



Notice of a public

Decision Session - Executive Member for Environment and Climate Emergency

To: Councillor Kent (Executive Member)

Date: Tuesday, 16 July 2024

Time: 10.00 am

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00 pm** on **Tuesday, 23 July 2024**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Corporate Services, Climate Change and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm** on **Friday, 12 July 2024**.

1. Declarations of Interest

(Pages 1 - 2)

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

- 2. Minutes** (Pages 3 - 8)
To approve and sign the minutes of the Decision Session held on 27 February 2024.

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Friday, 12 July 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Contaminated Land Strategy 2024** (Pages 9 - 34)
This report seeks approval for the adoption and publication of the council's updated contaminated land strategy, dated May 2024.

5. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Emergency
Date	27 February 2024
Present	Councillor Kent (Executive Member)
Apologies	Councillor Ravilious
Officers in Attendance	James Gilchrist, Director of Environment, Transport and Planning Ben Grabham, Head of Environmental Services Edward Bland, Operations Manager, Public Realm Dave Meigh, Operations Manager, Public Realm

19. Declarations of Interest (10:00 am)

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests she might have in respect of the business on the agenda. None were declared.

20. Minutes (10:00 am)

Resolved: That the minutes of the Decision Session held on 21 November 2023 be approved and signed by the Executive Member as a correct record.

21. Public Participation (10:01 am)

It was reported that there had been three registrations to speak at the session under the Council's Public Participation Scheme.

All three speakers spoke on Agenda Item 4, Service Developments - Public Realm.

Clare Brown welcomed the proposed changes to the road side verges mowing regime in York. She highlighted how reducing the frequency of mowing in urban areas would improve

biodiversity in York. She urged officers to consider other council schemes around the country that supported wildflower verges which had shown to encourage local wildlife cultivation and reduce roadside verge parking.

Nicola Ward confirmed she worked for St Nicks and was a member of the local resident group Greener Cleaner Fulford. She spoke in support of all the measures within the report particularly the relaxed mowing proposal and the decreased use of pesticides across the city. She highlighted the urban green corridor projects taking place across the city, and the benefits wildflower meadows brought to wildlife and the local community.

Cllr Hollyer raised concerns regarding the lack of consultation ahead of the proposals being published for decision. He raised a number of questions relating to the resilience of the new arrangements, alternative weed treatment options, the mowing regimes in recreation spaces that were not mentioned in the report, and residents involvement following the charges to green waste collections. He also highlighted some key points for the Westfield Ward and he felt that the environmental objectives would be better achieved through meaningful engagement with Residents' Associations, ward councillors and parish councils.

The Executive Member thanked the public speakers and then confirmed she had received written representations from the following. She also noted that the full submissions received within the deadlines had been published alongside the agenda.

Toni Bunnell urged the council to phase out glyphosate and use alternative methods adopted by other councils.

Steve Galloway expressed concerns regarding the lack of consultation for different mowing regimes in amenity spaces and the difficulties caused if the grass was to grow too long.

Sue Wherrett expressed great concern regarding the use of glyphosate, which she felt went against the pollinator policy, and that no financial constraints could justify its continued use, especially on quad bikes.

Julie Fern gave her full support for increased tolerance of weeds citywide and a change to sustainable planting both on biodiversity grounds and on aesthetic grounds.

Cllr Waller requested greater consultation and for effective management of verge cutting and weed control.

Cllr Warters expressed concerns about the use of quad bikes, a preference for in house walk sprays of glyphosate, better management and roundabout verge clearance to enable wildflower growth.

22. Service Developments - Public Realm (10:13 am)

The Executive Member considered a report that focussed on the everyday tasks of street cleansing, parks, open spaces and grounds maintenance.

The Director of Transport, Environment and Planning noted the proposed changes to weed control methodologies which sought to reduce the amount of glyphosate used. He confirmed that officers had tried to find an alternative to glyphosate but those trials had proved not to be effective and cost significantly more. He noted that the recent trial of providing two treatments of glyphosate had been successful and that the recommendations in the report supported City of York Council's pollinator strategy to protect and increase the amount and quality of pollinator habitat.

The Head of Environmental Services presented the report and brought to the Executive Members attention various sections that addressed the options relating to urban highway verges, grass cutting, weed control and sustainable planting and bedding. He also noted that officers were committed to working with colleagues in Public Health and various partner organisations to continue to develop changes in the future.

