

# Contaminated Land Strategy 2020

Angela Lax, Cabinet Member for Legal & Regulatory Services

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Key Decision? YES NO (delete as appropriate)

Local Ward

Members Affects all Wards



## REGULATORY AND LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 The Council's current Contaminated Land Strategy 2015 is due for review.
- 1.2 The last time the Strategy was reviewed was five years ago in 2015 and the guidance which the Council must follow was last updated in 2012. As a result the only changes to the Strategy for 2020 are minor and relate to updated legislation referred to within it.

### 2. Recommendations

- 2.1 That the Committee approves the adoption of the updated Contaminated Land Strategy 2020 (Appendix A).

### 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.
- 3.2 The main objective of these duties is to ensure contaminated land can be brought back into appropriate use at a reasonable cost and with no unacceptable risk to humans or the environment. It is not about eradicating contamination but about ensuring the land is suitable for its use.
- 3.3 As part of the requirements of Part 2A, Local Authorities should formally adopt and publish a Contaminated Land Strategy.
- 3.4 Lichfield District Council adopted its first Contaminated Land Strategy in June 2001. This has since been updated and was last reviewed in 2015.
- 3.5 The latest Contaminated Land Statutory Guidance, published April 2012, states that the strategy should stay in periodic review to ensure that it remains up to date and recommends reviews take place at least every five years.
- 3.6 Lichfield District Council's Contaminated Land Strategy has been updated for 2020 and the new proposed Strategy is at Appendix A.
- 3.7 As the Statutory Guidance pre-dates the last update of the Council's Strategy, the Contaminated Land Strategy 2020 presented here incorporates relatively few changes to bring it up to date, any changes primarily being around updates to relevant legislation.
- 3.8 The strategy aims to:

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

3.9 The Contaminated Land Strategy 2020 includes:

- Its aims, objectives and priorities, taking into account the characteristics of the area.
- A description of relevant aspects of its area.
- Our approach to strategic inspection of the Lichfield District.
- Our approach to prioritisation of detailed inspection activity.
- How our approach under Part 2A fits its broader approach for dealing with contamination.
- How we will seek to minimise unnecessary burdens on the tax payer.

- 3.10 Initial desk top work identified 55 sites that required intrusive investigation and we have completed 1/3 of these site investigations.
- 3.11 None of the sites already investigated have been determined to be Contaminated Land and these were considered to be of the greatest risk at the prioritisation stage.
- 3.12 We have a further 36 sites that currently require further investigation, though as all sites are worked through we move on to those of a lower priority.
- 3.13 Investigations will continue at a pace which staff resources and budgets permit, noting that previous Government funding sources have now ceased since 2017.
- 3.14 Previous Defra grants totalling £99K assisted 6 site investigations. Members should be aware that with grants ceasing and our existing limited resources, completion of the remaining 37 site investigations could take significant time.

Alternative Options	The Contaminated Land Strategy 2015 remains in place. Not considered appropriate as a number of minor elements were out of date.
Consultation	Given the very minor amendments to the strategy this is not considered necessary.
Financial Implications	A small budget exists within Environmental Protection for consultancy services. The majority of the further work will be in house and externally sourced assistance will be utilised where budget permits. No grant funding is available.
Contribution to the Delivery of the Strategic Plan	Shaping Place: to keep it clean, green and safe. By ensuring contaminated land is cleaned up as necessary.
Equality, Diversity and Human Rights Implications	The Strategy relates to issues across the district which are not considered to have E&D or Human Rights implications.
Crime & Safety	Not relevant to Crime and Safety Issues.

Issues	
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GDPR/Privacy Impact Assessment	No assessment undertaken or considered necessary to adopt this Strategy.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Environment	Prioritise and investigate to determine whether land is contaminated. This is primarily and continuously carried out when land is redeveloped but also via desktop surveys and potential intrusive investigation of the highest risk sites.	Green (tolerable)
B			
C			
D			
E			

Background documents: Contaminated Land Strategy 2020
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