



This document is out of date was withdrawn 28/03/2017

Contaminated Land Capital Grants Guidance Note for 2016-2017

Local Authority Contaminated Land Capital Programme (England): 2016/17
Section 31 of Local Government Act 2003

May 2016

We are the Environment Agency. We protect and improve the environment and make it **a better place** for people and wildlife. We operate at the place where environmental change has its greatest impact on people's lives. We reduce the risks to people and properties from flooding; make sure there is enough water for people and wildlife; protect and improve air, land and water quality and apply the environmental standards within which industry can operate.

Acting to reduce climate change and helping people and wildlife adapt to its consequences are at the heart of all that we do.

We cannot do this alone. We work closely with a wide range of partners including government, business, local authorities, other agencies, civil society groups and the communities we serve.

enquiries@environmentagency.gov.uk
www.gov.uk/government/organisations/environment-agency

© Environment Agency 2011

All rights reserved. This document may be reproduced with prior permission of the Environment Agency.

Further copies of this report are available from our publications catalogue:

<http://publications.environmentagency.gov.uk> or our National Customer Contact Centre: T: 03708 506506

E: enquiries@environment-agency.gov.uk.

Published by:

Environment Agency
Horizon House, Deanery Road Bristol BS1
5AN Email:

Contents

1 Introduction	4
2 Defra Criteria and Eligibility for 2016-17	5
Introduction	5
Priority 1 - urgent remediation	5

Priority 2 - completing ongoing treatment schemes	6
Priority 3 - starting treatment on existing projects	6
Priority 4 - completion of other schemes by exception	6
Criteria for Priority 2 - 4 cases	6

3 General Guidance for 2016-17 8

De-Ringfencing	8
Project contingency	8
Grant terms and conditions	9
Staff costs	9
Applying for a grant	9
Phasing of works	10
Assessing bids	10
General eligibility	11
Intrusive investigation	11
Remediation	11
Liability and cost recovery	12
Payment of grants	13
Progress monitoring	14

4 Further information 15

Annex 1 General eligibility criteria 16

Annex 2 Notes on the Prioritisation Tool 19

Annex 3 Example Grant Determination 22

1 Introduction

1.1 This document provides guidance to Local Authorities in England (you) on the Contaminated Land Capital Grant Programme. It explains Defra's criteria for the 2016/17 financial year - the final year of the programme - and how we will assess and prioritise bids. It also covers how we will pay grant to successful schemes. This document supports the Grant Memorandum published by our Business Finance team to cover all the Local Authority & Internal Drainage Board grant schemes we administer.

1.2 The Programme was previously administered by Defra, and we provided technical input. Since July 2010 we have been delegated to pay grants to Local Authorities on behalf of Defra, as well as technically review schemes. The

money comes from an additional Grant in Aid funding allocation, issued by Defra.

- 1.3 Grant paid under this programme must be classified as capital rather than revenue. Consequently it's important that you ask your accountants to confirm you can accept a capital grant payment before submitting a bid.

This document is out of date was withdrawn 28/03/2017

2 Defra Criteria for 2016-17

Introduction

2.1 Following Lord De Mauley's announcement in December 2013 that the CLCP Programme would be closing by April 2017, Defra have agreed a final £400k contingency fund for 2016/17 to help regulators deal with any new urgent cases and to closedown ongoing projects on a priority basis. This section sets out Defra's criteria for allocating the funding using the 4-tier priority scheme. It explains how funding will be allocated in priority order to new urgent cases and ongoing projects.

2.2 As in previous years, the funding is available to support eligible Local Authority and Environment Agency projects. The existing administration process will continue, with the Environment Agency holding the budget and issuing capital grant to Local Authorities on behalf of Defra under powers delegated by the Secretary of State.

Criteria for Priority 1 – Urgent remediation

2.3 **Eligibility:** Only sites requiring urgent remediation where action needs to be taken to remove an imminent danger of serious harm or serious pollution of controlled waters will be considered as eligible under Priority 1.

2.4 **Conditions:** Only urgent remediation works are eligible (i.e. limited to those that can be arranged and completed quickly), the site must be determined as contaminated land and you will need to demonstrate that you will be unable to recover all, or a substantial portion of, your costs at a later date.