During his update, the Head of Environmental Services highlighted that:

- grass cutting on housing land and highway verges would be maintained with approximately six cuts per year, but sports pitches would continue to be cut every three weeks.
- the trial undertaken on selected sites in the city centre to move to more sustainable planting and away from

bedding plants would be reviewed and further sites would be included if the ecological benefits were achieved.

- At this moment in time glyphosate remained the most effective method for weed control and was the most affordable option.
- As part of the contract to deliver weed control treatments across the city, suppliers had been asked to commit to trialling any further weed treatment methodologies that may become available.

It was noted that not all the initiatives would be delivered immediately but they offered an insight into what could be achieved in the future. In answer to questions raised by the Executive Member, officers confirmed that:

- Those areas identified for sustainable planting would only be filled and seeded with grass once all other options had been explored.
- Ward councillors, partner organisations and community groups would be consulted on any future management plans, where appropriate.
- Glyphosate was used to treat the perimeter fence of parks and playgrounds but was not used within those areas.
- The trial on using stiffer brushes fitted on the street sweepers to aid with weed removal had been successful and this had been adopted across the city.
- All proposals were developed in line with the council's budget and the ride on mowers were equipped to cut longer grass.

The Executive Member expressed her gratitude to all staff and she noted the proposals within the report, the council's budget constraints and the trials that had been undertaken, and she

Resolved:

- i) That the content of the report be noted and that the commencement of the proposed changes in the management of verges and open space in selected areas identified in the report be agreed.

Reason: To build climate resilience and adaptation to climate change and improve the biodiversity of our green spaces by determining how these spaces will be managed in the future; recognising that not all changes can be made immediately.

- ii) That the content of the report be noted and that the commencement of the proposed changes in the management of sustainable planting across the city be agreed.

Reason: To initiate a move to more sustainable and pollinator friendly planting across the city by trialling new approaches commencing with key locations around the city centre.

- iii) That the report be noted and the amount of glyphosate used in the treatment of weeds across the city be reduced by moving to two sprays citywide.

Reason: To reduce the amount of glyphosate used in the treatment of weeds across the city delivering on the Council Plan.

- iv) That the Director of Transport, Environment and Planning be given delegated authority, in consultation with the Chief Finance Officer and Head of Procurement, to take all steps necessary to procure, award and enter into contracts to deliver and effectively implement weed control treatments across the city.

Reason: To enable a contract to be put in place in a timely manner to ensure the treatment of weeds was delivered by an approved contractor and effectively monitored in line with budget commitments.

- v) That the Director of Environment, Transport and Planning be given delegated authority to trial alternative weed treatment options not previously trialled in York, so they can be appraised for their effectiveness and ability to be replicated across the city.

Reason: To inform the future direction of weed treatment approaches and to ensure the council can trial any emerging technologies in an effective manner and can reduce glyphosate usage as soon as possible.

Cllr Kent, Executive Member

[The meeting started at 10.00 am and finished at 10.33 am].

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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

Name:	Mike Southcombe
Job Title:	Environmental Protection Manager
Service Area:	Public Protection
Telephone:	01904 551514
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

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Contaminated Land Strategy 2024



Document Status and Approval Schedule

Organisation: City of York Council – Place Directorate

Title: Contaminated Land Strategy 2024

Date: May 2024

Version: Final

Author: Lucie Watson, Senior Contaminated Land Officer

Owner: Mike Southcombe, Environmental Protection Manager

This document supersedes all previous Contaminated Land Strategy reports by City of York Council.

FOREWORD

The industrial history of our country has left a legacy of land where there is a potential for contamination to exist. This contamination may pose a risk to human health and / or the environment.

Part 2A of the Environmental Protection Act 1990 places a duty on local authorities to address these possible risks through the contaminated land regime. Dealing with contamination helps make the environment clean and safe.

The Statutory Guidance states that enforcing authorities should only use Part 2A where no appropriate alternative solution exists, to minimise unnecessary burdens placed on taxpayers, businesses, and individuals. City of York Council will use the planning system to fulfil its responsibility to investigate potentially contaminated sites. Hundreds of sites in the city have already been investigated and remediated through this route.

