



Belfast City Council

Report to:	Strategic Policy & Resources Committee
Subject:	Land Contamination, Gasworks Estate
Date:	19 October 2012
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1	Relevant Background Information
1.1	Members will be aware that Council undertook extensive ground decontamination of the former Gasworks site following cessation of gas production in order to permit its redevelopment. To provide sufficient comfort to potential developers the Development Committee at its meeting on 15 th October 1997 approved additional insurance protection in the event of possible environmental liability claims arising. The resulting commercial redevelopment of the former Gasworks, facilitated by Council's ground remediation policies to date, has received many national awards.
1.2	As a result of a planning application in 2008 for a second international hotel to be developed on an existing car park within the Gasworks Estate further potential land contamination risks were raised by the Northern Ireland Environmental Agency (NIEA) in respect of ground water contamination. Difficulties were encountered by the developers in quantifying and agreeing the extent of the contamination risks with the NIEA and how to address their concerns should further development be permitted. Over two years after receiving the application Planning Service finally granted consent to this hotel development subject to conditions in respect of addressing the perceived additional land contamination risks.
1.3	At its meeting of 21 st May 2010 the Strategic Policy & Resources Committee approved the procurement of suitably qualified consultants experienced in the management and development of brownfield sites to undertake a review of the Gasworks Estate (including the Northern Fringe) in order to produce a strategy for its management and future development.

1.4	Following the Strategic Policy & Resources Committee decision Land Quality Management Ltd (LQM) were appointed to undertake this review with the aim of providing Council with advice that would be used to develop an appropriate and cost-effective environmental plan for the Gasworks Estate that would satisfy further land contamination concerns raised by the NIEA. This report was delivered to Council officers in mid-September 2012 with the key message that the existence of contamination on the site will need to be managed through regular monitoring however that does not preclude any further development only how that development is to be undertaken. A copy of the executive summary from the report is attached to this report (Appendix 1)
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2	Key Issues
2.1	Despite undertaking Department of the Environment accredited remediation of the former Gasworks site and the fact that Council also maintains environmental liability insurance for the Estate the NIEA have identified a perceived contamination risk to the underground aquifer located beneath the site.
2.2	Coinciding with the economic downturn the delay caused in securing conditioned planning consent for a second international hotel resulted in the loss of further development for the Gasworks Estate and the benefit of additional income for the Council from an enhanced equity ground rent.
2.3	Working with the Council's Legal and Environmental Health Services it was recommended that a three stage land contamination report that would include a legal review undertaken by Council's Legal Services following an initial Preliminary Risk Assessment (PRA) of the site. The final stage of the report was to produce a strategy for environmental management and way forward for the future development of the Gasworks Estate.
2.4	<p>The key findings of the LQM report are as follows:</p> <p>Preliminary Risk Assessment</p> <ul style="list-style-type: none"> • There are no current environmental & health risks with the site and no further immediate remedial action has been identified. • Uncertainties exist with regard to groundwater conditions, direction of groundwater flow and vapour migration at the site. • These uncertainties need to be addressed to allow effective decisions to be made in respect of future developments on the site. <p>Legal Review</p> <p>In developing this site Council should have regard to the following legal drivers:</p> <ul style="list-style-type: none"> • Planning (General Development Order) 1993. Future development of the site should not present a risk to future users and the environment. • Water Order 1999 & Groundwater Regulations 2009 which relate to the protection of groundwater and groundwater receptors. • Water Order 1999 regarding the protection of surface water.

	<ul style="list-style-type: none"> Part 3 Waste & Contaminated Land Order 1997. There are no plans to introduce this legislation in Northern Ireland however if enacted it may introduce possible future liabilities. <p>Way Forward for the Site</p> <p>In order to remove the uncertainties identified in the PRA and ensure the future development of the site meets all relevant legislative requirements the report recommends the following:</p> <ul style="list-style-type: none"> That Council should consider establishing an environmental monitoring programme for the site. This information is essential to ensure effective decisions are made with respect to future developments at the site. Likely risk assessment and remediation methodologies to be applied in respect of future developments. These will aid development and ensure buildings do not introduce and health & environmental risks. Council officers meet with the NIEA to discuss the recommendations of the report and to agree actions for the environmental management and future development of the Estate.
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3	Resource Implications
3.1	<p><u>Financial</u></p> <p>Should Members adopt the recommendations of the LQM report there will be costs associated with the monitoring regimes suggested. These costs will be met from the annual Gasworks Estate income.</p> <p>However, failure to address the land contamination risks associated with management and future development of the Gasworks Estate could result in the loss of potential income from leasing/selling development sites on the Northern Fringe</p>
3.2	<p><u>Human Resources</u></p> <p>Staff resources required in Estates Unit, Legal Services and Environmental Protection Unit to oversee management and future development of Gasworks site.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>By obtaining an understanding of the risks and liabilities associated with contaminated land the Council can discharge its various legislative responsibilities in respect of ownership of the Gasworks site and also in respect of its other property assets.</p> <p>This LQM report would form the basis for development of a land contamination policy for the Council when acquiring/disposing of property assets in the future.</p>

4	Equality and Good Relations Implications
4.1	There are no equality implications to this proposal.

5	Recommendations
5.1	Members are requested to note the content of this report and to adopt the various recommendations made in the LQM report in respect of instigating a monitoring regime for the Gasworks Estate and that Council officers meet with the NIEA to agree actions for the environmental management and future development of the Estate.

6	Decision Tracking
Director of Property & Projects to ensure that the recommendations made in the LQM report are implemented and that further reports are brought to Strategic Policy & Resources Committee regarding future development proposals for the Estate.	

7	Key to Abbreviations
NIEA – Northern Ireland Environment Agency LQM – Land Quality Management Ltd PRA – Preliminary Risk Assessment	

8	Documents Attached
Appendix 1 – LQM Stage 3 Report – Executive Summary	