

Contaminated Land Inspection Strategy 2019 - 2024

- ▶ In April 2000, Part 2A of the Environmental Protection Act 1990 came into force. The main objective requires local authorities to implement a “strategic approach” to inspecting their areas to identify land where contamination is causing unacceptable risks to human health or the wider environment.
- ▶ This is the fifth review of the Contaminated Land Strategy to reflect the changes in service provision, contaminated land legislation, and published guidance. The strategy sets out the manner in which Stockton Borough Council proposes to implement its duties under Part 2A of the Environmental Protection Act 1990.

Introduction to Land Contamination

- ▶ The Government's policy on dealing with this legacy is through the Contaminated Land regime under Part 2A of the Environmental Protection Act 1990, with the overarching objectives of the regime being:
- ▶ To identify and remove unacceptable risks to human health and the environment
- ▶ To seek to ensure that contaminated land is made suitable for its current use
- ▶ 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

Local Authority Duties under Part 2A

- ▶ Inspect its area to identify potential contaminated land
- ▶ Determine whether any particular land is contaminated land under Part 2A of the Environmental Protection Act 1990
- ▶ Undertake to consult with all interested parties and other agencies in determining appropriate action in the discharge of its statutory powers

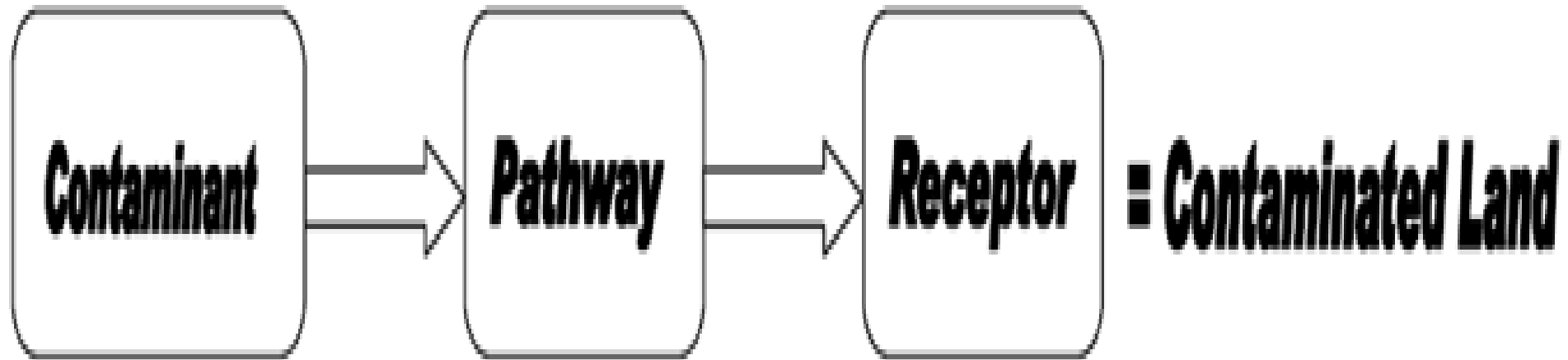
Local Authority Duties under Part 2A

- ▶ Take a precautionary approach to assess the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The various benefits and costs of taking action will be considered, with a view to ensuring that the regime produces net benefits, taking account of local circumstances, as specified in the Statutory Guidance
- ▶ Only use Part 2A as a last resort to deal with land contamination and only where no appropriate other solution exists

What is Contaminated Land?

- ▶ For any land to be identified as contaminated land at least one contaminant linkage needs to be established.
- ▶ A contaminant linkage consists of three main elements:
- ▶ A “contaminant” is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters
- ▶ A “pathway” is a route by which a receptor is or might be affected by a contaminant
- ▶ A “receptor” is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters

What is Contaminated Land?



What is Contaminated Land?

- ▶ Contaminated Land Vs Land Suffering Contamination
- ▶ SPOSH - Significant Possibility of Serious Harm

How is Contaminated Land Identified?