This strategy is a requirement under the contaminated land regime, as set out in the Statutory Guidance. The council's first contaminated land strategy was published in July 2001 with subsequent updates in 2005, 2010, 2016 and 2024. This 2024 version incorporates recent changes in contaminated land guidance and provides an update on progress made to date.

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I. INTRODUCTION

I.1 The Contaminated Land Regime

The contaminated land regime places a duty on local authorities to inspect their areas and identify land where contamination is causing unacceptable risks to human health or the environment. The regime provides a system for dealing with contaminated land, to ensure that unacceptable risks are removed and that the land is suitable for its current use.

[Part 2A of the Environmental Protection Act 1990](#) (Part 2A) establishes a legal framework for dealing with contaminated land in England. It was created by Section 57 of the Environment Act 1995, and it came into force in April 2000 with the implementation of the Contaminated Land (England) Regulations 2000. The regulations have subsequently been modified to change various definitions and widened to include land contaminated by radioactivity.

Central government has produced [Statutory Guidance](#) to explain how the contaminated land regime should be implemented and to provide procedures for determining whether land is contaminated in the legal sense of the term. Separate [Statutory Guidance for radioactive contaminated land](#) is also available. Please note that Statutory Guidance is legally binding and must be strictly followed by the council.

The Environment Agency's [Land Contamination: Risk Management](#) must be followed when assessing and managing the risks from contamination.

1.2 Definition of Contaminated Land

The legal definition of contaminated land, as defined in Section 78A(2) (as modified) of the Environmental Protection Act 1990, is:

“Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

a) significant harm is being caused or there is a significant possibility of such harm being caused; or

b) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.”

Where ‘harm’ means harm to person (such as death, life threatening diseases, other diseases likely to have serious impacts on health, serious injury, birth defects, and impairment of reproductive functions), harm to other living organisms or interference with the ecological systems of which they form part, and harm to property (such as damage to crops, livestock or buildings).

The legal definition of contaminated land is slightly different if harm is due to radioactivity, as defined in Regulation 5(1) of The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006:

“Any land which appears to the local authority in whose area the land is situated to be in such a condition, by reason of substances in, on or under the land, that

a) harm is being caused; or

b) there is a significant possibility of harm being caused.”

Where ‘harm’ means lasting exposure to any person resulting from the after effects of a radiological emergency, past practice, or past work activity.

1.3 Contaminant Linkages

For land to be determined as contaminated land there needs to be one or more contaminant-pathway-receptor linkages (contaminant linkages) by which a relevant receptor might be affected by the contaminant in question.

Figure I.1: Contaminant Linkage



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, significant pollution of controlled waters, or harm attributable to radioactivity. Common contaminants include heavy metals, oils and tars (petroleum hydrocarbons), polycyclic aromatic hydrocarbons (PAHs), asbestos and landfill gas.

A **pathway** is a route by which a receptor is or might be affected by a contaminant (such as inhaling dust or eating vegetables that have been grown in contaminated soil).

A **receptor** is something that could be adversely affected by a contaminant. The receptors covered by the contaminated land regime include people, ecological systems, property, and controlled waters.

1.4 Other Regulatory Regimes

The contaminated land regime is one of several ways in which land contamination can be addressed. Other legislative regimes include the Town and Country Planning Act 1990, the Building Act 1984, the Environmental Damage (Prevention and Remediation) Regulations 2009, the Environmental Permitting (England and Wales) Regulations 2016, and the Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009. The Statutory Guidance states that enforcing authorities should only use Part 2A where no appropriate alternative solution exists.

I.5 The Planning System

The planning system has been, and continues to be, the council's preferred means of dealing with potentially contaminated sites in York. The planning system places the onus on the developer/applicant to deal with potential contamination issues as part of the wider planning process. They must ensure that a site can and will be made suitable for its proposed future use and that there are no unacceptable risks to human health or the environment. Further information is available in the Yorkshire and Lincolnshire Pollution Advisory Group's technical guidance '[Development on Land Affected by Contamination](#)'.

Land contamination is a material planning consideration, and Public Protection is consulted on all relevant planning applications. We ensure that all possible contamination risks have been assessed, and that any contamination can be suitably and sustainably mitigated. Climate change impacts (including flooding) should be factored into site works and long-term remediation to ensure that they are sustainably robust. We recommend that planning conditions are attached to planning consents as necessary, to ensure that appropriate investigation, remediation, and verification work is undertaken.

