aviation House
125 Kingsway
London. WC2B 6NH
Tel: 020 7276 8727
Fax: 0207 276 8289
Alan.Dowding@foodstandards.gsi.gov.uk

Health & Safety Executive
Health and Safety Executive
Belgrave House
Greyfriars
Northampton
Tel: 01604 738300
Fax: 01604 738333

Her Majesty's Customs and Excise Office
Landfill tax is the responsibility of the Birmingham business centre:
2 Broadway
Broad Street
Five Ways
Birmingham. B15 1BG
Tel: 0121 697 4000
Fax: 0121 643 3454

DEFRA
Customer Contact Unit
Eastbury House
30 - 34 Albert Embankment
London
SE1 7TL
Tel: 08459 33 55 77
Fax: 020 7238 2188
helpline@defra.gsi.gov.uk

The Government Office for the South East (Environment and Rural)

Housing & Planning Directorate
Bridge House
1 Walnut Tree Close
Guildford
GU1 4GA
Tel: 01483 882 255
rural.gose@go-regions.gsi.gov.uk

Appendix F Powers and 'Suitable Persons'

1. Section 108 of the Environment Act 1995 gives the local authority power to authorise, in writing, "suitable persons", to investigate potentially contaminated land. These powers are not available to the Environment Agency. The powers which a person may be authorised to exercise include:

- To enter at any reasonable time (or in urgent cases, at any time, if need be by force) any premises / land to make such examination and investigations necessary;
- To take samples, photographs, carry out tests, install monitoring equipment

2. At least seven days notice must be given to residential occupiers and to occupiers of land where heavy plant is to be used. Consent must be obtained to enter from the occupier, or failing that, a warrant obtained under schedule 18 of the 1990 Environmental Protection Act;

3. . There are no circumstances, in which the council will use these powers to obtain information about the condition of land, where:

- It can obtain the information from third parties without the need for entering the site; or
- A person offers to provide the information within a reasonable and specified time, and does so.

Urgent action

4. Urgent action must be authorised where the council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises;

5. The terms 'imminent' and 'serious' are unfortunately not defined, local authorities are advised to use the normal meaning of the words. There is, however, guidance on what may constitute "seriousness" when assessing the reasonableness of remediation;

6. The council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated by enforcement action.

In the case of a Special Site the council will determine the land contaminated land in accordance with the statutory procedure after a site investigation has been undertaken in cooperation with the Environment Agency. The Environment Agency will then be responsible for the remediation;

7. In appropriate cases the council will recover costs of remediation works it has completed;

8. All intrusive investigations will be carried out in accordance with appropriate technical procedures to ensure:

- A) They are effective
- B) They do not cause any unnecessary damage or harm
- C) They do not cause pollution of controlled waters.

Compensation

9. Schedule 18 of the Environment Act 1995 makes clear the circumstances when local authority must pay compensation for loss or damage as a result of the use of these powers. The council will ensure that only appropriate technical procedures are deployed, the utmost care is taken at all times, and the conditions carefully recorded before, during and after completion of the necessary works;

'Suitable Persons'

10. The science and associated technical procedures relating to the investigation and assessment of contaminated land are extremely complex. Knowledge of several specialised disciplines is required together with an ability to interpret significant volumes of data and make a reasoned judgement, often in difficult circumstances;

11. The consequences of, 'getting it wrong', could, in many cases, have a major impact on people's lives. On the one hand, an entire area could be unnecessarily blighted, whilst on the other, a generation of children could be left at risk from an unidentified impact;

13. Ultimately, the responsibility for determining what land may and may not be determined contaminated, by definition, lies with the head of environmental services. He/she will, however, often need to rely on the advice of appointed, 'suitable persons'. Under these circumstances criteria have been developed to assist in their selection.

Procedure for the appointment of 'suitable persons' for the Purposes of Part IIa

14. There are two prerequisites to commencing the process of appointing suitable Persons, firstly:

- Adequate funding to support the process; and secondly
- An appropriately qualified person, 'in house', to act in the client role.

15. Such a person, as well as having sufficient knowledge and experience to specify the contract, must have sufficient time to monitor it also

16. Additional training may be required to provide an adequate foundation of knowledge upon which to carry out the role. The council has achieved the 'investors in people status and recognises the need for professional development. Training needs will be identified in this way, as and when required;

17. The council will produce a comprehensive, unambiguous but succinct draft specification for each contract which clearly identifies the work to be carried out, its purpose, timetable and client / contractor responsibilities. If it is considered necessary to employ outside consultants / contractors, the following criteria will be observed. The council will produce a list of appropriate companies, taking care to seek out those most prominent and successful in the field, rather than only those who promote themselves to the council. Each of these will then be contacted in turn for an informal discussion as to their capability, expertise and experience. Prior to commencing this process the council will produce a selection of questions relevant to the contract to ask each company. This should then hopefully result in a short list of six or so companies who will be asked to quote / tender for the work based on a final specification;

18. A check list of information requirements is included at the end of this section;

19. Once appointed responsibilities include monitoring the contract to ensure:

The contractors are kept fully aware of their responsibilities at all times;

- Quality control requirements are met;
- Amendments are quickly agreed and documented;
- The time table is strictly adhered to;
- The aim of the contract is achieved.

Appendix G Information Requirements from Consultant

Client's information Requirements	Requirements of The consultant
1. General	
1.1 background on company Capability	How long has company been operating What kind of work were they originally set up to do - is this an add on Who traditionally are their clients
1.2 numbers and qualifications of staff 1.3 curriculum vitae and availability of Key Staff	If a large company, what are the interests / sympathies of those in control? Do they consider local authorities as a serious market How many staff are available for this type of work, will they need to subcontract Who will actually be doing the job, what are their qualifications and experience Practical experience is key. Do they really understand Part IIa Knowledge of environmental law and local government systems an important requirement.
1.4 details of quality assurance systems Including: Allocation of responsibilities Project management Technical procedures Technical review Training Assessment of external Suppliers	Where appropriate, need details of quality management systems indicating whether accredited by a third party. What technical procedures to be used. Which staff responsible, which will undertake technical review. How will quality of subcontractors be ensured.
1.5 management of health & Safety	Identify H&S management procedures where appropriate. Do they understand the fundamental requirements of H&S legislation
1.6 track record on similar Projects	Ever done similar work or is this a new departure
1.7 client references	Need several telephone numbers to enable rapid verification of statements made at interview.
1.8 financial status	May not always be necessary but on large contracts where considerable financial outlay required need to demonstrate solvency. Bond may be required on large remediation contracts.
1.9 details of insurance cover	Need to demonstrate insurance available 3rd party liability and professional indemnity. Identify limitations / exclusions

1.10 membership of Professional and trade Associations	May be necessary to make checks, corporate membership of professional organisations
1.11 compliance with codes of Practice	Can they demonstrate knowledge of the appropriate guidance, codes of practice relevant to the job

Client's information Requirements	Requirements of The consultant
2. Project specific	
2.1 technical proposal	The proposal must make it absolutely clear that work will be carried out to comply with the requirements of the specification, what the results will be, and when they will be achieved.
2.2 project management plan / Working plan	A clear timetable must be available which states what stage will be reached by when and who will be responsible to deliver.
2.3 details of sub-contractors	Subcontractors will be necessary on large technical projects. Must state who they are, contact points and lines of responsibility.
2.4 details of technical Procedures	Again, the working plan must clarify all procedures and lines of responsibility.
2.5 reporting	Reporting procedures must be made absolutely clear. It is essential not to have masses of reports landing on the desk of the council which puts the responsibility back on him / her. The responsibility for doing what has been agreed to the agreed standard must lie with the contractor.
2.6 programme & 2.7 financial proposal	It may be that the contractor will want to provide a guide price or include large contingency sums. The programme of work and the quotation must not be ambiguous. A lot depends on the quality of the original specification. Stage payments and timetables must be firm and with perhaps penalty clauses if fail to deliver on time.
2.8 conditions of engagement	Contracts need not be long and wordy, should define responsibilities of both parties, liabilities succinctly.

Appendix H Potentially Contaminative Land-Uses

This list is taken from the Department of Environment Industry Profiles that were produced c. 1995 to help Local Authorities by illustrating the type of sites that have historically used materials that could pollute the soil. Inclusion on this list does not necessarily infer the existence of a pollutant linkage but it should be considered a possibility.

- Airports
- Animal and animal products processing works
- Asbestos manufacturing works
- Ceramics cement and asphalt manufacturing works
- Chemical Works - coatings paints and printing inks manufacturing works
- Chemical Works - cosmetics and toiletries manufacturing works
- Chemical Works - disinfectants manufacturing works
- Chemical Works - explosives propellants and pyrotechnics manufacturing works
- Chemical Works - fertiliser manufacturing works
- Chemical Works - fine chemicals manufacturing works
- DOE Industry Profiles: chemical works - inorganic chemicals manufacturing works
- Chemical Works - linoleum vinyl and bitumen-based floor covering manufacturing works
- Chemical Works - mastics sealants adhesives and roofing felt manufacturing works
- Chemical Works - organic chemicals manufacturing works
- Chemical Works - pesticide manufacturing works
- Chemical Works - pharmaceutical manufacturing works
- Chemical Works - rubber processing works (including works manufacturing tyres or other rubber products)
- Chemical Works - soap and detergent manufacturing works
- Dockyards and dockland
- Engineering Works - aircraft manufacturing works
- Engineering Works - electrical and electronic equipment manufacturing works (including works manufacturing equipment containing PCBs)
- Engineering Works - mechanical engineering and ordnance works
- Engineering Works - railway engineering works
- Engineering Works - ship building repair and ship breaking including naval shipyards
- Engineering Works - vehicle manufacturing works
- Gas works coke works and other coal carbonisation plants
- Metal manufacturing refining and finishing works - electroplating and other metal finishing works
- Metal manufacturing refining and finishing works - iron and steel works
- Metal manufacturing refining and finishing works - lead works
- Metal manufacturing refining and finishing works - non-ferrous metal works (excluding lead works)
- Metal manufacturing refining and finishing works - precious metal recovery works
- Oil refineries and bulk storage of crude oil and petroleum products
- Power stations excluding nuclear power stations
- Profile of miscellaneous industries incorporating: Charcoal works Dry-cleaners Fibreglass resins manufacturing works Glass manufacturing works photographic processing industry printing and bookbinding works
- Pulp and paper manufacturing works
- Railway land

- Road vehicle fuelling service and repair - garages and filling stations
- Road vehicle fuelling service and repair - transport and haulage centres
- Sewage works and sewage farms
- Textile works and dye works
- Tier products manufacturing works
- Tier treatment works
- Waste recycling treatment and disposal sites - drum and tank cleaning and recycling plants
- Waste recycling treatment and disposal sites - hazardous waste treatment plants
- Waste recycling treatment and disposal sites - landfills and other waste treatment or Waste disposal sites
- Waste recycling treatment and disposal sites - metal recycling sites
- Waste recycling treatment and disposal sites - solvent recovery works

Appendix I Other Regulatory Regimes

Other Regulatory Regimes

Environmental Permitting

The primary objective of the Environmental Permitting (England and Wales) Regulations 2007 regime is to move industrial operators towards greater environmental sustainability by minimising contamination at source. Operators of prescribed installations hold a permit and are subject to inspections to ensure impacts are minimised.

The Environmental Permitting Regulations 2010 (as amended):

The Environmental Permitting regime incorporates the previous Pollution Prevention and Control (PPC) regime, and includes permits held by

- 'Part A' installations overseen by the Environment Agency to ensure there are no consequential emissions to the environment (IPPC)
- 'Part A' installations overseen by the council (LA-PPC).
- 'Part B' processes that are regulated by the council to ensure there are no emissions to air (PPC). These processes range from cement, coatings, foundry and timber processes, to petroleum, incineration and combustion.

The council regulates 1 Part A installation and 36 Part B permitted installations.

The primary objective of the PPC regime is to move industrial operators towards greater environmental sustainability by minimising contamination at source.

Many installations occupy land with a relatively long industrial history, and site reports (the requirement for which will be incorporated into A1 or A2 permit applications) will identify contamination. In these circumstances, the Statutory Guidance gives a clear indication for the potential for the Part 2A contaminated land regime to be applied providing that the site can be deemed to comply with the restricted statutory definition of 'contaminated land' contained in the Part 2A legislation. However, it is important to note that an enforcing authority cannot require remediation under Part 2A where enforcement under the PPC permit is possible.

(a) Integrated Pollution Control (IPC) – Part I of the Environmental Protection Act 1990 ('the 1990 Act') placed a requirement on operators of prescribed industrial installations to operate within the terms of permits to control harmful environmental discharges;

(b) Pollution Prevention and Control (PPC) – This regime replaces IPC and includes the specific requirement that permits for industrial plants and installations must include conditions to prevent the pollution of soil; and there are also requirements in relation to the land filling of waste. This is regulated under the Environmental Permitting (England and Wales) Regulations 2010.

The Landfill Directive supplements the IPPC directive by setting a variety of technical standards of operation for landfill PPC (above) and covers waste via the Landfill Regulations 2002. These regulations are an enactment of the Landfill Directive 1999/31/EC. All landfill sites currently accepting waste are permitted under Pollution Prevention and Control legislation.

Part 2a does not normally apply where either the Environment Agency or the Council has powers to take action over contamination of land arising from the breach of a Process Authorisation under the above legislation.

Hazardous Substances regulations

Planning (Hazardous Substances) Regulations 1992 (Amended 2005)

This legislation requires consent to allow the presence on land of Hazardous Substances above a specified quantity. These regulations were recently amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 (SI 981) to implement the requirements of the EU directive (96/82/EC) that land-use policies must take major hazard sites into account when siting new residential areas or locating new hazardous installations.

Control of Major-Accident Hazards (COMAH) sites

The Control of Major Accident Hazards Regulations 1999 (SI 743) are enforced by the Environment Agency and Health & Safety Executive (joint competent authority) to control both on and off site risks from industries with a high potential for disaster from dangerous substances (flammable, toxic or explosive).

Notification of Installations Handling Hazardous Substances Regulations (NIHHS) sites

All sites notified to the Health and Safety Executive under the notification of installations handling Hazardous Substances Regulations 1982, as well as COMAH sites, will be held on the Hazardous Substances register.

Explosives

These are not directly covered by the Hazardous Substances Regulations 1982, but the manufacture of all explosives and the storage of explosives (two tonnes and above), are controlled by the Health & Safety Executive under licences issued under the Manufacture and Storage of Explosives Regulations 2005. Below two tonnes the same regulations stipulate the council is the regulatory body, but in this case the higher tier local authority is the regulator.

Landfill and Waste Processing

Current landfill and waste processing sites

Licensed by the Environment Agency under the provisions of Part II of the Environmental Protection Act 1990, the council will maintain regular communication with the agency should any potential contamination issue arise. Locations of all such sites are kept on record by the council and this information is periodically updated from the Environment Agency.

Portsmouth has no active landfill sites. Paulsgrove was the last to close and has 2 licenses, one for its status as a closed and actively managed landfill site, the other for the Energy Recovery Facility. Paulsgrove Landfill was a co-disposal landfill, with the Pyramids area of the landfill having accepted household, commercial and industrial waste. But this landfill itself sits upon older landfilled areas.

Many installations occupy land with a relatively long industrial history. The requirement for site reports to establish a baseline for the site has been incorporated into new A1 or A2 permit applications but older sites will not have this evidence base for the operator. In these circumstances, the Statutory Guidance gives a clear indication for the potential for the Part 2A contaminated land regime to be applied. The current occupier/operator may be deemed as the 'appropriate person' and so could be liable for any remedial actions which are required. However, it is important to note that an enforcing authority cannot require remediation under Part 2A where enforcement under the PPC permit is possible.

Part 2a powers are only used as last resort, and where a permit is in force, the Environment Agency or the council has powers to take action over contamination (see Environmental Damage regulations).

The Landfill Directive supplements the IPPC directive by setting a variety of technical standards of operation for landfill and covers waste via the Landfill Regulations 2002. These regulations are an enactment of the Landfill Directive 1999/31/EC. All landfill sites currently accepting waste are permitted under Pollution Prevention and Control legislation.

Environmental Damage

The Environmental Damage (Prevention and Remediation) Regulations 2009 (SI 2009 no. 153 and amended in 2010 (SI 2010 587) impose obligations on operators of economic activities requiring them to prevent, limit or remediate major environmental damage. They implement Directive 2004/35/EC on environmental liability making operators of activities that cause damage financially liable for that damage (the 'polluter pays' principle).

The Regulations apply to serious environmental damage to land, water and to species and habitats. The council is the lead regulator in respect of the Environmental Damage Regulations. The damage must result in a significant risk of adverse effects on human health.

Operators should inform the relevant enforcing authorities if possible environmental damage occurs, enforcing authorities can require information from operators and serve prevention and/ or remediation notices on operators to require certain action to be taken to prevent damage or remediate damage that has occurred.

The Water Resources Act 1991 gives powers to the Environment Agency to prevent or remedy pollution of controlled waters by the issuing of works notices. The appropriate application of either regulatory regime to any given site will need to be determined after consultation between the Council and the Environment Agency. The normal enforcement mechanism under these powers is service of a 'works notice', which specifies actions to be taken and in what time period. This is served on any person who has 'caused or knowingly permitted' the potential contaminant to be in the place from which it is likely to enter controlled waters, or to have caused or knowingly permitted a contaminant to enter controlled waters.

There is a clear potential for overlap between these powers and the Part 2A regime in circumstances where substances in, on or under land are likely to enter controlled waters. The two powers use differing enforcement mechanisms.

The Environment Agency has published a policy statement, 'Environment Agency Policy Guidance on the Use of Anti-Contamination Works Notices'. This sets out how the Environment Agency will use Works Notice powers, particularly in cases where there is an overlap with the Part 2A regime. In summary, the effect of the policy (which was agreed with the Department of the Environment, Transport and the Regions), taken together with the legislation, is that in the Portsmouth area:

- a) the council, acting under Part 2A, should consult the Environment Agency before determining that land is contaminated land in respect of contamination of controlled waters;
- b) in any case where the council has identified contaminated land which is affecting controlled waters, the Statutory Guidance requires the council to take into account any comments the Environment Agency makes in respect to remediation requirements;
- c) where the Environment Agency identifies any case where actual or potential water contamination is arising from land affected by contamination, the Environment Agency will

notify the council, thus enabling the council formally assess whether the land is 'contaminated land' for the purposes of the Part 2A regime; and

- d) in any case where land has been identified as 'contaminated land' under the Part 2A regime, the Part 2A enforcement mechanism should normally be used rather than the works notice system with regard to contamination of controlled waters. This is because Part 2A imposes a duty to serve a remediation notice (see section 2.7.2 of the strategy), whereas the Environment Agency is given only a power to serve a works notice.

The Water Resources Act powers may be especially useful in cases where there is an historic contamination of groundwater, but where the Part 2A regime does not apply. This may occur, for example, where the contaminants are entirely contained within the relevant body of groundwater or where the 'source' cannot be identified.

No remediation notice served under Part 2A can require action to be carried out which impedes or prevents a discharge into controlled waters for which a 'discharge consent' has been issued under the Water Resources Act 1991.

Water Framework Directive

The Water Framework Directive (2000/60/EC) is the most significant piece of European water legislation to be produced for over twenty years. The directive takes a holistic view to water management and will cover surface and groundwater bodies updating and in some cases replacing, existing EC water legislation. The Drinking Water Directive (98/83/EC) sets quality standards for drinking water quality (at the tap) and concentrations are being adjusted to European values, with lead (Pb) being reduced in 2013.

For groundwater, both quantitative and chemical objectives are set and all water bodies must be classed as 'good status' by 2015. The directive will be relevant to the redevelopment of contaminated land as remedial objectives may be linked to 'good status'. The Environment Agency is the authority responsible for the implementation of the directive.

Discharge Consents (Water)

Covered under the Water Resources Act 1991 Part III, no remediation notice can require action to be taken which would affect a discharge authorised by consent.

Change of Land-Use

Where land becomes a risk to potential new receptors as a result of a change of use, the Town & Country Planning development control regime will continue to apply as before.

Risk of harm to employees

Where there is a risk of harm to persons at work from land contamination, this should be dealt with under the Health and Safety at Work Act 1974 the enforcing authority will be either the health & safety executive or this council depending on the work activity.

Control of Major Accident Hazard Regulations

Risk of harm following an incident at a COMAH site. Where there has been a release, explosion or other major incident, which has caused land contamination, the restoration should be carried out as part of the COMAH on site / off site emergency restoration plan.

Contaminated Food

Part I of the Food and Environment Protection Act 1985 gave the Secretary of State, via the Food Standards Agency emergency powers that include preventing the growing of food on contaminated land.

Where the council suspect crops may be affected from contaminated land so is unfit to eat, it will consult the Food Standards Agency and DEFRA to establish whether an emergency order may be necessary. Remediation of the site, if necessary, would be carried out through the council's implementation of Part 2a regime.

Organisms

Part 2a was intended for chemical pollution of land. It does not apply to contamination caused by organisms such as bacteria, viruses, protozoa as they do not fall within the definition of substances.

This excludes anthrax (a historical disease connected with farm animals and leather processing), e-coli, and prions from being considered under the regime. If any such sites are found, in lieu of a pertinent regime, the council will liaise with Public Health England and the Environment Agency in relation to MOD land and DEFRA on all other sites.

Land contaminated due to biological weapons would be designated as a Special Site although the Part 2a regime is only to be applied to the non-biological contamination of that land.

Ordnance

As the Part 2a regime relates to chemicals and not devices, it cannot be applied to risks from unexploded ordnance. However, substances released by the old ordnance and landfills containing ordnance are included within Part 2a regime.

Radioactive Wastes

Radioactive wastes have separate Statutory Guidance.

Industrial uses of heavy substances include radiation shielding and radiography, sailboat keels and aircraft. Armour-piercing projectiles (depleted uranium/DU/Q-metal/depleted alloy/D-38) are a recent innovation and would not be found discarded.

Statutory Nuisance (Part III of the 1990 Environmental Protection Act)

Land Contamination has been removed from the Statutory Nuisance regime by an amendment to the definition of a statutory nuisance in section 79 of the 1990 Act, consisting of the insertion of sections 78(1A) and (1B); this amendment was made by paragraph 89 of Schedule 22 of the Environment Act 1995.

Once determined as statutory contaminated land, it is regulated solely under the Part 2a regime and by definition it is not considered a statutory nuisance. This is to ensure there is no duplication or conflict between the two regimes.

It should also be noted that the exclusion of the statutory nuisance regime applies only to harm (as defined in section 78A(4)) and the contamination of controlled waters, and so it continues to apply to the effects of substances that give rise to odour resulting in loss of amenity, or when land

is being remediated if the remediation activity generates noise, odour or dust.

Land that is not being resolved through Part 2a as statutory contaminated land may contain 'accumulations that are prejudicial to health or a nuisance'. The definition of harm under Part 2a (see SPOSH) and the evidence of proof required (95% proof of exposure e.g. concentration of contaminant exceeds screening concentrations, with that soil screening concentration being based on a lines of evidence as casing harm; with that harm being on balance of probability 50% as judged by professional opinion) is stringent compared to the pragmatic decisions made by Environmental Health Practitioners for Part III.

The statutory nuisance regime will continue to apply for land contamination issues in any case where an abatement notice under section 80(1), or an order of the court under section 82(2)(a), has already been issued and is still in force. This will ensure that any enforcement action taken under the statutory nuisance regime can continue and will not be interrupted by the implementation of the Part 2A regime.

Statutory Guidance

The Statutory Guidance - April 2012.

[Http://www.DEFRA.gov.uk/publications/files/pb13735cont-land-guidance.pdf](http://www.DEFRA.gov.uk/publications/files/pb13735cont-land-guidance.pdf)

Included as the main changes to the guidance are the following:

- A four category test to help decide when land is and is not contaminated;
- Clarification of both the status and how to use technical screening levels;
- Clarification that 'normal' background levels of contamination would not be contaminated land, unless exists a reason to consider otherwise;
- Clarification of what constitutes 'reasonableness of remediation';
- Change in the definition of contaminated land to include 'significant' and 'significant possibility' when defining controlled waters;
- Introduction of 'risk summaries' before determining land as contaminated;
- Local authorities, once taking the decision that land is contaminated, may reverse that decision;
- Radioactively contaminated land is removed from the guidance;

As the main statute has not changed there are no rule changes in relation to the identification of appropriate persons, the exclusion test and apportionment of liability.

The Statutory Guidance for radioactively contaminated land resides in the Department of Energy and Climate Change publication Environmental Protection Act 1990: Part 2a Contaminated Land Radioactive Contaminated Land Statutory Guidance, April 2012.

Non-statutory technical guidance

Technical guidance is released by numerous organisations; the Statutory Guidance requires that when determining land as contaminated, local authorities must 'carry out any intrusive investigation in accordance with appropriate good practice technical procedures' (DEFRA, 2012a).

Guidance documents are available on the Environment Agency website.

[Http://www.environment-agency.gov.uk/research/planning/33706.aspx](http://www.environment-agency.gov.uk/research/planning/33706.aspx)

Appendix I Environmental Permitting Regulations

This appendix lists the installations permitted under Environmental Permitting Regulations and also formal landfill sites. Installations are correct as of May 2015.

Table 1

Part A - Prescribed Installations

Name of Installation	Address	A2	Date Permit Issued/Reviewed	Permit Reference
Chesapeake	Limberline Road, PO3 5JF	Printing	29/01/2013	A2/1.1A

Source: Environmental Health, Portsmouth City Council;

Table 2

Part B- Prescribed Installations

Name of Installation	Address	Part B Process Type	Date Permit Issued/Reviewed	Permit Reference
LBL 2 (Tomburn)	Gunstore Road PO3 5HL	Powder Coating	20/07/2007	B21.1
KRM	Kendalls Wharf Eastern Road PO3 5LY	Cement Batching	11/01/2013	B7.3
Hope Construction	Tipner Wharf PO2 8QA	Cement Batching	30/11/2012	B6.2
Cemex	Walton Road PO6 1UJ	Bulk Cement	01/03/2011	B2.3
BAE Systems Surface Ships Support	Portsmouth Naval Base PO1 3AQ	Coating of Metal	04/03/2009	B33
BAE / SELEX	Neville Shute Road PO3 5RT	Melting	08/02/2011	B17
Queensbury Shelters	Fitzherbert Road	Solvent Degreasing	04/03/2011	B24.1
FPT 1. (GKN)	The Airport PO3 5PE	Carbon Black	14/07/2005	B19.1
FPT 2. (GKN)	The Airport PO3 5PE	(Adhesive/ Textile)	14/07/2005	B19.1
Demolition & Salvage	Ackworth Road	Mobile Concrete Crushing	30/09/2010	B/MCS/1
Adams Morey	Burrfields Road PO3 5NN	Vehicle Respraying	06/02/2008	B16.1
Nationwide	Plot 3000 PO3 5SE	Vehicle Respraying	16/01/2012	B12.2
J Lawrence	Unit A The Kinard Centre Northarbour Road PO6 3TF	Vehicle Respraying	16/01/2012	B23.2
ERB	Claybank Road PO3 5NH	Vehicle Respraying	16/01/2012	B15.2
Apollo Motor Group	Unit 6 Fitzherbert Road PO6 1RU	Vehicle Respraying	16/01/2012	B18.2
Welfare Garage	Portsmouth Naval Base PO1 3HH	Waste Oil Burner	11/07/2003	B5

Fairway Garage	4-6 Bourne Road Paulsgrove PO6 4JS	Waste Oil Burner	02/01/2013	SWOB2
Richmond Cars	Fitzherbert Road Portsmouth PO6 1RU	Waste Oil Burner	09/12/2013	SWOB

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Name of Installation	Address	Part B Process Type	Date Permit Issued/Reviewed	Permit Reference
Solent	44B High Street PO6 3AG	Dry Cleaners	18/11/2010	B31
Solent	253 Albert Road PO4 0JR	Dry Cleaners	18/11/2010	B32
Solent	Unit 5 Mountbatten Buisness Park	Dry Cleaners	26/03/2014	B42
	Jackson Close PO6 1UR			
Look Smart	149 Copnor oad PO3 5BS	Dry Cleaners	18/11/2010	B36
Guest care	145 Albert Road PO4 0JW	Dry Cleaners	16/11/2010	B34
Impress (Palmerston d)	72 Palmerston Road PO5 3PT	Dry Cleaners	07/02/2012	B40
Impress (Albert Road)	169 / 171 Albert Road PO5 3PT	Dry Cleaners	30/09/2010	B39
Impress North rd (London Road)	98A London oad North End PO2 0LZ	Dry Cleaners	08/07/2014	B43
Washeteria	279 London oad PO2 9HF	Dry Cleaners	18/11/2010	B41
Smarty pants	36 London Road PO2 0LN	Dry Cleaners	18/11/2010	B30
Kingston eaners Ltd.	35 Kingston oad PO2 7DP	Dry Cleaners	16/11/2010	B38
Tesco	Clement Atlee Way PO6 4SR	Vapour Recovery - Stage II	10/11/2009	PS36
Shell Victory	Kettering arrace PO2 7SB	Vapour Recovery - Stage II	14/04/2010	PS4
Sainsburys	Fitzherbert Road PO6 1RR	Vapour Recovery - Stage II	14/05/2010	PSII.02
Tesco	241 -243 Copnor Road PO3 5EE	Vapour Recovery - Stage II	10/11/2009	BPS9
Shell rlington	Eastern Road PO1 1OW	Vapour Recovery - Stage II	20/10/2009	BPS5.1
Shell Bastion	London Road PO2 9RR	Vapour Recovery -	14/05/2010	PSII.01

		Stage II		
Asda	Holbrook Road PO1 1JP	Vapour Recovery - Stage II	18/07/2012	BPS42
Shell Fratton	Goldsmith Avenue. PO4 8BH	Vapour Recovery - Stage II	10/11/2009	BPS3.1

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Name of Installation	Address	Part B Process Type	Date Permit Issued/Reviewed	Permit Reference
Installation BP	Commercial Road, PO14BU	Process Type Vapour Recovery-Stage I	30/06/2010	PS011
Portsbridge	Portsmouth Road, PO62ST	Vapour Recovery-Stage I	30/06/2010	PS28
Green Road Service Station	Green Road, PO54DY	Vapour Recovery-Stage I	30/06/2010	PS15
Eastern Road Service Station	Eastern Road, PO36QB	Vapour Recovery-Stage I	30/06/2010	PS38
Rontec	144-160 Milton Road, PO48PN	Vapour Recovery-Stage I	29/11/2012	PS43
Malthurst - Northend Service Station	Kingston Road, PO2 7DZ	Vapour Recovery - Stage I	15/05/2013	PS38
White Heather	Richmond Road, PO5 2LN	Vapour Recovery - Stage I	30/06/2010	PS46
Malthurst - Cosham Service Station	Northern Road, PO6 3DN	Vapour Recovery - Stage I	10/06/2008	PS2.1

Table 3

Licensed Landfill Sites

Name	Operator	Licence type	Licence	Permit No.
Paulsgrove Landfill Site	Veolia E S Hampshire Ltd	A1 : Co-Disposal Landfill Site	19957	NP3792HM/A0 01
Pyramids At Paulsgrove Landfill Site	Veolia E S Hampshire Ltd	A4 : Household, Commercial & Industrial Waste Landfill	10207	AP3795HY/A0 01

Source: Environment Agency WIYBY. Retrieved from <http://maps.environment-agency.gov.uk/wiyby/>

Table 4

Disused Landfill Registered by Environment Agency

Site name and location address
Kendals Quay
Sports Field East of Eastern Road
Hilsea Gasworks Refuse Disposal Area
Longmeadow Allotments
Moneyfield and Longmeadow Allotments
Moneyfield Allotments
Land South of Burrfield Road
Land East of Baffin's Pond
Milton Common Lake
Twyford Wharf
Continental Ferry Port
North Harbour Allotments
Reclaimed Land In Paulsgrove Area
Paulsgrove Landfill Site
Paulsgrove Tip
Pyramids (Paulsgrove Landfill Site)*
Paulsgrove Landfill Site*
King George V Playing Fields
Salisbury Road Allotments
Horsea Allotments
Alexandra Park
MOD Site
Tipner Stamshaw Area
Stamshaw 'Site A'
Milton Common
Eastney Lake
Henderson Road Caravan Park
The 'Glory Hole'
Site B South of Ferry Road
Land East of Baffin's Pond

Source: <http://maps.environment-agency.gov.uk/wiyby/>

* holds a closure current licence

Appendix J Liaison and Communication

This chapter describes both, the formal consultation partners as well as the internal liaison and consideration of land condition.

External agencies

To fulfil the council's statutory duty with respect to contaminated land formal liaison procedures will be established with the following external agencies:

- **Environment Agency** - The agency provides liaison for inspection of potential Special Sites (controlled waters are main receptor) and becomes the regulator when Special Sites are determined as Contaminated Land. Particular information collected from the Environment Agency will include the location of: landfills; sewage treatment works; water abstractions; consents to discharge; waste management licensed sites; Permitted Installations; radioactive substance licensed sites, as well as information on water quality monitoring from groundwater and surface water, river quality objectives exceedances, source protection zones and groundwater vulnerability;
- **Public Health England**– provides support and expert advice on toxicological issues relating to contaminants of concern which pose a threat to public health;
- **Food Standards Agency** – for providing advice on food safety, including the safety of consumers from any food that may be affected by contamination from land. This includes food produced in domestic gardens and allotments as well as food collected from the wild;
- **Natural England** - with respect to all matters relating to statutory designated sites, e.g. Sites of Special Scientific Interest, Special Areas of Conservation, Special Protected Areas (SPAs) and RAMSAR sites;
- **Historic England**– with respect to the protection of historic/protected buildings, archaeological sites and ancient monuments;
- **British Geological Survey** – for information relating to geological conditions and the provision of geological data;
- **Hampshire County Council** - and neighbouring local authorities.

Internal Agencies

To fulfil the council's statutory duty with respect to contaminated land formal liaison procedures will be established with the following internal agencies:

Land in use and controlled by the council may be polluted and require remediation. There may be interplay with remediation schemes and tree growth or upon ecological receptors.

Planning ('Development Management')

The Town and Country Planning Act 1990 is clear that the potential for contamination is a material planning consideration, and is to be taken into account during the normal course of development. The government considers that the redevelopment phase is the most appropriate and cost effective time to deal with contamination issues, stressing that local authorities should

make full use of the powers available to them in accordance with the National Planning Policy Framework (NPPF, 2019). A key part of the National Planning Policy Framework is the reference to Part 2A as a minimal standard for risk management. Online Planning Practice Guidance (PPG, 2019) provides guidance on the management of land condition and the onus being upon the developer for safe development.

The planning system is the primary tool for encouraging the remediation of polluted and contaminated land. The majority of all polluted land is cleaned up through the planning regime. The assessment and risk management (including remediation) of polluted land allows that land to be brought back into use for residential and commercial uses.

The planning process and Part 2a are complimentary regimes as Part 2A is primarily focused on addressing the historical legacy of land contamination, whereas planning applies to land being brought into use. Part 2a powers cannot be used on land that could be cleaned up through planning regime within a reasonable timescale. In general terms, the planning regime addresses proposed land use, whereas Part 2A considers current land use.

To prevent unacceptable risks from pollution, planning policies (as set out in the Local Plan) and decisions should ensure that new development is appropriate for its location. The effects of pollution (including cumulative effects) on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a land is affected by pollution or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Planning policies and decisions ensure that:

- The land is suitable for its new use, taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land risk management (remediation) or impacts on the natural environment arising from remediation;
- After remediation to Category 3 standard, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990;
- Adequate site investigation information, prepared by a competent person, is presented.

Planning policies and decisions should also ensure that:

- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.

In some cases, the carrying out of remediation activities under the Part 2A regime may itself constitute 'development' within the meaning given in the Town and Country Planning Act 1990 and therefore require planning permission.

In any case where new development is taking place, it is the responsibility of the developer to carry out the necessary investigation and remediation. The enforcement of investigation and remediation requirements is through planning conditions and Building Control, rather than by a remediation notice issued under Part 2A. In terms of development control, remediation may also be covered within a Section 106 Agreement made under the Town and Country Planning Act.

The application procedure requires developers to provide a brief history of the land indicating all previous known land-uses and operations.

Where the answer(s) to the new question 13 indicates a potential for contamination, or where the redevelopment will involve the creation of new residential properties, or commercial redevelopment with an area greater than 250m² a full desk study should be provided by the developer (unless the Planning Officer in consultation with the Contaminated Land Team considers sufficient information has been provided by the applicant). The desk study will provide a comprehensive site history with historic maps. A guidance leaflet from the Contaminated Land is available to assist applicants.

Where the application is on a identified historical use or the end-use is sensitive, the Planning Officer consults the Contaminated Land Team and if the information indicates the potential for contamination may impact upon the development, planning permission shall only be granted subject to conditions requiring appropriate site investigation prior to the commencement of the development, and site remediation prior to occupation of the development, where such is found to be necessary.

Where conditions are imposed on planning approvals the Development Management Service must ensure the conditions are complied with before development commences.

The Local Planning Authority is required by the Town and Country Planning Act (GDP -1995) to consult with the Environment Agency in respect of certain types of application. Open discussion of all information related to potential contamination at the development stage and the application of conditions is the only sensible way forward to ensure the safe development of brownfield land and previously used land.

This process ensures market confidence in the redevelopment of brownfield land and promotes the reuse of brownfield land in accordance with government policy. This is essential in a city with no greenfield land available where all land available for development will have a history of usage.

Public Health

Portsmouth City Council has regard to the Department for Environment, Food and Rural Affairs guidance for identifying land that poses an unacceptable health risk , alongside other considerations including the Water Environment Regulations 2017 and other matters that could affect the amenity of a site and its future occupants. Health impacts of contaminated land, depending on the contaminant could include substances that cause nausea, headaches, odour/nuisance to people .

Stringent standards of remediation also apply to the management of the risks posed by man-made radioactive substances for redevelopment for a new use. the Department for Business, Energy and Industrial Strategy has published statutory guidance on land affected by radioactive contamination .

Public Health England has published guidance on areas affected by radon and the control measures available for new development. Naturally occurring radon is not covered. However,

Portsmouth has low levels of background radon, based on its geology, so radon does not pose a significant risk to health in this area.

Chemical release:

In the event of a deliberate chemical release, expert advice on the public health impact will be needed from the outset. Public Health England has published technical guidance on recovery from chemical incidents. The response to the acute phase of an incident is likely to be complex. The recovery process in the aftermath of a chemical emergency will be equally as complex.

In the event of an accidental chemical release, for example for a road traffic accident involving a heavy goods vehicle containing hazardous substances, the same protocols can be followed.

Contaminated water run off:

A fire or other incident on land may cause contaminated water run off to enter the Solent, or other water sources. In this event, dams may need to be erected to prevent this.

Plans and guidance from elsewhere in the country are available on the Resilience Direct website, accessible by the Emergency Planning team and Public Health team.

Currently, and until an alternative processing alternative can be found, untreated sewage from across Portsmouth is filtered into the water in Langstone Harbour, at times of high pressure, including storm and heavy rainfall. In the event that this was likely to contaminate local land, the same procedures could be followed.

Public Health encourages the growing food wherever possible for the associated health benefits. Community gardens, allotments and other types of community growing are beneficial to people's health, local environment and community development, and community growing is becoming increasingly popular. In cases where land was previously contaminated (for example through industrial activities) action may need to be taken before starting to grow food crops.

Measures to remove pathways reduce risk. Once such measures includes raised bed gardens or container gardens on high concern sites, and unless remediation of the soil is undertaken, food should not be grown directly in the soil on the site. Further measures will include thoroughly washing food to be eaten and hand washing with soap. Detailed information on contaminants and advice for growers can be found in a guidance leaflet available from the CLT.

Building Control

The Building Control process is fundamental to the safe redevelopment of 'Brownfield' land, both in the checking of sites during development and because some risk management are built into the building fabric (e.g. gas and radon membranes).

Building Control and Approved Inspectors have the duty to enforce protection measures in new build projects that they are consulted on. The Building Controls regulatory powers can be used to ensure that pollution is properly assessed even if planning conditions have not been applied or a retrospective planning application is received.

Approved Document C provides guidance on Part C of the Building Regulations 2000 includes the impacts of contamination of the land surrounding the building structure in addition to a buildings footprint. Similarly the councils Part 2a responsibilities include the building structure itself, but the assessment criteria for contaminants are to British Standards rather than screening purposes.

It is not sufficient to rely on remediation controlled by Building Control only. Developers may use privately contracted Approved Inspectors rather than Building Control Officers. It is unlikely that

private sector practitioners have the same local knowledge about historic land uses as they may come from other regions.

Building Control inspect developments that wouldn't require planning permission, and as result have encountered unexpected contamination and so have identified sites that have gone onto be assessed and ultimately determined as statutory Contaminated Land.

Highways Authorities

Engineers and Highways responsibilities include land under highways, pavements, verges and common areas which may be contaminated and present a risk to potential receptors. Highways Authorities must maintain registers under Part III of the New Roads and Street Works Act 1991 regarding, amongst other things, streets with, 'special engineering difficulties'.

