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<b>REPORT TO:</b>	<b>ENVIRONMENT &amp; DEVELOPMENT SERVICES</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>18 APRIL 2024</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MATT HOLFORD (01283 595856)</b> <a href="mailto:matthew.holford@southderbyshire.gov.uk">matthew.holford@southderbyshire.gov.uk</a> ,	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CONTAMINATED LAND STRATEGY 2024-28</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: EDS14</b>

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**1. Recommendations**

1.1 That the Committee approves the adoption of an updated Contaminated Land Strategy (Appendix 1).

**2. Purpose of Report**

2.1 To seek the Committees approval to the adoption of a Contaminated Land Strategy covering the period 2024-28. The document sets out South Derbyshire District Council's proposed approach to managing the risks associated with contaminated land, while balancing legal and precautionary principles with effective regulation and is geared towards not un-necessarily burdening sustainable development.

**3. Background**

3.1 Part 2A of the Environmental Protection Act 1990 is the primary legislation concerning contaminated land. Part 2A's broad objectives are to:

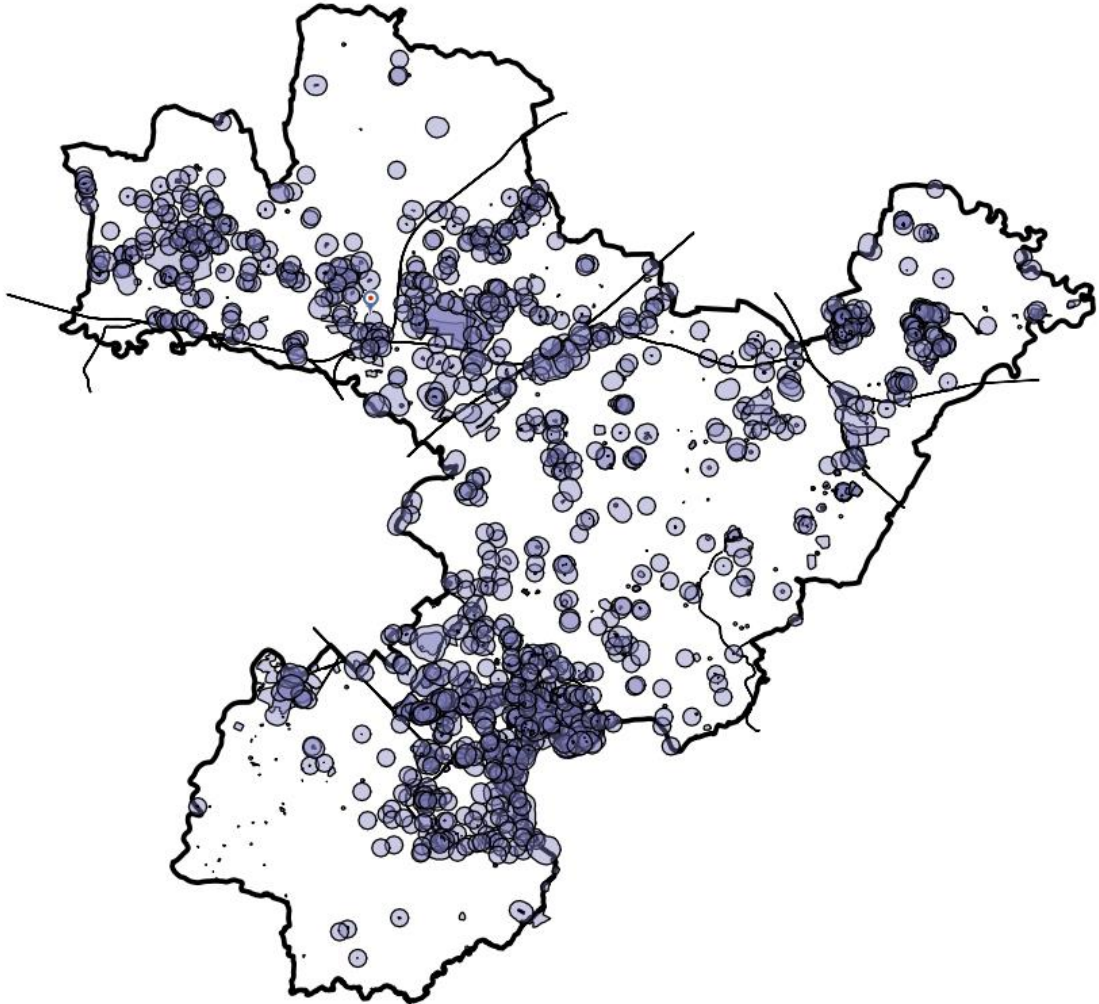
- Reduce risk to human health, ecological systems, the built environment and controlled waters from historical contamination, ensuring sites are made "Suitable for Use" following development or immediately if the risk is significant enough.
- Define a framework for risk assessment, determination and 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 Strategy in place since July 2001. To date the Strategy has provided a framework to build SDDC's contaminated land records, to risk rate sites and to prioritise Council inspection of "high risk" sites.

