

REGULATION COMMITTEE

7th May 2009 at 6.00 p.m.

PRESENT: Councillor Ayub (Chair); Councillors Worthing (Vice-Chair), Bailey, Mead, Rutstein and Singh

9. APOLOGIES FOR ABSENCE (REF: 2)

There were no apologies for absence from the meeting.

10. MINUTES (REF: 3.1)

Resolved: That, the Minutes of the meeting of the Committee held on 2nd April 2009 be taken as read, approved as a correct record and signed by the Chair.

11. BP SITE, GUILDFORD STREET (REF: 8)

The Director of Environment and Regeneration submitted a report updating the Committee on the actions taken by BP following a major leak at their petrol filling station in Guildford Street in 2001 and seeking approval for the actions proposed for the Council to put pressure on BP to remediate the site.

The Committee was advised that BP had made a presentation to Council Officers and Members on 30th March 2009 to explain what they had been doing to recover the leaked fuel, stop the contamination spreading and to clear up the site. The actions and inactions of BP were identified at the presentation. The Council was informed that BP had taken a commercial decision to stabilise and contain the contamination through continuing abstraction of water, but that no other remedial arrangements had been put in place. The screened bore hole test to check whether the contamination had reached the lower chalk levels had not been carried out despite the promise in July 2007 that further tests would be done. The reason given for this was that BP had made a decision to proceed with a sale of the site and possible liability to the new landowners. Three prospective buyers had so far been found but all proposed sales had since fallen through.

Officers were of the view that as a result of the delays and the lack of action by BP to remediate the site, the Council should embark on a strategy to put pressure on BP to take a more pro-active approach. Members agreed with the suggestion by officers that the pressure on BP could include a press campaign to persuade Luton residents to boycott BP garages.

A letter had been sent to the Chairman of BP from the Director of Environment and Regeneration which outlined the Council's serious

concerns and outlined possible actions that the Council would consider if there was no resumption of an immediate programme of remediation of the site. A letter dated 15th April 2009 had subsequently been received in response from BP, which was circulated to those present at the meeting. The response stated that BP remained fully committed to protecting human health and preventing any further environmental impact and that they would continue to both contain and monitor the site. No solution to the situation was offered although they stated that they were interested in engaging with the Council to explore how BP's remediation objectives and the Council's redevelopment of Luton town centre could be mutually achieved. Officers were of the opinion that this was not an acceptable way forward and that it was the responsibility of BP alone to ensure the total remediation of the site

Members expressed their concern regarding the continuing unacceptable situation:

- The current position was not sustainable in the long term and would continue to pose a risk until adequate and proper remediation had taken place.
- BP's lack of action since the leak in December 2001 and the avoidance of their responsibility to remediate the site was unacceptable.
- BP had not carried out the test involving the use of a screened bore hole to check the theory about contamination into the lower chalk level which had been proposed in 2007.
- The regeneration of the Town Centre would continue to be impaired along with the Council's ability to generate a capital receipt until the site was fully remediated.
- If BP sold the site with the liability to a third party, the concern was that any new owner might not continue with the containment of the contamination and not deal with the associated risks.
- Urgent action was now essential due to the length of time taken to deal with the issue.

Resolved: (i) As a matter of urgency, dialogue be continued with the Chairman and Senior Management of BP until a programme of remediation and a proper risk assessment have been carried out and that the Director of Environment and Regeneration be instructed to send an immediate and robust response to BP's letter of 15th April.

(ii) That legal advice be commissioned about seeking compensation from BP for loss in land values of adjoining sites due to risks of contamination and related losses and that any other legal avenues be pursued as a matter of urgency.

(iii) The Environment Agency be requested to commence legal proceedings under Part 2 A of the Environmental Protection Act 1990 in relation to the potential contamination of the water in the area.

(iv) A campaign of lobbying MP's, Ministers, key Government Departments and the public through the Media be commenced, including a campaign to encourage local residents to boycott BP garages, to raise the awareness of the public to the indifference that BP has shown over recent years to the blight and potential risks imposed on the town centre by their inaction to remediate the contamination.

(v) That the Director of Environment and Regeneration be instructed to carry out the above actions as a matter of urgency and report back to the next meeting of this Committee on 10th June 2009 on any developments.

(Note: The meeting ended at 6.50 p.m.)