

Environment and Communities Committee

Date of Meeting:	07 July 2021
Report Title:	Contaminated Land Strategy 2021
Report of:	Frank Jordan – Executive Director, Place
Report Reference No:	EC/02/21-22
Ward(s) Affected:	All wards

1. Executive Summary

- 1.1.** Part 2A of the Environmental Protection Act 1990 deals with the identification, prioritisation, determination and remediation of contaminated land. The legislation places a statutory duty on local authorities to inspect their area for the purpose of identifying potentially contaminated sites and for the further inspection of such sites.
- 1.2.** Under statutory guidance local authorities should take a strategic approach to the identification of land which merits detailed individual inspection. The guidance confirms that local authorities should keep their strategies under periodic review to ensure it remains up to date.
- 1.3.** In 2015, Cheshire East Council adopted the current Contaminated Land Strategy, and following a full review and consultation exercise, we have now produced an updated Strategy for approval.

2. Recommendations

- 2.1.** That the Environment and Communities Committee approve the Contaminated Land Strategy.

3. Reasons for Recommendations

- 3.1.** It is a statutory requirement that Local Authorities have a Contaminated Land strategy in place under Part 2A of the Environmental Protection Act 1990. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.

- 3.2.** It is important that the strategy is reviewed to ensure that it remains fit for purpose as highlighted by statutory guidance, plus it is also good practice to review the strategy at least every five years.

4. Other Options Considered

- 4.1.** There was no other alternative option considered. The current strategy was adopted in 2015 and it is good practice to ensure that the objectives and information within the document are updated so they remain reliable and relevant.

5. Background

- 5.1.** Section 57 of the Environment Act 1995 amended the Environmental Protection Act 1990 by inserting Part 2A. This part and its supporting statutory guidance and regulations gave Local Authorities powers and duties relating to contaminated land, one of which is the requirement to develop and publish a strategy for its identification and remediation. The Contaminated Land (England) Regulations 2000 were repealed and replaced by The Contaminated Land (England) Regulations 2006 which took into account a provision for radioactive contaminated land. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

- (a) To identify and remove unacceptable risks to human health and the environment.
- (b) To seek to ensure that contaminated land is made suitable for its current use.
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

- 5.2.** The Government issued updated Contaminated Land Statutory Guidance in April 2012 which describes how Local Authorities should implement the above regime.

- 5.3.** Part 2A requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with the Contaminated Land Statutory Guidance. The Local Authority should also set out its approach to its inspection as a written strategy and aim to update this document at least every five years.

- 5.4.** The strategy is designed to ensure a consistent ordered approach to the task of inspection. This approach should be rational, ordered and efficient, and it should reflect local circumstances. The objectives of this strategy are:

- To meet the requirements of the statutory guidance

- To detail a strategic approach to be followed for the inspection of land within Cheshire East and in accordance with criteria laid down in statutory guidance.
- To make information available to all relevant services of the Council and facilitate the consideration of contaminated land in policy making processes.
- To ensure all relevant services of the Council have the information to enable potential liability issues from land ownership to be assessed.
- To minimise the potential for unnecessary blight of land.
- To provide information to the Environment Agency for its report production requirements and to assist in the fulfilment of its regulatory functions.
- To inform all stakeholders of the Authority's intentions in circumstances of land contamination.
- To provide a suitable review mechanism of the strategy in line with new information, guidance or statute.

5.5 The implementation of the Contaminated Land Strategy will be the responsibility of the Regulatory Services and Health (RS&H) team. The strategy will be reviewed, for example following new guidance, case law or statute law, and/or every five years.

6. Consultation and Engagement

- 6.1.** During the development of the strategy, formal consultation took place for six weeks from the 12 February 2021. The consultation was hosted on the website and supported by a press release and social media posts.
- 6.2.** The strategy was shared by email communication to statutory consultees: Natural England, the Environment Agency, Historic England, the Health and Safety Executive, Public Health England and all nine adjoining local authorities. Local ward members and Town and Parish Councils were also emailed for their views, as were several internal services, such as Development Management, Estates and Public Health.
- 6.3.** Consultation responses were received from Natural England, Historic England, Public Health England, the Environment Agency, CEC Heritage Team and Sandbach Town Council. All respondents were supportive of the strategy and only a few minor amendments were needed to the final strategy. These included:
- updating figures for key historic environment property types
 - updating the strategy to include Ramsar sites, National Character Areas, Special Protected Areas, Special Areas of Conservation and Local Nature Reserves
 - making reference that some historic sites, particularly former industrial sites, may by their very nature, be classifiable as brownfield or even contaminated land

- adding the Cheshire Historic Environment Record as a source of information in Appendix 3
- inserting 'Scheduled Ancient Monuments' to the Glossary

6.4. The full consultation responses can be seen in Appendix 4 of the Contaminated Land Strategy.

7. Implications

7.1. Legal

7.1.1. The Contaminated Land Strategy outlines the Authority's approach to dealing with contaminated land within its area (in line with the 2012 statutory guidance) and how it will discharge its duties prescribed by Part 2A of the Environmental Protection Act 1990.

7.2. Finance

7.2.1. The report was compiled internally and funded from existing RS&H staffing budgets.

7.2.2. Service budgets fund day-to-day implementation of the strategy. Any site investigation work undertaken, would potentially result in further costs. In addition to this, depending on whether the site is owned by the Council, this may have an impact on the Estates budgets.

7.3. Policy

7.3.1. There are no direct Policy implications arising from this report.

7.4. Equality

7.4.1. There are no direct equality implications arising from this report.

7.5. Human Resources

7.5.1. There are no direct HR implications arising from this report.

7.6. Risk Management

7.6.1. Failure to take contaminated land into account as part of all relevant decisions could ultimately affect the health of Cheshire East residents.

7.7. Rural Communities

7.7.1. There are no implications for rural communities; however, the strategy will apply to the whole borough of Cheshire East, including all rural communities.

7.8. Children and Young People/Cared for Children

7.8.1. There are no implications for children and young people.

7.9. Public Health

7.9.1. The implementation of the Contaminated Land Strategy aims to improve public health.

7.10. Climate Change

7.10.1. The Council has committed to becoming carbon neutral by 2025, and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint. There are no implications from this strategy that will impact on this commitment.

Access to Information	
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Appendices:	Appendix 1 – Contaminated Land Strategy 2021