2.5 **Examples of urgent remediation works:** These could include installing gas alarms in houses as a short-term risk management action where there is robust evidence that hazardous concentrations of ground gas are entering buildings; carrying out temporary or permanent works to avoid humans/livestock being exposed to acute health risks; carrying out temporary or permanent works to prevent the most serious cases of water pollution.

2.6 **Bidding:** In these situations, given the severity of the risk, it is reasonable to expect that the urgent remediation works will be carried out regardless of whether any funding bid is successful. On this basis we will not run an open bidding round but will invite applicants to contact us by exception at the earliest opportunity to discuss making a bid. This bid may include committed works and/or retrospective in-year costs already incurred in carrying out urgent remediation works. We do not intend to specify a minimum threshold but would only invite bids which were cost effective for us to process and administer.

2.7 **Timeframe:** We do not anticipate that there will be many cases of urgent remediation and would expect to receive notification about any current cases within 3 weeks of the announcement. To create enough time for other projects

to spend the money, we're aiming to allocate funds to Priority 2 - 4 cases from July 2016.

Description of Priority 2-4 Categories for Ongoing Schemes

Priority 2 – Completion of ongoing remedial treatment schemes

2.8 The next priority would be for ongoing remediation projects where previous phases of remedial treatment actions have already been supported under the programme at any time in the past 5 years. This could include non-urgent works on sites where urgent works are also proposed under Priority 1, above. Priority would be given to schemes where you could complete and verify the works to break the contaminant linkages and fully achieve the remediation objectives by April 2017.

2.9 For schemes spread over 2 or 3 financial years, you would need to underwrite year 2 and year 3 costs before accepting any awards for year 1, as there will be no more funds available after this financial year.

Priority 3 – Starting remedial treatment schemes on existing projects

2.10 If any funding remains, the next priority would be to start remedial treatment actions on existing projects where earlier phases of detailed inspection or preliminary remedial work (options appraisal or detailed design) have been supported under the programme at any time in the past 5 years. The eligibility criteria would be the same as for Priority 2.

Priority 4 – Completion of other ongoing schemes by exception

2.11 In the unlikely event that any money remained, we could offer funding by exception to existing projects in the programme to start preliminary remedial works (options appraisal or detailed design) or to complete inspections. Preliminary remedial work would only be eligible where the costs involved could not be recovered from appropriate persons.

Criteria for Priority 2 - 4 cases

2.12 **Eligibility:** With the exception of urgent remediation cases covered under Priority 1, only existing projects which have been supported under the programme at any time in the past 5 years will be eligible for funding. All other projects, including new remediation or inspection projects, are ineligible.

2.13 **Bidding:** As for Priority 1, there would be no open bidding round for Priority 2 and 3 cases. We will review records over the past 3 - 5 years to identify eligible projects under Priority 2 and 3 and will then contact the local authority directly as part of a screening exercise to identify potential bids in Q2. Priority 4 cases

would only be identified by exception later in the year, once all bids for Priority 2 and Priority 3 cases had been processed.

2.14 **Assessment and Prioritisation:** We will continue to use the existing criteria for assessing bids on technical merit and value for money. The list of evidence required to support an application for remediation for has been extended to include risk summaries. For risks to human health we will expect you to have sought advice from health professionals and to provide a copy of that advice or opinion.

2.15 The criteria related to environmental risk (receptor sensitivity and scale of impact) and value for money/wider benefits remains and will be used to rank projects within each of the four priority categories.

This document is out of date was withdrawn 28/03/2017

3 General Guidance for 2016-17

The Guidance in this section is largely unchanged from previous years.

Ring-fencing:

- 3.1 Grant paid in 2016-17 will be **non ring-fenced** capital grant. This is to comply with guidance issued by the Department for Communities and Local Government (DCLG) on preparing Specific Grant Determinations for Local Authorities. The Government's aim in this respect is to move away from discrete grants which can only be used for a specified purpose, instead allowing authority's flexibility to use their funding efficiently and achieve the best possible value in delivering outcomes.
- 3.2 To reduce the risk of offering too much or too little grant for the approved works we will request further information to check how you have calculated the cost of the proposed works and the amount of grant required. We will use this information to assess how certain the forecasts are before determining the amount of grant to award. We would prefer for you to provide an agreed cost schedule which has been developed under a contract with the chosen supplier. We do recognise, however, that there are circumstances where bids may still have to be submitted on the basis of estimated costs prior to tendering etc.
- 3.3 To reduce the risk of underspend we may also carry out more checks to ensure that any forecast costs included in interim claims are likely to be incurred.

