

## HOOK ROAD CAR PARK - ENVIRONMENTAL IMPLICATIONS

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<b>Report Author</b>	Mark Shephard
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1: Historical Land Use

### Summary

This report proposes the Council and the developer of the SGN Site work collaboratively to investigate the level of contamination and consequent environmental implications for development on any part of the wider gas works site.

The report was previously considered at Environment Committee (16 July 2024), being the responsible committee for:

- Environmental protection, pollution control and biodiversity
- Parking including the provision and management of parking and the fixing of charges and parking enforcement.

Environment Committee agreed to recommend the report be considered by S&R Committee as the responsible committee for the purchase, management and disposal of Council owned real estate.

### Recommendation (s)

**The Committee is asked to support the recommendations of Environment Committee to:**

- (1) Agree to undertake a Ground Investigation (GI) survey of the Council's car park site at a cost of up to £30,000 (which includes £7,000 contingency as detailed in this report), to be funded from the Property Maintenance Reserve.**
- (2) To release (in principle) the Hook Road Car Park to facilitate the wider redevelopment of the gas holder site.**
- (3) Note that the Director of Environment, Housing & Regeneration and Head of Property & Regeneration, in consultation with the Chief Finance Officer and**

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**Chief Legal Officer, have express authority to take all necessary actions further to the above decisions being made that commit resources, as is necessary and appropriate.**

### **1 Reason for Recommendation**

1.1 To facilitate the redevelopment of a prime town centre brownfield site.

### **2 Background**

- 2.1 The Council owned Hook Road multi-storey car park is located directly adjacent to the former Southern Gas Networks (SGN) gas holder site. Both sites formed a larger historic coal / gas manufacturing works dating from at least the 1870s. Historical land use maps are attached at Appendix 1.
- 2.2 The wider gas works site has included several processes / structures in different configurations over the decades. It is known these included, gas holder, purifiers, tar tanks and gas oil storage. Disused gasworks holder bases and tanks were often used for gasworks and other waste disposal.
- 2.3 Gas works are some of the most contaminated sites in the UK with the Council's car park situated above a concrete capped former tar pit. Tar pits have a very high level of contamination, and it is possible that the car park is located above the most contaminated part of the wider gas works site.
- 2.4 The car park was built in the mid-1980s when it was environmentally and legally acceptable to concrete over former contaminated land uses to make the site safe. Any potential redevelopment of a former gas works site would require extensive remediation.
- 2.5 In addition, Thames Water's Epsom Water Works are located a short distance away with the East Street drinking water boreholes in close proximity (less than 200m) to the former gas works site. Consequently, the potential remediation of any part of the former gas works site would be considered extremely sensitive by the Environment Agency (EA) and involve close monitoring.
- 2.6 The Council's Land Contamination Officer has noted the increasing concern shown by the EA for any emerging development in close proximity to the gas works site.
- 2.7 Since 2000, development proposals fronting East Street have been heavily scrutinised by the EA. Furthermore, in 2009, the EA expressed concern to the former landowner (National Grid) over the high level of contamination on the gas works site. They also expressed concern at the Council's adjacent car park.

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- 2.8 While there is no current surface contamination risk to either the Council's car park or the SGN site; the Council is conscious that there could be a potential risk to either its car park, the SGN site or both sites, if redevelopment proceeded on the SGN site.
- 2.9 The risk reflects the reality of the situation i.e. both sites were once part of the larger gas works site and the land will eventually (be it redevelopment or possibly, a future environmental obligation enforced by legislation) need to be decontaminated.

### 3 Potential SGN site redevelopment

3.1 The SGN site offers a well located, town centre brownfield redevelopment opportunity and for this reason has been included in previously adopted and currently proposed, draft planning policy documentation:-

- The gas works were included in the Council's 2011 "Plan E" Epsom Town Centre Area Action Plan (a strategic policy document) as part of the wider "Utilities Site", which also included the Council's car park and Thames Water site.
- More recently, the Reg 18 March 2023 consultation of the Draft Local Plan and November 2023 consultation of the Epsom Town Centre Masterplan, both included the Council's car park and the former Gas Works site as a potentially deliverable redevelopment opportunity.

Paragraph 4.12 (page 82) of the Draft Local Plan states; *"There is the opportunity to redevelop the site into a prominent, high density, mixed use development, which would result in an improved, attractive and better utilised environment to the eastern gateway of the town centre. New development would offer the opportunity for a better connected and rejuvenated area that would attract new residents and businesses to Epsom Town Centre."*

- 3.2 The SGN site has recently been acquired by a pro-active, mixed-use developer with the necessary experience to progress a redevelopment of its site.
- 3.3 The developer is currently preparing a planning application with the intention of submitting it to the Local Planning Authority (LPA) this year.
- 3.4 At its previous meeting on 19 June 2024, this committee agreed to work collaboratively with the SGN developer (by entering into a mutual deed of easement) to facilitate, through potential future redevelopment, the enhancement of future public realm and connectivity across the Hook Road Car Park and/or SGN site.

