

Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	16/07/2024
Report of:	James Gilchrist, Director of Transport, Environment and Planning
Portfolio of:	Councillor Jenny Kent, Executive Member for Environment and Climate Emergency

Decision Report: Contaminated Land Strategy 2024

Subject of Report

1. The UK has a legacy of historical land contamination derived from past industrial activities and waste disposal practices. Land contamination can be hazardous to human health and the environment and [Part 2A of the Environmental Protection Act 1990](#) places a duty on local authorities to address potential risks.
2. The [Statutory Guidance](#) states that the council should formally adopt and publish a written contaminated land strategy and keep it under periodic review to ensure it remains up to date. The council's first contaminated land strategy was published in July 2001, with subsequent updates in 2005, 2010 and 2016.
3. This report seeks approval for the adoption and publication of the council's updated contaminated land strategy, dated May 2024.

Benefits and Challenges

4. Approval of the updated contaminated land strategy will enable the council to fulfil its duty to formally adopt and publish a written contaminated land strategy and keep it under periodic review. It will also assure residents, businesses, and developers that the council is fulfilling its statutory obligations in relation to contaminated land.

5. Not approving the updated contaminated land strategy leaves the council in a position of reputational risk of adverse publicity.

Policy Basis for Decision

6. The contaminated land strategy supports the council plan and the core commitments. It has strong links with priority a (health and wellbeing), priority e (housing), and priority f (sustainability).

Financial Strategy Implications

7. There are no financial implications associated with the adoption of the updated contaminated land strategy. No budget is available to fund programmed Part 2A inspections, so we will continue to use the planning system to fulfil our responsibility to investigate potentially contaminated sites.

Recommendation and Reasons

8. **Recommendation:** The Executive Member is asked to approve the contaminated land strategy 2024.

Reason: This will enable the council to fulfil its duty to formally adopt and publish a written contaminated land strategy and keep it under periodic review. The updated strategy incorporates recent changes in contaminated land guidance and provides an update on progress made to date.

Background

9. Considerable progress has been made since the publication of the council's first contaminated land strategy in 2001. We have collated detailed information on possible sources, pathways, and receptors, all of the potentially contaminated sites have been prioritised, and we have investigated all 88 high priority sites.
10. Since the withdrawal of the contaminated land capital grants programme in 2014, the council has used the planning system to fulfil its responsibility to investigate potentially contaminated sites.
11. Hundreds of sites in the city have already been investigated and remediated through the planning system. We review planning applications and associated contaminated land reports to ensure that

land is investigated and remediated appropriately and sustainably by developers and does not pose a risk to human health or the environment.

Consultation Analysis

12. Several statutory bodies, adjoining local authorities, internal council departments, and other relevant organisations have been consulted in the preparation of this strategy.
13. In response to consultation comments received from the UK Health Security Agency (UKHSA) we have included the consideration of potential climate change impacts on site works and long-term remediation.
14. In response to consultation comments received from Historic England we have included a link to the York Historic Environment Record, to help avoid harm or damage to any features of historical or archaeological interest.

Options Analysis and Evidential Basis

15. The options available are:
 - Option A – Approve the updated contaminated land strategy.**
 - Option B – Reject the updated contaminated land strategy.**
16. Option A will ensure that the council fulfils its duty to formally adopt and publish a written contaminated land strategy and keep it under periodic review. It will also assure residents, businesses, and developers that the council is fulfilling its statutory obligations in relation to contaminated land.
17. Option B will not fulfil the council's duty to formally adopt and publish a written contaminated land strategy and keep it under periodic review. It will also leave the council in a position of reputational risk of adverse publicity.

Organisational Impact and Implications

18. **Financial:** The proposals set out can be delivered within existing resources. No budget is available to fund Part 2A inspections, so we

will continue use the planning system to fulfil the council's responsibility to investigate potentially contaminated sites.

19. **Human Resources (HR):** There are no HR implications.
20. **Legal:** The council has a legal duty, under [Part 2A of the Environmental Protection Act 1990](#), to formally adopt and publish a written contaminated land strategy and keep it under periodic review. Approving the updated contaminated land strategy will fulfil this obligation.
21. **Procurement:** There are no procurement implications.
22. **Health and Wellbeing:** Failing to deal adequately with contamination can cause harm to human health, property and the wider environment. [Land affected by contamination - GOV.UK \(www.gov.uk\)](http://www.gov.uk). The investigation and remediation of contaminated land will help improve health and wellbeing.
23. **Environment and Climate Action:** The investigation and remediation of contaminated land will help reduce pollution and improve the quality of the environment. The updated contaminated land strategy encourages suitable and sustainable remediation techniques. It also highlights the importance of factoring in climate change impacts (including flooding) into site works and long-term remediation, to ensure that they are sustainably robust.
24. **Affordability:** There are no affordability implications.
25. **Equalities and Human Rights:** There are no specific equalities or human rights issues relating to contaminated land, therefore an Equalities Impact Assessment (EIA) is not needed.
26. **Data Protection and Privacy:** As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is evidenced by completion of DPIA screening questions under the reference AD-05952.
27. **Communications:** There are no communications service implications, other than in the management of any reactive media enquiries which may arise from this report.

28. **Economy:** Whilst there are no specific economic implications, the investigation and remediation of contaminated land will enable key brownfield sites such as York Central to be safely redeveloped and brought back into beneficial economic and social use.

Risks and Mitigations

29. The council's approach to investigating and remediating contaminated land is evidence based, proportionate and targeted. We review planning applications and associated contaminated land reports to ensure that land is investigated and remediated appropriately and sustainably by developers and does not pose a risk to human health or the environment.

Wards Impacted

30. The contaminated land strategy applies to all wards.

Contact Details

For further information please contact the author of this Decision Report.

Author

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Report approved:	Yes
Date:	03/07/2024

Background papers

- Part 2A of the Environmental Protection Act 1990 - available online at: <https://www.legislation.gov.uk/ukpga/1990/43/part/IIA>
- Contaminated Land Statutory Guidance – available online at: <https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>

Annexes

- Annex A – Contaminated Land Strategy 2024