

LUTON BOROUGH COUNCIL

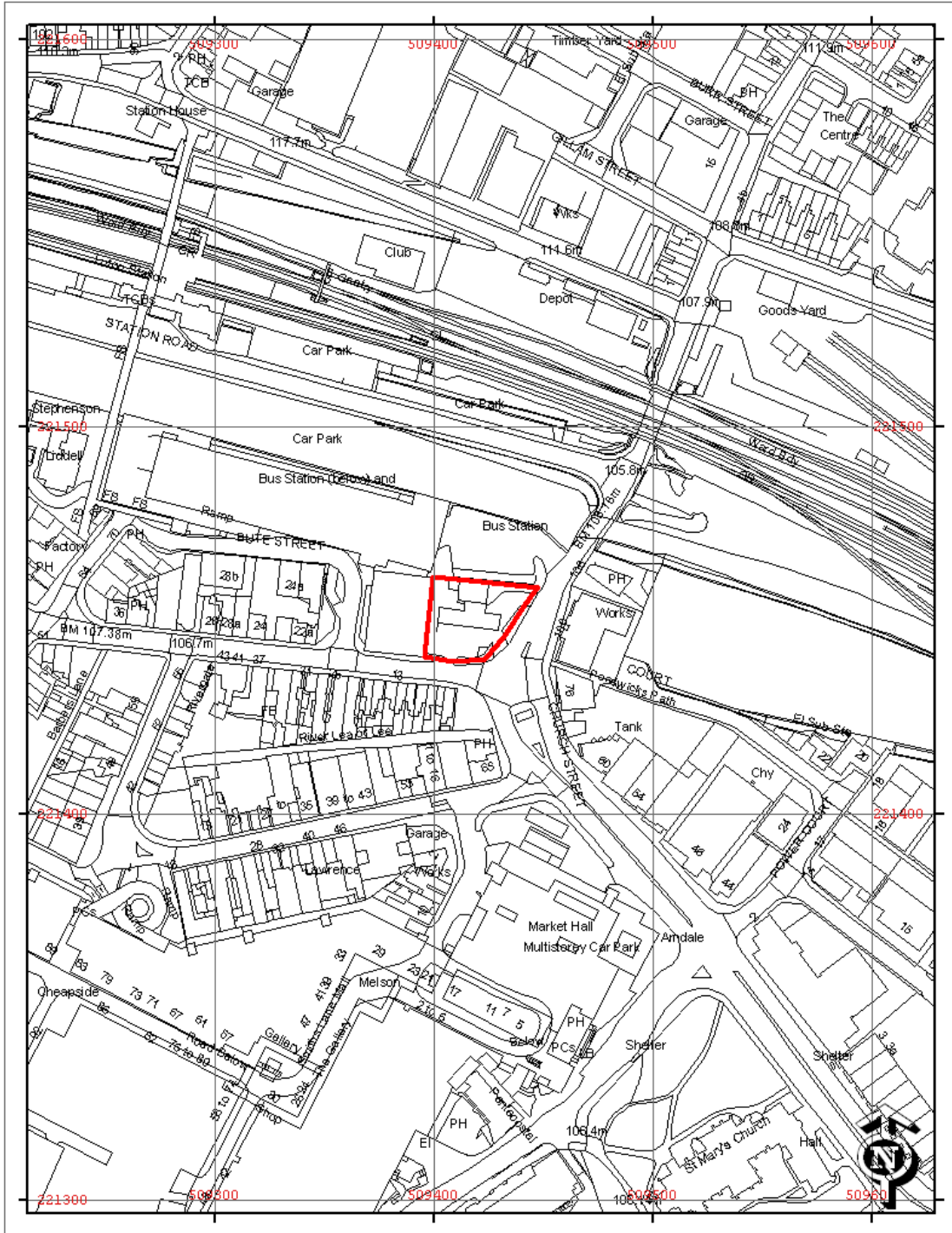
Environmental Protection Act 1990

1. On the 22 May 2009, Luton Borough Council (“the Council”), determined the land at **2-10 Guildford Street, Luton, Beds** as land within the Council’s area which was contaminated land for the purposes of section 78A(2) of the Environmental Protection Act 1990 (see attached Plan 1 and 2).
2. On the 15 June 2009, the Council decided that the land should be designated as a Special Site, as the site fell within the description prescribed in regulation 3(c) of the Contaminated Land (England) Regulations 2006. Regulatory responsibility for the site therefore passed to the Environment Agency, which remains the enforcing authority for the site until such time as it terminates the special site status by notice under section 78Q(4) of the 1990 Act.
3. Remediation works were completed between January 2010 and February 2011 followed by post-remediation groundwater monitoring.
4. Celtic Technologies Limited, acting on behalf of the owners of the site, have asked the Council to reconsider the determination.
5. The advice of the Environment Agency was sought. They consider that there is no longer significant pollution of controlled waters being caused or a significant possibility of such pollution being caused, while the site and those sites immediately down-gradient remain in their current condition. They add that the source has not been completely removed and contamination remains in controlled waters within the putty chalk layer of the principal aquifer and the pathway has not been permanently broken.
6. The Council has concluded that, having regard to the current use of the land and the advice provided by the Environment Agency, the land no longer meets the definition of contaminated land as defined by section 78A(2) of the Environmental Protection Act 1990.
7. It should be noted that this statement is subject to the reservations set out at paragraph 5 above as to the use of the site and those down-gradient, and as to the remaining contamination.
8. This statement is issued in accordance with paragraph 5.21 of the statutory guidance, “Contaminated Land Statutory Guidance”, issued by the Secretary of State for Environment, Food and Rural Affairs, dated April 2012.
9. A copy of this statement and associated documents are available on the register of contaminated land on the Council’s website, www.luton.gov.uk/contaminatedland

Dated: 12 November 2012

Ian Pringle
Group Leader (Environmental Protection)
Luton Borough Council

Plan 1



Plan 2