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### 4 Environmental Survey - Collaborative Approach

- 4.1 As the adjacent landowner (distinct to acting in its capacity as the LPA), the Council has a further opportunity to work collaboratively with the SGN developer to investigate the contamination implications of the wider gas works site.
- 4.2 To comprehensively understand the contamination risk of the wider gas works site i.e. combined Council and SGN land ownerships, both sites require Ground Investigation (GI) surveys. Without the respective surveys, the wider site's environmental risk cannot be assessed.
- 4.3 To support the GI survey work already undertaken for the SGN site, it is proposed the Council commissions its own GI survey for the car park. The results are needed no later than 30th November 2024. This is required to develop and cost accurately the remediation strategy for the wider site. In compliance with the Council's Contract Standing Orders, quotes were obtained from specialist environmental land remediation companies. Their proposal has been reviewed by the Council's land contamination officer.
- 4.4 The GI survey will be an intrusive investigation and involve limited breaking out of hardstanding surfaces using a hydraulic hand breaker where necessary. Reinstatement will be appropriate to the hardstanding in question i.e. concrete or macadam.
- 4.5 The GI survey would comprise 4 days of intrusive bore-holing, chemical and geotechnical laboratory testing (2 weeks), gas/groundwater monitoring (4 weeks) and production of a ground investigation report (1-2 weeks).
- 4.6 All necessary temporary safety barriers / fencing will be provided and the intrusive investigation will be undertaken in accordance with the following:-
  - British Standard BS5930:2015 "Code of practice for ground investigations"
  - British Standard BS10175:2011+A2:2017 "Investigation of potentially contaminated sites – code of practice"
  - British Standard BS1377:1990 "General requirements for soil testing"
  - Environment Agency's land contamination risk management (LCRM) guidance
  - Association of Geotechnical and Geoenvironmental Specialists Guidelines for Good Practice in Site Investigations

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- 4.7 The cost of the above work is approximately £23,000 and would be sufficient for a straightforward survey. However, given the history of the site, the expectation is that additional monitoring visits and groundwater sampling may be required. It is therefore recommended that a contingency of £7,000 is allocated to provide a total budget requirement of £30,000 for the GI survey work.
- 4.8 It is not known what investigation / remediation was carried out when the car park was built. At the time, it was entirely likely that concrete capping was seen as the preferred solution to prevent disturbing the contamination.

### 5 Environmental Consequences

- 5.1 The GI survey will inform the Council to the likely extent and severity of contamination. The survey principally relies on the testing of borehole samples and therefore, no survey can be 100% conclusive.
- 5.2 Assuming contamination is confirmed, this could lead to serious environmental consequences embroiling the Council's car park and wider gas works site:-

- Limited contamination – considered highly unlikely but in any event, remains a risk to development due to the wider site naturally sloping away from the car park i.e. risk of contamination leakage.
- High contamination - the GI surveys confirm the site is highly contaminated and if a planning application was submitted to the LPA for any part of the gas works site, the EA would likely require full remediation of both the SGN and Council land ownerships for development to proceed.

Furthermore, there is a high likelihood that once the EA is consulted, it will require full remediation, irrespective of whether the development proceeds or not. The Council's Land Contamination Officer considers this to be a very real risk as the EA will almost certainly be duty bound to act due to the close proximity of the Epsom Water Works i.e. potential risk to drinking water.

- 5.3 The overarching risk for both landowners is the historic industrial nature of the wider gas works site. As a statutory consultee to the LPA for ground contamination, the EA is highly unlikely to treat the two land ownerships in isolation once it is aware of any development proposed for any part of the gas works site.
- 5.4 In view of the very real risk that the Council's car park will be unavoidably drawn into the decontamination of the wider gas holder site, it is recommended that Committee agrees in principle, to release the Hook Road Car Park to facilitate the wider remediation and redevelopment of the gas holder site.

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### 6 Risk Assessment

Legal or other duties

#### 6.1 Equality Impact Assessment

6.1.1 While not applicable for the GI survey, any future planning application involving the Council's car park would include an EIA.

#### 6.2 Crime & Disorder

6.2.1 Not applicable

#### 6.3 Safeguarding

6.3.1 Not applicable

#### 6.4 Dependencies

6.4.1 Not applicable

#### 6.5 Other

6.5.1 The environment risks are set out in the body of the report.

### 7 Financial Implications

7.1 It is proposed that the estimated cost of up to £30,000 could be funded from the Property Maintenance Reserve, which would reduce the reserve's uncommitted balance from £183,000 to £153,000.

7.2 Financial Strategy Advisory Group has previously recommended a minimum balance for this reserve of £250,000. The Council will need to consider how this reserve can be replenished during the 2025/26 budget setting process.

7.3 Utilising £30,000 from reserves reduces the Council's annual treasury management income by c.£1,350, assuming investment returns of 4.5%.

7.4 Any further financial implications that may arise from the outcome of the survey, and/or potential redevelopment of the wider site, will be reported back to the Committee when known at the appropriate time.

7.5 **Section 151 Officer's comments:** None arising from the contents of this report.

### 8 Legal Implications

8.1 **Legal Officer's comments:** None for the purposes of this report.

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### 9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council
- Opportunity & Prosperity

9.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

9.3 **Climate & Environmental Impact of recommendations:** To be assessed pursuant to the recommendations of this report.

9.4 **Sustainability Policy & Community Safety Implications:** As 9.3.

9.5 **Partnerships:** It is proposed to adopt a collaborative approach with the developer of the SGN site to assess the environmental implications of past historical contamination.

### 10 Background papers

10.1 The documents referred to in compiling this report are as follows:

#### **Previous reports:**

- Special Meeting, Strategy & Resources Committee 19 June 2024  
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1754>

#### **Other papers:**

- Environment Committee 16 July 2024  
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=144&MId=1642>