The planning policies for the growth and regeneration of York are detailed within the [Local Plan](#). The development of land affected by contamination is covered under policy ENV3.

2. AIMS AND OBJECTIVES

The aim of this strategy is to outline how the council will implement the contaminated land regime within the city, in a proportionate and cost-effective manner. It is not the intention to reiterate the specifics set out in the legislation and Statutory Guidance or other guidance available which covers the many aspects involved when assessing land for contamination.

The objectives of the contaminated land regime, as detailed in paragraph 1.4 of the Statutory Guidance, are:

- 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.

It is the local authority's responsibility to meet these requirements. The council believes that the best way of achieving these objectives is through the planning system, and only using its powers under Part 2A where it is necessary and proportionate to do so.

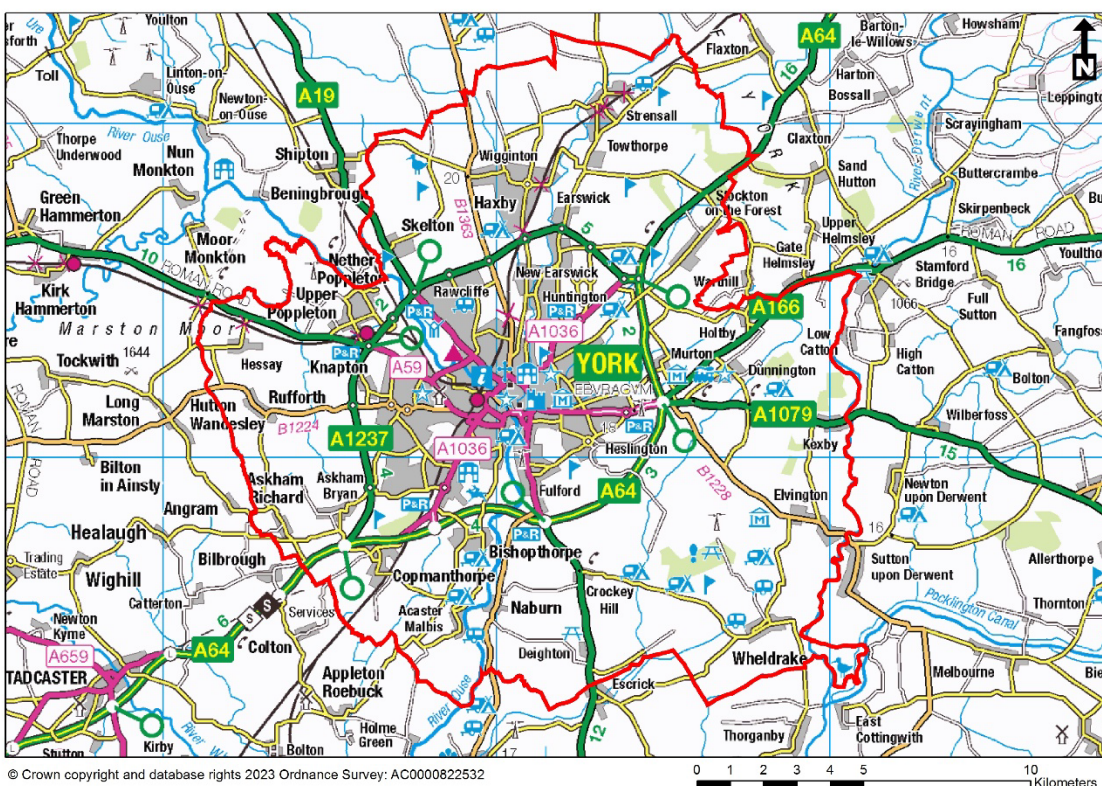
3. THE CITY OF YORK

3.1 Characteristics of the Area

The City of York lies in the centre of the vale of York, approximately 30 miles north-east of Leeds and 50 miles inland from the east coast. York is one of England's most historic cities, with a diverse history that can be traced back nearly 2,000 years. The landscape of the area is broadly characterised as flat and low-lying agricultural land, which rises slightly towards the east.

Figure 3.1 shows the extent of the City of York Council area, which covers approximately 105 square miles. The 2021 census recorded a population of 202,821 residents.

Figure 3.1: Map Showing the City of York Council Boundary



3.2 Past Industrial Activity

Contamination can arise from a wide variety of processes and activities associated with industry and its development and growth. The industrial history of an area provides a useful insight into the land which might contain and be affected by contamination.