- ▶ Phase 1 Assessment:
 - ▶ Considers geological mapping, hydrological mapping, aerial photography, trade directory history, DOE records, Fire Service Records, EA records etc.
- ▶ Phase 2 Assessment:
 - ▶ Intrusive ground sampling via bore holes or trial pits allowing for scientific assessment of soils against soil guideline values.

Aim and Objectives

- ▶ Identify contaminated land sites in a rational, ordered and efficient manner which reflects any local circumstances
- ▶ Be proportionate to the seriousness of any actual or potential risks
- ▶ Prioritise areas of land it considers likely to pose the greatest risk to human health or the environment
- ▶ Ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land
- ▶ Minimise or reduce potential property blight as far as it considers reasonable

Aim and Objectives

- ▶ Be open to moves by the landowner (or other interested parties) in providing information to help resolve the status of the land
- ▶ Encourage voluntary action to deal with land contamination issues as far as it considers reasonable and practicable
- ▶ Encourage the re-use and remediation of brownfield land through the planning regime in accordance with the National Planning Policy Framework to ensure that new developments are suitable for use
- ▶ Ensure the Environmental Protection Team continues to work closely with the Regeneration section to help with the identification and risk assessment of brownfield land to aid economic development

Aim and Objectives

- ▶ Ensure wherever possible that the original polluter pays for land remediation carried out under the Part 2A regime
- ▶ Prevent any further land contamination, where possible, by raising awareness about the causes and effects of land contamination.
- ▶ Where investigations/remedial works are carried on within close proximity to internationally designated sites, close liaison will take place with Natural England particularly in relation to hydrological pathways.
- ▶ In a similar way the Council will liaise with Natural England and take account of the impact of any works on land and soils resources and the wide range of vital functions [ecosystem services] they provide.

PRIORITY ACTIONS AND TIMESCALES FOR 2019-24

- ▶ To complete inspections of all remaining PPC1 sites in accordance with this strategy
- ▶ To respond to complaints/enquiries from the public and other agencies on contaminated land issues and to take appropriate action
- ▶ To encourage developers and landowners to remediate potentially contaminated land to the appropriate standard using workable planning conditions /agreements
- ▶ To supervise voluntary remediation of sites
- ▶ To continue to provide guidance to developers through the Planning Regime.
- ▶ Development of the SBC web site to assist developers during the planning process and submitting Environmental Information Enquiries, which can form the basis of an enquiry prior to a planning application being submitted.

Funding Site Investigation Work

- ▶ Defra Capital Grants Programme is used to fund the inspection of sites which have been identified as requiring detailed generic quantitative investigation, e.g. intrusive site investigation and further risk assessment to develop greater understanding and knowledge of the site conceptual model. To date SBC has received £750k in successful Capital Project applications via DEFRA.

Means of Addressing Contaminated Land

- ▶ Voluntary Action
- ▶ Planning regime
- ▶ Building Regulations
- ▶ Pollution of Controlled Waters
- ▶ Local Authority Integrated Pollution Prevention Control
- ▶ Environmental Damage Regulations 2009

SBC Staffing - Current FTE for Land Quality

- ▶ 1) Senior Environmental Protection Officer 1 full time post [1FTE]
- ▶ 2) Environmental Protection Team Manager [0.2FTE]
- ▶ 3) Environmental Health Service Manager [As Required]
- ▶ 4) Senior Environmental Health Officer [0.2FTE]

Public Register

- ▶ Section 78R of the Environmental Protection Act 1990 requires Stockton Borough Council to maintain a Public Register relating to actions pertaining to land identified as contaminated land under the Act. The Public Register of Contaminated Land is available for viewing during normal office hours, by prior appointment at Environmental Health's Offices.

Review and Consultation of the Contaminated Land Inspection Strategy

- ▶ The 2019-24 Strategy has been reviewed in accordance with the advice provided in the DEFRA Contaminated Land Statutory Guidance published in April 2012.
- ▶ Statutory bodies, other sections of the Council, Councillors and the Tees Valley Authorities will be consulted on the draft Contaminated Land Inspection Strategy in February 2020 and will be invited to provide comments.
- ▶ Consultees Include: Four neighbouring LA's, Environment Agency, Public Health England, Natural England, Tees Archaeology & the Public via Media Release and Social Media.

Members Questions



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