Project Contingency Costs.

- 3.4 DCLG have advised that we do not include any contingency costs when approving bids or making grant payments. This is to avoid us paying claims including contingency costs where these don't actually arise and can't be paid back.
- 3.5 You may still include reasonable contingency costs on the application forms. In estimating contingency costs you may find it helpful to prepare a risk register to identify potential risks, consequences, safeguards and costs. Where forecast contingency costs exceed 10% we will need further justification.
- 3.6 We will use forecast contingency costs for our planning purposes but, unlike previous years, we will not hold a separate central contingency fund.

Grant Terms & Conditions:

- 3.7 The grants for 2016-17 will be issued subject to the standard conditions for non ring-fenced capital grant. These require the grant to only be used for capital purposes and enable the grant to be "clawed back" if this condition is not

complied with. The conditions also require the recipient to make a declaration stating that the conditions of the grant have been complied with. These conditions are required to meet accounting rules and audit obligations.

- 3.8 These rules mean that you must ensure that the grant is only used for capital purposes. They do not amount to a ring-fence on the grant. This grant condition is commonly referred to as the “capital clause”. An illustrative grant determination can be found at Annex 3.

Staff Costs

- 3.9 This programme is restricted to essential external expenditure only.
- 3.10 We have clarified the circumstances in which internal staff costs may be eligible for funding. The principle of no “double-funding” by Government applies, which means that staff costs covered by Revenue Support Grant (RSG) would not be eligible. However, we will consider bids to cover staff costs where internal service providers funded by fees and charges are appointed either to carry out the eligible works or to manage remediation contractors on the Authority’s behalf.
- 3.11 Any irrecoverable staff costs may be included on the application form as part of your Authority’s contribution to the overall costs. These contributions will increase the value for money and the priority score for the bid.

Applying for a grant:

- 3.12 Rather than having 'bid windows', we will approach those local authorities who we think meet the criteria specified by Defra, above, and invite them to submit a bid.
- 3.13 We anticipate that the majority of applications will be for remediation, using the CL2 form. Please note that we have not updated the CL forms. References to 2014/15 on the CL forms should now be taken as meaning 2016/17.

Phasing of Works:

- 3.14 Priority will be given to those projects that can be completed and verified by April 2017.
- 3.15 While we can only approve grant in support of a detailed scope of works for 2016/17, please include cost estimates for any works which will be required in subsequent years and state how you intend to underwrite future years' costs having regard to section 2.9 above.
- 3.16 You need to liaise with consultants and contractors to ensure the spend profile covers all the eligible financial costs of the project and is both achievable and

includes sufficient allowance for mobilisation and down time due to holidays and bad weather.

- 3.17 You need to tell us as early as possible if slippage is likely to happen so money you haven't yet claimed can be reallocated to other Local Authorities who might need it. In this way we can all try to ensure we maximise the use of the budget and the important environmental / human health benefits that result from it.

Assessing bids:

- 3.18 The arrangements for assessing bids will remain unchanged.
- 3.19 All applications will be assessed for technical merit and value for money by Environment Agency assessors, with monies being allocated according to the 4 tier priority categories set out in Section 2. With the limited funding available there is no guarantee that your project will be funded. You should not consider the programme as the sole source of funding for your contaminated land project.
- 3.20 All applications must be supported by a detailed costed scheme of works. We recommend carrying out a tendering exercise before submitting a final application. The submitted scope and associated project costs should be as accurate as possible - cost certainty is important as we can't guarantee any increase to awarded funds.
- 3.21 The prioritisation tool ranks eligible bids within each priority category. More detailed information on how we use the tool is in Annex 2 of this document.

General Eligibility Criteria:

- 3.22 The general eligibility criteria under the Local Authority programme are provided in Annex 1. We will apply the same criteria to the Environment Agency programme with the exception that our programme may also be used to support works to deal with historic land contamination under section 161 of the Water Resources Act 1991, in cases where the contaminants have left the unsaturated zone and Part 2A cannot be used. We will also use the common prioritisation tool to prioritise and score all Local Authority and Environment Agency projects on the same basis.