Council Owned Land

Land owned by the council includes uses such as allotments, schools, recreational space and public open spaces all of which would be sensitive to any contamination being present. The council also owns depots, sports centres, community buildings, car parks and properties held as investments such as shops or industrial units.

Various council departments work to avoid land being statutory Contaminated Land.

Works & Maintenance Contracts

As a major land holder the council awards contracts for major new works projects and maintenance works each year. Where such works are taking place on potentially contaminated land the council has a duty of care to provide the fullest information possible to contractors. The contractor will then be in a position to comply with:

- a) Relevant health and safety legislation/guidance, including the Construction Design & Management Regulations (Note: the CDM Regulations place duties on both the council and the contractor);
- b) Duty of care with respect to carriage of waste and waste disposal;

Contracts are awarded by any front line services. Where site specific information is not available, the officer responsible for the contract must ensure that proper enquiries are made to:

- a) Establish the site history using records held by the Contaminated Land Team;
- b) Establish if previous site investigation data is available within the City Engineer's Department; or
- c) Where enquiries made under 'a' indicate a potential for contamination but no site investigation data is available then provision must be made to obtain the necessary data before tendering the contract, or make allowance in the specification/bill of quantities for the contractor to undertake the necessary investigation;

- d) Any new data collated under 'c' must be copied to the Contaminated Land Team which will act as the central store for information on site contamination.

Property Transactions

The council is a major land owner and a significant percentage of the land within the city has had a potentially contaminative history such as waste disposal/ land reclamation, engineering, workshops, incineration, unspecified MOD uses. The City Council leases and sells (leasehold) properties to private organisations that by their legitimate use of the land may have caused or be causing new pollution.

The council checks to ensure that:

- a) Potentially polluting land uses of our land holdings is known;
- b) The council does not unwittingly purchase any contaminated land without appreciating the long term implications of such a purchase, with the price of the land reflecting the site's condition;
- c) Pollution of council land by persons/companies who lease our land is not accepted.

Existing Land Holdings

Portsmouth has investigated 33 sites and 10 sites have been remediated using funds from Department of the Environment, Transport and the Regions Supplementary Credit Approval Scheme. In 2010 land near Canoe Lake was inspected and assessed under the Part 2a regime.

Where sites are found to have potentially significant levels of contamination a quantified risk assessment is undertaken to decide if there is a need for remediation for the current land-use or any proposed land-use. Where the risk assessment indicates remedial works are necessary or would be prudent the land holding committee is advised and appropriate remedial measures agreed with the relevant Departments.

This ongoing programme of site prioritisation, investigation and where necessary remediation should continue in conjunction with the council's strategy on contaminated land. In future all City Council land will be prioritised in the same manner as all other sites in the City.

Land Purchases/Acquisitions

Prior to committing the council to any new land purchases or acquisitions the Property Service/Legal Services check with the Contaminated Land Team that the full site history is known. This must include:

- a search of all available historical maps;
- a review of the trades database held by the Contaminated Land Team;
- detailed enquiries from the seller as to the former activities at the site, location of storage tanks, details of materials, fuels, wastes stored and information on any spillages.

If there is any indication that the land is on or adjacent to land which has the potential to be contaminated consultants shall be appointed to undertake an appropriate site investigation.

Only when the full implications of any contamination is known, appropriate consideration has been given to the potential long term cost implications and this has been reflected in the sale price, shall the transactions continue. Advice should be sought from Contaminated Land Team and Legal Services as to the need to address future liabilities which will be dependent on the circumstances of the site.

Where land such as public open space is to pass to the council as part of a planning agreement ('Section 106') the Planning Officer must require the developer to provide:

- a) Full site history information on the land to transfer; and
- b) Site investigation (scope to be agreed with the Contaminated Land Team).

Leasing Property

Many of the commercial organisations to whom the council let property or land undertake potentially polluting activities. If the original polluter cannot be found (for example, because the company no longer exists) the landowner becomes the person liable for the contamination and any site remediation required. If the council as a landowner does not take steps to prevent the off-site migration of contaminants then the council may be found to be liable for the remediation of adjacent land and water.

In order to protect the value of its land holdings and to prevent the council becoming liable for our tenants contamination it is essential that we have a strategy/policy which will protect the council's interests in the long term.

The councils Property Services ensures that a land condition is considered as part of any letting, leasing, or sale of land. This is because statutory Contaminated Land can not only be created by contaminants being present but also by changing the land-use to one that is sensitive to those pollutants

Prior to Letting/Leasing Property

- a) Ensure the council has information on the quality of the site. If it is a Greenfield site with no former potentially contaminative uses, ensure this is documented along with some background soil data to provide a baseline which can form the basis of any future claim. Where possible the onus should be placed on the new tenant to provide this background data.
- b) If the site has previous uses establish where potentially contaminating uses have taken place. For example, the presence or previous use of the land for fuel tanks, chemical storage tanks, and the council must ensure this information is documented and provide appropriate background assessment. This is necessary not only to protect the council's interest but also to comply with our obligation in relation to disclosure to the new tenant whose workers or contractors might come into contact with ground contamination.
Note: where new information becomes available to the council regarding contamination during the term of the lease/tenancy agreement which may require action, then the council must pass the information onto the tenant/lessee in order that they can make appropriate decisions.
- c) Ensure there are appropriate conditions in the lease/tenancy agreement requiring the new occupier(s) to comply with all appropriate environmental legislation to minimise the potential for future contamination and to require them to clean up any spills which may occur during their occupation.
- d) Ensure that it is clear in the contract documents that prior to relinquishing the lease/tenancy the onus will be on them to return the land in a condition which is suitable for its existing use and prove that they have not caused any new pollution. Where the occupier's trade is such that there is a high risk of contamination occurring then a site

investigation will be necessary to prove the site has not been affected, or if it has to quantify the problem. The results of the investigation can be compared to the original background data obtained prior to the commencement of the lease before agreeing the remediation works necessary and/or the appropriate level of financial compensation to the council which is applicable. The new tenant/lessee will not be liable for contamination caused by a previous tenant/lessee.

e) During the course of the lease/tenancy agreement the tenant/Lessee must provide the council with:

- Details of the location/nature of fuel storage, and documentation to confirm there has been no gradual loss of free product due to leakage;
- Plans showing where chemicals or wastes are stored;
- Plans showing where services and fuel lines are;
- A copy of any Health and Safety files created in compliance with the Construction, Design and Management Regulations;
- Details of accidents/spillages;
- Where locations are moved the council must be advised.

Legal services

Contaminated land is a highly complex piece of legislation which could have significant implications for the council, land owners and occupiers. Advice from the council's solicitor may be required on many aspects relating to enforcement, liability, powers of entry, data protection, access to information *etc.*

Information Services

Significant volumes of data need to be held both on data base and geographical information systems. Support will be required on the use of these systems and data protection.

Appendix K Site Prioritisation Methodology

A SYSTEM FOR THE PRIORITISATION OF POINT SOURCES

**A summary of the site prioritisation methodology used
in the GeoEnviron Contaminated Land Module**



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TERMINOLOGY

The following gives short definitions of the meaning of certain terms as they are used in the report and in this document.

Contact Risk: refers to the possibility that humans will come into contact with polluted soil or gases. The possibility of humans coming into contact with polluted water is not considered in this definition.

Degradation: refers to breakdown of potentially hazardous contaminants to their harmless derivatives in the natural environment.

Hazard: a substance, property or situation that in particular circumstances could lead to harm. The hazardous nature of a contaminant is valued according to its mobility, toxicity, degradability and volatility.

Mobility: the mobility of a contaminant in soil is defined relative to groundwater velocity and is a function of dispersion, sorption, ion exchange, solubility etc.

Pathway: the mechanism by which the receptor and source can come into contact.

Receptor: the entity that is vulnerable to the adverse effects of the hazardous substance or material.

Risk: a combination of the probability, or frequency, of occurrence of a defined hazard and the magnitude of the consequences of the occurrence.

Risk characterisation: a preliminary evaluation of risks on a site. Risk characterisation differs from risk assessment in that the level of information required to carry out a characterisation can be a fraction of that required to carry out a risk assessment.

Risk Screening: identification of all major hazards and receptors

Source: the hazardous site, substance or material

Source strength: refers to the gas generation capability of a waste disposal site at any given moment.

Toxicity: refers to the relative ability of a particular chemical substance to cause harm to a living organism. The toxicity of the chemical is dependent on the environmental receptor being considered.

Volatility: This is defined as the propensity of a chemical to vapourise and is measured using Henry's Constant.

1. INTRODUCTION

For most Local Authorities, the implementation of their contaminated land strategies will begin with a desk top study. The information acquired from this exercise will then be used to set priorities for further investigation and remediation. Setting priorities is important for decision-making as it helps to promote transparency by ensuring an explicit and justifiable basis for decisions (DETR, 2000).

The USEPA and the UK Environment Agency advocate the use of the "source-pathway- receptor" concept as the basis for risk assessment. A tiered approach where risk management questions are answered at each stage is recommended.

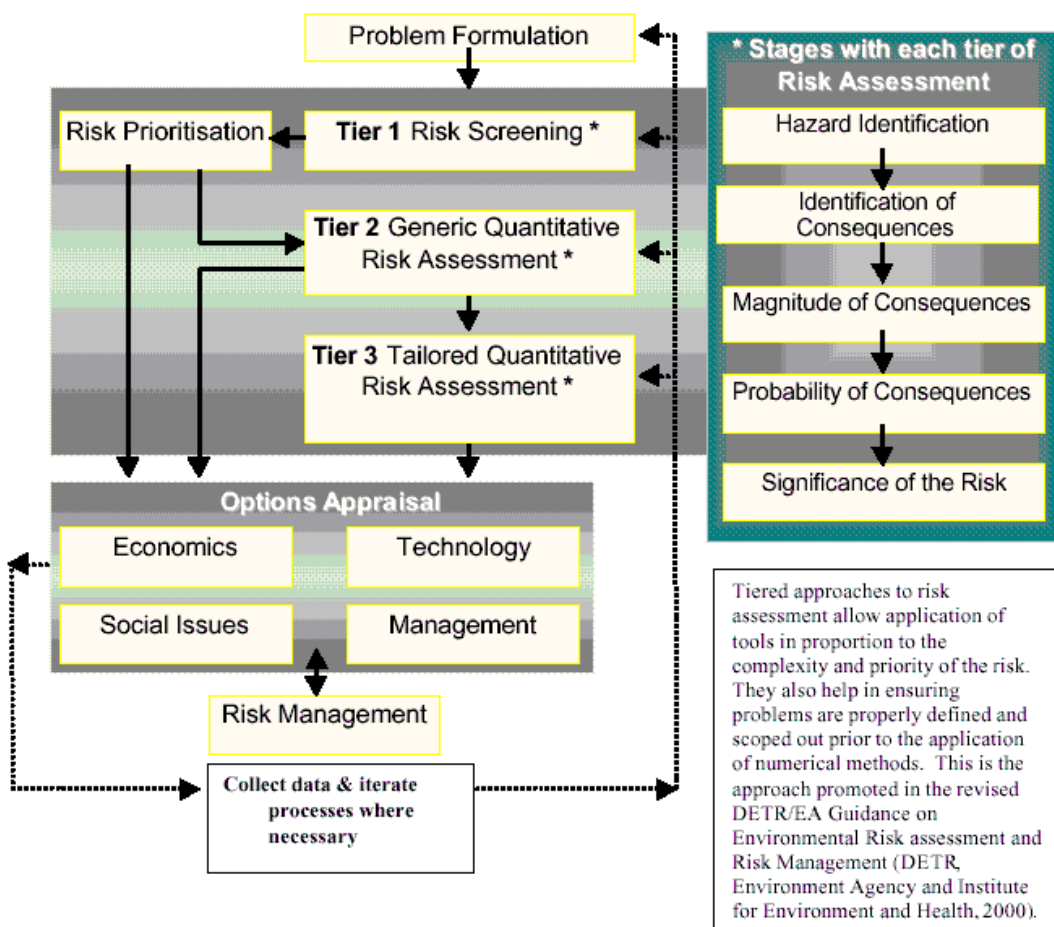


Figure 1 - A tiered approach to risk assessment
 (Source: DETR, Environment Agency and Institute for Environment and Health).

As can be seen from the figure above, the first tier of the risk assessment process involves hazard identification, risk screening and prioritisation. This process is used to determine which hazards or risks should be investigated in more detail. The process helps to minimise unnecessary effort and reduces the chance of potentially important risks being overlooked. In addition, it provides an auditable trail to support or explain the omission of certain risks from further consideration. It also helps to identify risks where action, as

opposed to further investigation, may be preferable (DETR, 1999). Ultimately prioritisation provides a mechanism for targeting resources towards those sites that present the greatest risks.

There are various prioritisation methods available. One simple and effective method is to rank hazards based on screening scores, thereby providing a priority list for further action.

Geokon have produced a computer based environmental information management system known as GeoEnviron, which among other things, includes a module dedicated to managing information related to the identification, risk assessment and remediation of contaminated land. The module has built within it, a site prioritisation system for use in tier 1 of the risk management process.

The prioritisation system uses the Source-Pathway-Receptor concept to assess risks. It is split into two stages. The Stage I assessment involves hazard ranking sites based on their historical industrial uses and the receptor's sensitivity. The Stage II procedure involves refining the assessment from Stage I by carrying out an exposure assessment.

The stage I assessment can be carried out very rapidly, providing that source and receptor information is available. The assessment produces a priority listing of sites for each type of receptor considered.

The Stage II assessment involves refining the priority listing obtained from stage I, by carrying out a pathway or exposure assessment to determine whether or not a potential pollutant linkage exists. The priority listing arrived at after Stage II can be used to inform decisions as to which sites should be investigated further under the Part IIA regime. In many instances the information yielded after a stage II assessment will be sufficient to enable a decision to be taken as to whether a site should be determined „contaminated“.

The GeoEnviron Site Prioritisation methodology is similar to that proposed in Contaminated Land Research Report No. 6 (CLR6) in that it is not designed to produce a single site risk score that encompasses all the different receptors types. Instead it requires that policy decisions are taken with respect to the relative priority that is assigned to each of the receptor groups. These decisions should be made after taking local circumstances into account.

The main part of this document details the Stage I and II of the GeoEnviron site prioritisation methodology. The Appendix, which contains screen shots of the GeoEnviron system's risk assessment tab folders, describes how both the Stage I and II site prioritisation methods have been implemented practically within the GeoEnviron system.

2. BACKGROUND

The prioritisation system has been developed to fulfill the needs of local authorities to identify, register and deal with contaminated sites.

Overall Aim: To establish a prioritisation system for contaminated sites about which little is known.

Requirements:

- The system should prioritise sites based on their potential risk to humans and the environment;
- The system should be simple and transparent;
- Site characterisation should be based as much as possible, on existing data;
- Site prioritisation should be based on a uniform method;
- The system should be objective and verifiable (i.e. others performing the exercise should be able to arrive at the same score);
- The system should be capable of being used at both local and regional levels;
- The time used to prioritise sites should be minimal. The

prioritisation system caters for:

- a) regional prioritisation of sites in terms of their requirement for detailed site investigations;
- b) regional prioritisation of sites in terms of their requirement for remedial works;
- c) national prioritisation of sites.

The system characterises sites according to their impact on three receptors:

- a) Groundwater - considered mainly with regard to its value as a drinking water resource;
- b) Land Use related receptors – the term land use related receptors encompasses the use of land by humans, wildlife, plants and buildings.
- c) Surface water – considered mainly with regard to the desired quality objective of the water body.

The characterisation of each site results in a Risk Score for each receptor, which can then be used to prioritise the sites in terms of the need for detailed site investigation and/or remediation.

3. DATA REQUIREMENTS

In an ideal situation, data on geography, hydrogeology, contaminant properties, current and historical site uses as well as information on animal use and behavior patterns would be available for a risk assessment. In acknowledgement of the fact that this is rarely the case, this method has been designed such that it has very minimal data requirements.

Where the data required is not available, implementation of the method can be based on assumptions. In such cases, the user is advised to assume a worst case scenario for each situation. Further information should then be collected in order to verify assumptions made and further refine the priority listing.

Information on former and historical land uses can in most instances be obtained fairly readily these days. It can be accessed from archive libraries or purchased from the increasing number of commercial organisations offering historical land use information for sale. One of the methods most important data requirements is information on contaminants likely to be present on the site. Information on typical contaminants associated with industries can be obtained from a variety of sources including the DOE industry profiles, which are included as part of the GeoEnviron system. Site specific information necessary for the exposure assessment can be obtained from land coverage maps in a GIS, aerial photos, from documentation held by the local authorities or alternatively by carrying out site walkovers.

4. STAGE I SITE PRIORITISATION

Before arriving at the stage of site prioritisation you should have compiled a list of potentially contaminated sites. This can be done using sources and receptor information which will usually be available in a GIS. A simple spatial query can then be performed in the GIS, to find out for example, areas where sources and receptors overlap. A buffer zone can be incorporated within the spatial query, in cases where the source contamination is considered to have the potential to migrate. The areas identified via the spatial query are considered to be the potentially contaminated sites. The list of potential sites obtained from the GIS is then imported into the GeoEnviron Contaminated Land Module.

The different classes of receptors in the area along with a sensitivity score for each receptor is also entered in the base tables of the database. Receptors are divided into 3 broad categories - land use, groundwater and surface water. Land use receptors are further sub-divided into humans and protection zones (i.e. nature conservation reserves, SSI's, RAMSAR sites, listed buildings, etc). Following this, a list of receptors that each site may potentially impact is captured from GIS and imported into the database.

The first stage of the site prioritisation is based solely on the types of industrial uses the site has been subjected to and the sensitivity of the potential receptors. The issue of pathways is considered in Stage II. The GeoEnviron system contains as standard detailed information on all the DOE industry profiles. An objective methodology (which is not detailed here) has been used to derive hazard scores for each of the profiles in relation to land use, ground and surface water receptors. The hazard scores have been derived by considering the contaminants likely to be present on the site. Information on potential contaminants of concern is available from CLR8 "Potential Contaminants for the Assessment of Land". A spreadsheet is available with the GeoEnviron system to enable the same objective methodology to be used to rate industries that do not fall within the scope of the DOE industry profiles.

An example of risk categorisation and hazard ranking for a selection of the industry profiles is shown in the tables below.

Note: All the scores used in the GeoEnviron risk ranking are user configurable. The numbers presented below are only examples.

Table 1: Example OF Stage I Prioritisation Risk Categories

Risk Category	CODE	Score
Very High	VH	6
High	H	5
Medium High	MH	4
Medium	H	3
Medium Low	ML	2
Low	L	1

Table 2: Example of Industry Profile Hazard Ranking

INDUSTRY PROFILE	LAND USE	GROUNDWATE	SURFACE
Airports	M	MH	MH
Animal and animal products processing	M	L	L
Asbestos manufacturing works	VH	MH	MH
Ceramics, cement and asphalt manufacturing works	LM	L	L
Charcoal works	MH	MH	MH
Chemical works : Coatings (paints and printing inks)	MH	M	M
Chemical Works : Mastics, sealants, adhesives	M	M	M
Chemical works: Cosmetics and toiletries manufacturing works	L	M	M

As mentioned above, the different classes of receptors are rated in terms of their sensitivity. For human receptors, the sensitivity rating is carried out by assessing the current land use. For the groundwater receptor, the rating is carried out by considering the groundwater class. For surface water receptors, the rating is carried out by considering the water body's quality objective. An example is given below.

Table 3: Example of Land Use Sensitivity Rating

Land Use	Sensitivity	Score
Residential Houses with gardens	H	5
Residential without gardens	M	3
Commercial with soft cover	M	3
Commercial (no soft cover)	L	1
School with play grounds	H	5
Nursery	VH	6
Allotments	VH	6
Park	H	5
Nature Conservation Area	H	6
SSI or RAMSAR site	H	6

Table 4 : Example of Groundwater Sensitivity Classes

Groundwater Class	Sensitivity	Score
Major Aquifer	H	5
Intermediate Aquifer	M	3
Minor Aquifer	L	1

Table 5: Surface Water Sensitivity Classes

Surface Water Quality Objective	Sensitivity	Score
Major Aquifer	H	5
Intermediate Aquifer	M	3
Minor Aquifer	L	1

4.1. Calculation of Stage I Site Risk Score

The stage I site risk scores for each individual potentially contaminative industrial site use for each receptor is then automatically calculated using the following simple algorithm:

$$\text{SRS} = \text{IRS} \times \text{RSS}$$

Where:

SRS = Site Risk Score

IRS = Industrial Risk Score

RSS = Receptor Sensitivity Score

When using the default scores, the maximum site risk score for land use related receptors is 30. The maximum for ground and surface water receptors is 25.

Using these site risk scores, one can rapidly obtain a site by use by priority listing. However, as this listing does not include a pathway assessment, it is recommended that it is refined using the Stage II methodology outlined below.

5. STAGE II PRIORITISATION

Using the scores obtained from the Stage 1 prioritisation, sites can be placed in groups based on risk. For example those sites with SRC's above 20 may be categorised top priority for further investigation and may constitute the initial group of sites taken further to stage II.

5.1 PRIORITISATION of SITES BASED ON RISKS TO LAND USE RELATED RECEPTORS

Due to the differences in the nature of the potential hazards likely to be encountered, the methodology makes a distinction between two groups of sites with land use related receptors. These are:

- a) current or former industrial sites – where risks are mainly direct contact or inhalation related
- b) current or former waste disposal/landfill sites - where risks are associated mainly with explosive and/or toxic gases.

Sites should be characterised for both categories of risk, where both are thought to exist.

5.1.1 Current and former industrial sites

Please note that the process described below has been automated within the GeoEnviron system and can be carried out in a matter of a few minutes for each site provided the required receptor and pathway information is available.

5.1.1.1 Contaminant Properties

The prioritisation begins with a listing of the site's potential contaminants along with an assessment of their potential impact on the receptor of interest. For each receptor, the contaminant (the „significant contaminant“) with greatest potential impact is selected. In order to help establish a uniform basis for the prioritisation, the priority contaminants of concern are characterised prior to the assessment and allocated receptor specific hazard scores. The process used to derive these scores is described below. However, it is necessary to first briefly consider the issue of „exposure pathways“.

The method distinguishes between two main types of exposure pathways in respect of land use associated hazards. These are referred to as the „direct contact“ and „inhalation“ pathways. The direct contact pathway considers exposure to soil contaminants via ingestion (both direct ingestion of soil and ingestion of foods grown in the contaminated soil) or dermal absorption. The inhalation pathway considers exposure to soil contaminants via inhalation of soil contaminant vapours and/or dust.

The toxicity of a contaminant, in relation to the direct contact pathway (skin contact and ingestion), can be evaluated based on regulatory or soil quality standard values where they exist. Where these are not available, the method recommends the use of reference factors such as Tolerable Daily Intakes (TDI) and Acceptable Daily Intakes (ADI). Each contaminant is placed into one of three toxicity indicator classes (high, medium and low) and assigned a direct contact related toxicity score (see table below).

Table 6. Derivation of contaminant toxicity score for direct contact pathway

Class	Soil Quality Criteria	ADI, TDI, PMTDI Carcinogenic $\mu\text{g}/\text{kg body}$	ADI, TDI, PMTDI Non-Carcinogenic $\mu\text{g}/\text{kg body weight}$	PTWI $\mu\text{g}/\text{kg body weight}$	Score
High	< 10	< 0.4	< 20	< 2.8	8
Medium	10 – 200	0.4 – 8	20 – 40	2.8 – 56	4
Low	> 200	> 8	> 400	>56	2

The toxicity of a contaminant via the inhalation pathway can be evaluated using air quality criteria or reference factors such as Reference Concentration for Chronic Inhalation Exposure (RfC) where they exist. Due to the lack of such standards in the UK, the methodology by default uses the Danish Environmental Protection Agency's standards, known as B values. B-values have been assigned based on experimental Lowest Observed Adverse Effect Level (LOAEL) values. Contaminants are placed into toxicity

indicator classes (high, medium and low) and assigned inhalation related toxicity scores (see table below).

Table 7: Derivation of contaminant toxicity scores for inhalation pathway

Class	Permitted Concentratio	Score
High	$< 1 \mu\text{g}/\text{m}^3$	4
Medium	$1 - 200 \mu\text{g}/\text{m}^3$	2
Low	$> 200 \mu\text{g}/\text{m}^3$	0

The assessment of a contaminant's volatility is based on its Henry's constant (H). The method distinguishes between three volatility classes each of which is assigned a volatility scores (see tables below):

- i. very volatile;
- ii. volatile;
- iii. non-volatile.

Table 8: Classification of contaminant volatility

Class	Henry's Constant (H)	Score
Very Volatile	$H > 1 * 10^{-4}$	4
Volatile	$1 * 10^{-4} > H > 1 * 10^{-6}$	2
Non-Volatile	$H < 1 * 10^{-6}$	0

Following on from the above, volatile contaminants are assigned an inhalation related contaminant hazard score, which is calculated as being the sum of indicator scores assigned to the contaminant in relation to its toxicity and volatility (see table below).

Table 9: Derivation of inhalation related Contaminant Hazard Score

Volatility	Toxicity		
	High	Medium	Low
High	8	6	4
Medium	6	4	2
Low	4	2	0

The direct contact and inhalation related contaminant hazard scores are then summed to give a total hazard score for the contaminant.

As in the case of the Groundwater receptor, the contaminant with the highest total contaminant hazard score is used in the calculation of the final risk score for the site.

5.1.1.2 Exposure Assessment

The figure below depicts the variety of pathways via which humans can come into contact with contaminants during their normal daily life. As mentioned above, for the sake of simplicity, the method integrates the various pathways into two categories – the direct contact (ingestion and dermal absorption) and inhalation pathways.

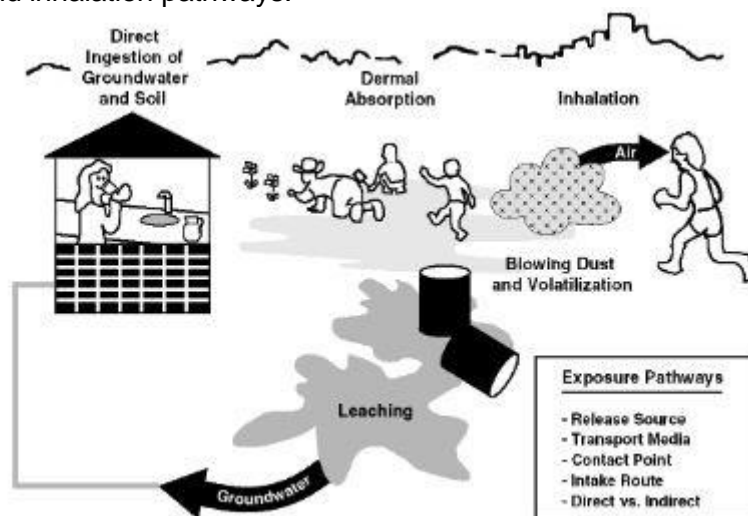


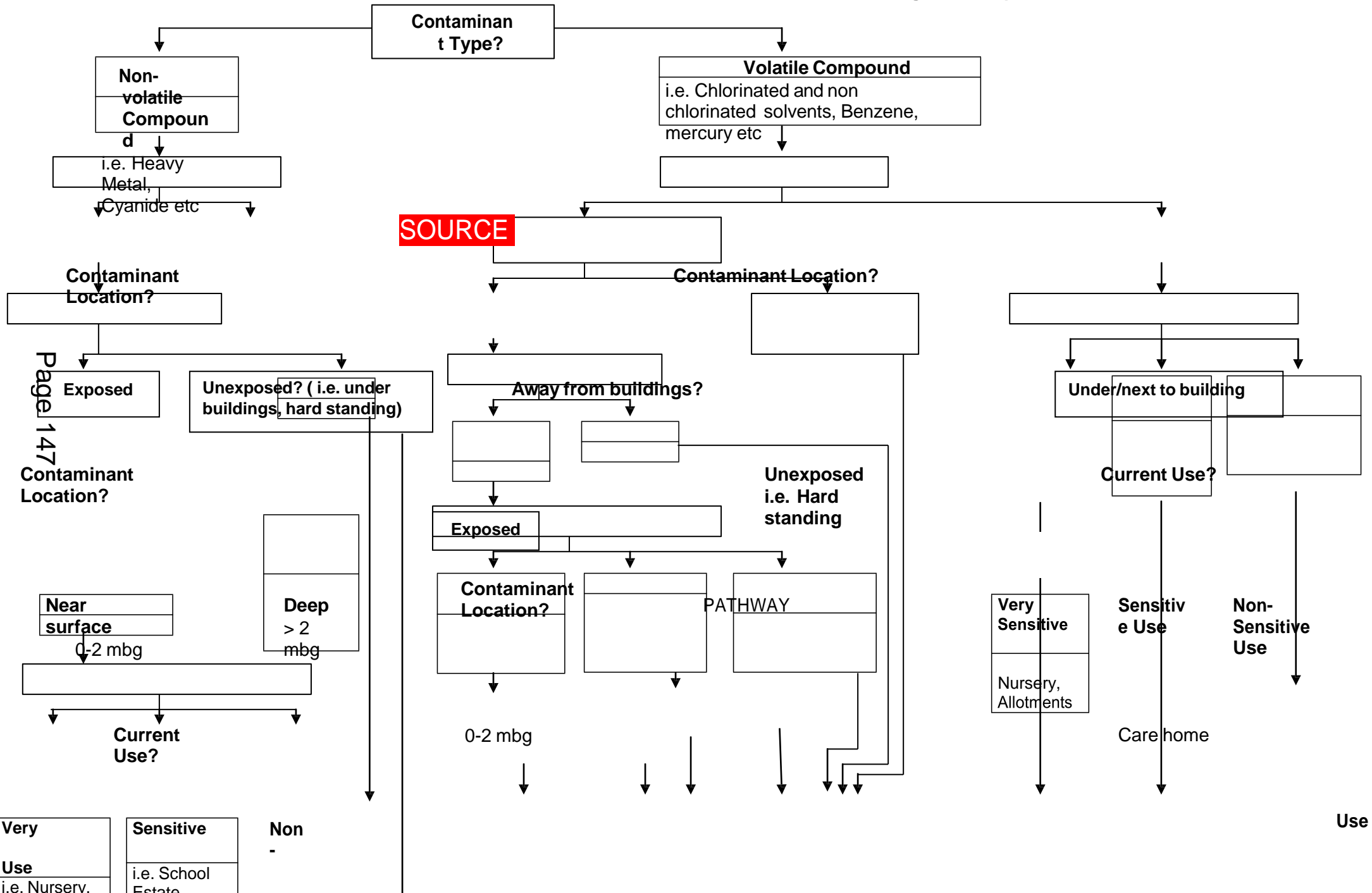
Figure 2 - Exposure Pathways (Source: USEPA)

Using the method, an exposure score is obtained for both the direct contact and inhalation pathways for each site. In summary, the main factors influencing the exposure score a site receives are:

- contaminant properties – mainly the volatility and toxicity of the contaminants;
- the risk of receptors coming into contact with the contaminants - depends primarily on the sensitivity of the land use;
- special conditions existing at the site that may make the contaminants more or less accessible.

The process for exposure assessment is summarised in the figure below.

Figure 3 - Exposure Assessment Flow Chart



Page 147

Contaminant Location?

Very Use i.e. Nursery.	Sensitive i.e. School Estate	Non -
---------------------------	---------------------------------	-------

Use

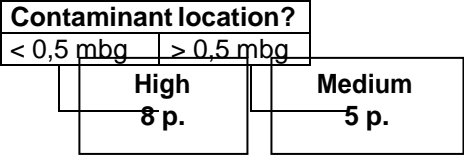
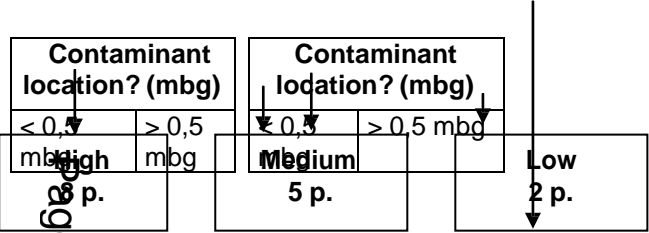
RECEPTOR

i.e.
Offices,
Shops,
Industry

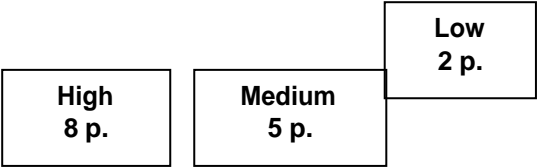
Current Use?

Very Sensitive Use i.e. Nursery, Allotments	Sensitive Use i.e. School Estate, Care home	Non-Sensitive Use i.e. Offices, Shops, Industry
---	---	---

Contaminant location?	
< 0,5 mbg	> 0,5 mbg



Low – 2 p.



5.1.1.3 Special Conditions

The term „special conditions” refers to site specific circumstances that may have an effect on the characterisation, but are not covered in the preceding sections. This could include for example, special measures that have been put in place to prevent exposure to the hazardous materials (i.e. the erection of a security fence or site remediation) occurring. Circumstances could be considered to be aggravated on sites where both gaseous as well as non-gaseous contaminants are present or where synergistic effects are considered possible. The method again divides this criterion into 3 classes (aggravated, neutral and favorable circumstances).

The final land use risk score for the site is arrived at by adding the contaminant, pathway/exposure and special condition scores together. This is summarised in the figure below.

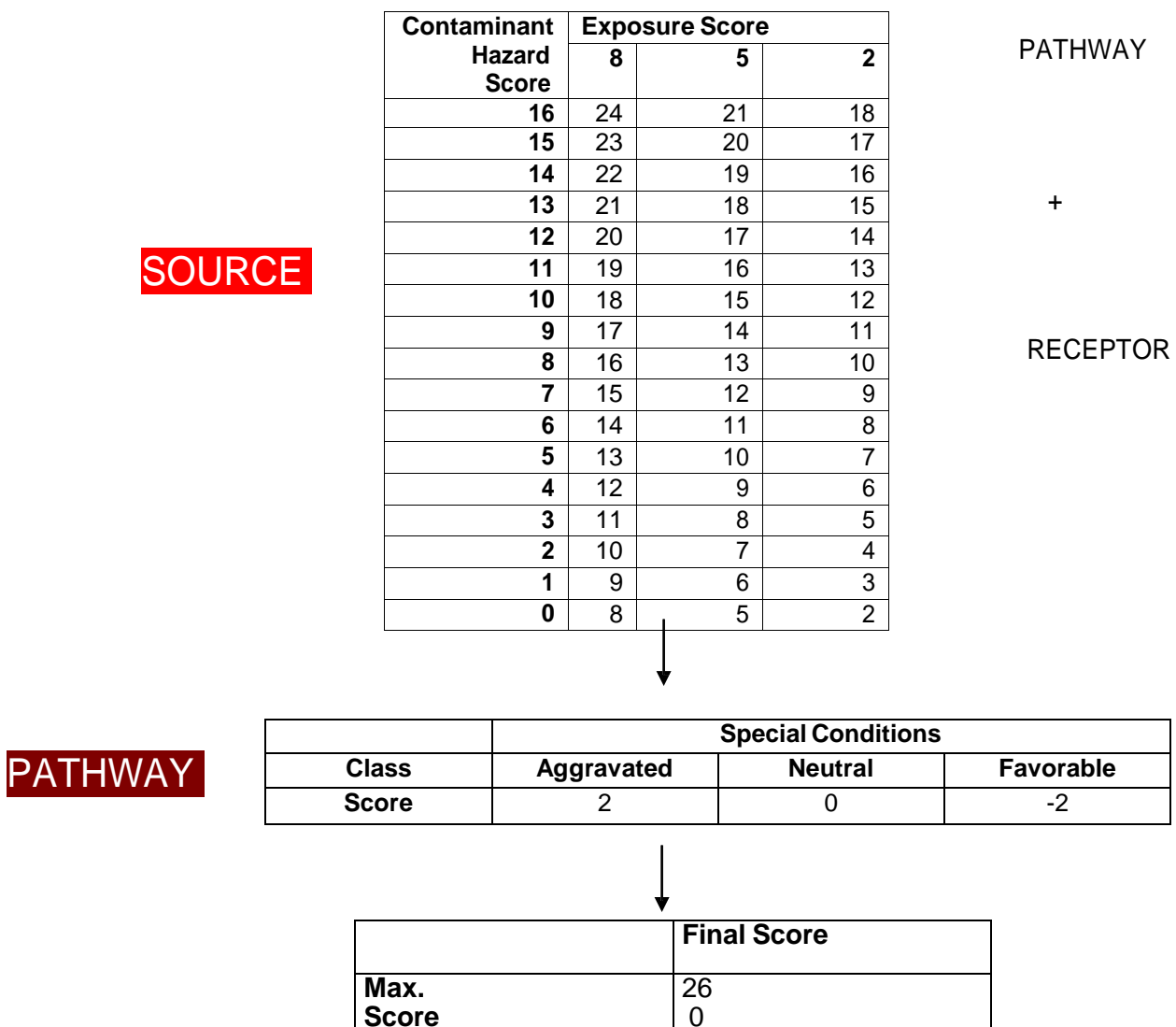


Figure 4 - Procedure for deriving land use based risk scores

5.1.2 Waste Disposal and Landfill Sites

Sites that have been subject to landfilling are divided into two categories:

- a) Sites without landfill gas generation potential (i.e. sites where no organic material has been deposited) - these sites are assessed using the same methodology as that described for industrial sites above.
- b) Sites with landfill gas generation – these are typically waste disposal sites (WDS) where organic material (i.e. animal, vegetable, paper, textiles, and wood) has been deposited.

Assessment of landfill gas associated risks considers possible harmful health effects and explosion in a building. The assessment is based on the WDS gas generation capacity, the distance from the WDS to buildings and the type of use the buildings are being put to.

The most important factors governing a WDS gas generation capacity include its volume, age and the nature of the waste it has accepted. Generally a WDS cannot be considered to be dormant unless its age is over 30 years (i.e. since close down).

A range of other factors influence gas migration and entry into buildings (i.e. geology, pressure in the landfill, cover, underground pipes, distance to buildings and building construction etc). However, most of this information will not be available unless a field survey has been conducted.

Assessment of potential for gas migration is therefore based mainly on the distance from the WDS to the nearest building of interest and the size of the WDS. The method distinguishes between 3 different situations:

- i. Buildings are located directly on the WDS
- ii. Buildings are close to the WDS
- iii. Buildings are located far from the WDS

The method also distinguishes between the sensitivity of the building use, which is divided into:

- i. Sensitive (i.e. nursery, residential etc) and;
- ii. Less sensitive uses (shop, industry, offices etc).

It assumes a situation where low pressure channels are available for transportation of the gas and does not take into account factors such as dilution, dispersion or circulation of gas.

The calculation of scores for buildings outside the WDS has been carried out under the following further assumptions:

- The methane concentration in the WDS is at least 50% v/v
- 20% of the methane in the WDS will move towards buildings during a pressure drop

- a pressure drop of 6 kPa occurs
- the pressure drop can last up to 2 days
- there is no resistance to gas entry into the building
- the soil is composed mainly of fine sand with a gas porosity of 0.2.

In general a pressure drop of 6 kPa can result in a gas front moving approximately 50m in two days provided the WDS has a minimum capacity of 130,000m³ (20% of methane in the WDS contributes to the gas front).

When prioritising sites with reference to landfill gas related hazards, it should not be assumed that the building nearest to the WDS will automatically produce the highest risk score. For example, buildings far away from the site with a sensitive use can produce a higher score than a building with an insensitive use close to the site. Where there is a surface water course lying between the WDS and the building of interest, the building should be treated as though it were situated at a distance greater than 50m from the WDS.

The gas transport model used in this method gives an estimate of transport time from the WDS to a given point and should be viewed as a qualitative tool.

Table 10: Exposure scores for sites with landfill gas associated hazards

	V >= 130,000m ³	V < 130,000m ³	Exposure Score
Building on WDS			12
Building close to WDS	a <= 50m	a <= 50*V/130,000	8
Building far from WDS	a > 50m	a > 50*V/130,000	0

The figure below summarises the procedure for characterisation of WDS.

