

Joint Executive (Cabinet) Committee

Title of Report:	West Suffolk Contaminated Land Strategy 2018 to 2023	
Report No:	CAB/JT/18/042	
Report to and date:	Joint Executive (Cabinet) Committee	6 November 2018
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Purpose of report:	To consider the adoption of a West Suffolk Contaminated Land Strategy 2018-2023 following consultation with key stakeholders.	
Recommendation:	It is RECOMMENDED that the draft West Suffolk Contaminated Land Strategy, attached as Appendix A to Report No: CAB/JT/18/042, be adopted for the period November 2018 to November 2023.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.		
Consultation:	<ul style="list-style-type: none">Key stakeholders only: 15 August to 19 September 2018 (5 weeks)	

Alternative option(s):		<ul style="list-style-type: none"> Not adopting the draft Contaminated Land Strategy (not recommended as we have a statutory duty to have a strategy) Adopting a 2018-2023 strategy that is based on the 2013-18 strategy with no amendments (not recommended as this would not take account of the latest guidance) 	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> It is a statutory requirement to have a Contaminated Land Strategy and good practice to review it at least every 5 years 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Inherent risk of being unable to fulfil our statutory duty to set out our actions for combatting the risks of contaminated land now our current strategy has exceeded its expected design life	Low	The revised strategy is proposed to take effect from the 1 January 2019 and the previous 2013 to 2018 Strategy will remain in place until this point	Low
Ward(s) affected:		all wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		West Suffolk Contaminated Land Strategy (2013 to September 2018) Defra Contaminated Land Statutory Guidance	
Documents attached:		<i>(Please list any appendices.)</i> Appendix A – Draft Joint West Suffolk Contaminated Land Strategy	

1. Key issues and reasons for recommendation

1.1 Background

- 1.1.1 Contaminated land is defined as that which contains substances in or under the land that are actually or potentially hazardous to health or the environment.
- 1.1.2 West Suffolk is generally fortunate to have experienced relatively little historical land use which has led to land becoming so damaged as to pose a serious threat to our health or the environment. However, nationally land contamination presents its own threats to sustainable development by denying local people a clean and healthy environment, preventing prudent use of land and soil resources, and placing a high cost burden on individuals and organisations that have to clean up pollution.
- 1.1.3 Local authorities have a statutory duty under Part 2A of the Environmental Protection Act 1990 to publish their strategic approach to tackle land contamination. Forest Heath District Council and St Edmundsbury Borough Council adopted the current joint West Suffolk Contaminated Land Strategy in 2013, which replaced individual strategies adopted in 2011 and 2005 respectively. Every local authority is the lead regulator in their respective administrative areas for contaminated land and works in partnership with other organisations such as the Environment Agency.
- 1.1.4 Local authority activity must ensure that appropriate action is taken to deal with existing contamination where it poses unacceptable risks to human health or the environment; and must support the reclamation and recycling of 'brown field' land to bring it back into beneficial use.
- 1.1.5 The proposed West Suffolk Council Contaminated Land Strategy (Appendix A), that will cover the period November 2018 to November 2023, forms part of a framework affecting the quality and use of land locally. It follows the principles of sustainability, aiming to achieve a balance between social, economic and environmental concerns whilst meeting the authority's statutory obligations and corporate responsibilities to protect and improve human health and the local environment.
- 1.1.6 The priorities by which West Suffolk Council will deal with contaminated land are outlined in the draft Strategy and include the following:
- Protecting human health, controlled waters, designated ecosystems and damage to property from existing land pollution
 - Encouraging sustainable clean-up practices to return land to a condition that it is fit for use
 - Encouraging re-use of previously developed and/or brownfield land.

These priorities are embedded within the current operation of the West Suffolk councils' Environmental Health team and this will continue once a single Council is created in April 2019.

1.1.7 According to statutory guidance it is good practice to review the strategy at least every five years. The previous West Suffolk Strategy formally expired in September 2018, and we have been trying to ensure we take the best approach in order to minimise the costs of revising the current strategy for a period of six months. Subject to approval by the Joint Executive (Cabinet) Committee, this strategy can then be part of a package of policies 'rolled forward' to the single West Suffolk Council. This involves turning existing joint policies into single policies, where the only changes required are rebranding and technical wording changes, for example: "councils" to "council". The Shadow Authority approved delegated authority for Officers to make these changes on 25 September 2018, as set out in Report No: EXC/SA/18/010.

1.1.8 This course of action is being pursued on the basis that the current strategy remains fit for purpose but we are able to renew the strategy as soon as possible after its expected design life.

1.2 **Revised Strategy**

1.2.1 There were no local policy changes proposed as part of this review of the West Suffolk Contaminated Land strategy and the structural and statutory changes are not viewed as contentious. The revisions are limited to updates according to legislation, creation of a single West Suffolk Council and updated technical guidance, including:

- Contaminated Land Statutory Guidance, Defra, April 2012
- SP1010: Development of Category 4 Screening Levels for Assessment of Land Affected by Contamination – Policy Companion Document, Defra, December 2014
- BS 10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice, British Standards Institute, 2017

1.2.2 The changes made to the strategy, compared to the existing 2013-2018 strategy, are summarised in the table below:

Section Title	Summary of Amendments
Introduction - Development and Progress made by the Authority	Amending to reflect single council
Part 2 – Local Characteristics	Revising all section to reflect the creation of a single West Suffolk Council
Part 3 - 3.8 Use of generic assessment criteria	Amended to reflect new "Category 4 Screening Levels" guidance published by Defra. These new standards use a 'low' rather than 'minimal' risk level, meaning a slight relaxation in remediation standards.
Part 3 - 3.14 Radioactive contamination	Minor changes to reflect new Environmental Protection Act 1990: Part 2A Contaminated land – Radioactive Contaminated Land statutory guidance (June 2018), which makes minor changes to the duties of local authorities, but is

	unlikely to be significant in West Suffolk.
Key References	Updated according to new sources

2. Consultation

2.1 Key Stakeholder Engagement

2.1.1 Before adopting our strategy, we are obliged to inform the key stakeholders below. The following parties were advised of our revisions accordingly and also invited to provide comments:

- Environment Agency
- Neighbouring Local Authorities
- Suffolk County Council Public Health

2.1.2 We received two responses:

- The Environment Agency confirmed that they didn't find anything that they disagreed with. Therefore, didn't provided detailed comments.
- Suffolk County Council Public Health made a number of comments on the technical details of the report, which have led to two minor clarifications in the strategy. These relate to a more extensive definition of 'significant' in terms of risk to public health and the assurance and checks put in place by Anglian Water to check the appropriate grade of water pipe is used in particular areas.

2.2 Community Impact

2.2.1 Given that the revised strategy contains no local policy changes, no implications for the following have been found:

- Crime and disorder impact
- Equality and diversity impact
- Sustainability impact

2.2.2 The draft strategy is aligned with the principles of sustainability; aiming to achieve a balance between the social, economic and environmental concerns whilst meeting our statutory obligations and corporate priorities.

2.2.3 It supports the aims and objectives set out in the West Suffolk Strategic Plan through:

- Supporting our commitment to growth of the West Suffolk economy by bringing brownfield land back into beneficial use and therefore making it available opportunities for growth and inward investment;
- Supporting the healthy and resilient families and communities agenda through working with our partners to ensure inappropriate land use does not result in considerable risks to humans or the environment; and

- Contributing to our commitment to improve and increase provision of sustainable housing by helping to improve the quality and safety of housing and the local environment for our residents.

2.2.4

It also complements planning policies contained in the Local Development Framework, in particular for new development in existing urban areas by promoting the use of brownfield sites.