Intrusive investigations:

- 3.23 Under the criteria from Defra, ongoing intrusive investigations will be assigned as priority 4 (see Section 2), and therefore it is very unlikely we will be in a position to offer funding for these sites this year.

Remediation:

3.24 If your site meets the criteria set out by Defra for Priority Category 1 - Urgent Remediation (see Section 2) you can apply using the form CL2 and enclosing all supporting information. For all other priority categories you may be invited to apply for funding by invitation to complete ongoing projects.

3.25 Only remediation works relating to the significant contaminant linkage which led to the site being determined are eligible for funding. For risks to human health we will expect you to have sought advice from health professionals and to provide a copy of that advice or opinion.

3.26 We assess all applications for value for money and technical merit, so any resulting grant offer may be lower or higher than that you applied for. Ultimately it's up to you to decide how a site should be remediated and who is best suited to carry out that work. If a grant offer is lower than the sum you applied for, you can choose to decline the offer or find additional funding from elsewhere to implement any further or supplementary treatment actions you consider necessary. This circumstance may arise where you wish to carry out remediation to a standard over and above that required by the Part 2A regime. It may also apply where you wish to employ techniques which incur higher costs than other equally effective options.

3.27 As well as having to meet our eligibility criteria, we will only fund those projects we consider to be reasonable, having regard to s78(4) & s78(5) EPA 1990, section 6(d) of the revised statutory guidance, and provide value for money for the UK taxpayer.

3.28 You can apply by invitation using the form CL2, enclosing all the supporting information required, including the risk summary.

Liability & Cost Recovery:

3.29 We carry out checks to ensure that we only pay grant for remediation in situations where appropriate persons cannot be found, or cannot afford to pay all, or some, of the costs.

3.30 You can only submit a bid for remediation once you've completed reasonable enquiries to identify potential appropriate persons. The CL2 form requires applicants to provide details of the enquiries they've made.

3.31 Where potential appropriate persons have been found you need to explain why they aren't liable for some or all of the costs. We need to be clear why the grant is required so you must provide a summary of your decisions – preferably in the form of a decision document approved by your lawyers which:

- identifies all persons who either caused or knowingly permitted the pollutant(s) to be in, on or under the land; or who owned or occupied the site;
- considers whether each of these persons are liable for remediation as Class A or Class B persons;

- applies the statutory guidance on exclusion from, and apportionment of, liability for remediation.

3.32 We will not issue grant to cover works which are the responsibility of, or can be recovered from, potential appropriate persons.

3.33 Where you have taken hardship into account in deciding not to recover all, or any of, the costs of remediation from an appropriate person(s) then you need to explain why it is fair and equitable not to recover these costs. Where reasonable, we would expect appropriate person(s) to contribute to some of the costs even if they can't be expected to pay all the costs. Where your authority has prepared, adopted or made available a Part 2A cost recovery policy to promote transparency, fairness and consistency in making these decisions then please provide a copy of this policy with your bid.

3.34 If you are potentially able to recover some of the costs in carrying out remediation under the terms of a current or historic insurance policy then we would only consider a bid for the non-recoverable costs.

3.35 To calculate the total grant you need to apply for you must enter any costs associated with an appropriate persons liability on the CL2 form and then deduct this sum, together with all other contributions from elsewhere.

3.36 If you have any queries regarding liability or cost recovery for remediation works then please contact us.

Payment of grants:

3.37 Grant will be offered for 100% of the approved costs, and you claim by submitting a completed, signed and scanned CL3 form. We will pay the grant when the project is complete, with provisions for interim claims as works are in progress. As well as including costs to date, interim claims can also include estimated expenditure up to three months in advance (provided this is within the current financial year). We will only pay an advance of a grant if we receive written confirmation that works have started. We may refuse to pay the grant and/or disallow future claims if you fail to follow the terms and conditions of the grant.

3.38 You must submit final claims no later than one month after the completion date, and by 31 March 2017 at the very latest. You must also submit a completion report (form CL5 for remediation or CL4 for intrusive investigation) within one month of the completion date. Wherever possible you should submit both forms together.

3.39 We will make payments directly to your bankers, normally within one month of receiving the claim form. We will send your finance department a letter confirming the figure, together with a remittance advice when the BACS payment has been made.

3.40 If projects slip and works approved for the 2016/17 financial year can no longer be completed by 31 March 2017 then you must notify us immediately. We cannot issue grant payments for any works carried out after this date.

