
REPORT TO:	Environmental and Development Service Committee	AGENDA ITEM: 8
DATE OF MEETING:	6th March 2014	CATEGORY: DELEGATED
REPORT FROM:	Bob Ledger – Director of Housing and Environmental Services	OPEN
MEMBERS' CONTACT POINT:	Matt Holford – Environmental Health Manager Tom Gunton – Environmental Protection Officer	DOC:
SUBJECT:	Contaminated Land Inspection Strategy	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS01

1. Recommendations

- 1.1. That Members approve the adoption of the revised Contaminated Land Inspection Strategy.

2. Purpose of Report

- 2.1. To advise Members of the statutory and policy framework necessitating the delivery of a Contaminated Land Inspection Strategy.
- 2.2. To present Members with a proposed revision of the existing Contaminated Land Inspection Strategy. This is a document which lays out South Derbyshire District Council's approach and aims to manage the risks associated with contaminated land, while balancing legal and precautionary principles with effective regulation geared not to unnecessarily burden sustainable development.

3. Detail

- 3.1. Part 2A of the Environmental Protection Act 1990 is the primary legislation concerning contaminated land. Part 2A's broad objectives are to:
- Reduce risk to human health, ecological systems, the built environment and controlled waters (ensuring sites are made "Suitable for Use" following development or immediately if the risk is significant enough).
 - Define the framework for risk assessment, determination and remediation.
 - Through strategic inspection, require Local Authorities to identify, determine land as contaminated, then coordinate remediation.

3.2. Under the statutory requirements of Part 2A of the Environmental Protection Act 1990, South Derbyshire District Council has had a Contaminated Land Inspection Strategy in place since July 2001. To date it has delivered:

- Crucial work to build SDDC's contaminated land records and begin prioritisation and Council lead inspection of "high risk" sites.
- A robust framework for contaminated land risk assessment and remediation has been established. This has been primarily achieved through the planning and building control process.

3.3. In April 2012 the Department for Environment, Food and Rural Affairs (DEFRA) published a revised statutory guidance document aimed at refocusing Local Authority and related stakeholders' efforts in addressing the issues still present as a result of land affected by contamination. This recent guidance sought to clarify Part 2A and Local Authority responsibility, by redefining land categorisation and gearing the regime towards a more targeted approach. It's aimed at reducing the burden on development while still ensuring a precautionary approach is taken. These changes were reflected in amendment of the Contaminated Land Regulations 2006.

3.4. As a response to the statutory guidance revisions and regulatory amendments, South Derbyshire District Council has produced and will publish (following Committee endorsement) a revised version of its Contaminated Land Inspection Strategy. The overall aims of the strategy are:

- To ensure compliance with and enforcement of Part 2A of the Environmental Protection Act 1990.
- To ensure that where redevelopment of land takes place within South Derbyshire, the planning and building control process deals effectively with any land contamination so that the land is rendered suitable for its intended use.
- To take a proactive approach to determine the status of highest risk sites.
- To further improve management of the Council's corporate land assets.
- To prevent any further contamination of land.
- To encourage voluntary remediation.

3.5. Crucial changes to the Strategy include a revised land inspection prioritisation and determination process in line with new DEFRA guidance. A determination score based on the Council's current level of land quality understanding will be applied to all land within the District. This classification is based on a determination profile and score reached by establishing the land's potential to negatively affect human health, non-human health and controlled waters.

3.6. Based on the determination score, all land in the district will be classified simply as either Red (high risk), Amber (medium risk), Yellow (Medium / low risk) or Green Low risk).

4. Implementation

4.1. Once adopted the Strategy will be made publically available on the Council's website and upon request in hard copy form the Environmental Health Department.

4.2. We will monitor progress and compliance with the Strategy in line with the Corporate Service Planning Framework. Output of the Strategy is currently being developed

following the completion of a joint Northgate Public Services and Council lead Geographical Information Software (GIS) development project. GIS improvements will allow the determination process described above to be realised and therefore progress to be reported on a quarterly basis.

- 4.3. Given the nature of the legislation and as development in the district continues, the Strategy and its outcomes will evolve to reflect the level of risk present and the changing uses of the district's land. Ultimately our intentions are to increase the proportion of the district classified as low risk and remove all unacceptable levels of risk as and when development takes place or if new information comes to light.
- 4.4. Further to the above the revised current Contaminated Land Inspection Strategy puts forward 3 actions points, in which the Council will (following the adoption of the revised strategy):
 - Undertake 4 Council directed detailed investigations (Phase 1 Studies) per year.
 - Produce and publish quarterly contaminated land inspection reports through the Corporate Service Plan.
 - Produce and publish an ACUMEN (Assessing, Capturing and Utilising Methane from Expired and Non-operational landfills) directed project appraisal for expired and non-operational landfill sites in the district. Assessing the feasibility of all known sites and establishing options for landfill gas mitigation and potential methane utilisation.

5. Financial Implications

- 5.1. Additional expenditure as a result of the strategy is considered unlikely. The regime is implemented in line with the 'polluter pays' principle and the legal framework exists to ensure the "appropriate person" ultimately pays for remedial work. The costs associated with delivery and monitoring compliance with the Strategy will be covered by existing budgets and previously allocated capital expenditure.

6. Corporate Implications

- 6.1 The proposal aligns with the "sustainable growth and opportunity" Corporate Plan Objective in that delivery of the Strategy will further form part of sustainable planning and strengthen South Derbyshire's economic position within a 'clean' and 'sustainable' environment.

7. Community Implications

- 7.1. The proposals in the strategy will reduce the regulatory and financial burden on development, by simplifying the determination and classification process while ensuring unacceptable risks to human health and the environment are removed. The proposals will also contribute towards further improving the Council's management of its own assets and will contribute towards local prosperity by improving the opportunity to redevelop potentially blighted land.

8. Conclusion

- 8.1. The Contaminated Land Inspection Strategy fulfils the Council's legal responsibility in meeting the requirements of Part 2A of the Environmental Protection Act 1990. It reflects the most recent statutory guidance and the Council's commitment to efficient and proportionate environmental regulation and sustainable development.