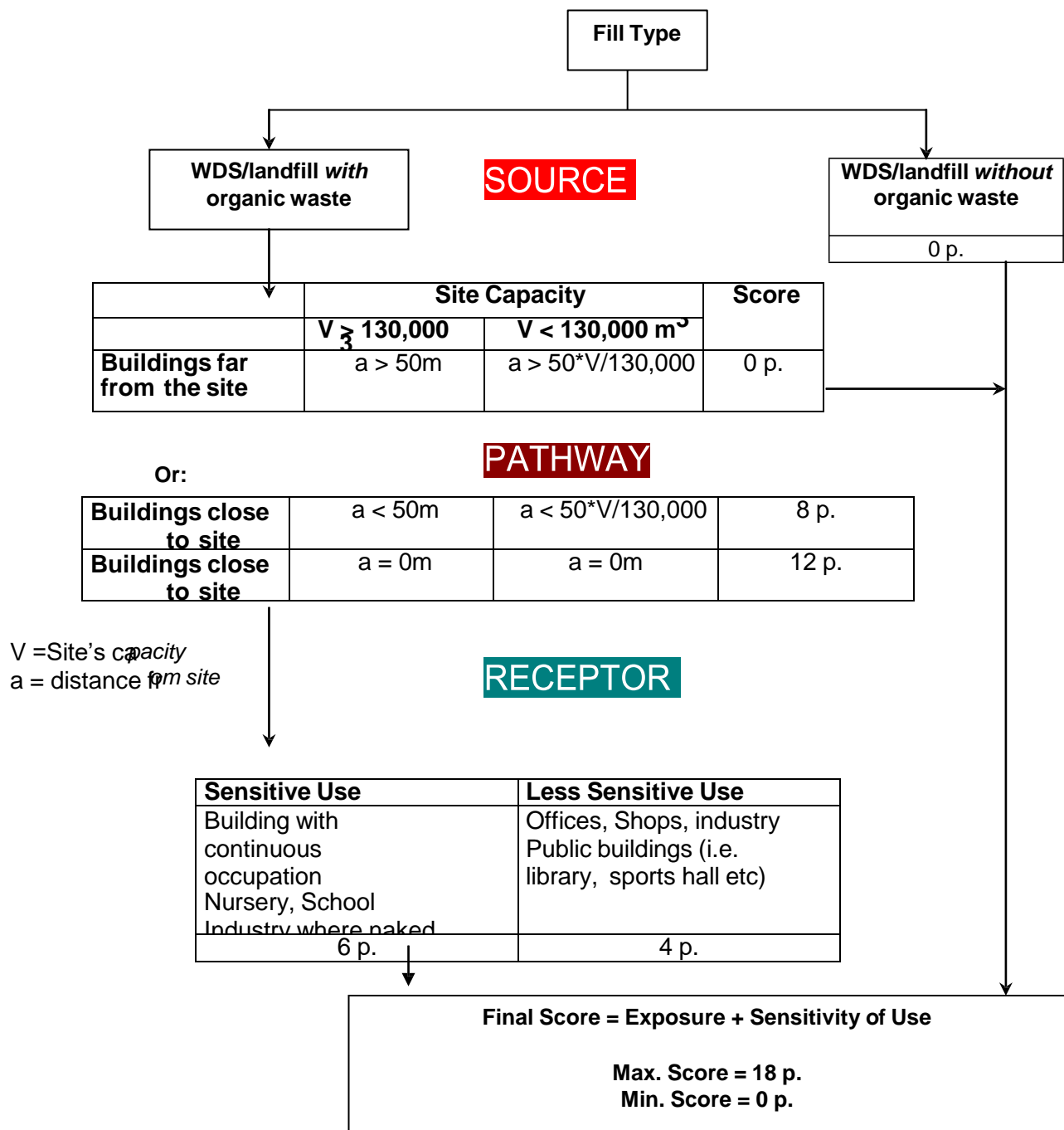


Figure 5 - Procedure for derivation of final prioritisation score for waste disposal sites

5.2 PRIORITISATION OF SITES BASED ON POTENTIAL RISKS TO GROUNDWATER

Bearing in mind that generally groundwater is subject to decontamination treatment prior to distribution as drinking water, it is for the purposes of this methodology considered as a receptor, (i.e. it is a valuable resource that we would like to preserve) rather than as a pathway by which pollutants can reach humans or other living organisms.

The evaluation of a sites impact on groundwater resources is estimated taking into consideration:

- the groundwater class (i.e. is the site located within Groundwater Source Protection Zone);
- the level of aquifer protection provided by overlying geology;
- the chemical properties of the contaminants, mainly mobility (based on K_d or K_{ow}), toxicity and degradability.

5.2.1 Groundwater Class

The groundwater class is one of the most important of the above factors. This provides a measure of our desire to protect the resource. The method suggests that groundwater classes are divided up as follows:

- i. Area with special drinking water interest (i.e. major aquifer/potable water supply)
- ii. Areas with drinking water interest (aquifer with major aquifer potential)
- iii. Areas with borderline drinking water interest (minor aquifer/ non potable water)

5.2.2 Aquifer Protection

The term „aquifer protection“ refers to the degree of protection provided to the aquifer by the overlying geology. For example, an aquifer overlain by a thick clay layer will be much less vulnerable to contamination than one overlain by sand and gravel. The level of aquifer protection afforded is described in terms of three classes, namely;

- i. None;
- ii. Some;
- iii. Good protection.

As geology can be highly variable even at site level, the method suggests that the degree aquifer protection conferred by the sites geology is assessed using site specific information, where possible.

5.2.3 Contaminant Properties

Assessment of an organic contaminant's mobility is based on the log K_{ow} (Octanol-water partition coefficient) while for inorganic contaminants, it is based on the K_d (soil-water distribution coefficient). A low log K_{ow} or K_d indicates that the contaminant is highly mobile and vice versa. Examples of highly mobile organic compounds are Benzene and

Trichloroethylene ($\log K_{ow} < 3$). Examples of organic compounds with medium mobility are Xylene and Naphthalene ($\log K_{ow}$ between 3 and 4), while low mobility organic compounds include PAH's ($\log K_{ow}$ of approx. 5,09). Chromium (VI) and Mercury are examples of mobile inorganics while Lead is an example of an immobile inorganic compound (K_d approx. 50).

In terms of threats to groundwater, the toxicity of a compound is evaluated based mainly on regulatory drinking water quality standards. Contaminants are placed into one of three toxicity indicator classes (high medium and low) based on the contaminant's target concentration (i.e. permitted concentration and values in drinking water).

The degradability of a contaminant also influences the contaminant's hazard score. Compounds that are easily degraded (i.e. Benzene) will seldom migrate more than 500m away from the source whereas highly mobile contaminants such as Tetrachloroethylene may often be found many kilometres away from the contamination source. Again each contaminant is placed into one of three degradability indicator classes (high, medium and low) and assigned a degradation score (NB: compounds highly degradable are assigned low scores and vice versa).

Using the scores derived above, each contaminant likely to be present on the site is assigned a Contaminant Hazard Score. This calculated as the sum of the toxicity, mobility and degradation scores. The contaminant having the highest contaminant hazard score is then selected as the „significant contaminant’.

5.2.4 Groundwater Risk Score

A final risk score for the site is arrived at by summing the significant contaminant score with those awarded for the aquifer characteristics.

This procedure is summarised in the figure below.

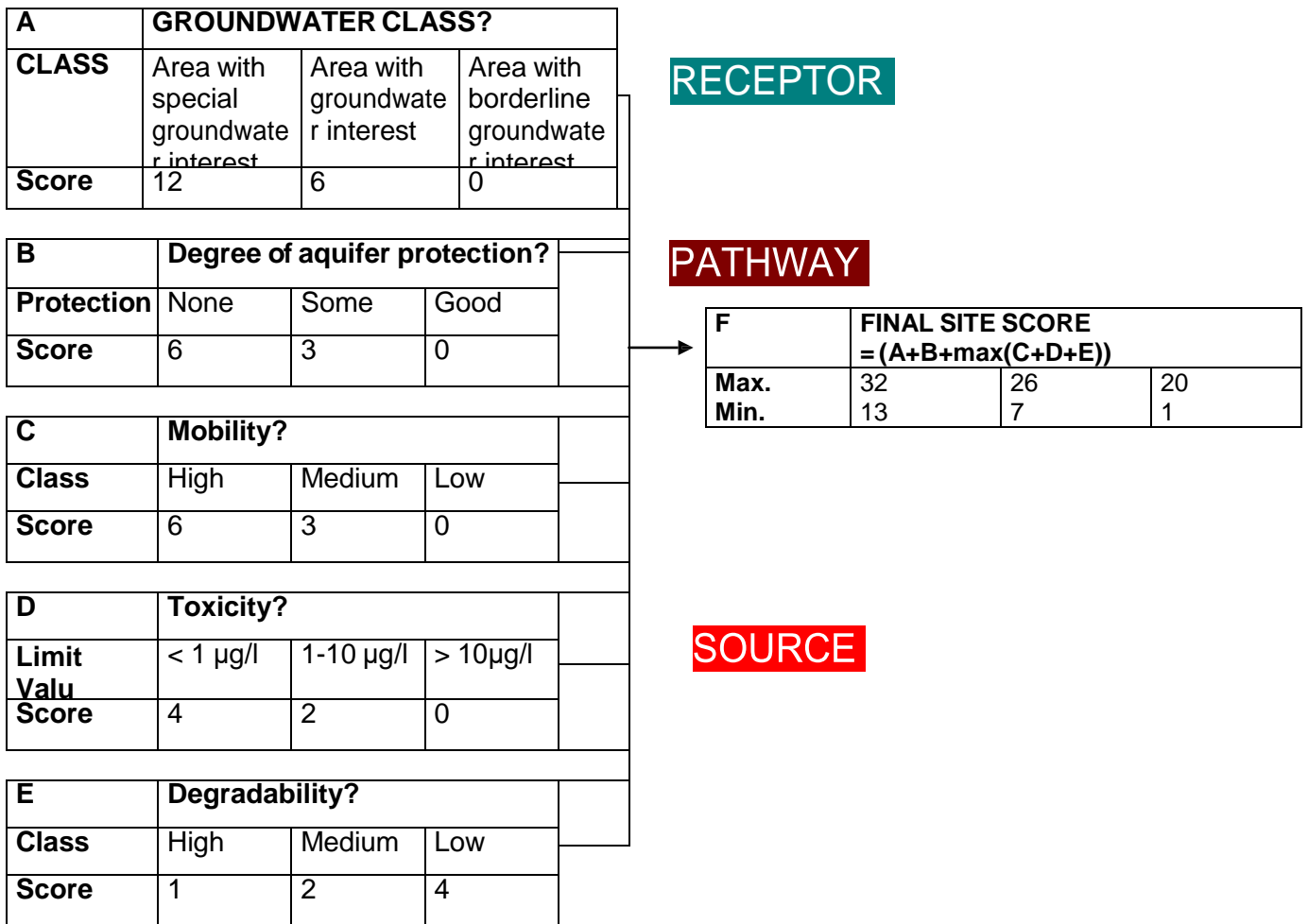


Figure 6 - Method for prioritisation of contaminated sites based on risks to groundwater

5.3 PRIORITISATION OF SITES BASED ON POTENTIAL RISKS TO SURFACE WATER

As mentioned above, surface waters are characterised mainly on the basis of their desired quality objectives and their distance from the pollution point source. However, quality objectives for water bodies in the UK are closely linked to drinking water quality objectives. Sites that are close to surface water bodies with high quality objectives receive high scores.

As for the other receptors, the method when considering surface water also takes into account the contaminants chemical properties (mobility, toxicity and degradation). The contaminant hazard scores used for surface water receptors are the same as those used for groundwater receptors, with the exception that the degradation processes occurring in surface water will be primarily aerobic.

The above factors become irrelevant if the water body has been subject to proven episodes of contamination arising from the site. In such cases, the final risk score is based entirely on the water body's desired quality objective.

The procedure for characterising sites according to their impact on surface waters is summarised in the figure below.

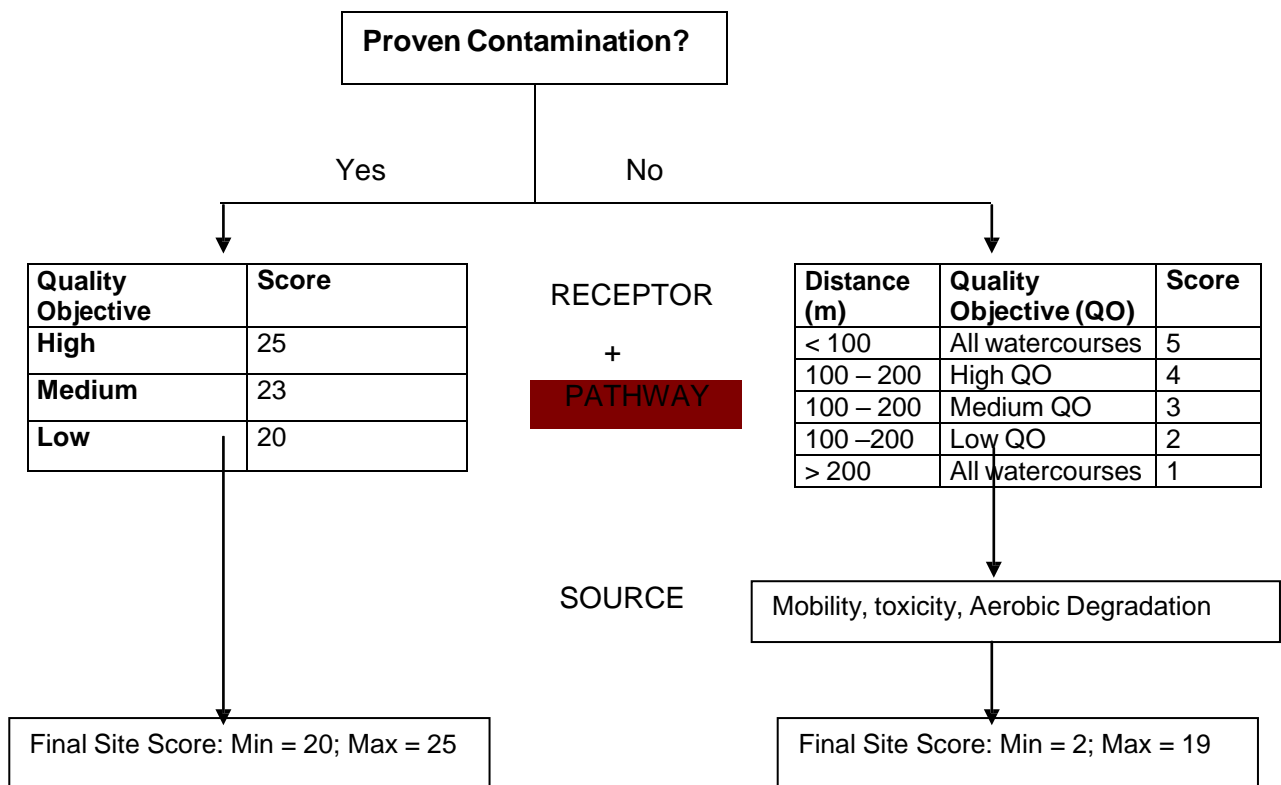


Figure 7 - Summary of procedure for deriving surface water risk scores

6. CONCLUSIONS

The Prioritisation System follows the principle of Source-Pathway-Receptor as advocated by the UK government and is therefore suitable for use under Part IIA. It incorporates a numerical scoring system that reflects the magnitude of the probability or consequences of adverse effects occurring at a location. The system therefore allows for a consistent and transparent approach to be established during the process of site prioritisation.

A major advantage of the system is that by considering the contaminants present or likely to be present on the site, it provides a particularly useful means of distinguishing between low probability, low consequence risks and high probability, high consequence risks.

Therefore sites with potentially carcinogenic contaminants will be flagged up consistently and can be subjected to a further level of analysis (i.e. a full quantitative risk assessment). However, at the same time, it is important to note that the low consequence risks should not be overlooked.

In summary, the system **can**:

- Allow for prioritisation of risks using risk scores;
- Distinguish between risks posed by different types of sites;
- Allow comparisons between situations with similar risk, but having different driving forces;
- Accommodate simple “what if” questions;
- Allow for the rapid screening of numerous sites;
- Help prioritise and focus further risk assessment effort;
- Support the identification of high risk situations.

The system is not intended to and **cannot**:

provide absolute estimations of risk

This methodology is intended for use as a tier 1 level risk assessment (see fig. 1). Absolute or more accurate estimations of risk would require much more detailed site specific data, including contaminant concentrations and distribution as well as more detailed exposure assessment criteria.

7. REFERENCES

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2. Danish Environmental Protection Agency (Miljøstyrelsen): Report on the Prioritisation of Waste Disposal Sites and Chemical Waste Depots, 1990.
3. Department of Environment: Contaminated Land Research Report No. 8 (CLR8) – Potential Contaminants for the assessment of Land, 2002.
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5. Department of the Environment, Transport and the Regions: A Practical Guide to Environmental Risk Assessment for Waste Management Facilities, Guidance Note 25, 2000.
6. Danish Ministry of the Environment – Statutory Order on the registration of Waste Disposal Sites under Waste Disposal Regulations, 1993.
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10. Nordisk Ministerråd : Environment Report Nr. 8. Systematic Data Collection and Handling for Priority Setting, Existing Chemicals, 1989.
11. Danish Environmental Protection Agency (Miljøstyrelsen): Limiting air pollution from industry. Guidelines from the Danish Environmental Protection Agency, Nr. 6/1990, 1990.
12. Department of the Environment: Waste Management Paper No. 27 (second edition) Landfill Gas. HMSO, 1991.

8. APPENDIX - THE GEOENVIRON PRIORITISATION SYSTEM IN PRACTICE

This appendix aims to show how the methodology outlined in the preceding chapters has been implemented within the GeoEnviron system.

Before arriving at stage I of the site prioritisation process, you should have characterised your industrial sources and receptors and have a list of sites that you consider to be potentially contaminated. If this information is available in a GIS or another database, then the GeoEnviron database can be populated with the list of potentially contaminated sites using the built in data import facilities.

STAGE I PRIORITISATION

The Stage 1 prioritisation begins with assigning sensitivity scores to the range of current uses, protection zones and ground and surface water receptors being considered.

Following this historical industrial site use (ISU) information is entered into the Site Use History tab folder. Again if any of this information is available in a GIS or another database, it can be imported directly in GeoEnviron removing the necessity to input the information manually.

The screenshot displays the GeoEnviron software interface. The main window shows the 'Contaminated Land(BELHAMS METALWORKS) 1' form. The 'Site Use History' tab is selected in the navigation pane. The 'Site Use History' tab contains the following information:

- Use Id:** USE1
- Industry Type:** 08_ind
- Profile:** DOE 29
- Class A Person:** Unknown
- Company No.:** [Field]
- Year Use Estab.:** 1904
- Year Use Ended:** 1920
- Area:** [Field]

The 'Industry Profile' section is expanded, showing:

- Industry Type:** DOE 29
- Materials:** Lead ores - e.g. Galena (lead sulphide), Cerussite (lead carbonate), Angelsite (lead sulphate).
- Processes:** 1) Primary lead production: a) Ore Concentration, b) Sintering, c) Blast Furnace Reduction, d) Refining: Softening, Harris Process, Parke's Process/Desilvering.
- Products/Wastes:** Main Products: Organo lead compounds, Lead oxides, Sheet metal, Shot, Bearings and alloys, Pipes, wires and cables, Pigments and coatings.
- Potential Contaminants:** Metals, metalloids and metal alloys, lead, arsenic, tin, antimony, cadmium, chromium, bismuth, magnesium, manganese, copper, zinc, silver, iron. Inorganic contaminants - sulphide.

Callouts in the image point to the 'Site Use History tab', 'Industry Profile Info.', and a 'Page indicator' showing 'Page 1 of 5' with a scroll bar, indicating there have been 5 uses on the site.

Figure 8 - The Site Use History Tab

Each ISU should be classified using the DOE Industry Profiles where possible. Where an ISU does not fall within the scope of an industry profile, then a new industry profile can be created and scores assigned to it by the user themselves.

Once the ISU information has been entered for the site, the site risk scores (SRS) are automatically calculated using the equation outlined in section 4.1 (i.e. $SRS = IRS + RSS$). The scores received for each industrial use can be viewed in the Industrial Risk data window (see fig 9.)

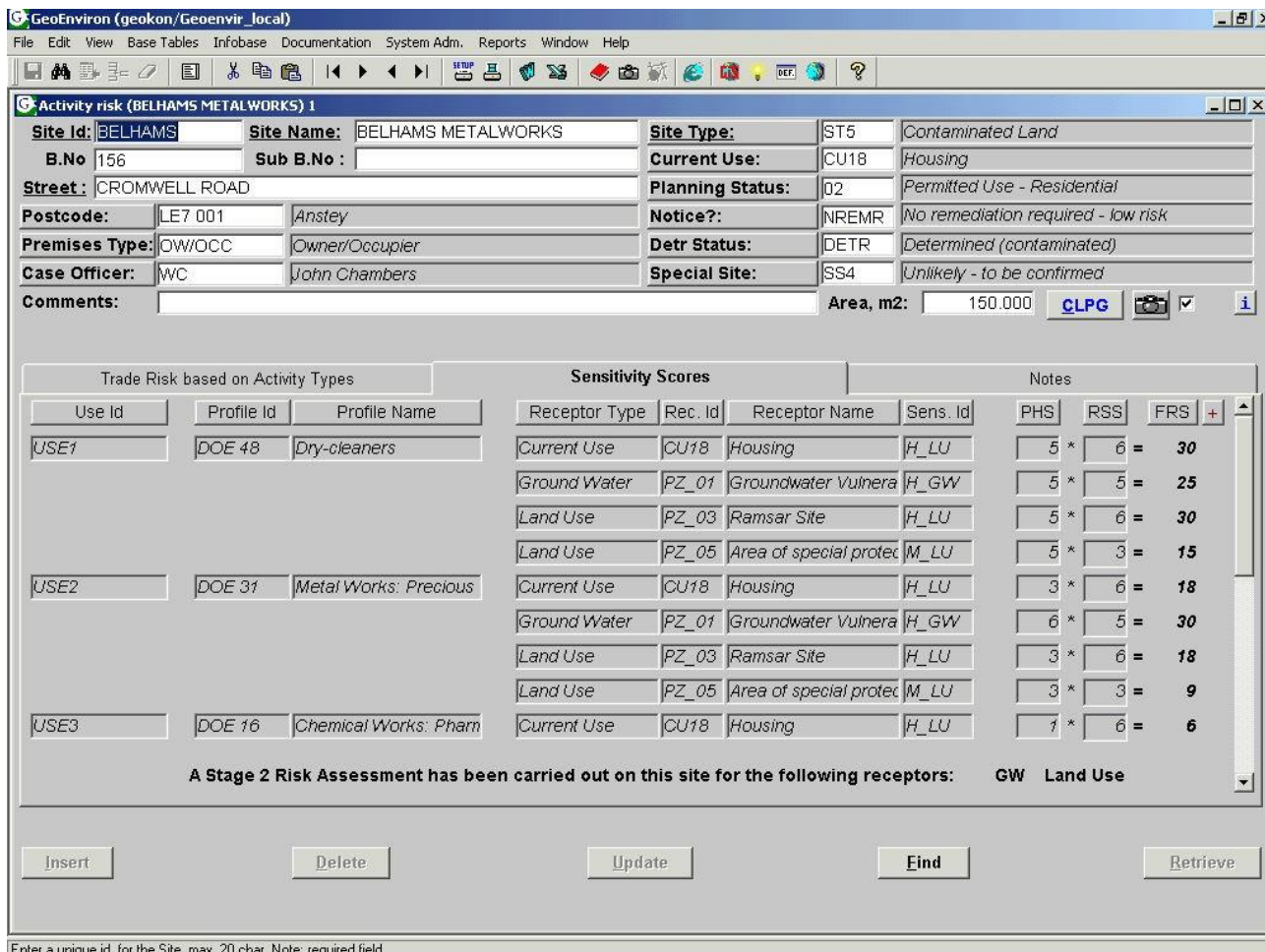


Figure 9 – Stage 1 Risk Assessment Data Window

Each industrial use is automatically assigned a risk score for each of the three receptor groups.

Once you have entered ISU information into the database for your sites, you can view a standard report that lists all the sites, their registered ISU's and their respective hazard scores for each receptor. Each data column can be sorted for each receptor. This is a very quick way to obtain a first stage prioritisation list (see fig. 10 below).

GeoEnviron (geokon/Geoenvir_local)

File Edit View Base Tables Infobase Documentation System Adm. Reports Window Help

Stage 1 Site Risk Assessment

Reference: Retrieve

GeoEnviron		Stage 1 Site Risk Assessment		Page 1 of 4		Date: 21.02.03		Time: 13:03:28	
act_sens_risk		geokon							
Site Id	Site Name	Use Id	Profile Name	Receptor Type	Receptor Name	PHS	RSS	FRS	
3CHATS	CHATSWORTH DRIVE	Us1	Glass manufacturing works	Current Use	Housing with Gardens	3 *	5 =	15	
3CHATS	CHATSWORTH DRIVE			Surface Water	High Quality Objective Surface Water	3 *	5 =	15	
3CHATS	CHATSWORTH DRIVE	us2	Metal Works : Non-ferrous metal works (excluding lead works)	Current Use	Housing with Gardens	1 *	5 =	5	
3CHATS	CHATSWORTH DRIVE			Surface Water	High Quality Objective Surface Water	1 *	5 =	5	
9CHATS	CHATSWORTH DRIVE		Metal Works : Electroplating and other metal finishing works	Current Use	Housing with Gardens	4 *	5 =	20	
BARN	BARN FARM ALLOTMENTS		Charcoal works	Current Use	Building Site	4 *	5 =	20	
BARN	BARN FARM ALLOTMENTS		Animal and animal products processing	Current Use	Building Site	1 *	5 =	5	
BARRC	BARRACK COTTAGE		Engineering Works: Railway engineering works	Current Use	Flats With Gardens	3 *	6 =	18	
BELHAMS	BELHAMS METALWORKS		Dry-cleaners	Current Use	Housing	5 *	6 =	30	
BELHAMS	BELHAMS METALWORKS			Ground Water	Groundwater Vulnerability Zone - High	5 *	5 =	25	

Ready

Figure 10 – Report showing Site Risk Scores by Industrial Profile and receptor type

STAGE II PRIORITISATION

The stage I priority listing gives you an idea of which sites are likely to present the greatest problems. It is recommended that the listing is further refined using the Stage II methodology before committing resources to undertaking expensive site investigations, making determinations or serving notices. More evidence needs to be gathered to ascertain whether or not a potential pollutant linkage actually exists.

1) Source Characterisation - Selecting the Contaminants of Concern

The Risk Assessment tab folder within GeoEnviron is used to carry out the site prioritisation. This is shown in the figure below. An example will be used to illustrate the way in which a stage II Prioritisation is carried out. The example consists of a site known as Belham's Metal Works, which has been subject to a number of former industrial uses, but is currently used as housing.

The first step in the stage II prioritisation is to select the contaminants of concern (COC"s) for each particular site. This process is aided by the information contained within the DOE industry profiles.

Contaminated Land (BELHAMS METALWORKS) 1

Site Id: BELHAMS Site Name: BELHAMS METALWORKS Site Type: ST9 Residential(former industrial)
 B.No: 123 Sub B.No: UNK Current Use: CU18 Houses
 Street: Chatsworth Road Planning Status: 02 Permitted Use - Residential
 Postcode: LE3 012 Braunstone Site Status: UNK Remediation Status Unknown
 Pollution C.O.: EJ Eric Johnson Determination: DETR Determined (contaminated)
 Planning C.O.: WC John Chambers Special Site: SS4 Unlikely - to be confirmed
 Comments: 10 individual sites lying within this area. Area, m2: 150.000 CLPG i

Site Inspection Budgets Contacts Protection Zones Document Links Waste Disposal
 Site Use History Notes Site Events Risk Assessment Env. Indicators GIS Co-ordinates Land Charges

Seq. No.	Contaminant	Cas No.	Ground/Surface Waters				Land Use						
			Tox.	Mob.	Degradation: Aero.	Degradation: Anaero.	Vol. Tox.	Inhal.	Contact				
L 16	Arsenic	7440-38-2	2	3	4	4	2	+	4	=	6	4	i
L 5	Benzene	71-43-2	4	6	1	1	4	+	4	=	8	8	i
L 2	Cadmium	7440-43-9	2	0	4	4	2	+	4	=	6	8	i
238	Chromium	7440-47-3	2	0	4	4	0	+	4	=	4	4	i
14	Lead	7439-92-1	2	0	4	4	0	+	4	=	4	4	i
247	Mercury	7439-97-6	4	6	4	4	2	+	4	=	6	8	i
249	Nickel	7440-02-0	2	0	4	4	0	+	4	=	4	8	i
L 255	Zinc	7440-66-6	4	0	4	4	0	+	2	=	2	2	i

Insert Delete Update Find

Land Use Contaminant hazard scores

Ground and surface waters Contaminant hazard scores

Click to select COC

Figure 11 – Contaminants of Concern (COC's) tab folder

The COC"s are selected from a pop up list box (see figure below) which is displayed after clicking on the „L" button.

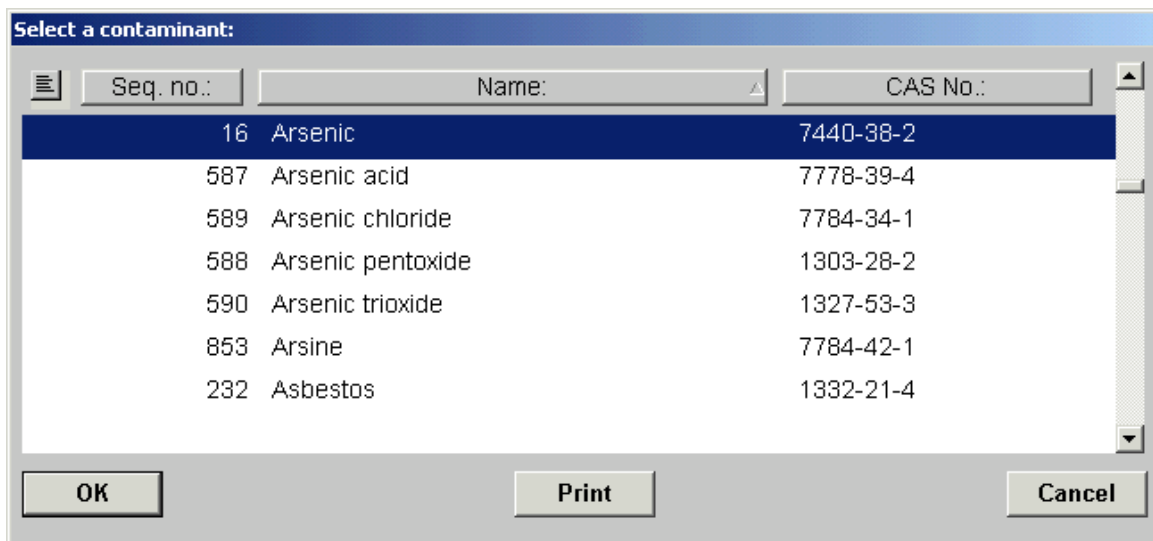


Figure 12 – Selecting contaminants of concern

Once a contaminant is selected it is automatically entered into the tab along with the contaminant hazard scores.

The contaminant scores section of the tab folder is split into two sections (see figure above) – one for Ground/Surface Water receptor scores and one for Land Use receptor scores.

The Ground and Surface Water CHS"s are calculated as follows:

Toxicity Score + Mobility Score+ Anaerobic Degradation Score = Groundwater Score

i.e. Tox. + Mob. + Anaero. = Groundwater CHS

Toxicity Score + Mobility Score + Aerobic Degradation Score = Surface Water CHS

i.e. Tox. + Mob. + Aero. = Groundwater CHS

The only difference between the groundwater and surface water scores is the degradation factor applied. Anaerobic degradation predominates in aquifer environments whereas aerobic degradation predominates in surface water environments.

The land use receptor scores are calculated as follows:

Inhalation Hazard Score (Inhal.) + Contact Hazard Score (Contact) = Land Use CHS

The Inhalation Hazard Score is calculated by summing the Contaminants „volatility score" and its „toxicity score".

i.e. Vol. + Tox. = Inhal.

The Contact Score is used to describe the degree of hazard posed by the COC"s via the ingestion or dermal contact pathways (see methodology).

Note: Due to space constraints, the final calculated Groundwater and Surface Water and Land Use CHS for each COC is not shown in this data window.

2) Performing a Land Use Risk Assessment

The screenshot shows the 'Contaminated Land(BELHAMS METALWORKS) 1' window in GeoEnviron. The top section contains site metadata such as Site Id (BELHAMS), Site Name (BELHAMS METALWORKS), Site Type (ST9), Current Use (CU19), and Planning Status (02). Below this is a table for the Land Use Risk Assessment. The table has columns for Name, Inhalation Hazard, Contact Hazard, and Score. The first row shows Benzene with an Inhalation Hazard of 8 and a Contact Hazard of 8, resulting in a Score of 16. Below the table are fields for Site Hazard Class (101), Exposure Class (106), and Special Conditions (2). The final calculated score is 24. Callout boxes identify the 'Contaminant Hazard Score' (16), 'Pathway Score' (8), 'Special Conditions Score' (0), and 'Final Land Use Risk Score' (24). A button labeled 'Click here to select significant COC' points to the 'Contaminant' field.

Name	Inhalation Hazard	Contact Hazard	Score
5 Benzene	8	8	16

Final Land Use Risk Score = 24

Figure 13 – Land Use Risk Assessment Tab Folder

As can be seen from the figure above the land use risk assessment tab consists of 4 lines of information with text label buttons to the left of them. Clicking the buttons opens up dialog boxes from which you can select values for entering into the data window. After entering data, scores for each of the factors that form part of the risk assessment decision tree are automatically filled in.

To start with a significant contaminant (SC) is selected from the list of COC's entered the previous step. This is done by clicking on the „contaminant“ text label button. This causes a dialog box containing a list of the COC's and their hazard scores (see figure below).

Select a contaminant:

Code:	Name:	Vol. Score:	Tox. Score:	Cont. Score:
16	Arsenic	2	4	4
5	Benzene	4	4	8
2	Cadmium	2	4	8
238	Chromium	0	4	4
14	Lead	0	4	4
247	Mercury	2	4	8
249	Nickel	0	4	8
255	Zinc	0	2	2

OK Print Cancel

Figure 14 – Selecting the Significant Contaminant

As you will see from the figure above, only the land use related hazard scores are brought up into the list box. The SC is the contaminant with the highest land use CHS. In the above example, the SC is Benzene which has a CHS of 16 (i.e. 4 + 4 + 8).

Performing the pathway assessment

The next step is to carry out the exposure or pathway assessment (see the „pathway/exposure“ assessment flowchart in the methodology section of this report). This step is commenced by clicking on the „Site Hazard Class“ text label button. The following dialog box is displayed.

Select a site hazard class:

Code:	Class:	Land Use:	Sensitivity:
106	1	Non-volatile contam. under buildings	Very Sensitive Use
100	1	Volatile contaminants under buildings	Very Sensitive Use
101	1	Volatile contam. away from buildings	Very Sensitive Use
107	1	Non-volatile contam. away from buildings	Very Sensitive Use
103	2	Volatile contam. away from buildings	Sensitive Use
109	2	Non-volatile contam. away from buildings	Sensitive Use
108	2	Non-volatile contam. under buildings	Sensitive Use

OK Print Cancel

Figure 15 – Selection of a Site Hazard Class

Here you have to answer three questions with a single selection.

The first is “Is the SC selected from the previous step a volatile or non-volatile compound?”

In the case of our current example, the SC is Benzene, which is a volatile compound.

The second question is: “Is the current use of the site non -sensitive, sensitive or very sensitive?”

The current site use in our example is „Housing with gardens”, which we shall deem to be a „very sensitive use”.

The third question is:

“Where are the contaminants likely to be located – away from buildings or only under buildings?”

We do not have any previous site investigation report, so we will assume that the contaminants are likely to be located all over the site. We therefore select „option 101” (see figure above) which is “volatile contaminants away from buildings, very sensitive use” as this is the worst case scenario.

The next step is to complete the pathway assessment by assigning an exposure class to the site. This is done by clicking the „Exposure Class” text label button in the Land Use Risk data window (see fig. 6).

A dialog box (see Fig. 16) showing exposure risk classes and their scores pops up. Here you have to answer two questions.

Code	Class	Cover:	Depth:	Exposure Risk:	Score:
106	1	Soft standing	<0.5 m.b.g	High Exposure Risk	8
107	2	Soft standing	0.5 to 2 m.b.g	Medium Exposure Risk	5
111	3	Perm. hard standing	Irrelevant	Low Exposure Risk	2
115	3	Soft standing	> 2 m.b.g.	Low Exposure Risk	2

Figure 16 – Selecting an Exposure Class

The first question is “Does the ground cover on the site include soft standing (i.e. grass areas) or is it entirely permanent hard standing (i.e. asphalt, concrete)?” This question is designed to assess whether or not the SC is accessible.

In the case of our example we will assume that there are grassed areas in the gardens i.e. that there is soft standing.

The second question is “at what depth is the contaminant likely to be located?”

In our example, we do not have any sampling information and therefore assume the worst case scenario. We will assume that it is likely to be located close to the surface (<0.5 metres below ground or <0.5mbg).

Therefore we choose code selection 106 from the dialog box –“soft standing, <0.5 mbg, High Exposure Risk”.

The final step in the land use risk assessment process is to consider whether there are any special circumstances present on the site that may aggravate or ameliorate the situation. This is done by clicking on the special conditions text label button. The Special Conditions dialog box pops up (see fig. 17)

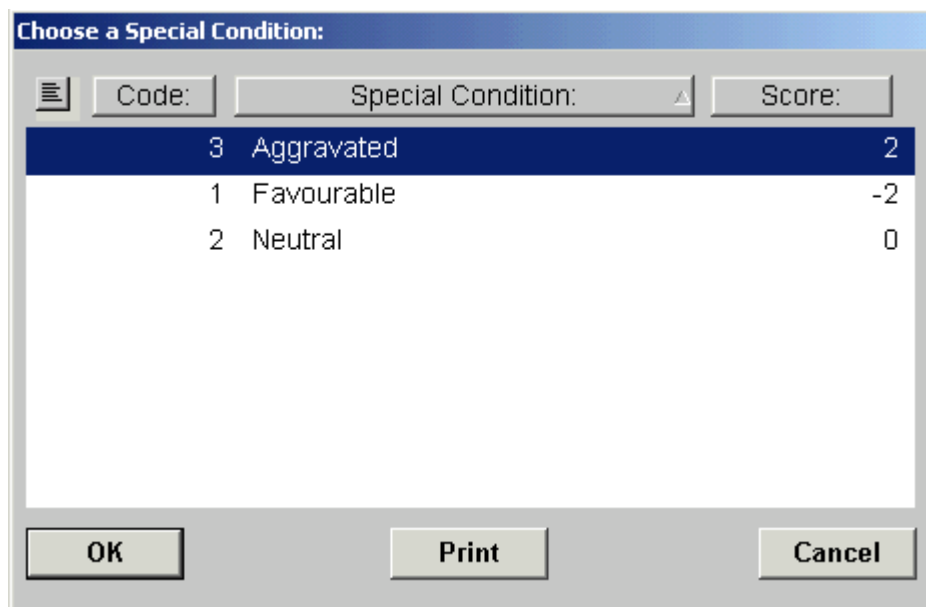


Figure 17 – Special Conditions Dialog Box

The term „Special Conditions” refers to any factor that may have an influence on the hazardous nature of the site. This could be for example the likely presence of other contaminants which are known to exert a synergistic effect when found in combination with the SC. In such a case the situation could be said to be aggravated. An example of a favorable situation could be one where a fence has been erected around a site in order to prevent children from entering the site.

After the Special Condition score has been entered a final land use risk score for the site appears in the bottom of the data window (see fig. 13). This score is calculated as follows:

Contaminant hazard score + pathway/exposure score + special conditions score

It would not have been necessary to make any assumptions had we been in possession of a full site investigation report giving us information on the ground cover and exact location of contaminants. Where worst case scenario assumptions have been made, steps should be taken to verify or correct them by gathering more information and reprioritising the site concerned.

For transparency reasons, it is important that a note detailing all assumptions made as well as explaining why the special conditions factor was used is kept in the database. The notes tab could be used for this purpose.

After the site has been assessed, you can use the system's standard risk assessment reports to see what priority the site has in relation to other sites. In the case of our example the site ends up as a high priority site (see fig. 18).

GeoEnviron (geokon/Geoenvir_local)

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Land Use Risk Scores

First Type: Last Type: Reference: geokon Retrieve

GeoEnviron Land Use Risk Scores Page 1 of 1
 LU_risk_scores From to z Date: 04.12.02
 geokon Time: 15:23:38

Site Id	Site Name	Contaminant	Exposure	Toxicity	Volatility	Contact	Spec.Cond.	Final LU Risk Score
C1	ALDERBURY ALLOTMENTS	Benzene	8	4	4	8	2	26
SITE7	HEMINGTON FIELDS	Benzene	8	4	4	8	2	26
9CHATS	CHATSWORTH DRIVE	Benzene	8	4	4	8	2	26
BELHAMS	BELHAMS METALWORKS	Benzene	8	4	4	8	0	24
MOD	MINISTRY OF DEFENCE	Methane	5	2	4	2	2	21
STACKHSE	STACKYARD HOUSE	Cadmium	5	4	2	8	0	19
1CHATS	CHATSWORTH ROAD	Cadmium	5	4	2	8	0	19
2CHATS	CHATSWORTH DRIVE	Benzene	5	4	4	8	-2	19
BARN	BARN FARM ALLOTMENTS	Lead	8	4	0	4	2	18
CL105	XXX	Benzene	2	4	4	8	0	18
3CHATS	CHATSWORTH DRIVE	Cadmium	2	4	2	8	-2	14
SITE6	ENNEMIX CONSTRUCTION	Arsenic	2	4	2	4	-2	10
BARRC	BARRACK COTTAGE	Lead	2	4	0	4	-2	8

Ready

Figure 18 – Land Use Risk Assessment Report

The scoring system for land use is as default set up for a range of 0 to 26. The system can be adjusted to suit your tastes.