Former major industries in York include railway carriage works, confectionary, flour milling, sugar production, printing, and the manufacture of optical instruments. Numerous former factories, petrol stations, landfill sites and airfields are also present.

3.3 Geology

The geology of a site can influence whether a contaminant is likely to remain close to the source or to migrate through the ground. Sandstone and sandy soils, with large grain sizes, are highly permeable and they allow contamination to move easily. Whereas mudstone and clayey soils, with small grain sizes, have negligible permeability which prevents the movement of contamination.

The bedrock beneath most of York is Sherwood Sandstone, apart from a small area of Mercia Mudstone in the Strensall area. Much of this is overlain by superficial geological deposits of either silt and clay or sand and gravel, principally of glacial origin. Bands of alluvium deposits are also present along the paths of the River Ouse, the River Foss, and the River Derwent.

3.4 Hydrogeology

Water beneath the earth's surface is called groundwater and it can be found within layers of rock or superficial deposits. Within York, the Sherwood Sandstone is designated as a principal aquifer (meaning that it has a high capacity for groundwater storage) and it supports many water abstractions for domestic, agricultural, and industrial uses. Whereas the Mercia Mudstone is designated as unproductive strata and it does not support any major water abstractions.

The superficial geological deposits within York are either designated as secondary

aquifers (sands and gravels) or unproductive strata (silts and clays).

Groundwater vulnerability is classified based on the characteristics of the aquifer. Where the Sherwood Sandstone is covered by permeable sand and gravel deposits, the groundwater is vulnerable to pollution by surface activities (including land contamination). Where the Sherwood Sandstone is covered by a substantial thickness of clay, which has a low permeability, the groundwater is generally protected against pollution from surface activities.

The Environment Agency is responsible for water quality and resources, so we will work with them on site-specific groundwater issues.

3.5 Hydrology

York has three main surface watercourses, which are the River Ouse, the River Foss and the River Derwent. These river systems are used as water supplies, mostly for agricultural spray irrigation. There are also several licensed abstractions from the River Ouse and the River Derwent for public drinking water supplies.

The Environment Agency is responsible for water quality and resources, so we will work with them on site-specific surface water issues.

3.6 Ecological Systems

Several areas of ecological importance are present within York and details of these are listed below:

- Sites of Special Scientific Interest (SSSIs) – Acaster South Ings, Askham Bog, Church Ings, Clifton Ings and Rawcliffe Meadows, Derwent Ings, Fulford Ings, Heslington Tillmire, Naburn Marsh, River Derwent, and Strensall Common.
- Special Areas of Conservation (SACs) – Lower Derwent Valley, River Derwent, and Strensall Common.
- Special Protection Areas (SPAs) – Lower Derwent Valley.
- National Nature Reserve (NNRs) – Lower Derwent Valley

- RAMSAR – Lower Derwent Valley.

We will work with the council's Design & Sustainability Team, Natural England, and The Environment Agency on site-specific issues to avoid harm or damage to ecological systems.

3.7 Historic Buildings, Monuments & Archaeological Deposits

York's rich history has provided a complex mosaic of buildings and streets unique in character. It's wealth of historic buildings include: 22 scheduled monuments (including York Minster, the City Walls, Clifford's Tower and St Mary's Abbey), 35 conservation areas and over 1,500 listed buildings.

The importance of York is highlighted by the city's status as only one of five historical centres in England designated as an Area of Archaeological Importance. It is Britain's largest, deepest and best preserved urban archaeological site. York's low-lying location and underlying clay mean that archaeological deposits are waterlogged beneath the water table and remain in an excellent state of preservation.

We will work with the council's Design & Sustainability Team, and Historic England on site-specific issues to avoid harm or damage to any features of historical or archaeological interest. As a matter of routine, the [York Historic Environment Record \(HER\)](#) will be consulted to identify archaeological interests before the start of intrusive ground investigations or remedial activities.

4. THE INSPECTION PROCESS

4.1 Information Collection

We have collated data from historical maps, aerial photographs, trade directories, Landmark Information Group, Environment Agency, British Geological Survey, Natural England, Historic England, and City of York Council to identify potential contaminant sources (such as past industrial activities and waste disposal sites) and relevant receptors. The council has developed a geographical information system (GIS) and an associated database to store and manage this information, which has enabled potentially contaminated land to be identified.

