

Chichester District Council

CABINET

3 March 2015

Draft Contaminated Land Strategy

1. Contacts

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2. Recommendation

- 2.1. **That the draft revised Contaminated Land Strategy for Chichester District be approved for public consultation.**
- 2.2. **That authority be delegated to the Head of Housing and Environment Services (following consultation with the Cabinet member for the Environment) to consider the representations arising from the consultation exercise and, provided the representations do not request significant amendments to the Strategy, to approve adoption (with minor amendments if considered appropriate) of the Strategy.**

3. Background

- 3.1. The contaminated land regime is set out in Part 2A of the Environmental Protection Act 1990 and gives specific legal powers and duties to local authorities. It is a statutory requirement of the legislation that every local authority adopts a contaminated land strategy.
- 3.2. Chichester District Council adopted its first Inspection Strategy for Contaminated Land in December 2001. A light touch review was carried out in 2010. Two new Statutory Guidance documents were published by central government in April 2012 and further supporting contaminant thresholds in December 2014. The revised Contaminated Land Strategy presented here incorporates the changes to the regime in order to bring the document up to date.
- 3.3. Work delivered under the existing strategy includes the establishment of a GIS database of land which could have a legacy of contamination from a historic or current use (1,245 sites) and risk prioritisation of these sites. The development of GIS layers for contaminated land enables the Council to ensure remediation works are required when land is brought forward for development. The utilisation of these layers has resulted in officers commenting on 317 planning applications per annum¹ of which 27% have

relevant conditions recommended. Officers have also answered 560 requests for information made under the Environmental Information Regulations 2004 and carried out a detailed inspection of two sites to certify the sites as 'suitable for use'.

- 3.4. In delivering this work officers have developed a strong working relationship with the Environment Agency.

4. Outcomes to be achieved

- 4.1. The outcomes sought through this strategy are to:

- Continue to identify and remove unacceptable risks to human health and the environment through future development of land,
- seek to ensure that contaminated land is made suitable for its current use and
- ensure that the burdens faced by individuals, companies and the community are proportionate, manageable and compatible with the principles of sustainable development.

- 4.2. The proposal will update the existing statutory strategy to bring it in line with the changed statutory guidance and so continue to support delivery of effective regulatory input to the management of land contamination issues. In the main this will be delivered through environmental health's consultation comments made to the development management process and is congruent with the council's Corporate Plan priority of 'manage our built and natural environments'.

- 4.3. Effective management of land contamination issues ensures that risks arising from land contamination are managed proportionately to perceived risks for the effective protection of public health.

- 4.4. Output is measured through the number of planning permissions granted that have land contamination planning conditions attached to them and the number of conditions discharged so resulting in the outcome of land being made 'suitable for use'. Further output is measured through the number of Environmental Information Regulation responses made with regard to land contamination issues.

5. Proposal

- 5.1. To carry out a public consultation exercise on the revised Contaminated Land Strategy and subject to the consideration of comments received to adopt the new strategy.

6. Alternatives that have been considered

- 6.1. There are no alternatives to the form of action described in this Cabinet report as there is a statutory need for all local authorities to have a contaminated land strategy.

¹ Figures stated as an average across the period 2005 to 2012.

7. Resource and legal implications

- 7.1. The intended work is within existing budgets which relate to staffing costs and software licenses to effectively discharge our statutory duties.

8. Consultation

- 8.1. CDC will consult the following:

- (i) External consultees: DEFRA, DECC, the Environment Agency, WSCC, city, town, parish, surrounding district and borough councils, Natural England, South Downs National Park, English Heritage, FSA, HSE, community groups and major land owners.
- (ii) Internal consultees: CDC Planning Policy Conservation and Design Service, Planning Services and CDC Estates.
- (iii) The draft strategy will be published on the CDC website for public comment.

- 8.2. The consultation period will commence on 30 March 2015 for a six week period closing 10 May 2015. Should the consultation result in inconsequential changes to the document then authorisation is sought by officers to adopt the Strategy without returning to Cabinet. However should the consultation comments require key changes to the draft strategy the amended strategy will then be brought to Cabinet in September 2015.

9. Community impact and corporate risks

- 9.1. The Strategy and associated work helps to bring brownfield land back to beneficial use through making it suitable for use.
- 9.2. In 2012 the government effectively stopped the grant that supported the detailed inspection aspect of this work but did not amend councils' statutory duty to inspect their areas. As such there remains the possibility of the Council having to deal with a site which requires urgent investigation and remediation for which there is no supporting government grant. SLT is aware of this risk and, following internal discussions, has reserved £100K budget to cover the risk of any issues arising. The £100K was money returned by Allianz in 2014 in cancelling an insurance contract relating to land contamination with CDC. The management of any risks arising sits at operational level whereby officers will make management aware of any change in circumstances that might alter corporate risk.

10. Other Implications

Crime & Disorder:	None
Climate Change:	None
Human Rights and Equality Impact:	None

Safeguarding:	None
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11. Appendices

- 11.1. Draft for consultation Chichester District Council Contaminated Land Strategy.

12. Background Papers

- 12.1. Chichester District Council Contaminated Land Inspection Strategy (2001 as amended 2010).