

Agenda Item No: **Report No:**

Report Title: **Consultation Draft of Revised Lewes District Contaminated Land Inspection Strategy 2014**

Report To: **Date:** **13 February 2014**

Lead Councillor: **Cllr Nicholson**

Ward(s) Affected: **All**

Report By: **Gillian Marston
Director of Service Delivery**

Contact Officer: **Ian Kedge, Head of Environmental Health
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Purpose of Report:

To consider and approve a revised Contaminated Land Inspection Strategy.

Officers Recommendation:

- 1 To approve a revised Contaminated Land Inspection Strategy as set out in Appendix 1 of this report, which has been circulated electronically, as a basis for public consultation.
- 2 To authorise the Director of Service Delivery, in consultation with the Lead Member for Environment, to amend and approve a final document in response to any minor points arising from consultation, or to report back to Cabinet for approval of a final document should any substantive points arise from consultation.

1 Reasons for Recommendations

- 1.1 To update the 2008 Contaminated Land Inspection Strategy.

2 Information

- 2.1 In 2000, amendments to the Environmental Protection Act 1990 introduced the current contaminated land investigation and remediation regime. These amendments required local authorities to adopt Contaminated Land Strategies. The Council adopted its first Strategy in 2001. This is the second review of that strategy and incorporates changes in national guidance introduced by the revised Contaminated Land strategy Guidance published in April 2012 and the National Planning Policy Framework published in March 2012.
- 2.2 The Council has made considerable progress since the 2008 Strategy was produced. We have completed investigations on 5 sites covering 200 homes and 12 properties identified as contaminated land have been remediated. In

addition, using the Development Control Process, we have remediated land at sites such as part of the former Lewes Gas works and the Newhaven EfW site.

- 2.3** The Strategy sets out to define what is land contamination and its relationship between the management of contaminated land and other policies and strategies, in particular the relationship with the planning process, as contaminated land is often investigated and remediated in association with development proposals. As this is a lengthy document, it has been circulated to members electronically.
- 2.4** The revised Strategy has placed more focus upon the relationship between contaminated land and groundwater, particularly those aquifers which are suitable for drinking water abstraction. This has evolved through close collaboration with colleagues in the Environment Agency.
- 2.5** In addition the revised Strategy sets out the methodology that has been used for assessing the risk that land which may historically be considered to have caused land contamination. The approach taken is one that assesses sites on a proportionate basis. The strategy describes the programme for inspection and a range of documents may be used to guide any investigation.
- 2.6** It is recommended that if the Cabinet approves the consultation draft, this will put out for stakeholder consultation for a period of four weeks. Any consultation comments that necessitate a substantial revision to the document will be reported back to the Cabinet for final approval. Otherwise, if only minor points arise, it is recommended that approval of a final document be delegated to the director in consultation with the Lead Member.

3 Financial Appraisal

- 3.1** The Contaminated Land Inspection Strategy has had substantial financial implications for the Council to date; these have been resourced from existing resources. Several successful bids, totaling over £185,000, have been made to Defra's Contaminated Land Capital Project Programme, which have assisted in the roll out of site specific investigations in the District.

4 Equalities Implications

- 4.1** I have completed the equalities implications form (Form AF 30831) and there are no equalities impacts to this report

5 Environmental Implications

- 5.1** I have completed the checklist (form AF 30923) and there are substantial environmental implications associated with this Strategy as it outlines the Council's approach to evaluating the impact of historical land contamination and potentially the cleaning up of those most contaminated. The Strategy helps work towards a more sustainable future as it may allow brownfield sites to be investigated, cleaned up and brought back into beneficial use.

6 Legal Implications

6.1 The Legal Services Department has no comment on this report.

7 Risk Assessment

7.1 I have completed the Risk Assessment checklist (form AF 30925) and have identified the following risk:

- Failure to maintain an up-to-date Contaminated Land Inspection Strategy may result in the Council failing to fulfill its statutory duty and jeopardize future financial bids to Defra's Capital Project Programme.

This can be mitigated by reviewing, and the Council adopting revisions to the Contaminated Land Inspection Strategy.

8 Background Papers

8.1 Environmental Protection Act 1990.

8.2 Defra Contaminated land Strategy Guidance 2012

9 Appendix

9.1 Appendix 1 - Lewes District Council Contaminated Land Strategy 2014 - Consultation Draft