A suggested priority ranking is given in the table below.

Table 11: Land Use Risk Priority Ranking Scores

Priority Ranking	Score Range
High	15 – 26
Medium	5 – 14
Low	0 – 5

ASSESSING RISKS TO GROUNDWATER

The procedure for assessing risks to ground and surface water receptors is similar in that it uses a simple question and answer process that produces a final site risk score. Please refer to the methodology for a full explanation.

The Groundwater Risk Assessment tab folder is shown in the figure below.

The screenshot shows the GeoEnviron software interface for a site named 'BELHAMS METALWORKS'. The 'GW-Risk' tab is active, displaying a risk assessment form. The form includes fields for 'Groundwater Class' (score 3), 'Aquifer Vulnerability' (score 3), and 'Contaminant' (Mercury, score 4). The 'Final Groundwater Risk Score' is calculated as 14, with a 'Confidence Level (%)' of 80. The 'Stage 1 Max. Risk Score' is 30. The interface also shows a navigation menu with options like 'Budgets', 'Contacts', and 'Protection Zones', and a toolbar with buttons for 'Insert', 'Delete', 'Update', 'Find', and 'Retrieve'.

Description:		Score:
Groundwater Class:	3 Area with little groundwater interest	0
Aquifer Vulnerability:	3 Good aquifer protection	0
Name:		Mob. Tox. An.Degr
Contaminant:	247 Mercury	6 + 4 + 4 = 14
Comments: No samples taken on the site		Final Groundwater Risk Score = 14
Go to Stage 1 Risk Assessment: D Stage 1 Max. Risk Score = 30		Confidence Level (%) = 80

Figure 19 – Groundwater Risk Assessment Tab folder

As described above, there are three basic questions that you need to answer when prioritising a site based on risk to Groundwater. These are related to the groundwater's class, the aquifer's vulnerability and the contaminant under consideration.

Clicking on the „Groundwater Class“ text label button causes the following dialog to pop up.

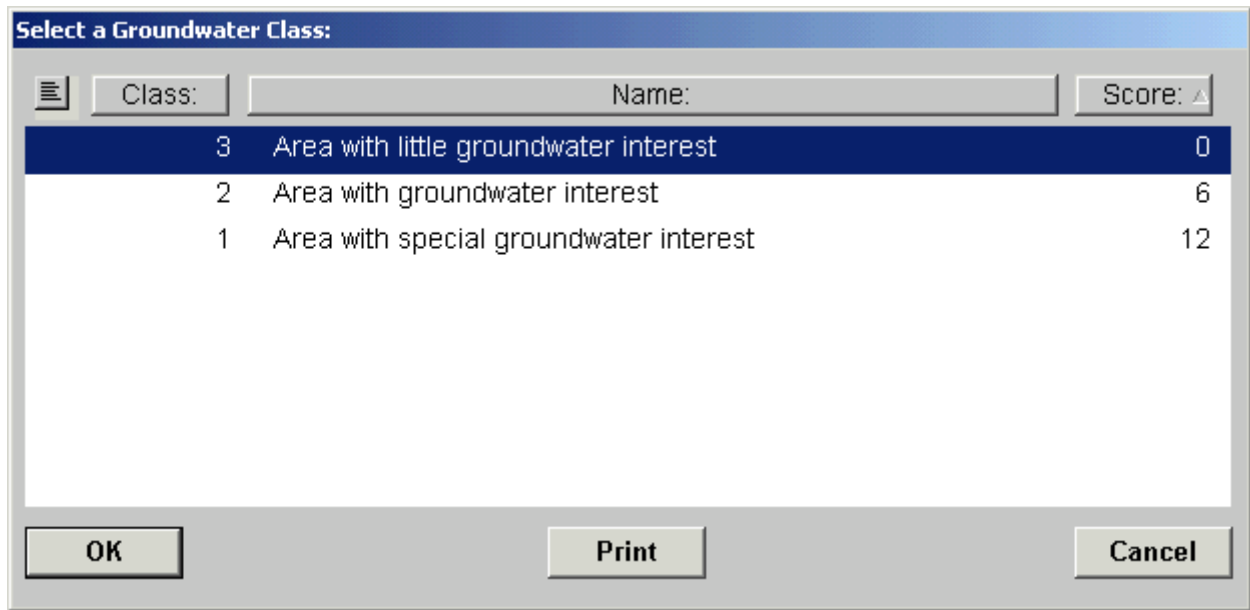


Figure 20 - Select a Groundwater Class Dialog

From this dialog you select the groundwater class for the aquifer of interest. A minor aquifer would be Class 3 and would get a low score. A major aquifer would fall into Groundwater Class 1 and would receive a high score.

You then need to consider how vulnerable the aquifer is to pollution from overlying sources. Clicking on the „Aquifer Vulnerability“ text label button causes a dialog to pop up, from which you can select an „Aquifer Vulnerability Class“.

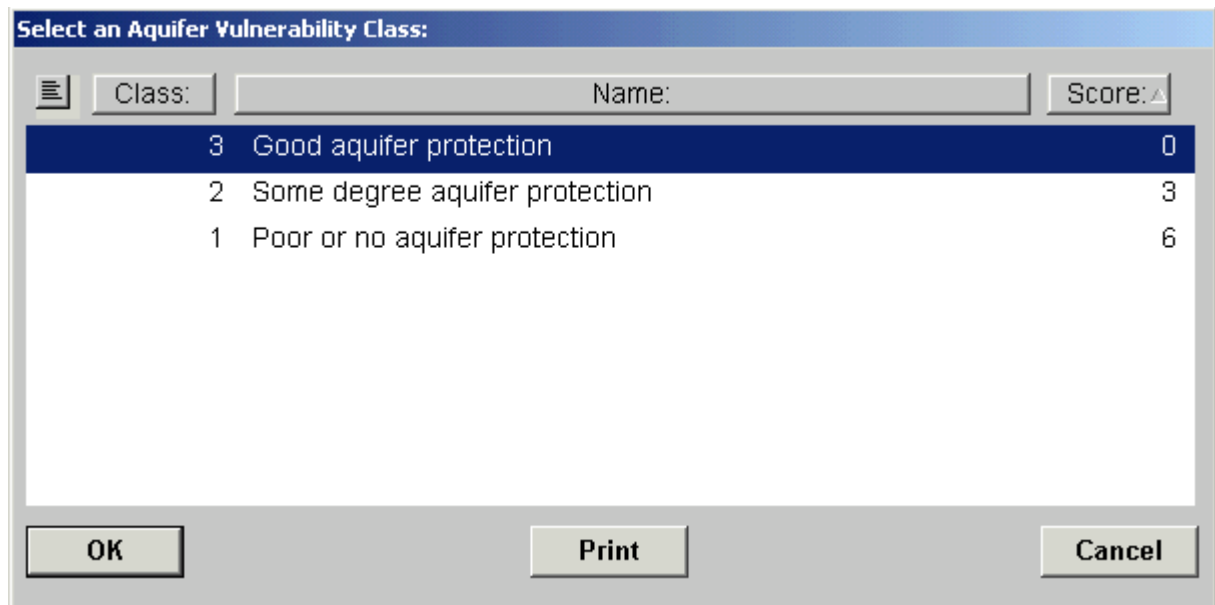


Figure 21 - Select an Aquifer Vulnerability Class

The Aquifer's Vulnerability Class is determined by the overlying geology. For example an aquifer overlain with a thick layer of impermeable clay would be assigned an Aquifer Vulnerability class of 3.

The final step in assessing the site's risk to groundwater involves selecting the significant contaminant. Clicking on the „Contaminant“ text label button causes the following dialog box to pop up.

Seq. no.:	Name:	CAS No.:	M-score:	T-score:	An-D-score:
16	Arsenic	7440-38-2	3	2	4
5	Benzene	71-43-2	6	4	1
2	Cadmium	7440-43-9	0	2	4
238	Chromium	7440-47-3	0	2	4
14	Lead	7439-92-1	0	2	4
247	Mercury	7439-97-6	6	4	4
249	Nickel	7440-02-0	0	2	4
255	Zinc	7440-66-6	0	4	4

Figure 22 - Select a Contaminant Dialog (Groundwater)

As in the case of the land use risk prioritisation, you should select the contaminant with the highest hazard score. In the case of the groundwater receptor, the contaminants mobility, toxicity and anaerobic degradation properties are used to arrive at a hazard score. As can be seen from the figure above, for this example the contaminant with the highest hazard score is Mercury, with a total score of 14. Mercury gets a higher score than Benzene because it is very persistent (i.e. does not degrade) in an aquifer environment.

The final groundwater risk score for the site is arrived at by summing the Groundwater Class, Aquifer Vulnerability and Contaminant scores (see fig. 6).

After the site has been assessed, you can use the system's standard risk assessment reports to see what priority the site has in relation to other sites.

ASSESSING RISKS TO SURFACE WATER

The Surface Water Risk assessment tab folder is shown in the figure below.

The screenshot displays the GeoEnviron software interface for a site named 'BELHAMS METALWORKS'. The 'S12 Risk Assessment' tab is active, showing a 'SW-Risk' assessment for 'Chromium' in the 'River Leabourne' water body. The assessment includes fields for 'Evidence of Impact?' (No), 'Impact Class B' (3), 'Dist. to Water Body' (100 - 200 m), 'Quality Goal' (Medium quality objective), and 'Mobility Toxicity Aerob.Degr' (0 + 2 + 4 = 6). The final 'Surface Water Risk Score' is 9, and the 'Confidence Level (%)' is 95. The interface also shows site details like 'Site Type: ST5', 'Current Use: CU18', and 'Special Site: SS4'. Navigation buttons like 'Insert', 'Delete', 'Update', 'Find', and 'Retrieve' are at the bottom.

Field	Value
Site Id	BELHAMS
Site Name	BELHAMS METALWORKS
Site Type	ST5 Contaminated Land
B.No	156
Sub B.No	
Current Use	CU18 Council Housing (no gardens)
Street	CROMWELL ROAD
Planning Status	02 Permitted Use - Residential
Postcode	LE7 001 Anstey
Notice?	NREMR No remediation required - low risk
Premises Type	OW/OCC Owner/Occupier
Detr Status	DETR Determined (contaminated)
Case Officer	WC John Chambers
Special Site	SS4 Unlikely - to be confirmed
Area, m2	150.000

Field	Value
Name of Water Body	River Leabourne
Evidence of Impact?	No
Impact Class A	
Impact Class B	3
Dist. to Water Body	100 - 200 m
Quality Goal	Medium quality objective
Score	3
Contaminant	238 Chromium
Mobility Toxicity Aerob.Degr	0 + 2 + 4 = 6
Final Surface Water Risk Score	9
Confidence Level (%)	95

Figure 23 – Surface Water Risk Assessment Tab Folder

The first step is to enter the name of the surface water body being considered into the data window. The „Evidence of Impact“ question relates to whether or not there is evidence that the site has been polluting the water body. If there is such evidence, then only the Impact Class A field should be filled out (i.e. you do not need to fill out the „Impact Class B“ or the „Contaminant“ fields). Clicking on the „Impact Class A“ text label button opens up a dialog from which you can select an impact class. In the case of Impact Class A, the site risk is determined based solely on the water body’s quality objective. The site automatically obtains a high score (between 20 and 25).

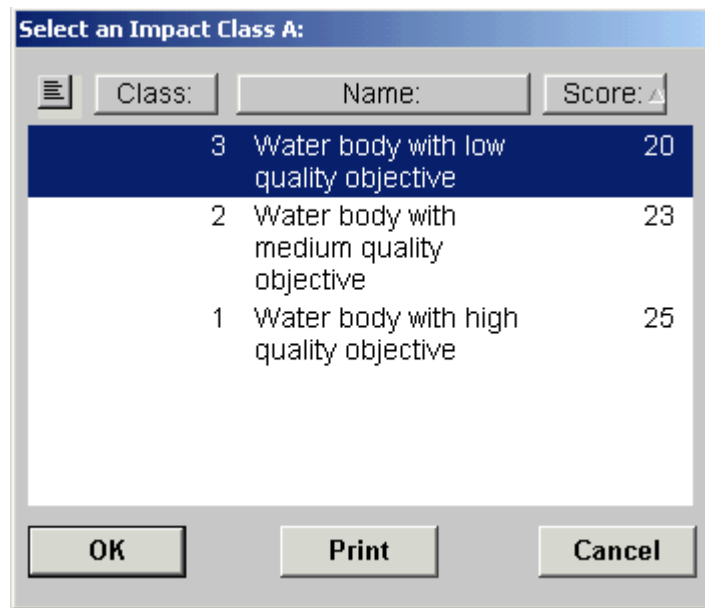


Figure 24 – Select an Impact Class Dialog

If there is no evidence that the site is polluting the water body then you should proceed to the „Impact Class B“ and „Contaminant“ fields.

Clicking on the „Impact Class B“ button causes the following dialog box to open.

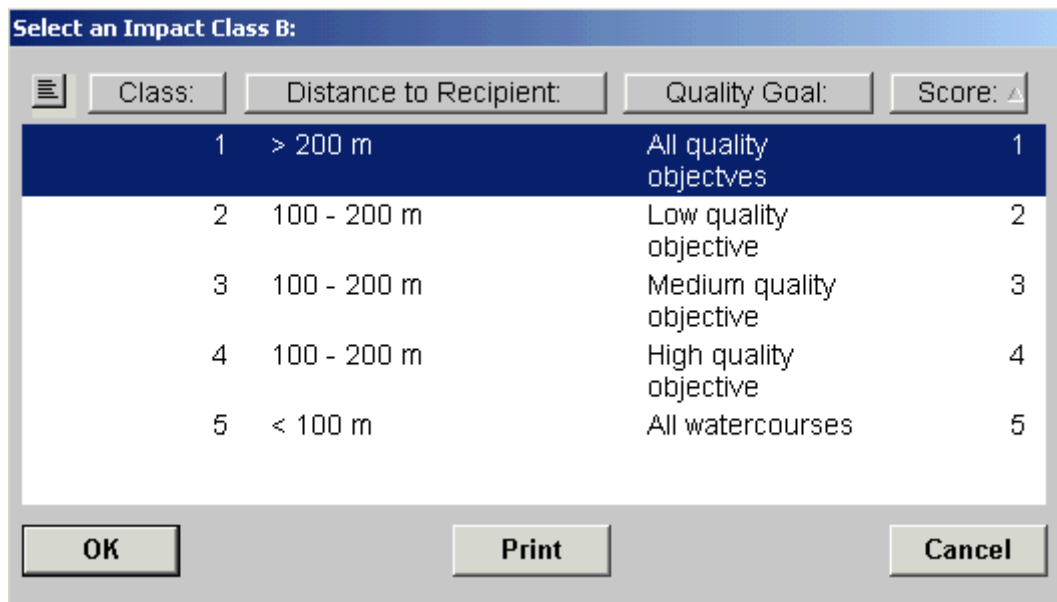


Figure 25 - Select an Impact Class B Dialog

Here you need to consider the distance from the site to the water body as well as the water body's quality objective.

You then need to select the significant Contaminant (SC). Clicking on the „Contaminant“ text label button causes the following dialog to pop up.

Select a contaminant:

Seq. no.:	Name:	CAS No.:	M-score:	T-score:	A-D-score:
16	Arsenic	7440-38-2	3	2	4
5	Benzene	71-43-2	6	4	1
2	Cadmium	7440-43-9	0	2	4
238	Chromium	7440-47-3	0	2	4
14	Lead	7439-92-1	0	2	4
247	Mercury	7439-97-6	6	4	4
249	Nickel	7440-02-0	0	2	4
255	Zinc	7440-66-6	0	4	4

OK Print Cancel

Figure 26 - Select a Contaminant (Surface Water)

As in the case of the land use risk prioritisation, you should select the contaminant with the highest hazard score. In the case of the surface water receptor, the contaminants mobility, toxicity and aerobic degradation properties are used to arrive at a hazard score for the contaminant. For this example, the contaminant with the highest hazard score is Mercury, with a total score of 14. Mercury gets a higher score than Benzene because it is very persistent (i.e. does not degrade) in the surface water environment.

Therefore in the case of sites with no proven impacts, the final surface water risk score for the site is arrived at by summing the Impact Class B and Contaminant hazard scores (see fig. 7).

After the site has been assessed, you can use the system's standard risk assessment reports to see what priority the site has in relation to other sites.

ASSESSING LANDFILL GAS RISKS FROM FORMER WASTE DISPOSAL SITES

Risks from Landfill gas are treated separately because of the distinct issues that need to be considered. Please refer to the methodology for a full explanation of the procedure.

The landfill gas risk assessment tab folder is shown below.

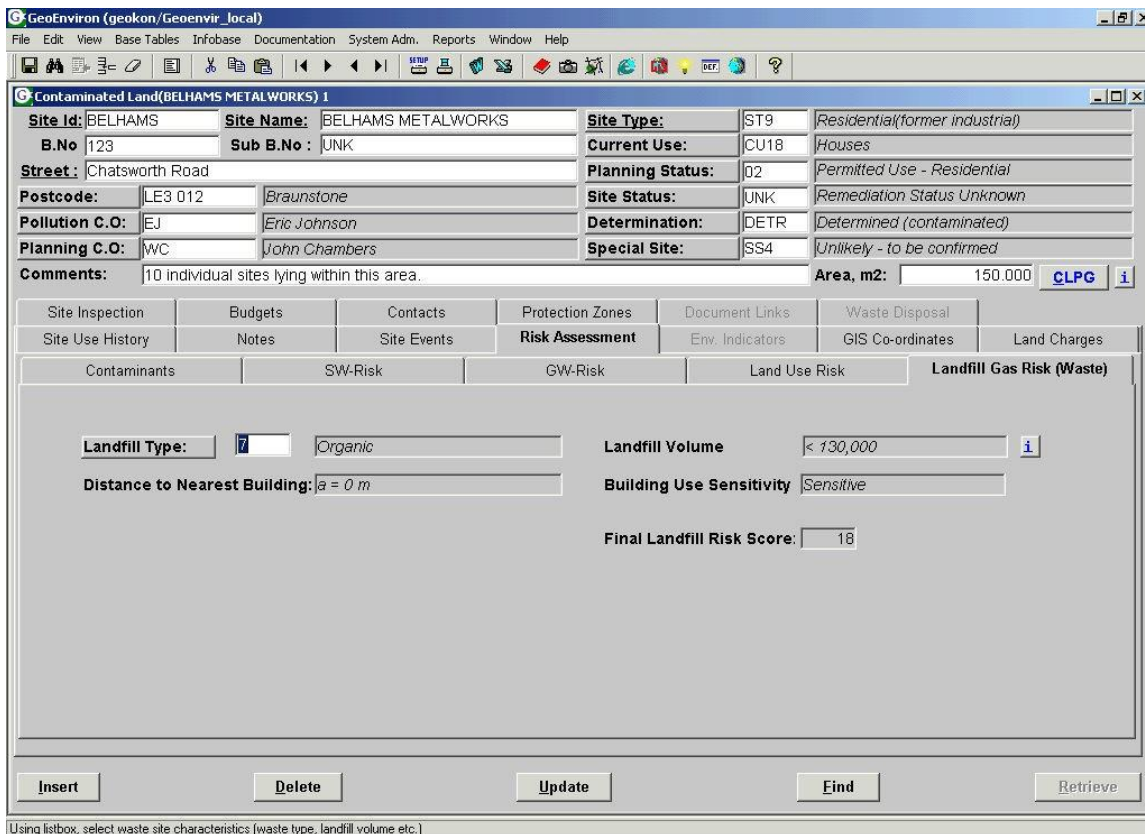


Figure 27 – Landfill Gas Risk Assessment Tab Folder

Clicking on the „Landfill Type“ text label button causes the „Select a landfill type“ dialog to pop up.

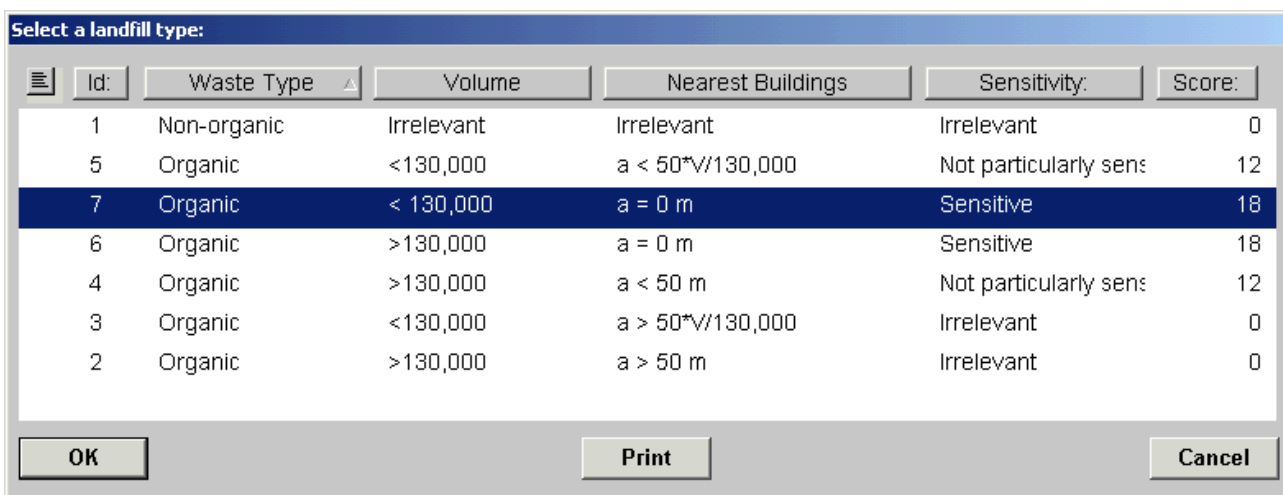


Figure 28 - Select a Landfill Type Dialog

When selecting a type from the dialog you need to consider four questions. These are related to the type of waste that was deposited at the site; the volume of the landfill; the distance to the nearest buildings and the sensitivity of the use of those buildings.

The site is then awarded a score dependent upon the criteria selected. Sites where no organic waste has been deposited obtain a zero score. On sites where organic waste has been deposited, the size of the landfill, the distance to nearest occupied buildings and use sensitivity factors combine to determine the magnitude of the score the site receives.

After the site has been assessed, you can use the system's standard risk assessment reports to see what priority the site has in relation to other sites.

...

Appendix M Funding and Resources

Central government funds the background work by grants to councils, and additionally there were grants for specific investigations and where necessary remedial works. The latter grants have now been stopped with the expectation that local council tax payers would meet these costs.

Primary funding streams:

- **Central Government Grants**
Payments from central government direct to local authorities are calculated to cover the costs of implementing the administrative aspects of the contaminated land regime. This is intended to cover the cost of staff and resources for strategic inspection, and also provides associated benefits by way of additional knowledge when carrying out processes required by the Development Management team and other sections of the council such as Asset Management, Building Control and Parks.
- **Contaminated Land Capital Projects Programme**
Central government provides funding via a grant system to investigate and remediate land that is likely to be polluted. This is currently known as the Contaminated Land Capital Projects Programme, and previously the 'Contaminated Land Supplementary Credit Approval'. The latter funding system supported the investigation of almost 30 sites across Portsmouth and the remediation of 11 sites. The current austerity drive has meant the government has implemented a moratorium on funding of all contaminated land projects, and it now expects local council tax payers to fund investigative works to identify and determine statutory contaminated land. The 2012 Statutory Guidance describes how the 'appropriate person' will be identified to pay for land remediation. Although intended to be the polluter, these costs more often fall to the current land owner.
- **Council Tax**
Whilst the physical investigation and remediation of contaminated land is a statutory duty with substantial costs, central government expect such costs to be borne by local council tax payers.

Secondary funding streams:

- **Insurance recovery**
In the United States the polluting company's insurance is normally used to pay for the remediation of contaminated sites (known as 'superfund sites'). Whilst a different regulatory regime is in force in the UK, the underwriters of the policies are mostly UK based and the same approach can be used in the UK. Previously whilst there was central government funding this approach was not used but now that funding has ceased insurance recovery is likely to gain favour for the larger sites. Minimum costs to make the approach worthwhile are likely to be about £1m, as it would require additional forensic insurance companies to locate the relevant insurance for the company that allowed the pollution and to prove linkage. Historic insurance policies are also likely to be capped at a monetary figure appropriate to when the policy was taken out. Taking into account inflation this may not be sufficient to works. It is important to note that once a claim has been made on a policy, no further claim can be made, so if a company has operated several sites, care must be taken to use the policy for the most polluted site or claim for all sites at once. This may mean the inspection priority is changed in practice to allow all sites to be considered at one time or liaison with other councils is required to not jeopardise the clean-up of sites in other local authority areas.
- **Waste Management capital**
To avoid pollution of council owned land the council can direct money into contaminated land projects. Paulsgrove Landfill is the only active landfill within Portsmouth. It is currently

operating under a closure license and will close once work is complete and required hand-back standards are met.

- **Water Framework Directive**

Langstone Harbour as part of the coastline will continue to receive diffuse pollution from various sources. There may be scope to use moneys to maintain its water quality and achieve good quality by 2027.

Other funding streams (extraneous to Council):

- **Landfill taxes**

Charities (ENTRUST) running community projects near to landfill sites can apply for Landfill Community Projects. Often these are community gardens and nature projects. Remediation is not included although it could be used in combination to enhance the final end-point and usefulness. Local Authorities cannot apply for this funding.

- **Flood and coastal erosion risk - Grant In Aid & Local Levy**

Grants are available for major works along the coastline to protect people. The works currently planned will retain the current coastline (largely created by land creation) and so include works that will protect landfills. This protects people by ensuring waste is not distributed onto beaches. On smaller schemes, that would not be funded using FCER-GIA, Portsmouth's MPs can direct Local Levy funding for coastal projects via the Regional Flood and Coastline Committee.

- **Coastal Access and Footpaths**

Land owners with coastal footpaths can apply to Natural England for funding, however, as this relates to the coastal footpath, only the outer edge to ferry routes are covered.

Appendix N Assessments of Statutory Contaminated Land

Whilst the majority of both the assessment and remediation of Contaminated Land takes place through the Planning system, some sites have been investigated to ascertain if intervention is required. In most cases, when detailed assessment is undertaken to comprehensively understand the contamination and site, that physical remedial works can be avoided. Where this is uncertain remediation has been completed

Table K1
Assessments and Remediation of Contaminated Land

Site	PCC Land	Investigated	Remediated
Alexandra Park	Y	Y	n/a
Moneyfield Allotments	Y	Y	Y
Longmeadow Allotments	Y	Y	Y
Pembroke Park	Y (partial)	Y	n/a
Old Portsmouth Power Station		Y	n/a
Richmond House	Y (partial)	Y	n/a
Henderson Road Caravan Site	Y	Y	n/a
Victoria Park	Y	Y	n/a
Nelson Avenue		Y	n/a
Jervis Road / Twyford Ave	Y (partial)	Y	n/a
Hilsea Crescent	Y (partial)	Y	n/a
King George V Playing Fields	Y	Y	n/a
Horsea Lane Allotments	Y	Y	n/a
Salisbury Road Allotments	Y	Y	n/a
Milton Common	Y	Y	Y
North Harbour Allotments	Y	Y	Y
Stamshaw Park	Y	Y	n/a
Tangier Road Field	Y	Y	Y
Portsmouth College	Y	Y	n/a
Teignmouth Road Play Area	Y	Y	Y
Hope Cottage	Y	Y	Y
Eastney Lake Foreshore	Y	Y	Y
Great Salterns Estate	Y	Y	n/a
Burrfields Road Industrial Estate		Y	
Stamshaw School	Y	Y	Y
Fort Cumberland Road Pumping Station	Y		Y
Hilsea Lines	Y	Y	
Monkton Road Builders Yard		Y	n/a
Fawcett Road Clay Pit		Y	n/a
Cosham Gasworks		Y	n/a
Station Road Asphalt Works		Y	Y
Glory Hole Landfill		Y	
Victoria Rd South, Petrol Station		Y	
Canoe Lake		Y	

NB: Glory Hole, Canoe Lake, and the former Victoria Road Petrol station were assessed under the Part 2a regime. All others were assessed under the 1990 Environmental Protection Act but before the Part 2a regime came into force.

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Portsmouth
CITY COUNCIL

Contaminated Land Inspection Strategy

December 2020

**Required under the provisions of Part IIa ('Part 2a') of the
1990 Environmental Protection Act Section 78b**

Corporate Contaminated Land Strategy 1991 (repealed provisions of the 1990 EPA)
Contaminated Land Inspection Strategy 2001 (Part IIa of the 1990 Environmental Protection Act)
Contaminated Land Inspection Strategy 2020 (Part IIa of the 1990 Environmental Protection Act)
Next review due 2025

Executive summary

Portsmouth City Council ('the council') has a statutory duty under Part IIa of the Environmental Protection Act 1990 ('Part 2A') to assess all land within Portsmouth to identify land where contamination is or maybe causing unacceptable risks to human health or the wider environment.

This document updates the council's 2001 contaminated land inspection strategy to include the changes brought in by the 2012 revised Statutory Guidance. This strategy describes how the council will fulfill its obligations under Part 2a to find and remediate any contaminated land. This document explains the procedures for inspecting and for securing appropriate remediation or risk management of contaminated land.

Land will be determined as statutory Contaminated Land if the council considers that the contaminant(s) is causing or is likely to cause significant harm to people or the environment. Polluted land is only contaminated land if significant harm is likely to occur unless the council intervenes.

The contaminated land regime complements and contributes to existing mechanisms for enforcing the risk management of contaminated land. The primary driver for the remediation of land is redevelopment through the planning regime. The regime requires local authorities to seek out land that isn't being redeveloped though the planning process and where contamination is currently posing unacceptable risks to people or the wider environment. The aim is to prevent exposure to pollutants causing consequential impacts. Other regimes are summarised in Appendix I.

Land is now assessed using a four-stage 'traffic light' test, where red indicates intervention is required, and green indicates that the site is not known to be contaminated land. The assumption in the legislation is that land is uncontaminated unless evidence is found to the contrary; this assumption is made in the absence of any information about the site.

Ultimately, if land is proven to meet the relevant criteria of the legislation, it will be designated as 'contaminated land' unless it will be resolved quickly by other means. A public register is maintained by all councils that describes any formal regulatory actions required in respect of any land that has been designated as *statutory* contaminated land.

Although the 1990 Environmental Protection Act requires that all land within Portsmouth is to be considered, effort is focused upon locations with historical uses that are more likely to have been polluting. Portsmouth has a rich heritage of Ministry of Defense (MOD) land holdings, landfills and coastal land reclamation. The council's geographical information system (GIS) was used in the 1990s to identify likely locations to assess. Although this used a different approach to our current method, some Strategic Inspection has effectively already occurred under the previous regime. The council has now adopted an approach using proprietary software designed for contaminated land management and our data holdings are being transferred onto this electronic database. This database holds the land condition records associated with the process and this information will be used to create a scoring system that can be continuously updated. This will result in an up to date, prioritised list of land for inspection. This does mean that any ranking will be likely to change as further information about each site is found.

If land needing assessment is brought to the council's attention, it will be risk assessed at that time.

The council may, on occasion, be obliged to use powers available in the 1990 Environmental Protection Act to enforce this inspection procedure, to obtain information on possible contaminant linkages by obtaining access to land to sample when carrying out intrusive site investigations.

Portsmouth City Council was already active in contaminated land management in the 1990s before the current regime came into force. Thirty sites of industrial usage were investigated with 11 requiring remediation, which was completed with the help of funding from the Department of the Environment. Since the current regime came into force, a further 3 sites have been investigated under the council's Part 2a statutory duties. The Statutory Guidance was updated in 2012 and the approach used to prioritise land for inspection has changed.

Any land within Portsmouth will be assessed if the council considers there to be evidence that it is statutory contaminated land. Land is not considered to be statutory contaminated land until it has been proven to meet the legal definition.

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1. Introduction and Overview

1.1. Introduction

1.1.1 Portsmouth City Council ('the council') has a statutory duty under Part IIa of the Environmental Protection Act 1990 ('Part 2A') to assess all land within Portsmouth to identify land where contaminant(s) is or maybe causing unacceptable risks to human health or the wider environment.

1.1.2 This document updates the council's 2001 contaminated land inspection strategy in light of the 2012 revised Statutory Guidance. This strategy describes how the council will fulfill its obligations under Part 2a of the Environmental Protection Act 1990¹ to find and remediate any contaminated land within Portsmouth. This is the third strategy relating to contaminated land within the city, and the second regarding the council's 'Part 2a' duties for contaminated land management.

1.2 This strategy

1.2.1 Contaminated land is an issue which impacts upon all areas of the council and one which requires expertise from a variety of disciplines. It may effect property transactions, marketing issues, Development Management (Planning), Building Control and even maintenance/works contracts. This strategy provides a clear framework within which the council's statutory duties are discharged and the areas that all departments must operate.

1.2.2 All local authorities are required to have a strategy for identifying potentially contaminated land within their area. The council's first strategy was approved by the Environment Committee in November 1991. The legislation that led to this early strategy was repealed and new requirements inserted into the 1990 Act. This resulted in the 2001 Inspection Strategy being approved by the Public Protection Committee on 21 March 2001. This 2015 strategy has been updated in light of new Statutory Guidance issued in 2012.

1.2.3 The objectives of the strategy are:

- To ensure compliance with and enforcement of the statute;
- To ensure that land contamination is effectively considered as part of the redevelopment of land;
- To ensure that procedures are in place for the open provision of information to the public, developers/property surveyors;
- To encourage market confidence in the redevelopment of brownfield land in the city and promote the reuse of brownfield land rather than Greenfield sites;
- To address the liability issues associated with the council's existing land holdings and avoid any new liability associated with land acquisitions

¹ The regulatory regime for the identification and management of contaminated land was introduced into Part IIa of the Environmental Protection Act 1990 by the Environment Act 1995 ('Part 2a') and was enacted in England on the 1st April 2000 by the Contaminated Land (England) Regulations 2000.

1.3 Structure of the strategy

1.3.1 This strategy is structured in three parts:

- The first section 'introduction and overview' (Chapters 1 to 5), introduces contaminated land and the various legislative tools that are used for its management;
- The second section 'the strategy' (Chapters 6 to 12) describes the council's strategic approach to the identification of statutory contaminated land as required under its Part 2a duties;
- The third section (Chapters 13 to 18) describes information management, how enquiries will be responded to, the resources required for this work, and other related matters

1.3.2 This strategy presents the aims and objectives, as well as the inspection duties of the council. It outlines the relevant legislation and the strategic approach to the identification and prioritisation of contaminated land in Portsmouth. Subsequent chapters focus on how the council will undertake risk assessments, a detailed description of the legal definition of contaminated land and the updated procedure for determination and remediation based around the Statutory Guidance. The final part of the strategy describes liability, financial implications and discusses the issues surrounding information management and disclosure, before finally referring to the council's plans for inspection.

1.4 The City of Portsmouth

1.4.1 Portsmouth is the second largest city in Hampshire located on the south coast of England, 64 miles south west of London. Portsmouth is the United Kingdom's only island city located on Portsea Island with 6 further areas on the mainland. These distinct areas together make up the 15 square miles (4040 ha) of the city of Portsmouth. The city is tightly constrained by its coastal boundaries on three sides and by Portsdown Hill to the north. There are very limited opportunities for urban expansion and pressure to redevelop land within the city is great (p.1.20 Portsmouth Plan).

1.4.2 Portsmouth was officially founded in 1180 and a city in 1926. Much of the city's expansion has occurred in the last two hundred years and across much of the island the land have been repeatedly developed upon. The town was heavily bombed during the World War 2 destroying many buildings in the dockyard and the naval and military establishments as well as housing across the city and this allowed further redevelopment. This was rebuilt, and later prefabricated houses, many of which have now themselves been cleared.

1.4.3 Portsmouth City Council was formed in 1972. It has land borders with Fareham Borough Council, Winchester District Council, and Havant Borough Council, and its maritime neighbour on the west of the harbour is Gosport Borough Council. Due to the Royal Navy dockland the whole of Portsmouth Harbour (up to and including mean high water) is part of Portsmouth and this includes Burrows Island at the opening to Gosport.

- 1.4.4 The City has had a long history of industrial use including 4 commercial gasworks sites (Rudmore gasworks, Flathouse Quay gasworks, Hilsea gasworks on Voyager Park, Green Lane and Cosham gasworks on Salisbury Road), in addition to the often poorly recorded private gasworks (e.g. Eagle brewery), chemical works, timber importers/treatment yards, tar distillation plants and the normal range of smaller industries common in urban areas such as hat manufacturers, metal workers, and dry cleaners existed. Portsmouth continues to have military uses and these are addressed as part of our strategy. The two primary sources of information on historical land-uses in Portsmouth, are the Ordnance Survey historic maps dating back to 1860 and the Trade Directories (the 'Kellys directories) for Portsmouth dating back to 1823. There are also petrol licence files, environmental permits, and MOD observations of locations where ordnance was dropped in World War 2.
- 1.4.5 As much as 20% of the current land area has been reclaimed from the sea by drainage or land raising activities. Approximately 10% of the current land area has been reclaimed by tipping of waste. Most of this land creation took place before 1974 when pollution control legislation began. The military owned large tracts of land across the city. With sea level rise being expected the city's coastal defences are being updated to protect its current outline.
- 1.4.6 The first Royal Naval Dockyard was established in 1495, with other uses ranging from firing ranges to luminising workshops (navigational instruments are coated with luminescent materials for night time use).
- 1.4.7 Historic landfill sites are a potentially significant source of risk, most notably from the production of leachate, leading to the contamination of groundwater, and the migration of methane and carbon dioxide gases. The city has some 30 disused formal landfill sites that were operational prior to the licensing requirements of the Control of Pollution Act 1974. It also has areas of infilling. Unusual and interesting local examples include:
- The Great Morass and Little Morass are historic tidal inlets from the sea which are associated with a significant thickness of peat and localised gas generation.
 - Milton Harbour was filled with dockland wastes and by uncontrolled tipping. This created Milton Common.
 - The Portsmouth to Arundel Canal is a linear fill feature crossing the city from the relict lock at Eastney Lake in Langstone Harbour to the East to the wide opening intended for small ships on the west of the island. The canal is now infilled but generally follows the railway and roads such as Goldsmith Avenue and Locksway Road (originally Asylum Road).

1.5 Background to the Legislation

- 1.5.1 The Environmental Protection Act 1990 required local authorities to compile a register of contaminated land, but the legislation in its current form was first published in the form of Section 57 of the Environment Act 1995 which amended the Environmental Protection Act 1990 by repealing the previous provisions pertaining to contaminated land management and inserting in its place Part IIa ('Part 2a'). The Part 2a legislation came into force in April 2000.

1.6 Objectives of the Regime

1.6.1 The first priority for dealing with the legacy of historical contaminated land in England is to identify unacceptable risks to human health and the environment. Where no appropriate alternative solution exists local authorities are required to use the Part 2a regime for the purposes of ensuring historical contaminated land is brought 'back into everyday use' (Benyon, 2012).

1.6.2 The objectives of the government policy on contaminated land and Part 2a are:

- To identify and remove unacceptable risks to human health and the environment;
- To seek to ensure that contaminated land is made suitable for its current use;
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development
(DEFRA, 2012a, para 1.4)

1.6.3 Where appropriate alternative solutions exist (e.g. voluntary action) these are to be used to ease the burden on the tax payer. The Part 2a process reinforces contaminated land investigations conducted under existing planning laws by ensuring land is safe for its proposed end-use.

1.6.4 The contaminated land legislation, known colloquially as ' Part 2a' is found in Section 78 of the Environmental Protection Act (1990). It is always referred to as Section 78 of the Environmental Protection Act (1990). Under Section 78b (1) it states that:

'Every local authority shall cause its area to be inspected from time to time for the purpose

(a) Of identifying contaminated land; and

(b) Of enabling the authority to consider if any such land could be a Special Site'
(see Appendix C for a description of Special Sites)

1.6.5 Section 78b (2) states that the authority must act in accordance with guidance issued by the Secretary of State. Specific technical guidance on the drafting of inspection strategies was published in 2001, intended to assist local authorities in fulfilling their statutory obligations and complying with the principles of the Part 2a regime (Department of Environment, Transport and the Regions, 2001).

1.6.6 To carry out this duty, local authorities must have a Contaminated Land Inspection Strategy which clearly sets out how land will be identified for inspection. This document must be reviewed every 5 years.