3.41 You must adhere to the grant funding profile and submit a quarterly return outlining amount spent to date and predicted spend. You need to tell us as soon as possible if you envisage any changes to the timing of your grant claims.

3.42 We reserve the right to request receipts relating to the project up to 7 years after the project has finished, so you must ensure these are kept for this period.

Progress monitoring:

3.43 You must complete and return quarterly reports to show how much grant has been spent in each quarter – these need to reflect the value of the work completed, not just the value of the invoices received or paid. You must also provide estimates for the completion date of the work and any forecast grant underspend. This will help us with our financial planning.

This document is out of date and was withdrawn 28/03/2017

4 Further Information & Contacts

4.1 The eligibility and prioritisation criteria are contained in Annex 1 and 2. Information concerning the specific financial arrangements for this programme as well as the way we administer and pay grant to Local Authorities and Internal Drainage Boards across all our programmes is included in the Grant Memorandum. This can be found, together with all the forms you need, on the GOV.uk website at:
<https://www.gov.uk/government/publications/contaminatedland-capital-projects-funding>

4.2 The technical aspects of the programme will be managed by our Land and Contamination Management Team. This team will deal with all initial and technical queries. Once a bid has been approved the grant payments will be administered by our National External Funding Team.

Contact Details:

Bids & Technical Queries

E-Mail: conlandgrants@environment-agency.gov.uk

Post: The Environment Agency,
Land and Contamination Management Team,
Manley House,
Kestrel Way
Exeter, EX2 7LQ

Phone: Environment Agency Helpdesk 03708 506 506 (8am – 6pm) and ask for a member of the team:

Liz Bellamy, Phil Whitaker,
Michael Hughes.

Payments:

E-Mail: landfinance@environment-agency.gov.uk

Post: Head of FCRM & Business Finance,
The Environment Agency,
Manley House,
Kestrel Way,
Exeter, EX2 7LQ

Annex 1

General Eligibility Criteria for Local Authority Programme

1. The Contaminated Land Capital Grant Programme offers financial support to all bodies that are defined as Local Authorities for the purposes of section 31 of the Local Government Act 2003, including County Councils, County Borough Councils, Waste Disposal Authorities and Joint Waste Authorities (but not Parish Councils or National Park Authorities) to remediate contaminated land that falls under Part 2A of the Environmental Protection Act 1990.
2. Applications may also be submitted by third parties – for example, by consultants or officers from other local authorities in situations where technical resource is shared. In these cases the Authority must submit a covering letter with the application stating they have granted permission for the application to be made on their behalf.
3. The Programme is targeted at those sites we consider to be of greatest national priority. Local Authorities receive funding for Part 2A works through their Revenue Support Grants. The Grant Programme exists as an additional source of funding for the highest risk projects.
4. The programme only covers work carried out under Part 2A. It applies in situations where no appropriate alternative solution exists to address the problem, such as action under planning, Environmental Damage Regulations 2008 and Environmental Permitting Regulations 2010.
5. Only applications relating to the current land use of any given site are eligible. We won't consider bids for the redevelopment of a site.
6. If the site has been granted a planning permission since 1994 (the date PPG23 Planning and Pollution Control was published) for its current use, the proportion of the site to which the planning permission relates will not be eligible. In these circumstances it is reasonable to expect that your Authority should have ensured adequate investigation and remediation under the planning regime. The exception would be in cases where you can provide enough evidence to show why the contamination could not have been dealt with at the planning stage or why appropriate planning conditions can't be enforced.
7. We can only approve grant in support of a detailed, costed scope of works. You must schedule the works over a single financial year and provide a quarterly breakdown of costs.
8. This means that approvals for remediation will often be restricted to a single phase of remediation action - assessment actions, remedial treatment actions or monitoring actions. The only exception to this would be in cases where there are multiple linkages - for example to both human health and controlled waters - which would need a different approach and set of remedial actions. Provided that it would not be cheaper, easier or more practicable to deal with all the linkages together then we could provide support for different phases of work to be carried out on each remediation package.