3.3 Since 2001, over 2,000 sites in South Derbyshire have been risk rated as illustrated in Figure 1 below. The data processed to comply with the previous Strategies has enabled

the Council to consider the potential land quality implications of approximately 6,300 planning applications and has led to an estimated 500 sites being decontaminated to a standard fit for their future use as a result of the inclusion of a relevant planning condition.

**Figure 1 – Risk Rated Sites of Potential Contamination**



3.4 The overall aims of the revised 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.

#### 4. **Proposed Changes**

4.1 The draft updated Strategy is shown as Appendix 1. There have been no significant statutory or policy changes since 2012 and therefore the content of the policy remains

largely unchanged other than minor amendments to change dates, references to changes in corporate priorities, etc.

## **5. Implementation**

- 5.1 Once adopted, the Strategy will be made publicly available on the Council's website and upon request in hard copy from the Environmental Health Team.

## **6. Financial Implications**

- 6.1 None

## **7. Corporate Implications**

### **Employment Implications**

- 7.1 None.

### **Legal Implications**

- 7.2 The Council has a statutory duty under Part IIA of the Environmental Protection Act to "*cause its area to be inspected from time to time for the purpose of identifying contaminated land*" (section 78B (1)). It also has a duty to "*act in accordance with any guidance issued for the purpose by the Secretary of State*" (section 78B (2)).
- 7.3 The most recent statutory guidance was issued by the Secretary of State in April 2012.
- 7.4 The statutory guidance in Section 2 states that The local authority "*should take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered and efficient*". It also states that "*The local authority should set out its approach as a written strategy, which it should formally adopt.*"
- 7.5 The statutory guidance states that the local authority should keep its written strategy under periodic review to ensure it remains up to date and that this review should occur at least every five years.

### **Corporate Plan Implications**

- 7.6 The strategy enables land which has been contaminated by historical use to be identified, risk assessed and dealt with in a proportionate way. It also enables land which has been historically contaminated to be brought back into productive use so that it can contribute to local economic growth and used for additional housing.
- 7.7 In these respects, the Strategy aligns with all of the Council Plan priorities to "Shape our Environment", to "Drive Our Economy" and to "Support Our Communities".

### **Risk Impact**

- 7.8 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

## **8. Community Implications**

### **Consultation**

- 8.1 The Strategy has been the subject of consultation with the Head of Planning and Strategic Housing. There is no duty in law or guidance to consult more widely on the content of the Strategy.

### **Equality and Diversity Impact**

- 8.2 The Strategy does not adversely impact on any protected characteristics group.

### **Social Value Impact**

- 8.3 Beneficial.

### **Environmental Sustainability**

- 8.4 Beneficial.

## **9. Conclusion**

- 9.1 The Contaminated Land Inspection Strategy fulfils the Council's legal responsibility in meeting the requirements of Part 2A of the Environmental Protection Act 1990. The Strategy sets out the processes by which the District Council will ensure that all land within the District is 'fit for use' and shows how the Council will continue to use the planning process to ensure that any new development safeguards both existing and new sensitive receptors.

## **10. Background Papers**

- 10.1 Contaminated Land Strategy 2024-28