1.6.7 This strategy describes the prioritisation of potentially contaminative sites before initial investigations. In order to satisfy the far reaching objectives of the regime it will be necessary to investigate land throughout the city and collate significant volumes of information. This will ultimately enable Portsmouth to make the sometimes difficult and complex decisions relating to the land's contaminated land condition, the risks it presents and who may be liable for it in law. This strategy is the commencement of that process and seeks to express as clearly as possible how each stage will be addressed.

1.6.8 There is no formal mechanism in place for approval of local authority strategies. In the event of finding statutory contaminated land, the Environment Agency, Hampshire County Council, Natural England, Heritage England, and the Food Standards Agency, would be consulted in appropriate for their input and expertise.

1.7 Statutory Requirements of the Environmental Protection Act 1990

1.7.1 Part 2a of the Environmental Protection Act 1990, inserted by Section 57 of the Environment Act 1995 places a duty on Local Authorities to inspect their area for contaminated land. Section 78A (2) defines contaminated land for the purpose of Part 2a as:

'any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

- a) Significant harm is being caused or there is a significant possibility of such harm being caused, or
- b) Pollution of controlled waters is being, or is likely to be caused'

1.7.2 Land may be polluted, but unless it presents a significant risk to a receptor, such as a human being or an aquifer used to supply water, the mere presence of a previous contaminative use does not require immediate action by the council. Strategic inspection is achieved by focusing effort on areas of known previous use.

- a) Identification of historical land-uses that are potentially contaminative to ensure appropriate planning conditions are imposed prior to re-development;
- b) Objective prioritisation of land based on the principles set out in the Statutory Guidance

2. Aims, Objectives and Priorities of the strategy

2.1 Aims of the Strategy

2.1.1 This strategy is to ensure the council meets the legal requirements set out in Part 2a of the Environmental Protection Act 1990 and the inspection duties of local authorities listed in Section 2 of the Statutory Guidance (2012a) accompanying this legislation.

2.1.2 Under this legislation, every council is required to have a Contaminated Land Inspection Strategy that outlines its strategic approach to the inspection of potentially contaminated land. This approach shall:

- Be rational, ordered and efficient;
- Reflect local circumstances;
- Focus only on land which may pose an unacceptable risk;
- Have regard to good practice guidance on risk assessment;
- Be proportionate to the seriousness of any actual or potential risk;
- Encourage the voluntary risk management of land to reduce the burden on the tax payer;
- Seek to ensure that the most pressing/serious sites are remediated first.
(DEFRA, 2012a, Section 2.3 p. 6)

2.2 Aims and Objectives of the council

2.2.1 The council must identify any land that is causing or may cause *significant harm* or the *significant possibility of significant harm*, as listed in Section 4 of the Statutory Guidance (DEFRA, 2012a).

- The prioritisation of sites, identifying those that require inspection and the storage of information relating to the assessment;
- Undertaking detailed investigation of all high priority sites basing risk assessment on conceptual models and taking appropriate action where necessary;
- Maintain a Contaminated Land register containing records of regulatory action. This will include 'risk summaries' for land likely to be determined as contaminated land, and 'written statements' for land that has been inspected finding that it is not contaminated land;
- A regular review of the strategy to ensure focus on its aims and objectives;

2.2.2 Portsmouth has already identified and investigated its highest priority sites (Appendix N), but there is always the possibility of new sites being identified or the council becoming aware of new evidence. There currently a moratorium on funding from central government, and within local authorities the emphasis is on being reactive, responding to evidence brought to the councils attention.

2.3 The Portsmouth Plan

- 2.3.1 The existing adopted plan for Portsmouth was adopted in 2012, however the Council is currently in the process of reviewing its Local Plan. The new Portsmouth Plan will be the principal planning policy document in the council's Local Development Framework and replaces a large number of policies in the adopted Portsmouth City Core Strategy.
- 2.3.2 The Local Plan sets out the planning strategy for meeting future development needs in the city and addresses a range of topics including how much housing, employment and retail development the city needs and where this development should take place. The plan also sets out what infrastructure will be needed to enable this development to take place together with how the Council will continue to protect the city's sensitive historic and natural environments.
- 2.3.3 Due to the constrained nature of the city, development of previously used sites is inherent in the majority of development work in Portsmouth. In respect of addressing land contamination in such development, the Local Plan will contain a specific policy for dealing with contaminated land that aids strategic development and this will update the existing adopted Contaminated Land policy in the 2006 Local Plan.
- 2.3.4 Major new developments within the city can impact on health in a variety of ways such as noise and pollution during the construction phase and access to or from the development by walking, cycling and public transport. Health impact assessments provide a way to assess the effects on health of a development proposal and mitigate any impacts so that health inequalities are reduced and health and well-being are improved.

3. Local Authority Inspection Duties

3.1 Legislative Requirement

3.1.1 The Environment Act (1995) Section 57 inserts into Section 78 of the Environmental Protection Act (1990) the Part 2a contaminated land legislation. Under Section 78b (1) it states that:

3.1.2 Every local authority shall cause its area to be inspected from time to time for the purpose:

- a) Of identifying contaminated land; and
- b) Of enabling the authority to decide whether any such land is land which is required to be a Special Site.

3.1.3 Section 78b (2) states that the authority must act in accordance with the Statutory Guidance issued by the Secretary of State.

3.1.4 Amendment regulations in relation to the primary legislation include:

- The Contaminated Land (England) Regulations 2006 (SI 2006 no. 1380)

Details the inclusion of Special Sites, the contents of remediation notices, appeals and the required contents of public registers:

- The Contaminated Land (England) (Amendment) Regulations 2012 (SI 2012 no. 263)

Amends details in relation to pollution of controlled waters:

- The Water Act 2003 (commencement no. 11) order 2012 (SI 2012 no. 264) (c. 8)

Amends details in relation to *significant* pollution of controlled waters.

3.2 Legislation where Part 2a does not apply

3.2.1 Only where no appropriate alternative solution exists, are local authorities required to use the Part 2a regime. There are circumstances where existing pollution control legislation, or planning policy is to be applied without the need for Part 2a intervention.

3.3 Responsibilities

3.3.1 The Contaminated Land Team manages land contamination issues for the council including:

- Implementation of all duties under Part 2a of the Environmental Protection Act 1990;
- Maintaining the register of notices served under Part 2a of the 1990 Environmental Protection Act;
- Dealing with contaminated land enquiries and complaints;

- Responding to Planning and Building Control consultations and technical material submitted in relation to land contamination issues;
- Liaising with and reporting to internal departments/external organisations;
- Maintaining and updating information in relation to land contamination;
- Dealing with and/ or assisting other departments as required with land contamination issues via other legislative powers.

3.3.2 Where statutory contaminated land has been determined the council must:

- Establish the appropriate person(s) to bear responsibility for remediation;
- Decide after consultation what must be done in the form of remediation and serve notice to ensure it is effectively carried out;
- Establish liability for the costs of the remedial works;
- Maintain a public register of regulatory action relating to contaminated land.

3.3.3 Where statutory contaminated land has been found the council has the power to:

- Enforce the implementation of the remediation notice

3.4 Role of the Environment Agency

3.4.1 The Environment Agency has four main roles:

- To assist local authorities in identifying contaminated land (particularly where water pollution is involved);
- To provide site specific guidance to local authorities on contaminated land where requested;
- To act as enforcing authority for contaminated land designated a 'special site';
- To publish periodic reports on contaminated land.

3.5 Liability for Another Local Authority's land

3.5.1 Where a site in a neighbouring authority causes pollution within the Portsmouth boundary, sub-section 78x (2) of Part 2a of the Environmental Protection Act 1990 states:

3.5.2 Where it appears to a local authority that any land outside, but adjoining or adjacent to, its area is in such a condition, by reason of substances in, on or under the land, that significant harm is being caused, or there is a significant possibility of such harm being caused, or that pollution of controlled waters is being, or is likely to be caused within its area:

- a) The authority may, in exercising its functions under this part, treat that land as if it were land situated within its area; and
- b) Except in this sub-section, any reference –
 - i) To land within the area of a local authority, or
 - ii) To the local authority in whose area any land is situated,

Shall be constructed accordingly; but this sub-section is without prejudice to the functions of the local authority in whose area the land is in fact situated.

3.6 Inspection Duties

3.6.1 Local authorities are the principal regulators under the contaminated land regime. The key duties of the local authority fall into two types of 'inspection':

- Strategic inspection - involving the collection of information to aid in the assessment of land followed by prioritisation allowing more detailed consideration; and
- Detailed inspection - where more information is gathered on ground conditions and involving the undertaking of risk assessment to help support a decision under the Part 2a regime.

(DEFRA, 2012a)

3.7 Strategic inspection

3.7.1 As part of its statutory duties, Portsmouth must have an adopted Contaminated Land Inspection Strategy which clearly sets out how land, which merits detailed individual inspection, will be identified (s 2.4 p. 6). In accordance with best practice as stipulated in the Statutory Guidance (2012) this document will be reviewed at least every five years. Assessments by the council must be

'...rational, ordered, and efficient', and that 'reflect local circumstances'
(DEFRA, 2012a s 2.3 p. 6)

And;

'Give priority to particular areas of land that it considers most likely to pose the greatest risk to human health or the environment'
(DEFRA, 2012a s 2.7, p. 7)

3.7.2 In accordance with the Statutory Guidance (DEFRA, 2012a) the council's previous Contaminated Land Inspection Strategy has been updated to reflect changes introduced within the guidance document.

3.7.3 This strategy includes details on the prioritisation process followed for potentially contaminative sites before initial investigations begin under Part 2a. It further includes a broader approach to dealing with contaminated land including use of the planning system to ensure land is made suitable for use and encouraging owners and polluters of affected land to resolve issues relating to contamination without reverting to use of Part 2a legislation, thereby minimising unnecessary burdens on the taxpayer.

3.7.4 The prioritisation process avoids property blight by resolving contamination issues outside the Part 2a process wherever possible.

3.7.5 In all cases the council will endeavour to allow polluters and owners of land affected by contamination to help resolve the status of the land themselves. Information provided by the land owner will be assessed by the council and where such information is considered robust a decision not to determine land as contaminated will be made.

3.8 Detailed inspection

3.8.1 Where strategic inspection duties reveals a reasonable possibility that a significant contaminant linkage exists (as defined in Section 3.8 and 3.9 of the Statutory Guidance 2012), the council will inspect the land in order to obtain more detailed information to allow a decision on whether to determine the land as contaminated under Part 2a.

3.8.2 Prior to any inspection being undertaken the council will first seek to gain permission from the land owner to allow access onto the land. Should the land owner refuse access or for any reason cannot be located after several attempts by the council to do so and the council is satisfied that there is a reasonable possibility that a significant contaminative linkage exists on the land then the council will consider using statutory powers of entry, under Section 108 of the Environment Act 1995.

3.8.3 The use of Section 108 for powers of entry will not be used, however, where the council has been provided with the following:

a) Appropriate and detailed information on the condition of the land from the Environment Agency or the owner of the land, which allows the council to decide whether the land is contaminated land as defined under Part 2a legislation; or

b) The owner of the land or polluter offers to provide the relevant information within a reasonable and specified period of time.

3.8.4 All Part 2a intrusive site investigations for contaminated land undertaken by the council, or other agency, (including the Environment Agency in the case of Special Sites) will be in accordance with the best practice documents considered relevant and appropriate for that date.

3.8.5 If at any stage of a Part 2a investigation the council considers that due to additional information obtained there no longer exists a reasonable possibility of a significant contamination linkage on the land, the council will decide not to continue with any further investigations.

3.8.6 If, as part of a detailed inspection of the land, the council considers the land to fall within the definition of a Special Site, as defined in the Contaminated Land (England) Regulations 2006, it will consult the Environment Agency and arrange for a site investigation by the Environment Agency to be undertaken. Where such an investigation is undertaken it will be the council's responsibility to authorise a person, nominated by the agency, to exercise the powers of entry conferred by Section 108 of the Environment Act 1995.

3.8.7 In the case of the Environment Agency investigating on behalf of the council in cases of Special Sites it will remain the responsibility of the council to undertake its statutory duties as conferred upon it under sections 78b and 78c of the Environment Protection Act 1990, relating to the identification of contaminated land and the identification and designation of Special Sites.

4. Strategic Identification of Contaminated Land

4.1 Introduction

4.1.1 In undertaking its duties to inspect the city, the council will take into consideration the particular characteristics of the area, including:

- The extent to which any specified receptors are likely to be present and the extent to which such receptors are likely to be exposed to any contaminant;
- The history, scale and nature of industrial or other potentially contaminative uses.

4.1.2 The following three things must all be present in order for contaminated land to meet the legal definition:

- Receptors - the location of all existing human, ecological, controlled water, and property receptors within the city
- Pathways - the nature in which the contaminant may travel in the local environment, including geology, hydrogeology, hydrology and anthropogenic heterogeneities; and
- Contaminants - chemicals present in soil in such concentrations as harm may be caused under normal use of that land

4.1.3 Each of these may exist independently, but only create a risk when they combine together to form a contaminant linkage (as shown in Figure 4, below), such that a particular contaminant affects a particular receptor through a particular pathway.

4.1.4 Consideration will also be given to the existence of sites which if found to be contaminated land would be designated Special Sites

4.2 Receptors

4.2.1 Land can only be considered contaminated if it impacts significantly on specified receptors.

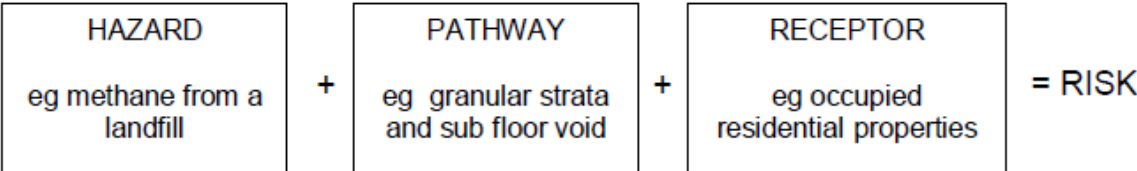


Figure 4: Contaminant Linkage

4.3 Population

4.3.1 The 2011 population census population of the city as 205,100. The potential for persons either living on, adjacent to, or frequenting, a potentially contaminated site will be considered as highest priority during the process of prioritising sites for further investigation. Due to susceptibility to damage during childhood, the critical human receptor is a six year old female child. This receptor is assumed to be present (or likely to be present) on residential land, and for commercial premises, a working day exposure for an adult is used in the assessment.

4.4 Water, aquifers

4.4.1 Very little of Portsmouth contains aquifers with active extractions, although there are areas of secondary aquifers with high permeability. There may be areas with hydraulic continuity with the aquifer extending under the sea, and areas with tidal influenced waters.

4.5 Public Water supplies

4.5.1 Portsmouth Water as statutory undertaker regularly samples the quality of the supply. Portsmouth water, after assessing land decides upon the appropriate type of supply pipe to ensure pollutants do not enter the supply.

4.6 Water, other specified receptors

4.6.1 Water receptors such as rivers, streams, tributaries, reservoirs, lakes have been identified as part of the inspection strategy.

4.7 Ecological receptors

4.7.1 For all relevant types of property receptor refer to Table 1 of the Statutory Guidance (DEFRA, 2012a).

4.7.2 Ecological receptors in Portsmouth have been identified as part of the inspection strategy with the main receptor being the RAMSAR status of the Solent itself. There are several specified sites including 2 Sites of Special Scientific Interest (SSSI), 2 Special Areas of Conservation and one Special Protected Area (spa) as shown in Table 1, below. Where appropriate risks are identified, they will be considered in conjunction with our partners in Natural England and the Environment Agency.

**Table 1
Ecological Sites**

Site name	Designation
Portsmouth Harbour	Special Protection Areas (SPA)
Solent Maritime	Special Areas of Conservation (SAC)
Chichester and Langstone Harbour	RAMSAR
Chichester and Langstone Harbour	Special Protection Areas (SPA)
Langstone Harbour	Sites of Special Scientific Interest (SSSI)
Solent and loW lagoons	Special Areas of Conservation (SAC)
Portsmouth harbour	Sites of Special Scientific Interest (SSSI)
Milton Common (pending)	Local Nature Reserve

4.8 Property - buildings

4.8.1 For all relevant types of property receptor refer to Table 2 of the Statutory Guidance (DEFRA, 2012a). All buildings and underground services (within the footprint of the building) are potential receptors and have been considered in every case where contamination and buildings exist.

4.9 Property - ancient monuments, listed buildings and battlefields

4.9.1 Heritage England will be consulted if any site with national interest is affected.

4.10 Property - home grown produce

4.10.1 There are several allotment sites including Moneyfield and Longmeadow, North harbour, Salisbury Road, and Horsea. In common with most urban land, in Portsmouth these sites are on former landfill. In addition there are community gardens and private gardens, all of which may be on land with a previous industrial use. All have been investigated by the council and remediated with the exception of Horsea Lane and Salisbury Road that did not require improvement.

4.11 Property - domesticated animals

4.11.1 Livestock and pets are unlikely to be specifically identified as receptors but they would be taken into consideration.

4.12 Contamination Pathways

4.12.1 A contamination pathway is defined as a route or means by which a receptor can be exposed to, or affected by, a contaminant (Environment Agency, 2004). The main pathways are listed in Table 2.

4.12.2 Within the unsaturated soil and porous rock (vadose zone), contaminants may migrate down to the groundwater or to adjacent receptors, such as lagoons and farmland. More dense contaminants ('DNAPL') may enter the ground water, migrating along the base of the aquifer, dissolving slowly over many years and contaminating the groundwater. Liquid pollutants that are lighter than water ('LNAPL') may sit atop the water body. Other pollutants form slurry with the water quickly polluting the water body.

**Table 2
Contamination pathways**

Receptor	Typical pathway	Contaminant
Human	Dermal contact with soil and household dust	Heavy metals
	Ingestion of soil and household dust	Heavy metals, asbestos, organic pollutants
	Ingestion of vegetables and soil attached to vegetables	Heavy metals
	Inhalation of indoor vapours and household dust	Solvents, organic pollutants
	Inhalation of outdoor vapours and fugitive dust	Solvents
Surface	Vegetable uptake	Heavy metals
Sub-surface	Migration of liquids and vapours through the vadose zone via fractures/fissures in geology	Dense non-aqueous phase liquids
	Migration of liquids and vapours through the saturated zone (groundwater)	Low-density non-aqueous phase liquids

4.12.3 Pathways will also be considered on a site specific basis. For example contaminants present in a built up area may become transported through preferential flow paths, such as existing drainage systems, from surface runoff, or from direct contact with buildings. Contaminants, in particular some organic pollutants, easily pass through standard polyethylene ('pe') water pipes resulting in tainted drinking water. Consequently, land that contains hydrocarbons of that are in size ranges (measured as equivalent carbon chain length 'EC5 to 10') or named polyaromatic hydrocarbons that impact upon these plastic polymer are required to use polyvinyl chloride ('pvc') due to its resistance to chemical penetration. Additionally, pollutants may travel along the outside surface of these pipe networks in the gravel surrounds.

4.13 Potential sources of contamination

4.13.1 Industrial history

4.13.1.1 A comprehensive list of potentially contaminative uses is listed in Appendix G. These sites have been identified from digitised historical maps dating back to the middle of the nineteenth century, the council's own archives, and also Trade Directories.

4.13.2 Current industry

4.13.2.1 The present industrial areas of the city are potential sources of contamination and these will be inspected in accordance with the Statutory Guidance to establish whether there is a potential for contamination to exist and if so, whether it is controlled by another agency or covered under Environmental Permitting regulations 2010.

4.13.3 Derelict Land

4.13.3.1 Often owned by the utilities, railways or local authorities, waste and derelict land can be left seemingly abandoned because it has no particular use or is difficult to access. These areas can accumulate unwanted materials and because of not being under active use may be used by others to dispose of wastes and effluents illegally.

4.13.4 Previously Developed Contaminated Land

4.13.4.1 Many sites with potentially contaminated land have been developed over the years. In some cases the methods and extent of remediation may be unknown, in others it may be known but the remediation suspected of being inadequate.

4.13.4.2 Any site with the potential to cause pollution will be identified at the **preliminary assessment** stage.

5 Identification of Potentially Contaminated Land

5.1 Introduction

5.1.1 Before land can be determined as contaminated by definition a, significant contaminant linkage, must be identified. Unless all three elements of a contaminant linkage are identified then land is not contaminated (source, pathway, and receptor). It is important to fully understand this concept as it will form the basis for the prioritisation process and future site investigations.

5.1.2 If, for example, an area of land is known to be badly affected with potentially dangerous contaminants, it will not be considered of the highest priority if studies confirm there are no specified receptors within the area of influence. If there are receptors evident, the risk assessment process assesses the likelihood of them coming together at any time. If the chances of this are judged as, significant, and the consequences would likely result in, significant harm, or significant pollution of controlled waters, then a significant contaminant linkage will be said to exist and the land will be determined as contaminated land by definition.

5.1.3 Given the lack of scientific information about many contaminants and the site specific nature of risk, it will be the requirement of the council to assess the risk posed on individual sites and decide whether, in their opinion the risk represents 'significant possibility of significant harm' SPOSH (DEFRA, 2008)

5.1.4 In summary, for contaminated land to exist the following are pre-requisites:

- One or more contaminant substances;
- One or more specified receptors;
- At least one plausible pathway between contaminant and receptor, establishing a contaminant linkage;
- A good chance that the contaminant linkage will result in significant harm to one or more specified receptors, or, pollution of controlled waters.

5.1.5 No assessment should be undertaken unless both contaminants and receptors are suspected or confirmed. Where there is doubt the situation will be kept under review.

5.2 Identification of Potentially Contaminated Land

5.2.1 The 1990 Act requires that all land within Portsmouth be considered, but also that the identification of contaminated land be carried out in an ordered, rational and efficient manner, based firmly on the principles of risk assessment. This should commence with the consideration of land within the whole of Portsmouth utilising sources of information from council archives, the Environment Agency and other external organisations on the locations of potential sources of contamination.

5.2.2 Collation of geographical information has been incorporated into the contaminated land Geographical Information System. Prior to starting the risk assessment process the Geographical Information System will be used to store details of all potentially contaminative areas, receptor sites and environmental variables, such as geology, hydrology and hydrogeology, which may act as contaminant pathway mechanisms. This information formed the basis of the site prioritisation tool, an in-

house Geographical Information System, which was developed for the **prioritisation** of land. Having prioritised sites for inspection, the database is now stored on a proprietary Geographical Information System 'Geoenviron' and the records relating to the **desk study risk assessment** process will be stored on this database. The information required from consultants is summarised in Appendix F

5.2.3 Data capture is an ongoing process, but most areas of potentially contaminated land have been added to the database with only additional records being found and added and those created through site investigation data. This level of detail allows better information about true site condition. Any land brought to the council's attention will be considered at that time. If any land with indications of being statutory contaminated land is brought to the council's attention, either on our list or newly identified, it would by virtue of being identified bypass the above prioritisation and be the highest priority for the council to consider for the purposes of this strategy. It is not considered necessary to recreate the above prioritised list for strategic inspection of newly identified sites.

5.3 Investigation of Land

5.3.1 A document, loosely based on a Land Condition Record will be created to record the following information regarding each site investigated:

- Site description,
- Risk assessment,
- Current and historic land-use,
- Interested parties,
- Analyses of results from site investigations,
- Receptor and pathway details,
- Determinations,
- Consultations,
- Notices,
- Appeals, and
- Remediation details.

5.4 Prioritisation process

5.4.1 Potentially contaminated land shall, prior to detailed investigation, be listed and categorised according to a **preliminary assessment** of risk. This is to ensure all further investigative work relates directly to seriousness of the potential risk and the most pressing problems are identified and quantified first.

5.4.2 The prioritisation process will contribute to the overall aim of the strategy in meeting the legal requirements set out in Part 2a of the Environmental Protection Act 1990 and in the inspection duties of local authorities listed in Section 2 of the Statutory Guidance (2012).

5.4.3 After consideration of several different prioritisation tools, the council created its own system using Geographical Information System based on the method in Contaminated Land Research 6: prioritisation & categorisation procedure for sites which may be contaminated (DOE, 1995).

5.5 The Prioritisation of Sites

- 5.5.1 With its long history of use and redevelopment of land, the council has been proactive in the management of contaminated land. Portsmouth was proactive before many councils and used national government funding available in the 1990s to assess corporate own land holdings that were on the prioritised list.
- 5.5.2 Land that is brought to the council's attention because of concerns automatically becomes the highest priority site regardless of the ranking, and will be considered at that time.

5.6 Method of Prioritisation

- 5.6.1 The prioritisation conducted in the 1990s is described in the council's 2001 strategy, but this in-house approach has been replaced by a proprietary model 'Geoenviron'. Geoenviron is used to store the records across the city and derive an on-going iterative assessment of priority. It is summarised in Appendix K

5.7 Summary

- 5.7.1 The strategy for identification is based on historical mapping of the city to identify areas of land where:
- Previous uses indicate contamination may exist;
 - There is no existing pollution control regime in place;
 - There are known receptors within the area of influence.
- 5.7.2 It must be understood that the prioritisation of land at the **preliminary assessment** stage is made on a limited amount of basic data and information, such as old surveys, maps, geological information. As more knowledge of the site is obtained, these assessments will be revised and their priority category may change. The assessment of a site as priority category 'a' does not necessarily infer the existence of a significant risk to one of the specified receptors, but it does identify the need for consideration of the site by the Contaminated Land Team.

6 Risk assessment

6.1 The process of risk assessment

6.1.1 The determination of land as contaminated land is based strongly on the process of risk assessment, defined as the combination of:

- The scale or seriousness of the harm, or pollution of water; and
- The likelihood that harm, or pollution of water, will occur.

6.1.2 The classifications used are derived from 'contaminated land risk assessment. A guide to good practice' (CIRIA, 2001), and developed initially by the Department of the Environment in their 'Guide to Risk Assessment and Risk Management for Environmental Protection' (DOE, 1995). The resulting matrix and descriptions for each level of risk are given in Tables 3 and 4, below.

Table 3
Comparison of consequence against probability

		Scale or seriousness of harm			
		Severe	Medium	Mild	Minor
Likelihood	High likelihood	Very high risk	High risk	Moderate risk	Moderate/low risk
	Likely	High risk	Moderate risk	Moderate/low risk	Low risk
	Low likelihood	Moderate risk	Moderate/low risk	Low risk	Very low risk
	Unlikely	Moderate/low risk	Low risk	Very low risk	Very low risk

(adapted from CIRIA, 2001)

6.1.3 While undertaking the risk assessment under Part 2a, consideration is to be given only to the 'current use' of the land. See Section 3.5 of the Statutory Guidance (2012) for a full explanation of the definition of 'current use'

6.1.4 Risk assessment should follow a staged process starting with a desk study accompanied with a site walkover to decide if testing is required. Only if there is evidence that potentially unacceptable risks may exist will be necessary to undertake testing of the soil and conduct a 'Generic Quantitative Risk Assessment' to assess whether the risk maybe unacceptable. Where more detailed information is required before any decision can be made as to the extent of contamination affecting receptors present on site, a 'Detailed Quantitative Risk Assessment' may be required, to help the council decide on whether an unacceptable risk exists.

Table 4
Description of the classified risks and likely action required

Very high risk	There is a high probability that severe harm could arise to a designated receptor from an identified hazard, or, there is evidence that severe harm to a designated receptor is currently happening. This risk is likely to result in a substantial liability. Urgent investigation and remediation is likely to be required.
High risk	Harm is likely to arise to a designated receptor from an identified hazard. Realisation of the risk is likely to present substantial liability. Urgent investigation is required and remedial works may be necessary in the short term and are likely over the longer term.
Moderate risk	It is possible that without appropriate remedial action, harm could arise to a designated receptor but it is relatively unlikely that any such harm would be severe & if any harm were to occur it is more likely that such harm would be relatively mild.
Low risk	It is possible that harm could arise to a designated receptor from an identified hazard but it is likely that this harm, if realised, would at worst normally be mild.
Negligible risk	There is a low possibility that harm could arise to a receptor. In the event of such harm being realised it is not likely to be severe.

- 6.1.5 At the heart of all risk assessments is the conceptual model. This should be produced in both a matrix and diagrammatical format and show the relevant contaminants, contaminant pathways and receptors, forming individual contaminant pathways, which impact the site. The conceptual model is used for each stage of the risk assessment process, from the preliminary investigation right through to verification. This ensures that all unacceptable risks relating to the site are appropriately identified and allowing the targeted action of remediation to take place.
- 6.1.6 The process of risk assessment should be followed until either:
- Insufficient evidence exists to show that land is contaminated and to justify further investigation, or,
 - The process is completed allowing decisions to be made as to whether to determine the land as contaminated land.
- 6.1.7 If, at any time of the risk assessment process, it is found that the assumptions which led to the prioritisation of the land are found to be incorrect, the risk assessment process should stop and any related site investigation cease immediately. All further efforts by the council should then be redirected onto other land in-line with the approach to prioritisation.
- 6.1.8 Investigations will be conducted as quickly as possible while ensuring at the same time that a robust risk assessment of the identified risks is undertaken. All investigations affecting members of the public will be performed in a manner so as to ensure minimal disruption.

6.1.9 In conducting the risk assessments as part of the Part 2a process the council will:

- Base its assessment on risks reasonably likely to exist;
- Ensure that all inspections are expedited so as to ensure minimal disruption to members of the public;
- Ensure time and resources are made available to provide a robust basis for regulatory decisions to be made;
- Ensure risk assessments follow best practice, as outlined in Contaminated Land Research 11 ('CLR11') model procedures for the management of land contamination (Environment Agency, 2004), and with reference to the Statutory Guidance 2012;
- Stop the risk assessment process where risks originally identified are shown no longer to pose an unacceptable risk to receptors.

6.2 Desk Study and Site Reconnaissance

6.1.1 The regime is intended to resolve/prevent consequential exposures that are likely to be occurring rather than assess all previously used land. In many cases land may be polluted but without any exposure happening because it is covered with hardstanding. Such land can wait until it is redeveloped.

6.1.2 During the desk study actual evidence of a problem existing is sought. Pollution, even gross pollution is often imperceptible unless it is tested for. However, the level of evidence required to justify intrusion and costs to tax payers depends on the risks of missing the pollution. Generally whilst the pollution is not visible, it will be accompanied by other indications that the site may not have been remediated sufficiently at the time. Such evidence is shown in Table 5, below.

Table 5
Evidence required to trigger intrusive investigation

- 1) Physical remains tank plinths (depots, gasworks)
 - e.g. Infrastructure/pipework remaining
 - Interceptor vapour pipes (e.g. depot/petrol station)
 - Waste remaining (e.g. spent oxide/ blue billy at gasworks sites)
- 2) Pollution seen
 - leachate in water course (e.g. landfill)
 - Odour from oil or chemical residues (gasworks)
 - Staining of soil
 - Unexplained areas of dead ground (acidity/caustic)
- 3) Pollution proven e.g. samples tested as part of planning application
- 4) A plausible and likely pollutant linkage is brought to the council's attention.

6.2 Normal Presence of Contaminants

6.2.1 The Part 2a regime was designed to deal with contaminants which pose an unacceptable level of risk, rather than dealing with chemicals in soil which can be

shown to be commonplace and widespread throughout the land, and for which for the most part is unlikely to pose an unacceptable risk to receptors.

- 6.2.2 In circumstances where contaminants in soil are at levels that are considered 'normal' or 'background', (that is to include both a natural and diffuse anthropogenic contribution), they 'should not be considered to cause land to qualify as contaminated land' (DEFRA, 2012a).
- 6.2.3 For the purposes of Part 2a, 'normal' levels of contaminants must be less than likely to cause harm, and are caused by geology or low level diffuse pollution sources (e.g. historic use of leaded petrol). The British Geological Survey has data showing typical background concentrations for topsoil contaminants (DEFRA, 2012b).
- 6.2.4 The British Geological Society has produced maps² of Arsenic (As), Benzo(a)pyrene (BaP), Cadmium (Cd), Chromium (Cr), Copper (Cu), Lead (Pb), Mercury (Hg), Nickel (Ni).
- 6.2.5 Should comparison between local and national levels of the prescribed contaminant show no significant difference the council will consider such levels as 'normal' for the locality. If concentrations, considered as 'normal', pose an unacceptable risk, investigations will proceed to decide whether the land is contaminated land.

6.3 Use of Generic Assessment Criteria

- 6.3.1 Soil Guidance Values and other Generic Assessment Criteria (GAC) are calculated to show the concentration which a single contaminant poses a negligible risk. The principal use of the GAC is to indicate when land is very unlikely to pose a significant possibility of significant harm to human health and so not require any further assessment. A more recent set of GACs are Category 4 Screening Values (C4SLs) that have been calculated using more likely exposure scenarios all based on SC050021/SR2. Portsmouth City Council and Public Health England endorse the use of Defra's Category 4 Screening Values (C4SLs) for chemicals so far assessed (arsenic, benzene, cadmium, chromium V1, lead and B(a)P).
- 6.3.2 These values are used as a tier one screening tool, the GAC helps the assessor in their decision to exclude a whole site, or parts of a site, from further inspection, or to inform where further investigation is required.

6.4 Risk Summaries

- 6.4.1 Where land has been investigated and unacceptable risks require the land be determined as contaminated land, the council is required to produce a risk summary for the site in question before proceeding to determine the site. The risk summary explains in simple terms the reasons for the decision.
- 6.4.2 The Statutory Guidance lists the following requirements for all risk assessments:

² Publically available from: <http://www.bgs.ac.uk/gbase/NBCDefraProject.html#mv> & <http://mapapps2.bgs.ac.uk/bccs/home.html>

- A summary of the authority's understanding of the risks, including a description of: the contaminants involved; the identified contaminant linkage(s), or a summary of such linkages; the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest.
- A description of the authority's understanding of the uncertainties behind the assessment.
- A description of the risks in context, for example by setting the risk in local or national context, or describing the risk from land contamination relative to other risks that receptors might be expected to be exposed to in any case. This need not involve a detailed comparison of relative risks, but the authority should aim to explain the risks in a way which is understandable and relevant to the layperson.
- A description of the authority's initial views on possible remediation. This need not be a detailed appraisal, but it should include a description of broadly what remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to risks posed by the land; and the authority's initial assessment of whether remediation would be likely to produce a net benefit, having regard to broad objectives of the regime set out in Section 2.1 of this document. In the case of land which (if it were determined as contaminated land) would be likely to be a Special Site, the authority should seek the views of the Environment Agency and take any views into account in producing the description.

6.4.3 Local authorities are not required to produce a risk summary for any land which is not to be determined as contaminated land.

6.5 Uncertainty

6.5.1 All risk assessments of potentially contaminated land involve uncertainty, including the scientific uncertainty over the impacts of contaminants.

6.5.2 The council will:

- Minimise uncertainty as far as it considers relevant, reasonable and practical;
- Recognise remaining uncertainty, which is likely to exist in most cases;
- Be aware of the many assumptions and estimates that underlie the risk assessment; and
- Be aware of the effects that assumptions and estimates will have on the conclusions.

7 The Definition of Contaminated Land

7.1 Definition of Contaminated Land

7.1.1 Statutory contaminated land is defined in Section 78a (2) of Part 2a of the Environmental Protection Act 1990. With the issue of the Statutory Guidance (2012) the definition has been modified to include the significant pollution of controlled waters:

7.1.2 Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- a) Significant harm is being caused or there is a significant possibility of such harm being caused: or
 - b) Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.
- (DEFRA, 2012a)

7.1.3 For information on health effects which should always be considered to cause significant harm to human health reference should be made to Section 4.1 of the Statutory Guidance.

7.2 Significant Harm to Human Health

7.2.1 The following circumstances describe situations where the council would determine land on the basis of significant harm:

- Where the authority has undertaken a robust scientific risk assessment and inspection and on the balance of probabilities that significant harm has been caused by a significant contaminant;
- Where significant harm may result in death, life threatening disease (e.g. cancer), other diseases likely to have a serious impact on human health, serious injury resulting from chemical/biochemical properties of a contaminant, birth defects and impairment of reproductive functions.

7.2.2 Before deciding whether any form of harm to human health is significant harm the council must first decide on the seriousness of the harm in question, including the impact on health, quality of life and the scale of the harm.

7.3 Significant possibility of significant harm (SPOSH)

7.3.1 Should the council conclude that significant harm does not apply further consideration is required to establish if a significant possibility of significant harm exists. This may be the case where evidence suggests that harm is a precursor, symptomatic or indicative of a more serious form of harm, or that repeated episodes of minor harm may lead to more serious harm in the future.

7.3.2 The term 'possibility of significant harm' means the risk posed by one or more relevant contaminant linkages(s) relating to the land. It comprises:

- The estimated likelihood that significant harm might occur, taking account of the current use of the land in question;

- The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.
(DEFRA, 2012a)

7.3.3 In estimating the likelihood that a specific form of harm is significant, the council will consider:

- The estimated probability that significant harm might occur if the land continues in its current form, or, if there were a change in use of the land in the future (having regard to 'current use' of land - see Section 9.1.4);
- The strength of evidence underlying the risk estimate;
- The key assumptions on which the estimate of likelihood is based;
- The level of uncertainty underlying the estimate;
- The possible risk that may exist if circumstances were to change in the future with regard to the land, i.e. the introduction of a more sensitive receptor.

7.3.4 Upon completion of the estimation of the level of significant harm the council will then produce a risk summary (see Section 9.4)

7.4 Deciding whether a possibility of significant harm is significant – human health

7.4.1 The decision on whether the possibility of significant harm being caused is substantial is a decision to be taken by the authority and relates to whether the possibility of significant harm is sufficiently high that regulatory action is required to reduce it.

7.4.2 To aid the council in its decision on whether there is a significant possibility of significant harm to human health reference will be made to the following four categorisations:

- Category 1: human health – significant possibility of significant harm exists
- Category 2: human health – land capable of being determined as contaminated land
- Category 3: human health – land not capable of being determined as contaminated land
- Category 4: human health - significant possibility of significant harm does not exist

7.4.3 Land is assessed using a four-stage test, as in Table 6.

**Table 6
4 Stage Test**

Category	Risk	Description	Action	
1 High Risk-	Statutory contaminated land	Possibility of harm from pollution	Action required in short term	Red
2	Potentially contaminated land	Pollution is present at concentrations which may cause harm	Require risk assessment to ensure land is not Category 1	Amber/Red
3	Not contaminated land	Pollution is known to be present but not concentrations that cause harm	Part 2a assessment is unlikely. Planning and other regimes.	Amber/Green
4 Low Risk	Not contaminated land	No known pollution problem	No Part 2a assessment required	Green

NB:

7.4.4 Ultimately, if land is proven to meet the relevant criteria of the legislation, it may be designated as 'contaminated land'. Category 1 land is likely to be contaminated - visible harm may or may not be occurring, but the risks of subclinical impacts and statistical changes in health expectations cannot be discounted and so action will be taken to reduce exposure. Category 2 land requires assessment to see if action is necessary on a precautionary basis. Other lands, with pollution present above the Health Criteria Values but without sufficient reason to consider it to be contaminated or to justify further action are Category 3 land. Such land can be risk assessed by generic desk study and a record kept to help inform the planning regime - the criteria for demonstrating 'fit for purpose' within the planning regime is more protective than the criteria at which intervention by the council (possibly against land owners wishes) is required. The lowest class is Category 4; this land is not considered to be contaminated as the council has no evidence of pollution being present.

7.5 Category 1: human health

7.5.1 A significant possibility of significant harm exists in a case where it considers there is an unacceptably high probability, supported by robust risk based evidence (or 'robust evidence') that significant harm would occur if no action is taken to stop it. Examples of category 1 cases may include;

- Similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused harm before in the united kingdom or elsewhere; or
- Similar degrees of exposure (via any medium) to the contaminant in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the united kingdom or elsewhere;
- Significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. There may not be sufficient evidence to be

sure of meeting the balance of probability test for demonstrating significant harm or that the time needed to demonstrate such a level of probability would cause unreasonable delay, cost or disruption and stress to affected people. ²
Result: a determination of contaminated land is likely to be made.

7.6 Category 2: human health

7.6.1 These are cases where land is capable of being determined as contaminated land on grounds of significant possibility of significant harm. This should take into account the broad objectives of the regime and that the decision is a positive legal test, meaning the starting assumption should be that land does not pose a significant possibility of significant harm unless there is a reason to consider otherwise. Examples of category 2 cases may include:

- There is a strong case for considering that the risks from the land are of sufficient concern that the land poses a significant possibility of significant harm. There may be little or no direct evidence of similar land, situations or levels of exposure have caused harm before, but on the basis of evidence, including expert opinion, there is a strong case for taking action under Part 2a on a precautionary basis.
Result: a determination of contaminated land is possible.

7.7 Category 3: human health

7.7.1 These are cases where land would not be capable of being determined on the grounds of significant possibility of significant harm. This should take into account the broad objectives of the regime and that the decision is a positive legal test. Examples of category 3 cases may include:

- On the basis of evidence there is not a strong case for taking action under Part 2a, the legal test for significant possibility of significant harm is not met. Risks on site may not be low but regulatory intervention under Part 2a is not warranted.
Result: a determination of contaminated land is unlikely to be made.