9. Limited re-instatement costs will usually be eligible (for example turfing and fencing for a garden). Paving slabs, patios or decking will be eligible as an alternative where these form an essential barrier to prevent people coming into contact with contaminants in the soil.
10. Full restoration costs to replace or re-instate plants, shrubs, trees or garden structures (paving slabs, patios, decking, sheds, greenhouses and so on) to return the land to its former condition following remediation will not be eligible.
11. We assess applications for value for money and technical merit, so any resulting grant offer may be lower or higher than that you applied for. Ultimately it's up to you to decide how to do the work and who is best suited to do it. If a grant offer is lower than the sum you applied for, you can choose to decline the offer or find additional funding from elsewhere to implement any further or supplementary treatment actions you consider necessary.
12. This programme is only intended to cover external costs relating to an investigation or remediation project. Internal staff costs funded through RSG are not eligible – this avoids double funding.
13. Applications for remediation on sites that have not been formally determined under Part 2A are not eligible. We will not offer grant for remediation on any site that has not been determined.
14. Once the main works have been completed, the long term costs associated with operating any element of a remediation scheme (such as landfill gas extraction system/vent trench or leachate treatment/disposal costs) are not eligible. These operating costs would normally be classed as revenue expenditure.
15. Applications can include reasonable contingency costs to help with our planning purposes but we can't include contingency in any approval or grant payment until you are certain that the costs will arise. This is to avoid us paying claims including contingency costs which then don't arise and can't be paid back.
16. Security or insurance costs are not eligible once the main works have been completed.
17. Breaches of Environmental Permitting Regulations are not eligible under this programme unless there is clear evidence that the contamination is not a result of the breach.
18. Work to remove, or deal with the consequences of, unlawful waste deposits are not eligible where the powers under section 59 EPA 1990 (illegal deposits of controlled wastes) are exercisable. Works to remove or treat wastes forming part of a significant contaminant linkage under Part 2A are still eligible where action cannot be taken under Section 59.
19. Upgrades to a site to improve existing pollution control facilities, even if such work is required to comply with other regulations or requirements, are not eligible.
20. Administration costs and day-to-day running costs are not eligible for grant.

This includes accommodation and related costs, non-project specific infrastructure, facilities or overheads, cost relating to different sites and so on.

21. The costs of temporarily re-housing residents during the remediation of residential gardens will not be eligible unless there are no other measures that can reasonably be taken to reduce risks to residents to an acceptable level for the duration of the works.

This document is out of date was withdrawn 28/03/2017

Annex 2

Notes on the Prioritisation Tool

1. The prioritisation tool is provided as both an MS Excel Worksheet and an Adobe PDF and is available on request. How we will use the worksheet to prioritise bids is explained below.

Section 1 - Risk Score (up to 320 points)

2. We determine the risk score by considering all the contaminant linkages identified in the application and then multiplying a fixed receptor score with a variable likelihood factor between 0 - 1.
3. We have divided each Part 2A receptor group into different receptor types, and have assigned a fixed receptor score based on the sensitivity of the receptor (for example, human health is split into 9 different receptor types based on land-use).
4. We have allocated the highest receptor sensitivity score (100) to residential with gardens, followed by residential without gardens and schools (80). The lowest of the 9 human health receptor types is a new land-use category described as restricted access (for areas like open space surrounded by gates and fences with access restricted to a few individuals).
5. The receptor score for residential with gardens covers both chronic and acute risks to health. We've made some adjustments to the other receptor types to accommodate acute risks to health inside buildings - e.g. risk to human health from entry of hazardous ground gases into buildings. Where there is a significant risk from a single event, we have allocated receptor scores of 200 for all residential buildings and 100 for non-residential buildings. This is on the basis that residential property is more sensitive to landfill gas migration than non residential property (likely to be less ventilation, maintenance etc).
6. The highest sensitivity scores for the other receptor groups are: controlled waters (50), protected ecosystems (50) and property (20).
7. The variable likelihood factor (from 0 to 1) is based on how likely it is that the contaminant linkages identified will cause significant harm or significant water pollution.
8. If we are assessing a remediation bid where there is evidence that significant harm or significant pollution has been caused, we will assign a possibility of significant harm factor of 1.
9. For remediation bids based on a significant possibility of significant harm or significant pollution, we will assign a lower factor. This will be between 0.1 to 0.9, depending on the evidence of possible and likely effects. To illustrate this using the "residential with gardens" receptor type, in cases where there is gross contamination in near surface soils, or concentrations are substantially elevated above soil screening values, we will award a factor at the high end of this range. In cases where the contamination is only

marginally elevated above screening values, we will apply a factor at the lower end.

