

# Chichester District Council

CABINET

8 December 2020

## Draft revised Contaminated Land Strategy

### 1. Contacts

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### 2. Recommendation

- 2.1. **That Cabinet approves the revised Contaminated Land Strategy for Chichester District for public consultation.**
- 2.2. **That authority be delegated to the Director of Planning and Environment (following consultation with the Cabinet member for the Environment and Chichester Contract Services) to consider the representations arising from the consultation exercise and, provided the representations do not require 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. The 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 and so the 2015 revised Contaminated Land Strategy was subject to a full public consultation before adoption by the Council in June 2015.
- 3.3. Work delivered under the previous strategies 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 through the development management process. Under the current Strategy officers have also answered 191 requests for information made under the Environmental Information Regulations 2004 and carried out a detailed inspection of one site to certify the site as 'suitable for use'.

#### **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 review ensures that the Strategy is up to date and so continues to support delivery of effective regulatory input to the management of land contamination issues. The statutory guidance suggests that the Strategy should be reviewed every five years. In the main the related work will be delivered through environmental health's consultation comments made to the development management process.

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.

#### **5. Proposal**

5.1. To adopt a light touch revised Contaminated Land Strategy following consultation.

#### **6. Alternatives considered**

6.1. The alternative would be not to consult on the Strategy given its very minor update. It is however considered appropriate to consult our key partners in this work.

#### **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 the Council's statutory duties.

#### **8. Consultation**

8.1. Consultation and adoption of the Strategy was considered by Environment Panel at its meeting on 23 November 2020. The Panel resolved:

That the Environment Panel recommends to Cabinet that the revised Contaminated Land Strategy for Chichester District be approved for public consultation.

That authority be delegated to the Director of Planning and Environment (following consultation with the Cabinet member for Environment and Chichester Contract Services) to consider the representations arising from the consultation exercise and, provided the representations do not require significant amendments to the Strategy, to approve adoption (with minor amendments if considered appropriate) of the Strategy.

8.2. The Council 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, PHE, community groups and major land owners.
- (ii) Internal consultees: CDC Planning Policy, Development Management and CDC Estates.
- (iii) The draft Strategy will be published on the Council website for public comment.

8.3. The consultation period will be from 1 January to 29 January 2021. Should the consultation result in inconsequential changes to the document then authorisation is sought from Cabinet for 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 reported to Cabinet in April 2021.

## 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 so assisting in relieving the burden on greenfield sites.
- 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. The Council is aware of this risk and has reserved a £106K budget to cover the risk of any issues arising.

## 10. Other Implications

	Yes	No
<b>Crime and Disorder</b>		✓
<b>Biodiversity and Climate Change Mitigation</b>		✓

<b>Human Rights and Equality Impact</b>		✓
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b> The effective management of land contamination ensures that the issue is properly considered and managed proportionately and appropriately so as to minimise the impact on public health.	✓	

## 11. Appendices

- 11.1. Draft revised Chichester District Council Contaminated Land Strategy 2020 for consultation.