7.7.2 For categories 2 and 3, local authorities are required to take into account the following;

- The estimated likelihood of such harm;
- The estimated impact if it did occur;
- The timescale over which it might occur;
- The levels of certainty attached to these estimates.

7.7.3 If a decision cannot be made local authorities are required to consider the following direct and indirect health benefits of regulatory intervention:

- Reducing or removing the risk posed by contamination;
- Risks from contaminants being mobilised during remediation;
- Stress related health effects experienced by affected people, i.e. Local residents;
- Whether health benefits outweigh health impacts;
- An estimate of what remediation may involve;

- How long remediation would take;
- The benefits of remediation;
- Whether the benefits outweigh the financial and economic costs;
- Any impacts on local society or environment from taking action.

7.7.4 In deciding the above, local authorities should make a broad consideration of the above factors, and are not required to quantify the impacts or carry out detailed cost benefit or sustainability analysis. If a decision cannot be made, the legal test has not been met and the site should be placed in category 3.

7.8 Category 4: human health

7.8.1 These are cases where there are no risks or that the level of risk is low. Examples of category 4 cases may include

- a) Land where no relevant contaminant linkage has been established
- b) Land where there are only normal levels of contaminants in soil;
- c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant Generic Assessment Criteria or relevant technical tools or advice;
- d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to through other sources of environmental exposure e.g. In relation to average estimated national levels of exposure to substances commonly found in the environment throughout the course of a normal life;
- e) Following Detailed Quantitative Risk Assessment the level of risk posed is sufficiently low.

Result: a determination of contaminated land is unlikely to be made.

7.8.2 However, Statutory Guidance states that sites falling into b) and d) above may be placed into categories other than category 4, in such instances this should be supported by robust evidence.

7.9 Significant harm and significant possibility of significant harm – non-human receptors

7.9.1 For the purposes of Part 2a the council is required only to consider those non-human receptors and types of harm outlined in tables 1 and 2 of the Statutory Guidance (2012), reproduced in Appendix B.

7.9.2 Significant harm of ecological receptors is predominantly based upon irreversible or substantial adverse changes or endangering the long term population of a species.

7.9.3 The significant possibility of significant harm to ecological receptors should be considered if significant harm is more likely than not and if there is a reasonable

possibility that if significant harm occurred it would be practically impossible to restore it.

7.9.4 Where the non-human receptor being considered is ecological the council will always ensure to consult with Natural England and have regard for its comments before making any determination.

7.10 Significant pollution of controlled waters and significant possibility of such pollution

7.10.1 Where the council considers that a determination is likely regarding controlled waters it must also consult the Environment Agency and have regard for its advice prior to any determination made.

7.10.2 'Pollution of controlled water' as described in Section 78a(9) of Part 2a is defined as the entry into controlled waters of any 'poisonous, noxious or polluting matter or any solid waste matter' (DEFRA, 2012a)

7.10.3 In dealing with significant pollution the council will focus on pollution which may:

- Be harmful to human health;
- Be harmful to the quality of aquatic or terrestrial ecosystems directly;
- Result in damage to material property; or
- Impair or interfere with amenities and other legitimate uses of the environment.

7.11 Significant pollution of controlled waters

7.11.1 The following types of pollution should be considered by the council to constitute significant pollution of controlled waters:

- Pollution equivalent to 'environmental damage' to surface or groundwater defined by the Environmental Damage (Prevention and Remediation) Regulations 2009.
- Inputs resulting in deterioration of water quality abstracted or intended for human consumption such that additional treatment would be required to enable use.
- A breach of statutory surface water environmental quality standard.
- Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in article 2(3) of the groundwater daughter directive (2006/118/ec).

7.11.2 In determining the above, local authorities are required to consider that substances are continuing to enter controlled waters; or that they have already entered the waters and are likely to do so again and by doing so is likely to constitute significant pollution to controlled waters. There are therefore situations where controlled waters contain pollution, but these do not meet the definition of significant pollution of controlled waters:

- The fact that substances are merely entering water and none of the conditions for considering that significant pollution is being caused in Section 10.6.3 are being met;
- The fact that land is causing a discharge that is not discernible at a location immediately downstream or down-gradient of the land;
- Substances entering water in compliance with a discharge authorised by the Environmental Permitting regulations (England and Wales) 2007;
- Where relevant substance(s) are already present in controlled waters;
- Where entry into controlled waters of the substance(s) from the land has ceased, and
- Where it is unlikely that further entry will take place.

7.12 Significant possibility of significant pollution of controlled waters

7.12.1 The term significant possibility of significant pollution of controlled waters means the estimated likelihood that significant pollution of controlled waters will occur.

7.12.2 Before a decision can be reached on whether this has occurred, the council must first understand the possibility that significant pollution of controlled water may occur, as well as the levels of uncertainty, before deciding if that possibility is significant.

7.12.3 Determining as contaminated land under the term significant possibility of significant pollution of controlled waters is regarded by the Part 2a regime as a positive legal test, meaning that in order to determine a site as statutory Contaminated Land the council needs to reasonably believe there is a significant possibility of such pollution, rather than to demonstrate there is not.

7.12.4 In making the decision local authorities are required to consider;

- a) The estimated likelihood that the potential significant pollution of controlled waters would become manifest; the strength of evidence underlying the estimate; and the level of uncertainty underlying the estimate.
- b) The estimated impact if significant pollution occurred and whether this would cause a breach of European waters legislation.
- c) The estimated timescale over which this would occur.
- d) An estimate of whether remediation is feasible, what it would involve, the extent to which it provides a solution to the problem; how long it would take; what benefit it would bring; whether benefits would outweigh the costs and the impacts on local society. ²

7.12.5 The council must take into account the broad objectives of the regime when making the decision as discussed in Section 1.2. In deciding whether a significant possibility of significant pollution of controlled waters exists local authorities should refer to the following categories:

7.12.6 Category 1 (water)

Strong and compelling cases with robust science based evidence that indicates that pollution would cause a high impact if nothing is done to stop it.

Result: a determination of contaminated land is likely to be made.

7.12.7 Category 2 (water)

Strength of evidence as for category 1 does not exist, but scientific and expert opinion is that the risks posed by the land to water are significant.

Result: a determination of contaminated land is possible.

7.12.8 Category 3 (water)

It might be preferable that risks were not present, but the strength of evidence does not indicate that regulatory action under Part 2a is required.

Result: a determination of contaminated land is unlikely to be made.

7.12.9 Category 4 (water)

The council concludes there is no risk or the risk is low. For example: where there is no contaminant linkage; the pollution is not significant; there are no discernible discharges downstream compared to upstream; contaminants have completely entered the water and no longer (and will not in future) come from the land; the discharge is permitted under the environmental permitting regulations; or pollution that is as a result of 'normal' concentrations.

Result: a determination of contaminated land is unlikely to be made.

8 The Determination of Contaminated Land

8.1 Deciding that land is not Contaminated Land

8.1.1 Where the council has completed its inspection of the land and concluded the land in question is not contaminated land, it is required to produce a written statement to minimise unwarranted blight on the land. The statement is required to make clear why on the basis of its risk assessment it does not constitute contaminated land under the Part 2a regime. The default opinion is that land is not contaminated land unless there is evidence to suggest that it is.

8.1.2 Where such a decision has been made the council will inform the owners of the land, and other interested parties, of its decision and provide them with a copy of the written statement. The timing of issuing the statement will be undertaken within a reasonable period of time as a means of reducing any unnecessary burdens to landowners, occupiers or users of the land affected.

8.2 Determining land is Contaminated Land

8.2.1 Before making any determination the council must first have identified at least one significant contaminant linkage and undertaken a robust, appropriate, scientific and technical assessment of all the relevant and available evidence.

8.2.2 Where the council is considering determination after the appropriate assessment has been completed (as detailed in Section 11.2.1), should the land to be determined be likely classified as a 'Special Site' (as described in the Contaminated Land Regulations 2006), the council will first consult the Environment Agency and have full consideration for its decision.

8.2.3 Where the council decides that there is an urgent requirement to determine a site as contaminated land it will do so in a timescale considered appropriate for the situation.

8.3 Physical extent of land to be determined

8.3.1 The council will decide the physical extent of the land to be determined and use its judgement where it is not clear where the boundaries of contamination lie.

8.3.2 The physical extent of the land to be determined can be reviewed if, at a later date, information suggests this is necessary.

8.3.3 Land can be sub divided by the council for the purposes of determination, and by doing so would be required to issue separate determinations for each piece of sub-divided land. In deciding whether this is appropriate, the council will take into account:

- The nature of contamination;
- The degree of risk posed;
- Whether this varies across the land;
- The nature of remediation which might be required;
- The ownership of land;
- The likely identity of those who may bear responsibility for the remediation.

8.4 Informing interested parties

- 8.4.1 Prior to making any determination the council will inform the owner, occupier, or any other person who may possibly be responsible for remediation, of its intention to determine the land as contaminated land, unless it has an overriding reason why not to do so.
- 8.4.2 In each case the council will decide whether to give such persons time to make representations, for the purposes of either seeking clarification on the grounds of determination, or to allow time to for proposed solutions for dealing with the contamination issues on site without the need for formal determination.
- 8.4.3 Where the council has identified the appropriate person(s) and has determined a site as contaminated land, it will ensure the following are notified, in accordance with Section 78b(3) of Part 2a:
- The Environment Agency;
 - The owner of the land;
 - Any person who appears to be in occupation of the land;
 - Each person who appears to the council as an appropriate person.

8.5 Postponing determination

- 8.5.1 Where a person wishes to deal with the problem of remediation on a site planned for determination, the council may choose to postpone its decision to determine provided:
- The remediation will happen to an appropriate standard;
 - The remediation will occur within an appropriate timescale.
- 8.5.2 Should the council decide to adopt the approach of postponing determination where voluntary remediation has been agreed, no decision to voluntarily remediate will affect the council's ability to determine the land as contaminated land in the future, if required to do so.
- 8.5.3 A decision to postpone determination of land as contaminated land may also occur where a significant contaminant linkage would only occur if the circumstances of the land were to change within the bounds of the current use of the land. Examples of where this may apply could be if the introduction of a more sensitive receptor to the site, or a temporarily inactive pathway became active once more.
- 8.5.4 Where postponement has occurred, in all cases, the council will keep the status of the land under review, thereby ensuring that no identified significant contaminant pathways go unnoticed in the future.
- 8.5.5 Alternatively, the council may decide not to postpone determination, but postpone remediation instead.

8.6 Written record of the determination of Contaminated Land

8.6.1 The council will prepare a written record of determination of contaminated land which will be publicly available and understandable to non-specialists. The record will include:

- Clear and accurate identification of the location, boundaries and area of the land in question;
- Appropriate reference to ordnance survey grid references;
- An explanation as to why the determination was made;
- The risk summary;
- A relevant conceptual model;
- A summary of the relevant assessment of the evidence;
- A summary of why the requirements of the Statutory Guidance have been satisfied.

8.7 Reconsideration, revocation and variation of determinations

8.7.1 Where further information obtained significantly alters the basis of the decision made by the council that land is contaminated, the council will reconsider its decision to determine. In such cases, the council will decide whether to retain, vary or revoke the determination.

8.7.2 The council will reconsider its decision to determine land as contaminated where, in the view of the council, remediation action has been undertaken which stops the land being contaminated. In such cases, the council will issue a written statement (see Section 11.1).

8.7.3 Where the council has varied, revoked a determination, or issued a statement in-line with Section 11.7.2 above, it will record its decision to do so alongside the original determination, so as to make clear to all interested parties (owner(s), occupier(s), any person who was previously identified by the council to be an appropriate person; and the Environment Agency).

9 Remediation of Contaminated Land

9.1 Definition of remediation

9.1.1 Remediation is defined as meaning:

- The doing of anything for the purpose of assessing the condition of:
 - a) The contaminated land in question;
 - b) Any controlled waters affected by that land; or
 - c) Any land adjoining or adjacent to that land;
- The doing of any works, the carrying out of any operations, or the taking of any steps in relation to any such land or waters for the purpose:
 - a) Of preventing or minimising, or remedying or mitigating the effects of, any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or
 - b) Of restoring the land or waters to their former state.
- The making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.
 - c) (Section 78a(7) Environmental Protection Act 1990)

9.1.2 The council will have regard to sections 78e(1), (4) and (5) of Part 2a of the Environmental Protection Act 1990. Where contaminated land has been determined and a remediation notice is required to be served, the council will serve a notice on all identified appropriate persons, consider what is reasonable having regard to costs involved and seriousness of the harm to receptors, or pollution of controlled waters.

9.1.3 Once the land has been determined as contaminated land, the council has a requirement to consider what remediation should be undertaken to prevent or sever identified significant contaminant linkages. The council has the duty to serve a Remediation Notice. The council has the power if it so chooses, to enforce that notice and ensure the required remediation is performed.

9.1.4 The broad aim of remediation should be to:

- Remove or take measures to remedy the identified significant contaminant linkages, or permanently to disrupt them to ensure they are no longer significant and that risks are reduced below an unacceptable level;
- To take reasonable measures to remedy harm or pollution that has been caused by significant contaminant linkage.

9.1.5 Before a Remediation Notice is served an extensive consultation process will be completed and encouragement given to arrive at an informal solution (see voluntary remediation Section 12.2). The council will do all in its power to consult the appropriate person(s), owners, and occupiers about their views on the state of the land.

- 9.1.6 Where no informal solution can be achieved the council will serve a Remediation Notice on each appropriate person. **It cannot be served less than three months after formal notification that the land is contaminated unless urgent action is deemed necessary** (where there is imminent risk of serious harm).
- 9.1.7 Where the aim of remediation is to remove or disrupt the contaminant linkage the remediation treatment will involve one of the following methods:
- Reducing or treating the contaminant (e.g. Removing from site or soil washing);
 - Breaking, removing or treating the pathway (e.g. Introducing hard standing or fitting a gas membrane);
 - Protecting or removing the receptor (e.g. Restricting access to land).
- 9.1.8 Where remediation actions are numerous it may not be possible to list all the required details on a single Remediation Notice. In such cases, the council will specify in the first notice the 1990 Environmental Protection Actions immediately required along with a statement stating that further Remediation Notices may be required which stipulate further phases of remediation action required.
- 9.1.9 The council will review each phase of remediation action undertaken before serving any subsequent Remediation Notices for the purposes of determining if the completed phase has achieved the overall target for remediating the land in question.

9.2 Voluntary remediation

- 9.2.1 Before serving a Remediation Notice the council will have regard to Section 78h(5)(a)-(d) of Part 2a of the Environmental Protection Act 1990.
- 9.2.2 The council will not serve a Remediation Notice if it is satisfied that appropriate voluntary remediation actions are being taken which satisfactorily remove all significant contaminant linkages. The council will assume that appropriate measures by way of remediation are being undertaken if:
- It is satisfied the steps planned for voluntary remediation will achieve a standard which is equal to or better than what would have been listed in a served Remediation Notice;
 - It is satisfied that the timescale for completion of all voluntary remediation actions is appropriate.
- 9.2.3 The council will, where necessary, consult with other regulatory bodies (e.g. The Environment Agency) for the purpose of ensuring that any planned voluntary remediation will indeed achieve the expected standard of remediation and within the expected timeframe.
- 9.2.4 The council will actively consider both the merits and likelihood of achieving remediation voluntarily before it serves a Remediation Notice.

9.3 Standard of remediation

- 9.3.1 In all cases the council will ensure that the standard of remediation will be at a level which ensures the land will not pose a significant risk and so as to qualify as contaminated land.
- 9.3.2 That is to say remediation should be to a minimum of Category 3, but this may be by risk management rather than only remedial techniques. It may include the removal of receptors, or formally restricting uses to those that are appropriate.

9.4 Reasonableness of remediation

- 9.4.1 Actions contained within a Remediation Notice are to be reasonable. In deciding what is reasonable the council will consider:
- The practicability, effectiveness and durability of remediation;
 - The health and environmental impacts of the chosen remedial options;
 - The financial cost involved; and
 - The benefits of remediation weighed against the seriousness of harm or pollution to controlled waters.
- 9.4.2 Where a Remediation Notice is deemed necessary the council will have regard to sections 6.23 to 6.36 of the Statutory Guidance.
- 9.4.3 The council will regard a Remediation Notice as being reasonable where the benefits from remedial action taken outweigh the costs incurred from taken such action.
- 9.4.4 Where more than one remedial option is deemed as being reasonable, the council will have regard for what is considered 'best practicable technique'. This will involve deciding which technique achieves the required standard of remediation, within the required timescale, while at the same time not exceeding excessive cost to the liable person.

9.5 Remediation by the council

- 9.5.1 Before the council (or Environment Agency) can serve a Remediation Notice it will first determine whether it has the power to carry out any of the remediation actions itself. There are five specified circumstances where this may be the case:
- Where urgent action is required to prevent serious harm or pollution to controlled waters (see Section 12.6);
 - Where there is no appropriate person or no appropriate person can be found;
 - Where one or more appropriate persons are excluded on grounds of hardship or after any other exclusion test (see Section 14);

- Where the council has made an agreement with the appropriate person(s) that it should carry out the remediation, but to the cost of the appropriate person;
- In default of a Remediation Notice;
- The council has decided not to recover costs, or to recover only a part of the costs.

9.6 Urgent action

- 9.6.1 Where it appears to the council that urgent action is required it will first determine if the pollution falls within the contaminated land regime (intended for historical pollution even if the exposures to historical pollution have only recently occurred), or the Environmental Damage Regulations (2009) (intended for newly caused pollution from businesses, or where there appears to be a likely possibility of causing pollution).
- 9.6.2 In such circumstances the procedures identified in the Statutory Guidance will be followed which may involve the forced entry into the premises (see Appendix E). In urgent cases, if it is of the opinion that the risk would not be resolved by enforcement action, the council may undertake the remediation where it is the enforcing authority. In the case of a Special Site the council must determine the land as contaminated land in accordance with the statutory procedure, and then notify the Environment Agency who will then decide whether to take on the site as a Special Site and be responsible for overseeing the remediation.
- 9.6.3 Under Section 78P(1) of Part 2a of the 1990 Environmental Protection Act, the council has the right to seek to recover costs of remediation works it has completed. This does not apply to site investigation works undertaken prior to determination of the land as contaminated land.

9.7 Revision of Remediation Notices

- 9.7.1 The council will consider revising a Remediation Notice where new information suggests that the reasonableness of remediation listed in the notice is called into question. For example, where, during remediation, it is shown that certain aspects of the remediation are no longer necessary.
- 9.7.2 Where the council has issued a Remediation Notice and an alternative method of remediation has been proposed, the council will consider if it is appropriate to revise the notice, having regard for the ability of the method to address the significant contaminant linkage and the timescale it will take to achieve the intended standard of remediation.

9.8 Appeals against Remediation Notices

- 9.8.1 Remediation Notices will include information on the right to appeal against them.
- 9.8.2 Any appeal should be made within twenty-one days of receiving the Remediation Notice, in accordance with Section 78I(1) of Part 2a of the Environmental Protection Act 1990.

9.8.3 Once an appeal is received the Remediation Notice will become suspended until either the appeal has been finally determined or the appeal has been withdrawn.

9.8.4 Under regulation 8 of the contaminated land Regulations 2006, appeals against Remediation Notices are no longer received by a magistrates' court. Rather, regulation 8 (revised for the 2006 regulations) instructs that all appeals should be made to the Secretary of State for the Environment, food and Rural Affairs. The appellant must at the same time serve a copy of the notice on:

- The council;
- Any other appropriate person named in the Remediation Notice;
- Any person who is named in the appeal as an appropriate person;
- Any person named in the appeal as the owner or occupier of the land.

Offences

It is an offence not to comply with a Remediation Notice.

Non-compliance with a Remediation Notice may result in prosecution and a fine. The council or the Environment Agency also has powers in some cases to carry out the necessary works and recover reasonable costs from the appropriate person(s).

10 Liability

10.1 Appropriate persons

10.1.1 The persons legally and financially responsible for remediating statutory Contaminated Land are known as 'appropriate persons'. There are two categories of appropriate person:

10.1.2 Appropriate persons - class 'a' - these are, generally speaking, the polluters, but also included are persons who, 'knowingly permit'. This includes developers who leave contamination on a site which subsequently results in the land being determined contaminated.

10.1.3 Appropriate persons - class 'b' - where no class 'a' persons can be found, liability reverts to the owner or the occupier. These are known as class 'b' persons.

10.1.4 The council will make all reasonable enquiries to identify class 'a' persons before liability reverts to innocent owner occupiers.

10.1.5 The matter of appropriate persons must be considered for each significant contaminant linkage. Where a site has had a series of contaminative uses over the years, each significant contaminant linkage will be identified separately and liability considered for each.

10.1.6 If the council cannot find any Class 'a' or Class 'b' persons in respect of identified significant contaminant linkages, no liability will be assigned and any such linkage will be treated as an 'orphan linkage'. Under these circumstances the council will bear the cost of any remediation.

10.2 Apportionment of liability

10.2.1 Land may be determined contaminated upon the identification of only one significant contaminant linkage. Full liability cannot be determined until all significant contaminant linkages on the site have been identified. When all significant contaminant linkages have been identified the procedure relating to the apportionment of liability must commence. This has five distinct stages:

- 1.** Identifying potential appropriate persons and liability groups;
- 2.** Characterising remediation actions;
- 3.** Attributing responsibility to liability groups;
- 4.** Excluding members of liability groups;
- 5.** Apportioning liability between members of a liability group.

10.2.2 The process commences with the establishment of liability groups. All appropriate persons for any one contaminant linkage are a, 'liability group'. These may be Class 'a' or Class 'b' persons, as described in Section 13.1. In the case of Class 'a' persons, the council will identify all appropriate persons who are responsible for causing the presence of each identified contaminant on the land to pay for any

remediation required in relation to that contaminant for which they are responsible. This group is classed as a Class 'a' liability group.

10.2.3 Where no Class 'a' person(s) have been identified the council will first consider if there is significant pollution of controlled waters. If this is the case the council will treat the contaminant linkage as an 'orphan linkage' (see Section 13.5).

10.2.4 Where no Class 'a' persons can be found the council will identify all current owners or occupiers of the land in question. These persons constitute a Class 'b' liability group.

10.2.5 Where no Class 'a' or Class 'b' persons can be identified there will be no liability group and the land will be designated an 'orphan linkage' (see Section 13.5).

10.2.6 Where more than one contaminant linkage exists, the council will consider each one in turn for the purposes of identifying all liability groups.

10.3 Limitation on costs to be borne by appropriate persons

10.3.1 There are six tests specified to identify whether class 'a' groups should be excluded from liability. These are:

- Excluded activities;
- Payments for remediation;
- Sold with information;
- Changes to substances;
- Escaped substances;
- Introduction of pathways or receptors.

10.3.2 These will be applied in sequence and separately for each contaminant linkage. For more detailed descriptions of each of these tests refer to Section 7(c) of the Statutory Guidance (2012).

10.3.3 The exclusion of class 'b' persons is much less complex. The single test merely excludes those who do not have an interest in the capital value of the land. Tenants are excluded.

10.3.4 When the council has apportioned the costs of each remediation action and before serving Remediation Notices, it will consider whether any of those liable may not be able to afford it. If, after taking into consideration the Statutory Guidance it decides that one or more of the parties could not, it will not serve a Remediation Notice on any of the parties. The council will instead, consider carrying out the work itself and produce and publish a Remediation Statement.

10.3.5 The council's Cost Recovery Policy is contained in Section 14.

10.4 Apportionment of costs

10.4.1 The process of apportioning costs to members of Class 'a' and Class 'b' liability groups will follow only after the application of the exclusion tests have been performed.

10.4.2 Where the council is apportioning costs between members of a Class 'a' liability group, it will follow the general principle that liability will be apportioned between liability group members to reflect each member's relative responsibility for creating or continuing the significant contaminant linkage.

10.4.3 If the council cannot find the appropriate information to establish the degree of apportionment of costs between each member of the liability group, liability will be apportioned in equal shares, in accordance with the Statutory Guidance (2012).

10.4.4 Specific approaches to applying this general principle will be followed by the council, as outlined in sections 7.66 to 7.75 of the Statutory Guidance (2012)

10.4.5 Apportionment of costs in relation to members of a Class B liability group will follow the procedure outlined in Section 7(f) of the Statutory Guidance (2012).

10.5 Orphan linkages

10.5.1 An orphan linkage may arise where:

- The significant contaminant linkage relates solely to the significant pollution of controlled waters;
- No Class 'a' or Class 'b' person(s) can be found;
- Those who would be liable are exempted by one of the relevant statutory provisions outlined in paragraphs 78j(3), 78k or 78x(3) of Section 78 of the Environmental Protection Act 1990.

10.5.2 Where only one significant contaminant linkage has been identified and that is also an orphan linkage, the council will bear the cost of any remediation required to be undertaken

10.5.3 In the case of multiple significant contaminant linkages, where some are orphan linkages, the council will need to consider remediation action separately for each linkage.

10.5.4 Should there exist a situation where a single significant contaminant linkage exists (for which there is a Class 'a' liability group), alongside an orphaned linkage sharing the same required remediation action, the council will attribute the entire cost for remediation to that liability group.

10.5.5 Where an orphaned linkage shares a remediation action with a significant contaminant linkage for which there is a Class 'b' liability group, the council will adopt the following procedure:

1. Where remediation is a common action between significant linkages and orphaned linkages the council will attribute all of the cost of carrying out remediation to the Class B liability group;
2. Where remediation is a collective action (where more than one remediation action is required split between one or more significant contaminant and orphaned linkages), the council will estimate the hypothetical cost of the 1990 Environmental Protection Action needed to remediate each linkage separately for which that group is liable;

3. The council will then attribute costs for the collective remediation action between itself and the Class B liability group so the expected liability of that group does not exceed the hypothetical cost

10.6 Costs associated with Council liabilities

10.6.1 Apart from costs arising from implementing the inspection strategy the council may become liable for costs related to either the investigation or remediation of land as a result of acts or omissions in other areas of responsibility. This may include:

- Causing or knowingly permitting the presence of contaminants, historically or currently e.g. pre-1974 waste disposal;
- Purchasing or taking possession of land that may be contaminated;
- Leasing land that becomes contaminated as a result of actions by the tenant(s);
- Failing to require remediation of land through the development control process.

10.6.2 Appropriate action in accordance with the Statutory Guidance should be taken to address council owned contaminated land. All investigations and remediation should be documented with justifications provided in a transparent manner. Any council owned contaminated land will be reported to department directors and necessary panels/ executives.

10.6.3 Steps are taken by each council department to manage liabilities, these include;

- Pre-purchase assessments and due diligence checks prior to purchasing land and buildings;
- Due diligence checks prior to accepting gifted land;
- Reviews of leases and applications of appropriate conditions on tenancy agreements;
- Appropriate planning and Building Control consultations and use of planning conditions;
- Use of enforcement powers during the development control process where appropriate;
- Undertaking investigation and remediation in accordance with relevant guidance;
- Maintenance checks and environmental audits for chemical storage and fuel storage areas on council land holdings.

11 Financial Implications

11.1 Introduction

11.1.1 The council will endeavour to ensure that appropriate finance is in place to carry out its statutory duties. In all cases officers will comply with the council's financial policies and procurement guidelines.

11.1.2 Portsmouth will have regard to the individual circumstances of each case. In making cost recovery decisions the authority will have regard to the following principles as outlined in the Statutory Guidance (2012):

- Aim to be as fair and as equitable as possible;
- Base decisions on the 'polluter pays principle', in as much that costs of remediation should be borne by the polluter.

11.1.3 Local authorities have no power to recover any costs they incur in inspecting the land to determine whether it is contaminated land. In accordance with Section 78p of the 1990 Environmental Protection Act, in circumstances where the council has carried out remediation itself, it may be entitled to recover reasonable costs it has incurred from the appropriate person.

11.1.4 In deciding how much of the cost to recover, the authority shall consider if, by deferring the cost by applying a charge to the land, more of the cost of remediation can be recovered.

11.2 Scope

11.2.1 Where the council has determined that land is statutory contaminated land, it has a duty to seek its appropriate remediation.

11.2.2 This chapter sets out the council's position for dealing with remediation costs (sometimes known as clean-up costs) associated with contaminated land. In particular, how Cost Recovery will be addressed where the council has carried out remediation for which it is entitled to recover its' costs. The Policy reflects the contaminated land Statutory Guidance (April 2012) issued by the Secretary of State for the Environment, Food and Rural Affairs under his powers under Part 2A (the 'Guidance'). In addition to this Policy, reference should also be made to the Guidance, which can be found online at <https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>.

11.2.3 This Section and Policy is based on the relevant sections of Part 2A and the Guidance. The council must have regard to the Guidance when seeking to recover clean-up costs. However, the council recognises that there is a wide variation in the circumstances associated with land contamination (including its history, ownership and liability for its clean up). Following the advice in the Guidance, the council will view the Guidance in terms of principles and approaches, while at the same time always having regard to the Guidance. This Policy defines how the council will apply these principles and approaches in individual cases.

11.2.4 The underlying driver for Part 2A and the Guidance is the 'polluter pays principle'. This means that the polluter (all persons who caused or knowingly permitted the contamination in the first place) should pay for cleaning up land that they have contaminated or on which they have allowed contamination to happen.

11.2.5 There is a duty under the legislation to compile a list of ALL potential polluters of an identified contaminated site. This should include anyone who has owned, occupied or operated on the site in question. Often there are several parties involved and there are several complicated tests that need to be applied in order to determine the proportion of liability of each. These tests are explained in the Guidance. Part 2A and the Guidance identifies two classes of persons who may be liable:

- a) The person(s) who **caused** or **knowingly permitted** the contaminating substances to be in, on or under the land in question (**Class 'a' person**);
- b) The current **owner or occupier** of the contaminated land (**Class 'b' person**).

11.2.6 Both Class 'a' person and Class 'b' person denote a person considered by the council to be an appropriate person falling within a Class 'a' Liability Group or Class 'b' Liability Group as further explained in the Guidance.

11.2.7 Where a contaminated site is identified, Class 'a' persons will normally be required to undertake the necessary remediation. Where there is more than one Class 'a' person, the council will determine the division of liabilities in accordance with the Guidance.

11.2.8 Where no Class 'a' person can be found, responsibility for remediating a site passes to the current owners or occupiers of the site (Class 'b' persons). This can include private householders. Class 'b' persons are only liable for remediation within the boundaries of their property and cannot be held liable for any pollution of 'controlled waters' (basically streams, rivers, groundwaters and other watercourses).

11.3 General Principles Relating to Cost Recovery and Hardship

11.3.1 The council will follow the general principles as set out in the Guidance with regard to costs recovery. In particular, the council will seek to recover its full reasonable costs while having due regard to the avoidance of hardship that recovery of costs may cause.

11.3.2 If a Class 'a' or Class 'b' person is required to carry out remediation, but such a person claims and can demonstrate by evidence that this will cause hardship, the council may require that person to provide at an early stage information to enable the council to assess such a claim on its merits. The council reserves the right to disclose evidence of hardship to other statutory bodies such as the Environment Agency.

11.3.3 Should the council carry out any required remediation, there is provision in the legislation for the council to waive or reduce the remediation costs it would be entitled to recover from liable persons where full Cost Recovery would cause hardship. A claim of hardship will be a matter for the council to decide in any given case following an objective consideration of the particular facts.

11.3.4 The council will only consider making a waiver or reduction in recovery of remediation costs if suitable and sufficient information is provided to the council in line with the Guidance. In some circumstances the council may require such information earlier than indicated in the Guidance, as such a claim may inform the strategic approach that the council takes to dealing with the contamination. The council will advise that person of the information required at the appropriate time. As mentioned, it will be for the person making a hardship claim to **demonstrate by evidence (including documentary evidence)** submitted to the council that they will suffer hardship if asked to pay remediation costs.

11.3.5 The council will follow the Guidance with regard to consideration of commercial enterprises, threat of business closure or insolvency, trusts, charities and social housing landlords.

11.3.6 The council will follow the Guidance in relation to specific considerations applying to Class 'a' persons.

11.3.7 The council will follow the Guidance in relation to specific considerations applying to Class 'b' persons.

11.4 Decisions on cost recovery and hardship

11.4.1 The decision will be made in consultation with the Leader of the council, after considering a report prepared by the Contaminated Land Team. This will be an internal council report and will be confidential to the council.

11.4.2 The decision-maker will have regard to the Guidance, including the specific considerations mentioned at Section 8 thereof. Such considerations include ascertaining what precautions were taken before a freehold or leasehold interest was acquired by the liable person e.g. what environmental surveys were carried out, what environmental searches were undertaken, what questions were asked of any seller as to the environmental condition of the land.

11.4.3 In deciding whether to recover its costs and, if so, how much of its costs, the council will have regard to:

- Any hardship which the recovery might cause to the appropriate person; and
- The Statutory Guidance, sections 8(b), 8(c) and 8(d).

11.4.4 Any appropriate person seeking a waiver or reduction in the remediation costs will need to present appropriate information to the council to support this request. Such information would relate to financial circumstances.

11.4.5 The council will also endeavor to acquire any relevant information itself to help in the process of a cost recovery decision.

11.5 Cost recovery considerations in addition to hardship

11.5.1 In addition to 'hardship' other circumstances may include:

- Threat of business closure or insolvency;
- Trusts;
- Charities;
- Social housing landlords;
- Where other potentially appropriate persons have not been found;
- Costs in relation to land values;
- Precautions taken before acquiring a freehold or a leasehold interest;
- Owner-occupiers of dwellings.

11.5.2 In each case, reference should be made to the 'principles and approaches' of Section 8 of the Statutory Guidance (2012).

11.5.3 Claims for compensation for rights of entry

In some cases remediation may need to be carried out on land not owned by the liable persons for example because it has been sold on or because contaminants have leaked onto neighbouring land, in this case the new landowner or the neighbour will need to grant the necessary rights for the work to be carried out.

11.5.4 Regulation 6 and schedule 2 of the Contaminated Land (England) Regulations 2006 set out the codes for compensation claims and payments. These do not apply where remediation has been carried out voluntarily and a Remediation Notice has not been served.

11.5.5 The above may be important in circumstances where the council has to carry out works in default where a Remediation Notice has not been complied with or in instances when the council is required to grant rights for access to council owned land.

12 Information Management and Disclosure

12.1 Information Management

12.1.1 Information will be stored and distributed electronically where possible to reduce paper. Information will be stored in a manner so that;

- Information about a site can be linked to a geographic area or property address;
- Site information is easily accessible; and
- Site information is referenced to enable retrieval of disparate information related to one particular site.

12.2 Release of Information

12.2.1 The council is committed to openness in relation to all information providing the information is being provided to an appropriate person for a suitable purpose. All information is stored, managed, shared and released in accordance with council policies relating to the Data Protection Act 1998 and the Freedom of Information Act 2000.

12.2.2 The Environmental Information Regulations 2004 (s. 1 2004/3391) set out specific provisions with regards to public access to environmental information, refusals to disclose, charging, disclosing and timescales.

12.2.3 The Contaminated Land Team responds to requests for information held on historic land-uses and investigation data. A disclaimer is added to the written response making it clear that the information provided is only that available at that time. An appropriate charge is made for provision of the information. This is consistent with the Environmental Information Regulations 1992.

12.2.4 The updated Inspection Strategy will be circulated to external organisations such as the Environment Agency, DEFRA and Natural England for comment.

12.3 Public Registers

12.3.1 In accordance with Part 2a and the Contaminated Land (England) Regulations 2006, the council maintains a public register, which is available for public inspection at all reasonable times.

12.3.2 The Part 2a public register serves as a permanent record of all regulatory action undertaken to ensure the remediation of any site which has been determined as contaminated land. Sites which have been determined as contaminated land but where no consequent action has yet been taken will not appear on the register.

12.3.3 A public register exists that holds notices about land that a formal Remediation Statement has been prepared in-line with Section 78(R) of the 1990 Environmental Protection Act. The Part 2a register but this does not contain any determinations. Whilst investigation and remediation has occurred no notices have been issued under the council's Part 2a responsibilities. Rather much work was done under the previous provisions, and although several site investigations and risk assessments have been carried out under Part 2a duties, no investigation required a formal approach for its resolution.

12.3.4 The only information required to be stored on a formal register is that relating to regulatory action and remediation. The contents are specified at length in schedule 3 of the Contaminated Land (England) Regulations 2006 .

12.3.5 The information on the register will include:

- Identification notices;
- Remediation Notices;
- Details of site reports obtained by the council relating to Remediation Notices;
- Remediation declarations, remediation statements and notifications of claimed remediation;
- Designation of sites as 'Special Sites';
- Any appeals lodged against remediation or charging notices; and
- Convictions.

12.3.6 The Part 2a public register is maintained by the Contaminated Land Team located at the City Development and Cultural Services, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AU.

12.3.7 Members of the public visiting the offices are able to view the register free of charge during normal office hours 9am - 5pm Monday to Friday. This should be arranged by prior appointment to ensure a member of the team is available.

12.3.8 When entries are made in the register the council will also make available such contents on its website. Information currently contained on the webpage refers only to the statutory requirement of the content of the register, as stipulated under the contaminated land regulations (2006).

12.3.9 Any enquiries concerning contaminated land in relation to property sale or the redevelopment of land need to be made in writing to the Contaminated Land Team, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AU, or by emailing contam@portsmouthcc.gov.uk. Questions should be clearly stated and accompanied by a plan of the area with the boundaries of the required search area clearly marked. Charges are made for this service. An initial response should be given within 5 working days, with a detailed reply provided within 28 working days. Answers to queries will be restricted to factual data. Interpretation of this data and the making of comments concerning potential risks to the development or financial liabilities will not be provided by the council.

12.4 Information Received from Members of the Public

12.4.1 The council welcomes input from members of the public and their knowledge of the history of the area they live in. Should members of the public wish to discuss land contamination issues they can contact the Contaminated Land Team via telephone on 023 9284 1399, by email at contaminated.land@portsouthcc.gov.uk, or by visiting the offices during normal office hours.

13 Enquiries Procedure and Arrangements for Review

13.1 Enquiries Procedure

13.1.1 Procedures are in place to:

- Record that information or that an enquiry has been received;
- Demonstrate an appropriate officer has been designated to deal with the request;
- Record the request and response; and
- Ensure appropriate records are maintained.

13.1.2 The Environment Agency may also issue guidance to the council at any time regarding the council's performance relating to matters concerning contaminated land, as per Section 78v of the Environment Act 1995.

13.2 Enquiries from the Public

13.2.1 Information about potentially contaminated land may be received from the public, and these reports will be used to inform our investigative work. Whilst anonymous information is not often accepted by Council services, in the case of land contamination, anonymous reports will be accepted although the reliance placed on the information is much reduced.

13.3 Review

13.3.1 Whilst the council has a duty to inspect its area, 'from time to time', to identify contaminated land, the frequency of inspection is not prescribed.

13.3.2 The council has a duty to review its inspection strategy on a regular basis and to meet its statutory responsibilities. Two main aspects of review need to be built into this strategy:

- Review of the inspection strategy; and
- Triggers for reviewing inspection decisions.

13.3.3 In addition to the routine review of the inspection strategy, there will be situations which will trigger re-assessment including:

- Change of use of surrounding land (introduction of new receptors);
- The potential for contaminant linkages to become significant or urgent as a result of unplanned events (e.g. flooding, spillages etc.), or a change in circumstances;
- Identification of a localised effect which could be associated with the land;
- Responding to new information.

13.3.4 The strategy as a whole will be reviewed by the Contaminated Land Team annually and any proposed changes will be reported and incorporated as necessary. Particular matters that will be kept under review include:

- The content of the strategy generally;
- Priorities for further investigation of potentially contaminated land;
- The potential for the introduction of new receptors;
- The potential for new contamination;
- Progress on voluntary remediation;
- The enforcement process generally and the identification of appropriate persons particularly;
- Identification of Special Sites;
- Progress with the implementation.

14 Inspection Programme

14.1 Introduction

14.1.1 The legislation and Statutory Guidance is not prescriptive in terms of how quickly the work on contaminated land needs to be completed. It does, however, require each council to set out within this strategy, what it considers to be appropriate timescales for the inspection of different parts of its area.

14.2 Programme for Inspection

14.2.1 Since the publication of the council's contaminated land inspection strategy in 1991 and 2001 the council continues to discharge its statutory duties under Part 2a of the 1990 Environmental Protection Act:

- Identified potentially contaminated land within Portsmouth;
- Prioritised potentially contaminated land for inspection
- Brought about the remediation of land that may otherwise have been statutory Contaminated Land

14.2.2 In Portsmouth, the highest priority sites with an emphasis on sites owned by the council were considered in the 1990s, but professional knowledge will be used to revisit and continue the process.

14.2.3 For each newly identified site that is being considered under our duties, a preliminary conceptual model will be constructed in order to help identify potential pollutant linkages.

14.2.4 Should a site at any stage of the assessment show it is unlikely to be determined as contaminated land due to the likely absence of a significant contaminant linkage; the council will produce a written statement.

14.2.5 Risk assessments will be undertaken based on Contaminated Land Research 11 ('CLR11') model procedures for the management of land contamination (Environment Agency, 2004).