10. The risk score for inspection will follow similar principles, based on sitespecific information provided by the previous phases of intrusive investigation.
11. The risk score for each receptor type is calculated by multiplying the fixed receptor sensitivity score with the variable likelihood factor. The highest risk score in each receptor group is then added together to give the total risk score for section 1.

Section 2 - Scale of Impact (up to 60 points)

12. We will use this section to award a variable score to take account of the scale of the actual or potential impacts identified in section 3. The bands are divided into Low (0-20), Medium (21-40) and High (41-60).
13. For human health we will take account of the number of residential properties involved to give priority to cases where large numbers of residents are exposed to unacceptable harm. For parks and public open space we look at the extent of public access and footfall. Where it appears an area is only used by a small number of people we may assign a lower score.
14. For controlled waters we will consider issues such as the area of aquifer or length of watercourse that is polluted and will pay particular attention to whether or not the pollution is of such a scale to cause the water body to fail its Water Framework Directive classification.
15. We will also consider the range of receptor types and groups that are affected. In section 3 only the highest receptor type will count within each receptor group, but in considering scale we can take account of cases where multiple receptor types within the same receptor group are affected (for human health, for example, this would include residential with gardens, schools, allotments, recreation and commercial land uses all impacted on the same site).

Section 3 - Value for money and wider benefits (up to 100 points)

16. The final section is an assessment of the value for money and wider benefits of the proposal. This section is driven by considering the overall benefit of the scheme when assessed against cost. In considering the benefit/cost ratio up to 50 points will be available. Projects with clear benefits and strong cost/benefit ratio will be awarded a score at the upper end of this range.
17. For remediation projects, we will look at the statement of benefits in carrying out the remediation that you provided on your application form. We will also assess costs against any estimates you provide regarding the normal market value of the land and properties concerned, and look at any indirect benefits as per the revised Statutory Guidance.

18. For inspection projects, our value for money assessment will be based on balancing the benefit of completing an inspection (removal of uncertainty and so on) with the overall costs involved. We will take account of any costs already incurred on previous phases of intrusive investigation, and the justification for the proposed works. We will compare the total costs involved to our own broad estimate of the likely cost of remediation.
19. We will also use this section to award a score (up to 50 points) for projects adopting a more sustainable approach to remediation of contaminated land.

Section 4 - other contributions (up to 200 points)

20. This final section awards points to those projects where contributions are secured from other sources to reduce the overall grant required. Other sources could include contributions from the local authority, appropriate persons, other public funds etc. We will award 2 points for every 1% contribution.

This document is out of date and was withdrawn 28/03/2017

Annex 3

Standard format for a CAPITAL grant determination (nonringfenced)

(insert name of grant) GRANT DETERMINATION (insert year): No 31/xx

The Minister of State for xxxxxxxx (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1. This determination may be cited as the xxxxxxxx Determination (year) [No31/xx].

Purpose of the grant

2. The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

Determination

3. The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex 3A.

Grant conditions

4. Pursuant to section [31(3) and] 31(4) of the Local Government Act 2003, the Minister of State determines that the grant will be paid subject to the conditions in Annex 3B.

Treasury consent

5. Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for xxxxxxxxxxxx

[A senior civil servant within the (name of government department)]

[xx xxxx] 20XX

ANNEX 3A

Authorities to which grant is to be paid	Amount of grant to be paid
Name	£
Name	£

ANNEX 3B

GRANT CONDITIONS

1. Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the [insert name of Division] Division of the [insert Department's name] a declaration, to be received no later than [insert date], in the following terms:
 - "To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to [insert name of grant determination] No 31/**** have been complied with".
3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may-
 - a) reduce, suspend or withhold grant; or
 - b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.
4. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

**Would you like to find out more about us,
or about your environment?**

Then call us on

03708 506 506 (Mon-Fri 8-6)

Calls to 03 numbers cost the same as calls to standard geographic numbers
(i.e. numbers beginning with 01 or 02).

email

enquiries@environment-agency.gov.uk

or visit our website

www.environment-agency.gov.uk

incident hotline 0800 80 70 60 (24hrs)

floodline 0845 988 1188

ft Environment first: Are you viewing this on screen? Please
'-;/' consider the environment and only print if absolutely necessary.

If you are reading a paper copy, please don't forget to reuse and
recycle if possible.