14.2.6 Where one or more potentially significant contaminant linkages have been identified in the preliminary investigation (desk study and walkover), minimal sampling of the site will be required to see if there is evidence that these exist.

14.2.7 Where results from the preliminary investigation sampling programme reveal elevated concentrations to the extent it is believed by the council that one or more significant contaminant linkages remain on site, then a site investigation sampling strategy will be put together for the purpose of enabling an intrusive site investigation and risk assessment. This work is likely to be contracted out, so the council procedures for tendering and procurement will apply.

14.2.8 Where findings of site investigations show that significant harm or the possibility of significant harm to receptor(s) exists, procedures outlined in Section 11 will be followed. Under such circumstances the council will prepare a risk summary prior to any determination.

14.2.9 Given the complexity of bringing about remediation under Part 2a, it is impossible to predict when the remediation of sites listed on the public register will be complete. The council has a duty to serve Remediation Notice requiring the remediation of statutory contaminated land and it has the power to enforce that notice. The apposite timescales will depend on risk and impacts of the pollutant and the specific impacts of remediation.

14.2.10 All Part 2a duties will be carried out in accordance with the latest guidance issued by DEFRA and the Environment Agency.

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Appendices

- Appendix A Glossary
- Appendix B Land Quality in Portsmouth
- Appendix C Definition of Significant Harm
- Appendix D Special Sites
- Appendix E Contact Points
- Appendix F Powers and 'Suitable Persons'
- Appendix G Information Requirements from Consultant
- Appendix H Potentially Contaminative Land-Uses
- Appendix I Other Regulatory Regimes
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Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity This can be found in Section A5

Directorate:

Regeneration

Service, function:

Planning & Economic Growth, Development
Management, Contaminated Land

Title of policy, service, function, project or strategy (new or old) :

Contaminated Land Part 2a Inspection Strategy 2020

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

The Contaminated Land Part 2a Strategy 2020 updates our existing strategy in line with subsequent statutory guidance. The Strategy describes how the council will fulfill its obligations under Part 2a of the 1990 Environmental Protection Act to identify and manage the remediation of land contaminated with chemicals that is such a condition that it is likely to cause significant harm unless the council

intervenes.

The aim of the Act is to protect human health and the environment, by correcting the legacy of historic pollution where it is likely to cause harm. It does this without placing undue burden upon current generations to find and remediate all areas of polluted land. It should not be confused with the Planning Regime which guides the redevelopment and risk assessment of land that doesn't pose an immediate risk but is being redeveloped for other reasons.

The strategy explains the internal procedures used at PCC for finding, inspecting and for securing appropriate remediation (or risk management) of land that is determined to be statutory Contaminated Land. This strategy refers only to any land that is in such a state that the risk assessment requires intervention by the council to avoid harm. The Part 2a approach to assessing land does have any overlap with the processes that are used within the planning regime when bringing polluted land back into use.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

The 2020 strategy updates our existing 2001 Contaminated Land Strategy and concerns our internal processes. No formal mechanism for consultations exists although Public Health, Planning Policy have provided insights that have been included. Consultations have been made to Legal, Finance, and Equalities as part of the IIA.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not applicable

How will you measure/check the impact of your proposal?
Not applicable

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The strategy will provide safer housing in Portsmouth by checking the existing housing stock is not impacted by Contaminated Land and so prevent significant harm from exposure to chemical contaminants . All areas of the city must be considered, although only some sites will need to be tested. Nationally, Contaminated Land has often been housing estates that have been constructed on former industrial land in years before land condition was a material planning.

How are you going to measure/check the impact of your proposal?

Progress made in bringing about remediation of statutory Contaminated Land

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The strategy will promote healthy living by preventing consequential exposure to chemical contaminants. This directly improves physical and mental health, quality of life.

How are you going to measure/check the impact of your proposal?

Progress made in bringing about remediation of statutory Contaminated Land

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not applicable

The strategy considers health impacts regardless of wealth and seeks to prevent consequential exposure to chemical contaminants. Whilst low-income groups will tend to live or work on poorer quality land, such as near old factories and sources of pollution, contaminated land is also found in affluent conversions and redevelopments. The strategy is to protect health, and so will be applied where there is a significant risk of significant harm in order to protect those residents.

There is provision within the legislation for the Council to consider hardship

How are you going to measure/check the impact of your proposal?

If land is determined as Contaminated Land, to consider actual groups affected and how best to achieve fair outcome

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

No impact upon Equality and Diversity (please see attached equality and diversity assessment)
How are you going to measure/check the impact of your proposal? n/a

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?

Not Applicable

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?

Not Applicable

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

These matters will be taken into account when considering remedial options. otherwise they are outside the scope of the report.

How are you going to measure/check the impact of your proposal?

Not Applicable

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?

Not Applicable

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?

In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?

Not Applicable

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?

In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?

Not Applicable

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable.

How are you going to measure/check the impact of your proposal?

Not Applicable

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Both options have been selected to explain that the protection of human health and environment will not be at the expense of our heritage and that the regime may also be triggered in order to protect our heritage. The council is required to prevent significant harm occurring and this can be achieved either by physical remediation or changing the usage of the land so that exposure to the chemicals and hence impacts are prevented from occurring. The regime does not require all residues to be removed from land leaving a 'clean site' (unless that is the only way to prevent impacts), but only that significant harm is prevented. Where physical remediation is the solution, the end-point of the remedial works is that the land is no longer 'determinable under Part 2a' - residues can be left so long as there is no impact from doing so (e.g. under/near walls as no exposure will occur so no benefit from its removal). It should also be noted that chemicals in the ground may be impacting upon the built environment and it is possible for the resulting economic losses to be the trigger for Part 2a remedial works in order to protect the built environment.

How are you going to measure/check the impact of your proposal?
Not Applicable

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?
Not Applicable

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?

In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not Applicable

How are you going to measure/check the impact of your proposal?
Not Applicable

Q8 - Who was involved in the Integrated impact assessment?

Dr Jeff Downing, Contaminated Land Team Leader

This IIA has been approved by: Eze Ekelado

Contact number: 023 9268 8415

Date: 18/11/2020

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Agenda Item 10

Agenda item:

Decision maker: Cabinet 1st December 2020
Full Council 8th December 2020

Subject: Revenue Budget Monitoring 2020/21 (2nd Quarter) to end
September 2020

Report by: Director of Finance & Resources

Wards affected: All

Key decision (over £250k): No

1. Purpose of Report

- 1.1 The purpose of this report is to update members on the current Revenue Budget position of the Council as at the end of the second quarter for 2020/21 in accordance with the proposals set out in the "Portsmouth City Council - Budget & Council Tax 2020/21 & Medium Term Budget Forecast 2021/22 to 2023/24" report approved by the City Council on the 11th February 2020.

2. Recommendations

- 2.1 It is recommended that:

- (i) The forecast financial shortfall of between £6.1m & £12.6m across the General Fund and the Housing Revenue Account as consequence of the Covid-19 Pandemic be noted
- (ii) The following Revised COVID-19 Deficit Recovery Strategy be approved in the sum of £11.9m (being sufficient to cover the Council's pessimistic forecast COVID-19 related overspend of £11.8m):
 - Earmarking £5m of the Council's Corporate Contingency - leaving a residual £5m for all other known and unknown financial risks that may arise during the year
 - Earmarking £5m of the MTRS Reserve which currently holds an uncommitted balance of £8m - leaving just £3m only to fund future Spend to Save schemes and any costs of redundancies that may be required
 - Removal of Capital Schemes that have been funded by Revenue with a total value of £1.927m
 - Should any funding remain after meeting the financial impact of COVID-19, that it be returned to the MTRS Reserve / Contingency to be available for any short-term legacy impacts of COVID-19 that continues into 2021/22

- (iii) In accordance with the Revised COVID-19 Deficit Recovery Strategy it is recommended that the following schemes up to the value shown are removed from the approved Capital Programme

Scheme to Be Removed From Capital Programme	Amount Released From Corporate Resources £
Children, Families & Education	
Tangier Road Children's Home*	2,100
Beechside Children's Home*	6,600
Enable and Improve Mobile Working	191,000
Adaptations to Carers Homes	600,000
King Richard School Rebuild 900-1000 places*	150,000
Universal Infant Free School Meal Provision*	35,100
Special Education Needs - Building Alterations*	350,000
Beacon View Primary School - Kitchen Block*	3,300
Culture, Leisure & Economic Development	
Allotment Security Grants	3,800
Canoe Lake De-silting	25,000
Outdoor Fitness Equipment	19,400
Round Tower Improvement Works	75,000
Health, Wellbeing & Social Care	
Shearwater House - Backup Power Supply*	9,200
Kestrel Centre Relocation to Civic Offices*	37,700
Leader	
Port Master System*	13,500
Communities & Central Services	
Project Management	44,900
Ground Floor Reception Improvements	14,900
Traffic & Transportation	
Local Transport Plan & Road Safety 3	192,000
Eastern Road Waterbridge*	21,800
Anglesea Road Footbridge*	26,800
Traffic Signal Upgrade Packages*	2,500
Western Corridor - South	102,000
Total Value of Schemes to Be Removed	1,926,600

*Scheme is complete/substantially complete and unused resources can be released

- (iv) The forecast General Fund outturn position, inclusive of funding Losses, for 2020/21 be noted:

- (a) The Base Case forecast of COVID-19 related overspending of £5,362,000 after expected government funding

- (b) That the Base Case forecast overspending of £5,362,000 remains uncertain and in a pessimistic scenario could see that overspending rise to £11,800,000
 - (c) The COVID-19 forecasts do not currently make any provision for additional costs or losses of income / funding that may arise from the new national restrictions.
 - (d) Non COVID-19 related underspending of £4,094,100
 - (e) Taking account of the likely range of COVID-19 forecast overspends, the combined overspending for the Council is forecast to be between £1,268,100 and £7,706,100.
- (v) Members note that in accordance with approved policy as described in Section 8, any actual non COVID-19 overspend at year end will in the first instance be deducted from any Portfolio Reserve balance and once depleted then be deducted from the 2021/22 Cash Limit.
 - (vi) Members note that at the time this report was prepared the Country had just entered a period of new national restrictions. Due to the wide ranging and rapidly changing implications arising from the COVID-19 Pandemic, the overall financial impact of COVID-19 over the remainder of the 2020/21 financial year and into the medium term remains very uncertain and maintaining headroom within the Revised COVID-19 Deficit Recovery Strategy is vital in order to ensure that the financial resilience of the Council is not compromised and the council continues to remain financially resilient into the medium term.
 - (vii) Directors, in consultation with the appropriate Cabinet Member, consider options that seek to minimise any forecast non COVID-19 overspend presently being reported and prepare strategies outlining how any consequent reduction to the 2021/22 Portfolio cash limit will be managed to avoid further overspending during 2021/22.

3. Background

- 3.1 A Budget for 2020/21 of £174,588,400 was approved by City Council on the 11th February 2020. This level of spending required a contribution from General Reserves of £2.6m since in year expenditure exceeds in year income.
- 3.2 Cabinet on 14th July considered a report which identified an initial forecast of £32m as being the Financial Impact on the City Council of the Covid-19 Pandemic which, after emergency COVID-19 funding from Government, would give rise to a Shortfall in the Councils 2020/21 budget of £20m.
- 3.3 As consequence, Cabinet approved the adoption of the following Deficit Recovery Strategy:
 - Earmarking £5m of the Council's Corporate Contingency - leaving a residual £5m for all other known and unknown financial risks that may arise during the year

- Earmarking £5m of the MTRS Reserve which currently holds an uncommitted balance of £8m - leaving just £3m only to fund future Spend to Save schemes and any costs of redundancies that may be required
- Identifying the remaining sum (currently estimated at £10m) from Capital Schemes that have been funded by Revenue and placing those Capital Schemes "on hold"

- 3.4 Each month, the Council has been comprehensively reviewing and updating the forecast financial impact of the COVID-19 Pandemic in 2020/21. Since the July report, a further £7.5m in Emergency COVID-19 grant funding has been received bringing the total amount of grant received in four tranches to £19.4m. In addition the government has announced details of an income compensation scheme for lost sales, fees and charges. The revised Deficit Recovery Strategy outlined below has been updated to accommodate the latest forecast of the financial impact of the COVID-19 pandemic and these additional Government grants and initiatives.
- 3.5 Along with the summary of the forecast full year variances as usually reported through these quarterly budget monitoring reports, this Quarter 2 report also includes an updated assessment of the financial impact in 2020/21 of the COVID-19 Pandemic, and Capital Schemes recommended to be removed from the approved capital programme in accordance with the Revised Deficit Recovery Strategy as recommended within this report.
- 3.6 Due to the Deficit Recovery Strategy being formulated and reported in July, no quarterly monitoring report as at the end of June was produced. This is therefore the first monitoring report for 2020/21 and reports on the forecast 2020/21 outturn as at the end of September 2020. The forecasts summarised in this report are made on the basis that management action to address any forecast overspends are only brought in when that action has been formulated into a plan and there is a high degree of certainty that it will be achieved.
- 3.7 Any variances within Portfolios that relate to windfall costs or windfall savings will be met / taken corporately and not generally considered as part of the overall budget performance of a Portfolio. "Windfall costs" are defined as those costs where the manager has little or no influence or control over such costs and where the size of those costs is high in relation to the overall budget controlled by that manager. "Windfall costs" therefore are ordinarily met corporately from the Council's central contingency. A manager / Cabinet Member however, does have an obligation to minimise the impact of any "windfall cost" from within their areas of responsibility in order to protect the overall financial position of the Council. Similarly, "windfall savings" are those savings that occur fortuitously without any manager action and all such savings accrue to the corporate centre.

4 Council Response to the COVID-19 Pandemic and the Overall Financial Impact of COVID-19

4.1 In response to the pandemic, the Council has provided a wide range of financial support across services to residents, businesses, the voluntary sector, commercial tenants, contract providers and suppliers generally. Some of the more significant elements of support include:

- External Care Homes - funding of additional staffing, additional care packages, guaranteeing income levels and PPE
- Hotel accommodation for the homeless
- Funded food deliveries for the vulnerable (via the HIVE)
- Flexible payment terms for Council Tax Payers
- Flexible payment terms for Business Rate Payers
- Grants to Businesses that have been severely impacted by the pandemic
- Free use of car parks and removed enforcement to enable key workers to park close to their homes
- Road closures to improve social distancing
- Financial relief for the City's Leisure Centres provider
- Contributions to the cost of temporary mortuary facilities
- Pitch relief for market traders
- Rent deferral scheme for commercial tenants
- Flexible payment terms for Brittany Ferries
- Flexible contracting arrangements with key suppliers
- Supporting Community Centres to submit furlough claims
- Payments to individuals required to self-isolate

4.2 The Council has been mindful to balance its own financial resilience in order to underpin the delivery of critical and essential services with the emergency needs of the residents and businesses of the City. The Council has taken a responsible approach to meeting emergency spending for the direct costs associated with the emergency such as providing financial support to the Adult Social Care provider market, procuring necessary Personal Protective Equipment (PPE) and providing accommodation for the homeless and rough sleepers whilst also seeking to ensure that any financial support for residents, suppliers and external organisations is provided on a case by case basis with demonstration of need. The Council has also been careful to observe the guidance received from the Cabinet Office in relation to Public Procurement Notices in its dealings with suppliers and the flexibility that the Council has offered. In this way the Council has maintained an approach to target limited financial resources to those at risk and in most need.

4.3 Nevertheless, the financial position as a consequence of this Emergency is serious. Following four tranches of Emergency Government funding totalling £19.4m & estimated compensation for lost income from Sales, Fees and Charges of £6m, the Council still has a forecast financial shortfall between £6.1m & 12.6m across both General Fund and Housing Revenue Account of which between £5.4m and £11.8m relates specifically to General Fund related activities as described below:

Overall Forecast Financial Impact of COVID-19	Central Forecast £m	Pessimistic £m
Additional Costs	12.3	15.0
Income Loss	16.7	18.0
Funding Loss	2.5	3.0
Total Financial Loss	31.5	36.0
Government Funding (4 Tranches)	(19.4)	(19.4)
Income Compensation Scheme (announced in August)	(6.0)	(4.0)
Financial Shortfall (Expected) - General Fund & HRA	6.1	12.6
Less: HRA	(0.7)	(0.8)
Financial Shortfall (Expected) - General Fund	5.4	11.8

- 4.4 Non COVID-19 related forecast budget variances are set out in more detail below but in summary, the consolidated General Fund financial position taking into account the forecast impact of COVID-19 outlined above and all non COVID-19 related forecast variances is as follows:

Consolidated General Fund Outturn Forecast	Central Forecast £m	Pessimistic £m
COVID-19 Financial Shortfall (Expected)	5.4	11.8
Forecast Non COVID-19 Portfolio Variances	(4.1)	(4.1)
Total Forecast Overspending 2020/21	1.3	7.7

5 Revised Deficit Recovery Strategy

- 5.1 The Council is not permitted to either set (or maintain) a deficit budget or to draw upon its General Reserves to the extent that they fall below the minimum level of £8m. Over the period of the Council's Medium Term Financial Strategy, the level of headroom above the minimum level of reserves that would be available to mitigate against all financial risks over the period is £9.3m, however this is predicated on the Council making cumulative budget savings of £6m over that period in accordance with its approved Medium Term Financial Strategy.
- 5.2 Given the deficit being forecast at the end of June of £20.0m compared with available General Reserves of £9.3m, (or just £3.3m if the Council's budget savings are not met), the Council would have been operating significantly outside of the original Budget parameters set by Full Council.
- 5.3 As a consequence, Cabinet on 14th July 2020 adopted a Deficit Recovery Strategy which, based on full year forecasts made at the end of June 2020, identified savings amounting to £20m would be required to enable the Council to continue to operate

without the need to consider either an Emergency Budget or, if necessary, emergency spending controls and service reductions under a Section 114 Notice.

- 5.4 The strategy approved identified a contribution of £10m from Reserves and Contingencies leaving a remaining balance of £10m to be found by placing previously approved capital spending decisions "on hold" until such time as the overall financial position became clearer and therefore whether those capital spending plans can proceed or actually needed to be deleted.
- 5.5 Since the 14th July report, as well as keeping the forecast under comprehensive review, the Council has been notified of a further £7.5m in Emergency Covid-19 grant funding bringing the total amount of grant received in four tranches to £19.4m and the government has also announced details of an income compensation scheme for lost sales, fees and charges. Consequently the Council now currently expects to receive an additional £6m as a result of this scheme.
- 5.6 As a corollary, the Deficit Recovery Strategy has evolved in response to Government announcements, revisions to financial forecasts and developed into a more detailed plan totalling £11.9m. It is recommended that that the Revised Deficit Recovery Strategy set out below and totalling £11.9m be approved:
- Earmarking £5m of the Council's Corporate Contingency - leaving a residual £5m for all other known and unknown financial risks that may arise during the year
 - Earmarking £5m of the MTRS Reserve which currently holds an uncommitted balance of £8m - leaving just £3m only to fund future Spend to Save schemes and any costs of redundancies that may be required
 - Removal of the following Capital Schemes that have been funded by Revenue with a total value of £1.927m

Scheme to Be Removed From Capital Programme	Amount Released From Corporate Resources £
Children, Families & Education	
Tangier Road Children's Home*	2,100
Beechside Children's Home*	6,600
Enable and Improve Mobile Working	191,000
Adaptations to Carers Homes	600,000
King Richard School Rebuild 900-1000 places*	150,000
Universal Infant Free School Meal Provision*	35,100
Special Education Needs - Building Alterations*	350,000
Beacon View Primary School - Kitchen Block*	3,300
Culture, Leisure & Economic Development	
Allotment Security Grants	3,800
Canoe Lake De-silting	25,000
Outdoor Fitness Equipment	19,400
Round Tower Improvement Works	75,000
Health, Wellbeing & Social Care	

Shearwater House - Backup Power Supply*	9,200
Kestrel Centre Relocation to Civic Offices*	37,700
Leader	
Port Master System*	13,500
Communities & Central Services	
Project Management	44,900
Ground Floor Reception Improvements	14,900
Traffic & Transportation	
Local Transport Plan & Road Safety 3	192,000
Eastern Road Waterbridge*	21,800
Anglesea Road Footbridge*	26,800
Traffic Signal Upgrade Packages*	2,500
Western Corridor - South	102,000
Total Value of Schemes to Be Removed	1,926,600

*Scheme is complete/substantially complete and unused resources can be released

5.7 Based on the financial forecast of the COVID-19 shortfall across the General Fund of £5.4m (paragraph 4.3) the £11.9m Deficit Recovery Strategy, outlined above, contains headroom of £6.5m, which approximates to the difference between the Council's Base Case Forecast and Pessimistic Forecast of the COVID-19 pandemic. Due to the wide ranging and rapidly changing financial implications arising from the COVID-19 Pandemic, the overall financial impact of COVID-19 remains very uncertain and maintaining this level of headroom within the strategy is vital to ensure that the financial resilience of the Council is not compromised.

6 Forecast Outturn 2020/21 – As at end September 2020

- 6.1 At the second quarter stage and before the implementation of the Revised Deficit Recovery Strategy, the General Fund revenue outturn for 2020/21 is forecast to be overspent by £1,268,100. In the event that the Council's Deficit Recovery Strategy for the COVID-19 impact is sufficient and successful, an overall year end forecast underspend of £4,094,100 is expected.
- 6.2 The quarter 2 variance of £1,268,100 consists of a number of forecast under and overspendings within Portfolios and these are summarised below.

Under and overspendings at the quarter 2 stage are:

	COVID-19 Related Variances	Other Variances	Total Variance
	£	£	£
Children, Families & Education	2,001,000	(2,099,600)	(98,600)
Community Safety	93,000	(64,700)	28,300
Culture, Leisure & Economic Development	1,391,000	(163,400)	1,227,600
Environment & Climate Change	180,000	51,100	231,100
Health, Wellbeing & Social Care	4,562,000	391,300	4,953,300
Housing	2,491,000	4,900	2,495,900
Leader	2,453,000	(224,600)	2,228,400
Port	5,677,000	(484,900)	5,192,100
Planning Policy & City Development	372,000	100	372,100
Licensing Committee	17,000	(2,000)	15,000
Communities & Central Services	4,611,000	516,100	5,127,100
Traffic & Transportation	3,746,000	(378,700)	3,367,300
Treasury Management	0	(1,639,700)	(1,639,700)
Other Miscellaneous	620,000	0	620,000
Total Portfolio Variances	28,214,000	(4,094,100)	24,119,900
Funding Loss	2,553,000		2,553,000
COVID-19 Grant	(19,404,800)		(19,404,800)
Income Compensation Scheme	(6,000,000)		(6,000,000)
Total Forecast Overspend	5,362,200	(4,094,100)	1,268,100

7 Quarter 2 Budget Variations – Forecast Outturn 2020/21

7.1 Children, Families & Education – Underspend £98,600 or £2,099,600 Underspend Before COVID-19 Related Variances

The cost of Children, Families & Education is forecast to be £98,600 lower than budgeted.

Additional costs expected to arise as a result of the pandemic total £2.0m; primarily due to higher costs relating to Looked After Children £1.0m (£0.4m of which is the delay in the implementation of planned savings), higher minibuses, taxi and personal assistants costs of £0.2m as a result of social distancing requirements, early help and safeguarding £0.4m, reductions in income of £0.1m and the provision of free school meals during the Christmas holidays £0.2m.

These additional costs are offset by non COVID-19 related underspending, and costs avoided due to COVID-19 of £2.1m due to additional Unaccompanied Asylum Seeking Children Grant of £1.2m, reduced home to school transport costs during April to July due to reduced pupil numbers being transported to school (£0.8m) and staff vacancies across the Portfolio (£0.1m).

7.2 Community Safety – Overspend £28,300 or £64,700 Underspend Before COVID-19 Related Variances

The cost of Community Safety is forecast to be £28,300 higher than budgeted.

Regulatory Services income is forecast to have fallen by £93,000 as consequence of the pandemic.

This income loss has been offset by non COVID-19 related underspending elsewhere in the Portfolio totalling £65,000 primarily as a result of staff vacancies.

7.3 Culture, Leisure & Economic Development – Overspend £1,227,600 or £163,400 Underspend Before COVID-19 Related Variances

The cost of Culture Leisure & Economic Development is forecast to be £1,227,600 higher than budgeted.

As a direct consequence of the COVID-19 Pandemic, income across the Portfolio is forecast to be lower than originally budgeted by £1.4m; primarily as a result of the initial closure and, post July 2020, lower usage at leisure sites (£0.9m) and museums (£0.3m).

This income loss has been offset elsewhere within the Portfolio by non COVID-19 related underspending, and costs avoided due to COVID-19, totalling £163,400 principally as consequence of reduced expenditure following cancellation of the 2020 events programme.

7.4 Environment and Climate Change – Overspend £231,100 or £51,100 Overspend Before COVID-19 Related Variances

The cost of Environment and Climate Change is forecast to be £231,100 higher than budgeted.

Additional costs within the Waste Collection and Waste Disposal Services totalling £180,000 due to the pandemic are forecast; primarily due to a downturn in the global recycles market which, has been further impacted by the differing restrictions put in place by countries in respect to the movement of materials.

Non COVID-19 related overspending totalling £51,100 is also forecast within the Waste Collection and Waste Disposal Services offset by a small reduction in water costs (£6,000) within the Public Conveniences service.

7.5 Health, Wellbeing and Social Care – Overspend £4,953,300 or £391,300 Overspend Before COVID-19 Related Variances

The cost of Health, Wellbeing and Social Care is forecast to be £4,953,300 higher than budgeted.

The financial impact of the COVID-19 pandemic on the Health, Wellbeing and Social Care Portfolio is forecast to be £4.6m.

Of this overspending, £1.7m relates to planned 2020/21 savings in Commissioned Care that will now not be achieved; £1.2m to meet additional staffing costs at in house units due staff illness (including shielding) and to increase Social Worker capacity; £1.0m funding assistance to the Adult Social Care market including reimbursement of PPE/infection control costs; and £0.6m forgone income in respect of contributions to care packages and day care services by clients.

Overspending of £391,300 is forecast unrelated to the COVID-19 pandemic, primarily as a result of higher client volumes in both Supported Living (£0.3m) and Day Care (£0.1m) settings within Learning Disabilities.

7.6 Housing – Overspend £2,495,900 or £4,900 Overspend Before COVID-19 Related Variances

The cost of Housing is forecast to be £2,495,900 higher than budgeted.

Additional costs expected to arise as a result of the pandemic total £2.5m. Of this £2.0m relates to the provision of temporary accommodation with the remainder being primarily as result of lower income from charges to external Local Authority clients for professional services and net income from 'The View' restaurant and Telecare services.

7.7 Leader – Overspend £2,228,400 or £224,600 Underspend Before COVID-19 Related Variances

The cost of Leader is forecast to be £2,228,400 higher than budgeted.

As a direct consequence of the COVID-19 Pandemic, income across the Portfolio is forecast to be £2.5m lower than originally budgeted.

The COVID-19 pandemic has led to an expectation that that there will be an increase in the level of tenant rent defaults relating to commercial properties owned by the City Council, a total reduction in property rental income of £1.7m is currently forecast. Much of this relates to commercial properties that have been in the ownership of the City Council for many years. In addition, Spinnaker Tower income is expected to be lower by £0.7m compared to budget; of which £0.5m is as a result of the ending of the Spinnaker Tower sponsorship arrangement with Emirates and £0.2m is the estimated reduction in the profit share that will be payable by Heritage following the temporary closure of the attraction to visitors due to COVID-19 restrictions.

These lost incomes are offset by forecast underspending of £224,600 not directly related to COVID-19, primarily as a result of additional rent from an investment property acquired late in the 2019/20 financial year.

7.8 Port – Overspend £5,192,100 or £484,900 Underspend Before COVID-19 Related Variances

Overall net income from the Port is forecast to be £5,192,100 below target.

Net income as a consequence of the COVID-19 Pandemic is £5.7m lower than originally budgeted.

Of this figure £5.5m relates to a net reduction in port dues because of reduced traffic passing through the Port and £0.2m is a result of higher costs relating to PPE, cleaning and additional staffing costs to enable cover for those staff self-isolating and shielding.

Delaying routine dredging until 2021/22, deferral of non-essential routine maintenance & IT spend and delaying staff appointments has resulted in a reduction in the cost of non COVID-19 activity of £0.5m.

7.9 Planning & City Development – Overspend £372,100 or nil Before COVID-19 Related Variances

The cost of Planning & City Development is forecast to be £372,100 higher than budgeted due to COVID-19 related lost income at Enterprise Centres (£0.1m), Planning Application Fees (£0.2m) and Market Trader Licence income (£48,000).

7.10 Communities & Central Services – Overspend £5,127,100 or £516,100 Overspend Before COVID-19 Related Variances

The cost of Communities & Central Services is forecast to be £5,127,100 higher than budgeted.

Additional costs expected to arise as a result of the pandemic total £4.6m; primarily due to costs relating to the central hub for the sourcing and distribution of PPE (£1.3m), Purchase of IT hardware and the rapid deployment of new software to enable remote working (£0.6m), costs associated with the setting up of temporary mortuary facilities (£0.4m), additional costs associated with the delivery of large infrastructure capital projects as a consequence of delays caused by remote working and additional workloads (£0.3m), suspension of the recovery of Council Tax arrears through the courts resulting in forgone court costs totalling £1.0m, an expected reduction in subsidy relating to the recovery of Housing Benefit Overpayments (£0.4m) and reduced income across the Portfolio totalling £0.3m, of which £0.2m relates to income arising from wedding ceremonies conducted by the Registrar.

Forecast overspending relating to non COVID-19 activity of £0.5m is primarily as a result of; the introduction of Universal Credit for new clients from September 2018 which has resulted in a fall in the level of rent allowances and rent rebates upon which the Council receives subsidy. As a consequence the level of net subsidy received by the Council relating to Housing Benefit overpayments (excluding the effect of COVID-19) has been £0.3m; overspending within IT services of £0.5m due to unexpected increases in a number of contracts, temporary staffing engaged at higher rates and an underlying deficit as consequence of the non achievement of savings expected to occur in previous years. These overspendings are offset by reduced staffing costs arising from vacant post across the Portfolio of £0.4m.

7.11 Traffic and Transportation – Overspend £3,367,300 or £378,700 Underspend Before COVID-19 Related Variances

The cost of Traffic and Transportation is forecast to be £3,367,300 higher than budgeted.

Additional net expenditure expected to arise as a result of the pandemic totals £3.7m, of which £3.3m is as a consequence of lower income relating to Parking; Park & Ride

£0.1m; Hard interchange Departure Charges £0.2m and costs associated with road closures to aid social distancing totalling £0.1m.

These costs are offset by forecast underspending relating on non COVID-19 activity of £0.4m, primarily as a result of lower energy costs following the street lighting LED project (£0.2m) and lower staffing costs within the PFI Team as consequence of the PFI Contracts Manager, Performance Manager and Data Analyst posts being vacant in 2020/21 (£0.2m)

7.12 Treasury Management – Underspend £1,639,700

This budget funds all of the costs of servicing the City Council's long term debt portfolio that has been undertaken to fund capital expenditure. It is also the budget that receives all of the income in respect of the investment of the City Council's surplus cash flows. As a consequence, it is potentially a very volatile budget particularly in the current economic climate and is extremely susceptible to both changes in interest rates as well as changes in the Council's total cash inflows and outflows.

7.13 Other Miscellaneous – Overspend £620,000

Due to higher cleaning costs and a reduction in income because of the COVID-19 Pandemic, Portico is forecasting an increased loss totalling £620,000.

8. Transfers From/To Portfolio Specific Reserves

8.1 In November 2013 Full Council approved the following changes to the Council's Budget Guidelines and Financial Rules:

- Each Portfolio to retain 100% of any year-end underspending and to be held in an earmarked reserve for the relevant Portfolio
- The Portfolio Holder be responsible for approving any releases from their reserve in consultation with the Section 151 Officer
- That any retained underspend (held in an earmarked reserve) be used in the first instance to cover the following for the relevant portfolio:
 - i. Any overspendings at the year-end
 - ii. Any one-off Budget Pressures experienced by a Portfolio
 - iii. Any on-going Budget Pressures experienced by a Portfolio whilst actions are formulated to permanently mitigate or manage the implications of such on-going budget pressures
 - iv. Any items of a contingent nature that would historically have been funded from the Council's corporate contingency provision
 - v. Spend to Save schemes, unless they are of a scale that is unaffordable by the earmarked reserve (albeit that the earmarked reserve may be used to make a contribution)
- Once there is confidence that the instances i) to v) above can be satisfied, the earmarked reserve may be used for any other development or initiative

- 8.2 However, as a consequence of the COVID-19 Pandemic Cabinet have agreed that the individual Portfolio Reserves will operate as a single Cabinet Reserve in 2020/21.
- 8.3 At the time this report was prepared the Country had just entered a period of new national restrictions and the overall financial position remains particularly uncertain at this time.

The forecast balance on the Cabinet Reserve is set out below:

	Balance Brought Forward £	Approved Transfers £	Commitments / Funding Extensions £	Balance Carried Forward £
Cabinet Reserve	3,962,000	(1,688,600)	(1,913,100)	360,300

9. Conclusion - Overall Financial Summary

- 9.1 The forecast takes account of all known variations at this stage, but only takes account of any remedial action to the extent that there is reasonable certainty that it will be achieved.
- 9.2 As at the end of September 2020 the Council is forecasting an overall General Fund overspending range of between £1,268,100 and £7,706,100.
- 9.3 The proposals within this report seek to determine a revised Deficit Recovery Strategy to make additional funding available amounting to £11.9m which is anticipated to cover the pessimistic forecast of the COVID-19 impact at £11.8m. Any funding from the Strategy that remains after meeting the impact of COVID-19 will be returned to the Councils Contingency and/or MTRS Reserve and be available for the Budget 2021/22. In particular, it could be used to meet any short term legacy implications of COVID-19 that may continue.
- 9.4 Should the non COVID forecast contained in this report remain, the year-end position would be an underspend of £4.1m.
- 9.5 At the time this report was prepared the Country had just entered a period of new national restrictions. Due to the wide ranging and rapidly changing implications arising from the COVID-19 Pandemic, the overall financial impact of COVID-19 over the remainder of 2020/21 and into the medium term remains very uncertain and maintaining the level of headroom within the strategy outlined above is vital to ensure that the financial resilience of the Council is not compromised and the council continues to remain financially resilient into the medium term.

10. City Solicitor's Comments

- 10.1 The City Solicitor is satisfied that it is within the Council's powers to approve the recommendations as set out.

11. Equalities Impact Assessment

11.1 This report does not require an Equalities Impact Assessment as there are no proposed changes to PCC's services, policies, or procedures included within the recommendations.

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Chris Ward
Director of Finance & Resources

Background List of Documents –

Section 100D of the Local Government Act 1972

The following documents disclose facts or matters which have been relied upon to a material extent by the author in preparing this report –

Title of Document	Location
Budget & Council Tax 2020/21 & Medium Term Budget Forecast 2021/22 to 2023/24	Office of Deputy Director of Finance
Electronic Budget Monitoring Files	Financial Services Local Area Network

The recommendations set out above were:

Approved / Approved as amended / Deferred / Rejected by the Cabinet on 1st December, 2020

Signed:

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Agenda Item 11



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	Tuesday 1 st December
Subject:	Clean Air Zone - Exemptions, Sunset Periods & Hours of Operation
Report by:	Tristan Samuels, Director of Regeneration
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 Central Government has imposed a Ministerial Direction on the City Council to deliver a Class B charging CAZ (and other measures) to reduce levels of nitrogen dioxide to comply with at least the legal limit value in the shortest possible time.
- 1.2 This report provides an overview of the results of the recent on the operation of the charging Clean Air Zone (CAZ) in Portsmouth. This report discusses the results relating to sunset and exemption periods for non-compliant vehicles driving in the zone.

2. Recommendations

It is recommended that Cabinet:

- 2.1 Approve a sunset period for 6 months for non-compliant wheelchair accessible vehicle (WAV) Hackney carriages and private hire vehicles. The owner/operator of this vehicle will be required to apply for the sunset period.
- 2.2 Approve a sunset period of two years for non-compliant vehicles providing community transport and school transport. The owner/operator of this vehicle will be required to apply for the sunset period, and provide proof of providing these types of services, such as a contract.
- 2.3 Approve an exemption for the lifetime of the Clean Air Zone for emergency service vehicles. The owner/operator of this vehicle will be required to apply for the exemption.
- 2.4 Approve an exemption for the lifetime of the Clean Air Zone for specialist heavy vehicles, on a case-by-case basis. Operators/owners will need to apply for this



exemption. Operators/owners will need to provide proof that their vehicle is unsuitable for retrofitting or details regarding their circumstances for purchasing a replacement vehicle.

- 2.5 Approve an exemption for ten days of the calendar year for non-commercial vintage buses for the lifetime of the Clean Air Zone. These vehicles would be required to apply for the exemption.
- 2.6 Confirm that the hours of operation will remain at 24 hours a day.
- 2.7 Delegate Authority to the Cabinet Members for Environment & Climate Change and Traffic & Transport, in conjunction with the Section 151 Officer, to approve submission of the Local Air Quality Full Business Case to central government.

3. Background

- 3.1 Air pollution is known to have a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK. Epidemiological studies have shown that long-term exposure to air pollution reduces life expectancy and exasperates pre-existing conditions such as respiratory and cardiovascular diseases.
- 3.2 The annual mortality burden of human-made air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths. Short-term exposure to elevated levels of air pollution can also cause a range of effects including exacerbation of asthma, effects on lung function, increases in respiratory and cardiovascular hospital admissions and mortality.
- 3.3 The main pollutant of concern in Portsmouth is Nitrogen Dioxide (NO₂). Public Health England advise that it is well established that NO₂, particularly at high concentrations, is a respiratory irritant that can cause inflammation of the airways. There is currently no clear evidence of a threshold concentration of NO₂ in ambient air below which there are no harmful effects for human health.
- 3.4 In 2010 Air Quality Standards Regulations were introduced into English Law and set legal binding limits for concentrations of major air pollutants that affect human health, including nitrogen dioxide and particulates. Regulation 26 of this legislation requires the Secretary of State to develop and implement a national Air Quality Plan demonstrating how the limit values for air pollution will be achieved in the shortest possible time. Since 2010, the UK has been in breach of legal limits for nitrogen dioxide in many major urban areas.
- 3.5 Environmental campaign organisation ClientEarth have challenged the government's Air Quality plans in the High and Supreme Courts for failing to include the actions necessary to achieve the legal limit value for nitrogen dioxide in the shortest possible time. Each of the successful legal challenges brought by



ClientEarth has results in an increased number of local authorities across the country being directed to take legal action to improve air quality in their area:

- 2015, Wave 1: Birmingham, Leeds, Nottingham, Derby and Southampton
- 2017, Wave 2: 23 additional local authorities: North Tyneside; Newcastle-upon-Tyne; Gateshead; Middlesbrough; Bury; Bolton; Salford; Trafford; Manchester; Stockport; Tameside; Sheffield; Rotherham; Coventry; Basildon, Rochford; Surrey Heath; Guildford; Rushmoor; Bristol; Bath & North East Somerset; Fareham; New Forest.
- 2018, Wave 3: 33 additional local authorities including Portsmouth. South Tyneside; Sunderland; Bradford; Calderdale; Burnley; Wakefield; Kirklees; Oldham; Sefton; Liverpool; Stoke-on-Trent; Newcastle-under-Lyne; Bolsover; Ashfield; Peterborough; Leicester; Blaby; Walsall; Wolverhampton; Sandwell; Dudley; Solihull; Cheltenham; Oxford; South Gloucestershire; Broxbourne; Southend-on-sea; Reading; Basingstoke & Deane; Bournemouth; Poole; Plymouth; Portsmouth.

Charging Clean Air Zone

- 3.6 The Government suggests that Charging Clean Air Zones (CAZ) are an effective way to deliver compliance with legal limits for nitrogen dioxide in the shortest possible time. Charging CAZs define areas that vehicle owners are required to pay a charge if they drive through or within. The charge only applies to older, more polluting vehicles, specifically diesel vehicles that are older than Euro 6 and petrol vehicles that are older than Euro 4.
- 3.7 The Clean Air Zone Framework sets out four different classes of charging CAZ, detailing the types of vehicles subject to a charge under each class:
- Class A: Buses, coaches, taxis and private hire vehicles
 - Class B: Buses, coaches, taxis, private hire vehicles and heavy goods vehicles
 - Class C: Buses, coaches, taxis, private hire vehicles, heavy goods vehicles and light goods vehicles
 - Class D: Buses, coaches, taxis, private hire vehicles, heavy goods vehicles, light goods vehicles and cars

Ministerial Directions Issued to Portsmouth City Council

- 3.8 Portsmouth City Council has been issued with four Ministerial Directions. These place a legally binding duty on the Council to undertake a number of steps to improve air quality in the city:
- Ministerial Direction 1 (March 2018): Required the Council to develop a Targeted Feasibility Study (TFS) by 31 July 2018 for two specified road links in the city: A3 Mile End Road and A3 Alfred Road. These two roads



were selected as they were projected to have nitrogen dioxide (NO₂) exceedances in Defra's national PCM model.

- Ministerial Direction 2 (October 2018): Following the results of the TFS, PCC were issued with a further Ministerial Direction in October 2018, this time to undertake a bus retrofit programme. The Ministerial Direction stipulated that the programme should be undertaken as quickly as possible with the purpose of bringing forward compliance with legal levels of NO₂ on A3 Mile End Road and A3 Alfred Road.
- Ministerial Direction 3 (October 2018): The third Ministerial Direction required PCC to produce an Air Quality Local Plan to set out the case for delivering compliance with legal limits for NO₂ in the shortest possible time. The Outline Business Case for this Plan was submitted in October 2019.
- Ministerial Direction (March 2020): The fourth Ministerial Direction required PCC to implement a Class B charging Clean Air Zone, and supporting measures, in Portsmouth as soon as possible and in time to bring forward compliance with legal limits for nitrogen dioxide to 2022.

4. Development of the Portsmouth Air Quality Local Plan

4.1 In October 2019 a report was presented to this Cabinet detailing the contents of Portsmouth's Local Air Quality Plan that was produced in fulfilment of the ministerial directions detailed in paragraph 3.8 of this report. Following Cabinet approval the plan was submitted to central Government on 31st October 2019. After a thorough review the plan was formally approved by Ministers in March 2020. At this point PCC was issued with its forth Ministerial Direction to deliver the Class B CAZ.

4.2 Following receipt of Ministerial approval PCC have undertaken to appoint a supplier to design the CAZ in Portsmouth. After a rigorous procurement process Siemens has been selected to carry out this work. Their experience of designing and installing the CAZ's in Leeds and Birmingham will be highly beneficial to the project.

5. Clean Air Zone Consultation

5.1 On 16th July 2020 PCC launched a public consultation to seek views on the operation of the CAZ in Portsmouth. As noted in the consultation materials the purpose of the consultation was not to seek views on whether the public want to have a CAZ (this is not a choice; central Government are legally requiring that PCC deliver one) but on the specifics regarding how the CAZ should operate and to seeks views on the support that PCC can provide to help businesses and



individuals to prepare in advance of the CAZ coming into operation. Scope of the consultation

- 5.2 PCC has been issued with a Ministerial Direction to implement a Class B CAZ to bring forward compliance with legal limits for nitrogen dioxide to 2022. Therefore, any changes to the CAZ proposed through the consultation cannot be taken forward if they are demonstrated to affect the year of compliance. The impact of any changes to the CAZ design and their impact on compliance will be assessed through transport and air quality modelling.

Class of CAZ consulted on

- 5.3 PCC are now legally required to implement a Class B CAZ in the city and therefore the consultation primarily sought views on this basis. However, due to the uncertainty associated with the coronavirus pandemic Joint Air Quality Unit (JAQU) advised PCC that it would be prudent to also seek views from driver of vehicles that would be charged under a Class C CAZ, as pending the review of the coronavirus sensitivity tests, a Class C CAZ could not be ruled out entirely.

Engagement with the consultation

- 5.4 The consultation was open for response for a little over six weeks, having been extended beyond the initial six week period to allow more time for responses over the August Bank Holiday weekend. The primary method for taking part in the consultation was via an online questionnaire, with responses also welcomed over the phone and in writing.
- 5.5 The consultation was widely promoted on a number of social media channels, in Flagship, PCC emails and through physical leaflets that were distributed to over 90,000 addresses in the city. Due to the coronavirus pandemic it was not possible to hold face to face consultation events as was originally planned, however mitigation was sought through officers making use of virtual events and networks to promote and cascade information about the consultation to those in the city and further afield.
- 5.6 The consultation was set up with two separate questionnaires; one for residents and visitors to the city and the other for businesses enabling them to provide details of their entire fleets rather than just individual vehicles as in the main questionnaire. A total of 2,172 individual responses were received, along with 140 responses from businesses.

6. Sunset periods and Exemptions

- 6.1 A sunset period is a set time in which a specific group of non-compliant vehicles would not be required to pay the CAZ charge. It is expected that any non-compliant vehicles are replaced or upgraded to compliant types before the end of



the sunset period, after which any remaining non-compliant vehicles are subject to the daily charge when entering the CAZ.

- 6.2 Similarly to a sunset period, an exemption allows a specific group of non-compliant vehicles to enter the CAZ without being charged. Where an exemption differs from a sunset period is that it is not time limited, but instead lasts for the life of the CAZ.
- 6.3 Under the Clean Air Zone Framework local authorities may set local exemptions and discounts.¹ In general local exemptions can be granted for vehicles that are unsuitable for retrofit or prohibitively expensive to replace, and sunset periods may be granted for specialist or more novel vehicles that can become compliant in a suitable time. Exemptions and discounts can also be provided to groups identified as facing particular challenges.
- 6.4 For any local exemption or sunset period, the operator/owner of the vehicle will be required to apply for registration on the local whitelist, alongside information such as the VRM. In some instances it will be required that proof is provided; this could include a section 19 permit or lease agreement.
- 6.5 In addition to local exemptions and discounts, the Clean Air Zone Framework sets out some vehicle types which are exempt nationally from CAZ charges:
- Euro 6+ diesel vehicles
 - Euro 4+ petrol vehicles
 - Ultra Low Emission vehicles
 - Vehicles with a 'historic' vehicle tax class
 - Disabled passenger vehicles in the Disabled Passenger Tax Class
 - Military vehicles, by virtue of Section 349 of the Armed Forces Act 2006
 - Retrofitted vehicles which meet the requirements of the CAZ
 - Certain types of non-road going vehicles which are allowed to drive on the highway. This includes agricultural machines, digging machines, and mobile cranes
- 6.6 It is noted that a CAZ charge can have unintended impacts and therefore views were sought on local sunset periods or exemptions that may be granted to mitigate these impacts. The consultation asked what types of vehicles, if any, should be granted a sunset period or exemption. Additionally, it asked how long the sunset period should be granted for.
- 6.7 When considering all responses across the two different questionnaires, 'Emergency Service Vehicles' had the clear majority of support for both the sunset and exemption questions. Other responses that were highly supported were 'School transport', 'Wheelchair Accessible Vehicles', and 'Community Transport'.

¹ <https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>



Sunset Length

- 6.8 The consultation asked for views on the length of the sunset periods that could be granted. The options for this question were: 6 months, 1 year, 18 months, 2 years, and Other.
- 6.9 Across all response groups the most popular response was '2 years from launch of the CAZ', which was supported by approximately 57% of respondents. This was followed by 'Other' at 43% and '1 year...' at 37%. Qualitative analysis of the open-ended response 'Other' indicated themes including 3, 4, and 5 years, as well as exemptions for the lifetime of the CAZ.
- 6.10 The primary objective of the Ministerial Direction placed on PCC is to achieve compliance with legal limits of nitrogen dioxide in the shortest possible time and certainly before 2022. Due to this sunset periods should be kept to a minimum time period in order to not reduce the benefits of the CAZ in improving air quality as quick as possible.

Emergency service vehicles

- 6.11 The results from the consultation are conclusive in indicating a strong opinion across each individual response group that 'Emergency Service Vehicles' should be granted a sunset period or exemption. Of the 1674 responses for the sunset period, 86% indicated Emergency Service Vehicles, and of the 1671 responses for exemptions this was indicated by 74% of respondents.
- 6.12 Under the DEFRA framework, specialist and/or novel or adapted vehicles are exempt from a charge, which includes emergency service vehicles such as aerial ladders. However, some vehicles such as heavier ambulances may be charged under the class B CAZ if they are not compliant with the Euro standard.
- 6.14 Due to the unpredictable nature of the work undertaken by the emergency services, it is not anticipated to have a noticeable impact on CAZ compliance.
- 6.15 It is suggested that emergency service vehicles are granted an exemption from charges for the lifetime of the CAZ.

Community transport and School transport

- 6.16 Approximately 52% of respondents of the sunset period question suggested that vehicles that provide community transport services should be temporarily exempt. Around 31% of respondents indicated that non-compliant 'Community transport vehicles' should be exempt from the CAZ charge.
- 6.17 Around 51% of respondents indicated that 'School Transport' vehicles should receive a sunset period, this being 809 responses out of the sample of 1674. All response groups, except for non-WAV taxi, had between 45% and 50% support



for this vehicle type. The number of respondents who suggested 'School Transport' should receive an exemption was 33%.

- 6.18 Community transport and school transport groups supply important services for community benefit, and fulfil social purposes. Often these groups are run by charities or not-for-profits, and provide their services with wheelchair accessible minibuses. A class B charging zone does not apply to non-compliant minibuses unless they are also licenced as a taxi or private hire.
- 6.19 This exemption is not anticipated to impact the date of compliance, given the small number of non-compliant vehicles that provide community or school transport in Portsmouth and that will also be charged in a class B CAZ.
- 6.20 Operators/owners of vehicles providing community transport or school transport would have to apply to be registered onto the local whitelist, and be required to provide evidence such as a contract of the service provided. This sunset period will be provided on a case-by-case basis, where a strong case is provided as to why it should be granted, such as the use of a section 19 or section 22 permit.

Wheelchair Accessible Vehicles used as taxis

- 6.21 39% of respondents indicated that 'Wheelchair Accessible Vehicles' should receive a sunset period, whilst 31% responded that they should be granted an exemption. When the taxi responses are sorted between WAV and non-WAV, 73% of drivers of a WAV taxi supported their vehicle being included in the sunset period or being granted an exemption.
- 6.22 Wheelchair accessible vehicles provide an important mobility solution to those that cannot easily get around. The Integrated Learning Disability team highlight that wheelchair accessible taxis are an essential part of the support network. These vehicles help to prevent isolation, and promote inclusion in a range of ways including enabling access to the community, attend day services and work venues, and attend appointments.
- 6.23 Within the Portsmouth taxi fleet as of October 2020, there are 99 WAVs which make up just under 10% of the total fleet size. Of these 99 WAVs, 56 are non-compliant and would be charged for entering the CAZ. Recognising the higher costs involved in replacing or retrofitting a WAV, and the smaller size of the market, it is recommended that a 6 month sunset period be granted to provide these owners with a longer period to replace their vehicles.
- 6.24 Funding through the Clean Air Fund (CAF) may be available to non-compliant WAV drivers to help reach compliance during spring 2021. The CAF is available to support those businesses most affected by the introduction of the CAZ. A consequence of offering a longer sunset period to wheelchair accessible taxis is that it may lead to WAVs no longer being classed in the most affected group, and therefore funding not being available to them to help replace their vehicles.



Specialist Heavy Vehicles

- 6.25 Approximately 38% of respondents suggested that specialist heavy vehicles, such as recovery vehicles in the N2 or N3 body type, be granted a sunset period, whilst around 21% of respondents selected granting this vehicle type an exemption.
- 6.26 Under the Clean Air Zone Framework, discounts and exemptions can be provided to specialist vehicles which could never be compliant, or which may be difficult or uneconomic to adapt to comply with a CAZ. Specialist heavy vehicles includes those with a vehicle category of either N2 or N3. This type of vehicle, such as those used in crane assisted haulage or recovery trucks, are very costly to replace and can often have a long lifespan.
- 6.27 This report recommends that an exemption is approved, for the lifetime of the CAZ, for specialist heavy goods vehicles which are unsuitable for retrofitting and uneconomic to adapt to comply with the CAZ. The operator/owner will need to apply for this exemption in-order to be registered onto the local whitelist.
- 6.28 As part of the application for this exemption, the operator/owner will need to provide proof that their vehicle is unsuitable for retrofitting or details regarding their circumstances for purchasing a replacement vehicle. Exemptions will then be granted on a case-by-case basis.
- 6.29 This exemption is not anticipated to have a noticeable impact on CAZ compliance, given the limited number of vehicles involved and random nature of movements.

Non-commercial vintage buses

- 6.29 Around 33% of the 1674 respondents to the sunset period question selected non-commercial vintage buses, which dropped to 25% for granting this vehicle type an exemption. This selection was highest within the business responses.
- 6.30 Non-commercial vintage buses are currently nationally exempt if they are in the tax class 'Historic Vehicles', which is based off a rolling 40 year bracket.
- 6.31 Currently non-compliant non-commercial vintage buses between 20 and 39 years old would be charged for entering the zone. These types of vehicle are difficult or uneconomic to adapt to compliance, or may not be possible if the retrofit technology is not available yet
- 6.32 Non-commercial vintage buses which are between 20 and 39 years old provide educational and heritage purposes, and enter the CAZ infrequently for events such as at Portsmouth City Museum and on the Isle of Wight.



6.33 It is suggested that non-commercial vintage buses are granted an exemption on 10 days in the calendar year. This would allow for their travel through the CAZ for festivals, such as the Isle of Wight Classic weekend, whilst minimising any effect on the year of compliance for nitrogen emissions. These vehicles would need to apply for the exemption before entering the zone in order to be registered onto the local whitelist.

6.34 This exemption is not anticipated to have a noticeable impact on CAZ compliance, given the limited number of vehicles and trips involved.

7. Other areas addressed in the consultation

7.1 The consultation also asked participants their opinion on a range of potential hours of operation. The respondents were asked to rank three schemes that reduced the hours of operation on a five point scale from strongly agree to strongly disagree. The respondents were also asked an open ended question on alternative hours they would like.

7.2 Suggested hours of operation were:

- Only being in force between the hours of 7am and 10pm
- Not being in force on a Sunday
- Not being in force between the hours of 10am - 12 noon and 2pm - 4pm

7.3 The most popular of the three schemes was 'Not being in force on a Sunday' which received an overall agree vote of 47%, and overall disagree of 43%. The least popular scheme was 'Not being in force between the hours of 10am - 12 noon and 2pm - 4pm' which received an overall disagree vote of 49%, and overall agree vote of 36%.

7.3 The open ended question received various responses, including the charging zone not being in place at all, through to the hours of operation being 24/7.

7.3 Modelling indicates that the charging zone needs to be operational 24 hours a day to reach the level of compliance in the shortest possible time.

8. Next Steps

8.1 The decisions made on issuing of exemptions and sunset periods at this meeting will be included within the Local Air Quality Plan Full Business Case which must be submitted to Central Government by 21st December 2020. The Full Business Case builds on the Outline Business Case that was approved by this Cabinet for submission to central government on 31st October 2019 by providing the latest evidence and information gathered since the earlier submission.

8.2 The deadline for submitting the Full Business Case to central government is a legal requirement set out in the ministerial direction issued to PCC in March 2020. Given the reporting cycle of this decision meeting and the submission



deadline of the FBC it is recommended that delegated authority is granted to the Cabinet Members for Environment & Climate Change and Traffic & Transport, in conjunction with the Section 151 Officer, to approve submission of the Local Air Quality Full Business Case to central government. If this delegated authority is not granted the legal deadline for submission will be missed.

8.3 Once the Full Business Case is submitted it will be reviewed by Government's Independent Review Panel before, all being well, being approved by Ministers in early 2021. Grants to assist businesses and individuals to upgrade or replace their non-compliant vehicles will be open to applications in Spring 2021 and the charging Clean Air Zone will become operational in Autumn 2021.

9. Reasons for recommendations

It is recommended that Cabinet:

9.1 **Approve a sunset period of 6 months for non-compliant wheelchair accessible vehicle (WAV) Hackney carriages and private hire vehicles**, given that these vehicles are expensive to replace or adapt and provide an important mobility service, but that funding will be made available in 2021 to aid this.

9.2 **Approve a sunset period of two year for non-compliant vehicles providing community transport and school transport. The owner/operator of this vehicle will be required to apply for the sunset period, and provide proof of providing these types of services, such as a contract.** This vehicle group supply important services to the city and local area. A two year sunset period provides relief from the CAZ charge allowing time to replace non-compliant vehicles or amend contracts.

9.3 **Approve an exemption for the lifetime of the Clean Air Zone for emergency service vehicles.** This recognises the unpredictable but also essential work undertaken by the emergency services, whilst also reducing any impact on projected nitrogen dioxide concentrations.

9.4 **Approve an exemption for the lifetime of the Clean Air Zone for specialist heavy goods vehicles, on a case-by-case basis**, as these vehicles are difficult or uneconomic to adapt or may be engaged in particularly unique or novel operations.

9.5 **Approve an exemption for 10 days of the calendar year for non-commercial vintage buses, for the lifetime of the Clean Air Zone** to allow them access to educational and charity events within Portsmouth and on the Isle of Wight, whilst recognising that these vehicles cannot be easily modified or adapted to reach compliance.

9.6 **Confirm that the hours of operation will remain at 24 hours a day**, as otherwise this will have a negative effect upon reaching the date of compliance.



- 9.7 **Delegate Authority to the Cabinet Members for Environment & Climate Change and Traffic & Transport, in conjunction with the Section 151 Officer, to approve submission of the Local Air Quality Full Business Case to central government.** If this delegated authority is not granted the legal deadline for submission will be missed.
- 10. Integrated impact assessment**
- 10.1 A full integrated impact assessment has been completed which shows that this proposal will lead to improvements in air quality and health, and have positive economic effects. Any indirect negative impacts resulting from this proposal will be addressed in the distributional analysis of the full business case.
- 11. Legal implications**
- 11.1 As mentioned in the main body of this report, Portsmouth City Council has been issued with four Ministerial Directions under section 85(5) of the Environment Act 1995 and the Council is under a statutory duty by way of section 85(7) of the said Act to comply with such Ministerial Directions. A failure to comply with the Ministerial Direction may result in Judicial Review proceedings being brought against the Council.
- 11.2 The Ministerial Direction dated 25 March 2020 ("the Fourth Ministerial Direction") requires the Council to implement the local plan for NO₂ compliance to ensure compliance with the legal limit value for NO₂ is achieved within the Council's area in the shortest possible time, and by 2022 the latest. Under section 85(7) of the Environment Act 1995, it is the duty of the Council to comply with any direction given to it.
- 11.3 The Fourth Ministerial Direction also requires the Council to prepare and submit the Full Business Case to the Secretary of State by 27 November 2020 at the latest. However, it is understood that the submission deadline has now been renegotiated to 21 December 2020. Once the Full Business Case is submitted, the Council's duty under section 85(7) of the Environment Act 1995 will be discharged in part.
- 11.4 As part of the submission of the Full Business Case to the Secretary of State, the Council is required to prepare and submit a draft Clean Air Zone Charging Order which needs to meet the requirements set out in the Transport Act 2000. The decisions which the Cabinet is being asked to make in this report will subsequently be reflected in the said draft Order.
- 11.5 The decision to grant sunset periods, exemptions as well as other supporting measures remain subject to EU State Aid rules. However, as the UK's transition period after Brexit comes to an end on 31 December 2020, it is currently unclear what, if any, rules will apply to public subsidies and State Aid from the end of the transition period. The Government, so far, has not made any formal announcements in this respect. In the absence of any new or replacement rules,

The World Trade Organisation ("WTO") anti-subsidy and countervailing measures will be the only rules applicable to the public subsidies until the new rules (if any) are introduced. It is important to note that WTO's subsidy control measures are significantly less restrictive as compared to the EU State Aid rules. Nevertheless, any measures as set out in this report may need to be revisited once the new rules regarding public subsidies are introduced.

12. Director of Finance's comments

12.1 It must be noted that no allowance for exemptions/sunset periods were made in the original Finance Business Case. The introduction of exemptions/sunset periods will reduce the income from non-compliant vehicle charges, which we rely on to cover the costs of operating the scheme. In most instances the impact will not be material. Wheelchair Accessible Vehicles for example make up only a small proportion of the taxi population and the period of exemption is small (6 months). I would like to understand the expected number of "Community transport" vehicles and get some reassurance that we can clearly define such vehicles (I assume for example that all busses cannot fall into the category). An appropriate reduction in income can then be built into the Finance Business Case.

12.2 I would also like to understand if there is any cost to administering exemptions that should be accounted for in the financials. Will the local whitelist interface with the system that administers PCNs for example and will it cost anything to do so? None of these observations constitute a disagreement with the report and its recommendations, however where it is possible to provide clarification, it will improve our understanding of any deficit and consequently aid our discussions with JAQU when we submit the Final Business Case next month.

.....
Signed by:

Appendices:

Appendix A - CAZ Exemptions & Sunset report

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

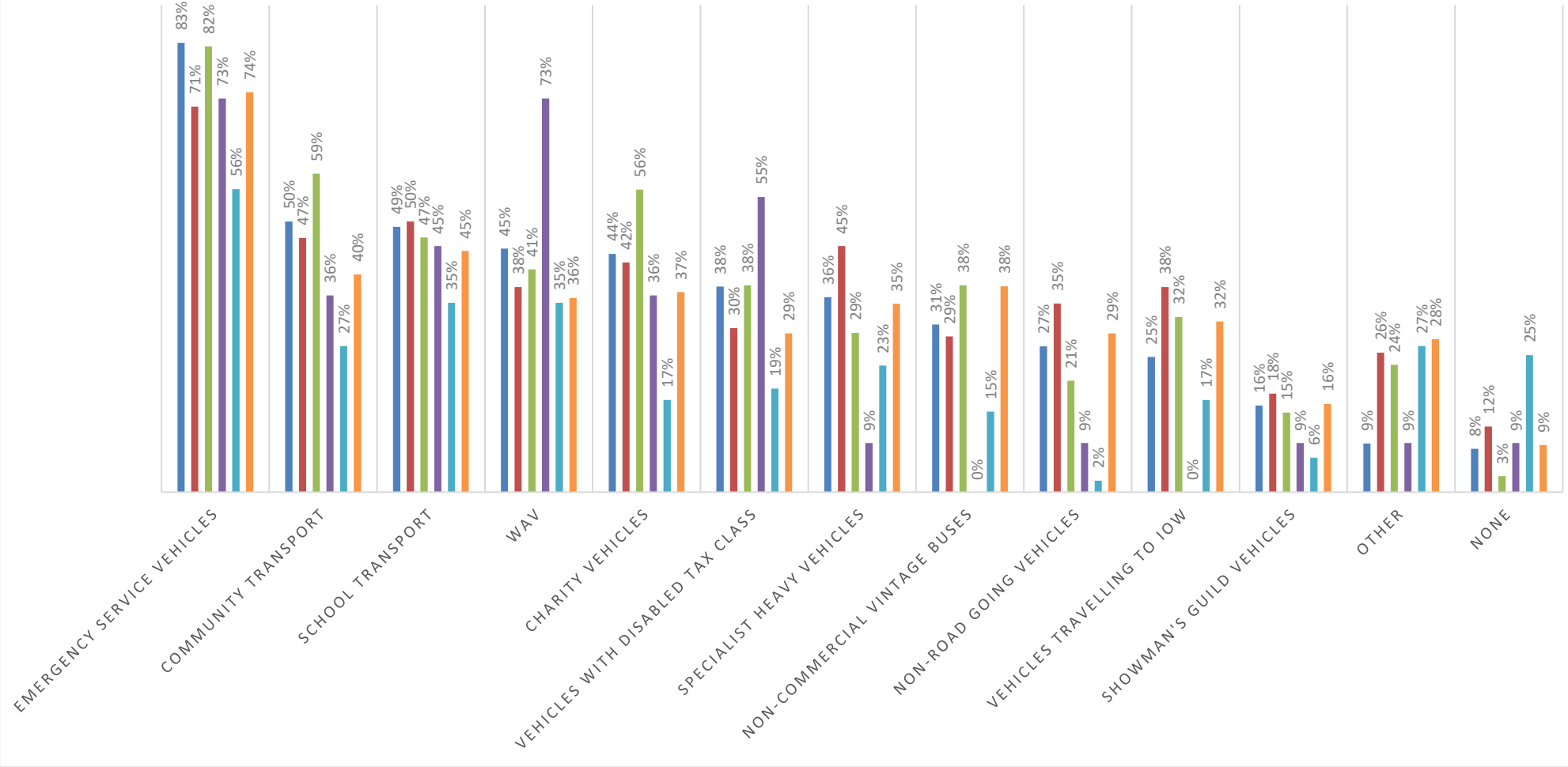
Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by:

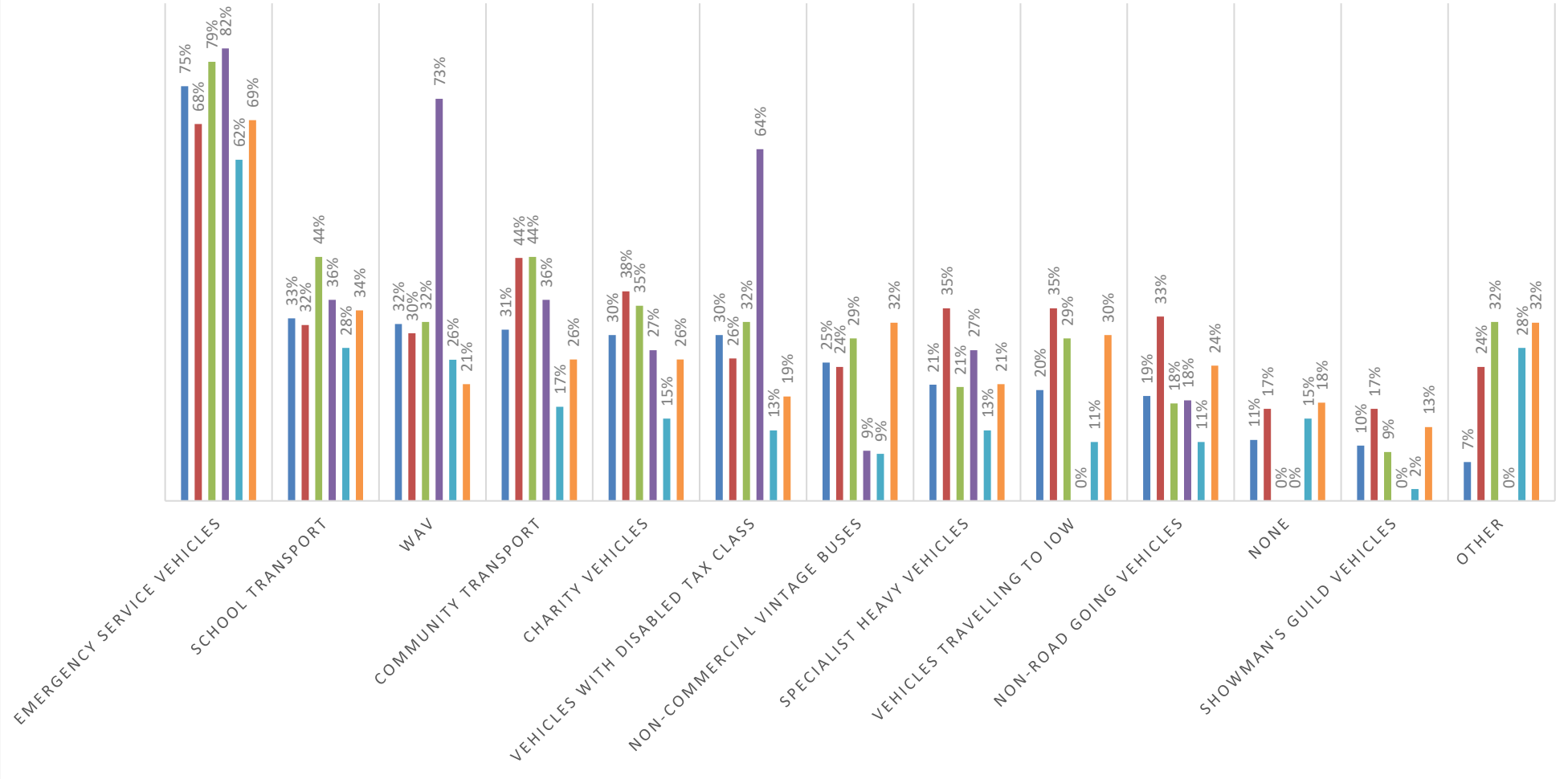
SUNSET PERIOD - CONSULTATION RESULTS PER VEHICLE TYPE

■ Car/Non-CAZ Driver ■ LGV/Minibus ■ Motorhome/Camper ■ Taxi: WAV ■ Taxi: non-WAV ■ Business



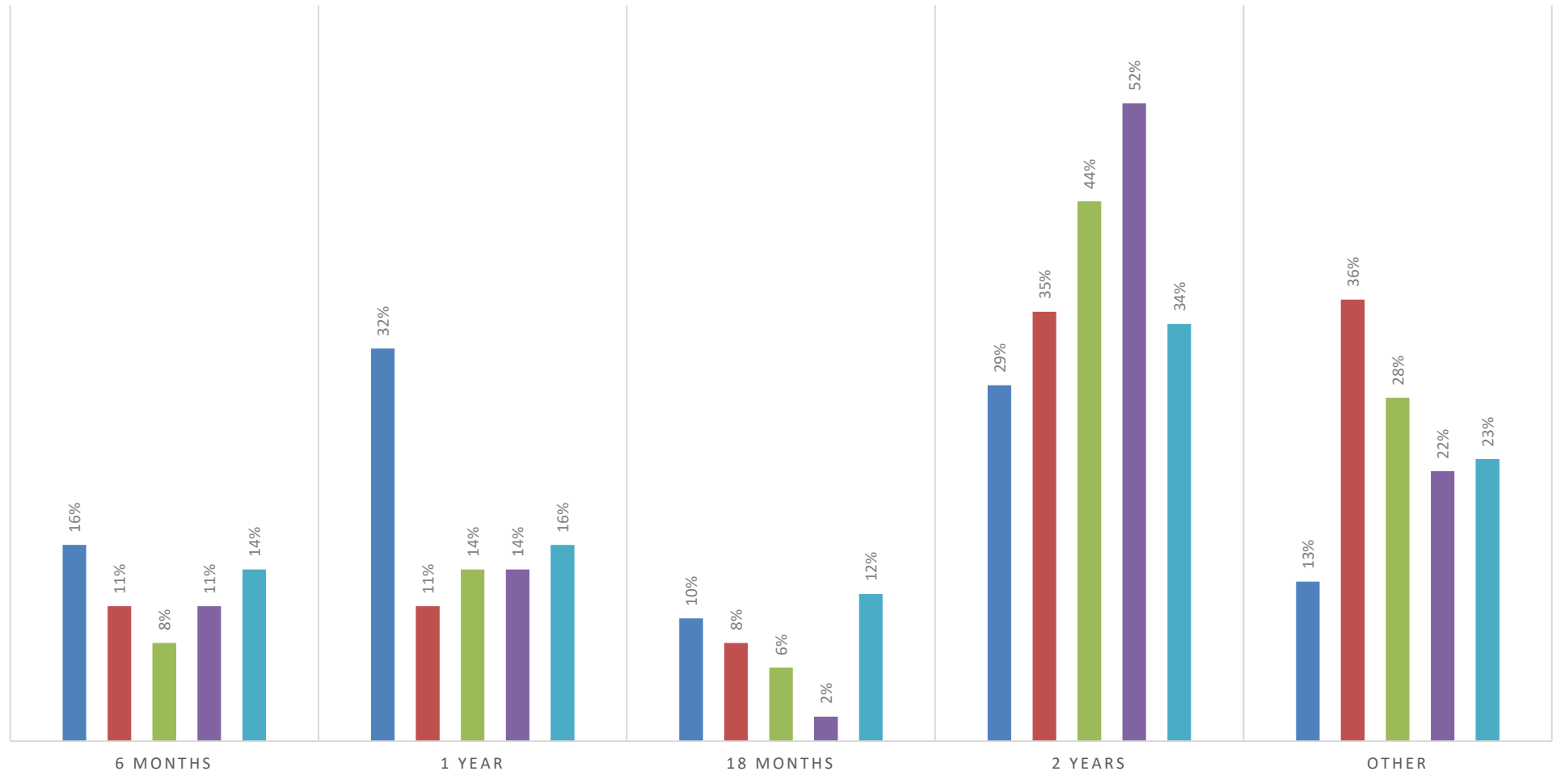
EXEMPTIONS - CONSULTATION RESULTS PER VEHICLE TYPE

■ Car/Non-CAZ Driver ■ LGV/Minibus ■ Motorhome/Camper ■ Taxi: WAV ■ Taxi: non-WAV ■ Business

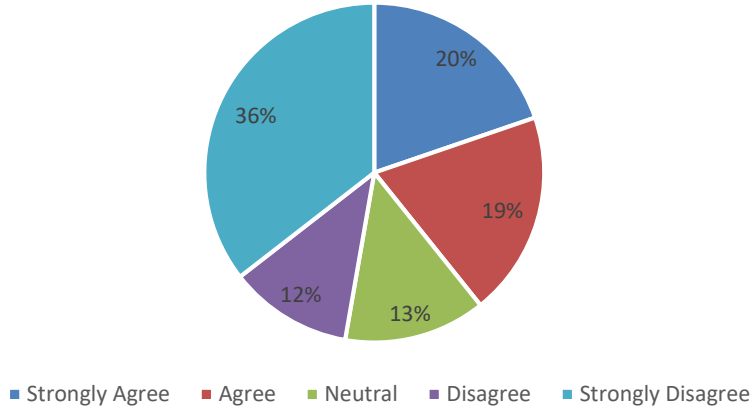


SUNSET PERIOD - CONSULTATION RESULTS PER VEHICLE TYPE

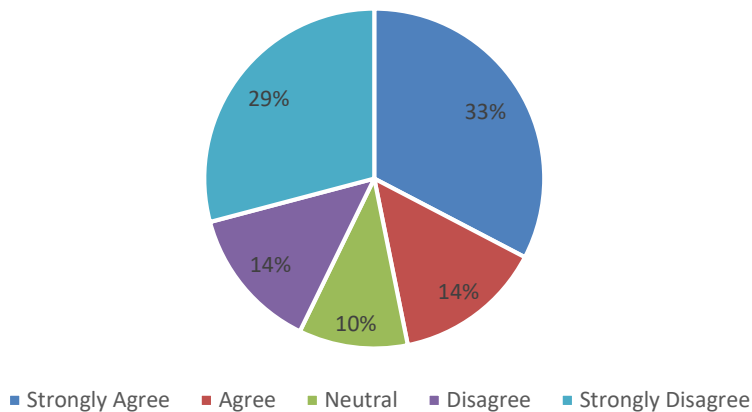
■ Car/Non-CAZ Driver ■ LGV/Minibus ■ Motorhome/Camper ■ Taxi ■ Business



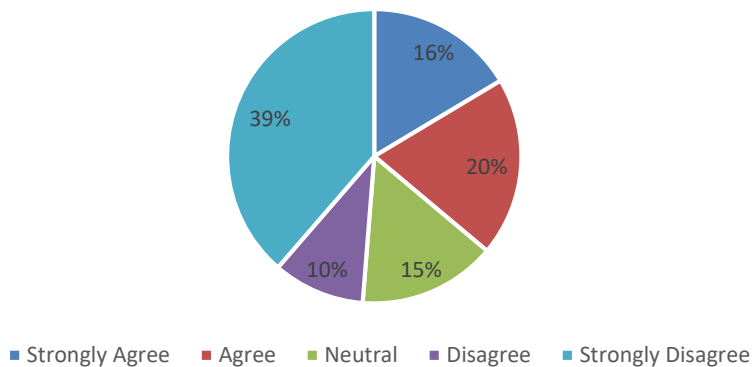
Only being in force between the hours of 7am and 10pm



Not being in force on a Sunday



Not being in force between the hours of 10am - 12 noon
and 2pm - 4pm



Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity This can be found in Section A5

Directorate:

Regeneration

Service, function:

Transport

Title of policy, service, function, project or strategy (new or old) :

Clean Air Zone: Hours of operation, exemptions and sunset periods

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

To use the feedback from the recent charging Clean Air Zone consultation to introduce and shape the hours of operation, exemptions and sunset periods of the zone.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

This proposal has been prepared following the public consultation on the Clean Air Zone. The outcomes of the consultation have helped to make recommendations for the hours of operation, exemptions and sunset periods.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?

In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How will you measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?

In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

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How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The CAZ, due to be implemented in 2021, will address the harmful concentrations of nitrogen dioxide in Portsmouth, which contributes negatively to public health. The proposals will reduce air pollution in the city, especially within the CAZ, by ensuring that we reach compliance levels.
The sunset periods/exemptions are aimed at helping those who drive/ operate specialist and community vehicles which are particularly difficult/ expensive to replace. Many of these vehicles provide essential services for those with existing medical conditions therefore the proposals will help support health.

How are you going to measure/check the impact of your proposal?

Air quality monitoring data, Public Health data on hospital admissions and mortality data for cardiopulmonary diseases, stroke and cancers, as well as data on incidence of asthma in children.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The full business case for the proposed CAZ will be accompanied by a full distributional analysis assessment. PCC has already secured £1.4million from government's Clean Air Fund to be able to offer financial support for upgrade/ retrofit of vehicles for those least able to afford to upgrade to meet the CAZ requirements. Exemptions and sunset periods help to ensure that there is a reduced financial impact for those with specialist vehicles that are particularly difficult/ expensive to replace.

How are you going to measure/check the impact of your proposal?
Applicants for financial support packages, number of non-compliant vehicles entering the CAZ, continued engagement with business/ self employed community, whitelist for local exemptions/sunset periods

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Whilst research and consultation undertaken does not demonstrate that any of the protected groups would be specifically negatively affected by the proposals to implement a charging clean air zone Class B; there is nothing to demonstrate that the proposals will specifically promote equality. Further work is being undertaken to consider the impacts of the proposals in the form of a distributional analysis which will be submitted with the full business case for the CAZ. The sunset periods and exemptions are likely to have a positive effect on equality as many of the vehicles proposed for exemptions/ sunset periods are used by groups with protected characteristics e.g disabled and elderly.

How are you going to measure/check the impact of your proposal?
Applicants for financial support packages, continued engagement with business/ self employed community, proportion of wheelchair accessible vehicles in the local taxi/PHV fleet.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?



In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The purpose of the CAZ is to reduce NO2 emissions from vehicles by encouraging fewer trips and the use of cleaner vehicles. Such action will also have a benefit for CO2 emissions. Sunset periods/ exemptions will encourage those with the most expensive/ difficult to replace vehicles to work towards replacing their vehicles where possible. This should be achieved because they will be given more time to comply and therefore arrange finance to purchase/ lease compliant vehicles. Without the sunset periods/ exemptions it is likely they will continue to use the most polluting vehicles indefinitely and pay the CAZ charge.

How are you going to measure/check the impact of your proposal?
 Number of non-compliant vehicles entering the CAZ, air quality monitoring, traffic counts, whitelist for local exemptions/sunset periods. Record total traffic volume to approximate CO2 savings.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?



In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>
<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

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B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

As part of the Clean Air Zone, this proposal will lead to improvements to air quality in Portsmouth through reaching compliance with legal limits of nitrogen dioxide.

Sunset periods/ exemptions will encourage those with the most expensive/ difficult to replace vehicles to work towards replacing their vehicles where possible as they will be given more time to comply and therefore arrange finance to purchase/ lease compliant vehicles. Without the sunset periods/ exemptions it is likely that they will continue to use the most polluting vehicles indefinitely and pay the CAZ charge.

How are you going to measure/check the impact of your proposal?

Air quality monitoring, traffic counts (including numbers and vehicles types), number and euro emissions of vehicles entering the CAZ and elsewhere in the city, local whitelist of exemptions/sunset periods.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

One of the anticipated benefits of the CAZ is the likelihood that it will deliver some level of modal shift towards sustainable and active travel. Offering sunset periods/ exemptions will allow some essential and community service vehicles to operate in the zone without a CAZ charge. Without this these, vehicles may cease operating within the CAZ and therefore people who rely on these vehicles may be forced to use private cars.

How are you going to measure/check the impact of your proposal?
Traffic counts (number of vehicle types)

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?



In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The CAZ will result in cleaner air for everyone- helping Portsmouth remain as a place where people want to live and encourage visitors. Some of the exemptions/sunset periods will ensure that events/attractions can continue to be delivered without additional charges being levied on the vehicles required for these events to take place. Without the exemptions/ sunset periods it may not be financially viable for some events to take place in the city and IoW.

How are you going to measure/check the impact of your proposal?
Monitoring GVA data and visitor numbers/ spend, local whitelist of exemptions/sunset periods

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Allowing exemptions/ sunset periods will enable some individual/s businesses to keep operating where they might otherwise have had to cease trading due to the cost of the CAZ charges and the high cost of replacing their specialist vehicle to compliant types. Therefore the proposal could help to avoid further unemployment in the city.

How are you going to measure/check the impact of your proposal?
Unemployment statistics, feedback from businesses eligible for exemptions/ sunset periods.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The CAZ proposals will result in funding being issued to local businesses to support upgrade/ retrofit of non-compliant vehicles. Exemptions and sunset periods have been shaped from the consultation to ensure that the negative impact of the proposal on local businesses that operate expensive, specialist vehicles is reduced.

How are you going to measure/check the impact of your proposal?
Uptake of financial support for upgrade/ retrofit of vehicles.

Q8 - Who was involved in the Integrated impact assessment?

Alexander Roke

This IIA has been approved by: Hayley Trower

Contact number: 023 9288 2643

Date: 16/11/20