We have currently identified 3,695 potentially contaminated sites within the city and this list will be updated as new information comes to light. Please note that a significant number of potentially contaminated sites are likely to be suitable for their current use or will have already been dealt with through the planning system.

4.2 Prioritisation

In 2008, we purchased a sophisticated GIS based site prioritisation tool (called ConSEPT) from the British Geological Survey. This was used to prioritise all 3,695 potentially contaminated sites. The ConSEPT prioritisation tool is based on the contaminant linkage concept, and it scores the different sources, pathways and receptors for a site and its surroundings. The total scores allow potentially contaminated sites to be ranked in priority order. Each site is allocated to one of five priority categories (A to E). Table 4.1 shows how the council has defined these categories and the number of potentially contaminated sites within each category.

Table 4.1: Priority Categories

Category	Number of Sites	Description
A	88	High risk. The presence of contaminants is likely. One or more contaminant linkages are likely to exist. There is a high risk of an unacceptable impact on identified receptors. The current use of the site may not be suitable.
B	1,563	Medium risk. Contaminants may be present and contaminant linkages are likely to exist. There is a medium risk of an unacceptable impact on identified receptors.
C	469	Medium-low risk. Contaminants may be present and contaminant linkages could exist. There is a medium-low risk of an unacceptable impact on identified receptors.
D	374	Low risk. Contaminants may be present, but contaminant linkages are unlikely to exist. There is a low risk of an unacceptable impact on identified receptors.
E	1,201	Very low risk. Contaminants are unlikely to be present and contaminant linkages are unlikely to exist. There is a very low risk of an unacceptable impact on identified receptors.

4.3 Detailed Inspection

The purpose of carrying out a detailed inspection is to gain sufficient information to determine whether there is a significant contaminant linkage, and whether the site meets the legal definition of contaminated land.

The first phase of investigation (Phase I) is to collect and assess as much information as possible about a particular site from maps and historical records and by undertaking a site walkover survey. If the findings confirm that there is

potential for contamination to be present, then further investigation will be required.

The next phase of investigation (Phase 2) is to carry out a site investigation to determine the nature and extent of any contamination on a site. The sampling and analysis of soil, water and/or ground gases may be required to assess the amount and type of contamination present. A risk assessment will then be carried out in line with current guidance and best practice, to determine whether the level of contamination at a site could pose an unacceptable risk to human health or the environment.

4.4 Determination of Contaminated Land

Once a detailed inspection is complete, the council will have identified any significant contaminant linkage(s) and carried out a robust, appropriate, scientific, and technical assessment of all the relevant and available evidence. We can then decide whether a site meets the legal definition of contaminated land. Making a determination is a complex process and we will always refer to the Statutory Guidance and seek advice from the Environment Agency and other relevant experts as necessary.

We encourage voluntary remediation and the remediation of sites through the planning system, but if no solution can be reached, then the site will be determined as contaminated land and the polluter or other appropriate person will have a legal responsibility to remediate it. This may involve cleaning up the contamination, breaking the pathway, or modifying the receptor. A written record of determination will be produced, and the site will be entered onto the public register.

5. PROGRESS AND PRIORITIES

5.1 Progress

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 and have prioritised all of the potentially contaminated sites.

All 88 high priority sites (Category A) have been investigated, either through Part 2A or through the planning system. Funded by central government contaminated land capital grants, we carried out numerous detailed Part 2A investigations at the highest priority and most complex sites between 2004 and 2014. None of these sites were found to pose an unacceptable risk to health or the environment, so they were not determined as contaminated land and no further action was warranted.

Since the withdrawal of the central government contaminated land capital grants programme in 2014, the council has used the planning system to fulfil its responsibility to investigate potentially contaminated sites. Hundreds of sites in the city have already been investigated and remediated through this route.

5.2 Priorities

Our current priorities are to:

- Investigate potentially contaminated sites via the planning system. 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.
- Only use Part 2A powers where it is necessary and proportionate to do so.
- Respond to land search enquiries which request information regarding the condition of sites and the surrounding area.

6. STRATEGY CONSULTATION AND REVIEW

Several statutory bodies, adjoining local authorities, internal council departments, and other relevant organisations have been consulted in the preparation of this strategy. All consultation responses have been carefully considered, and it is also our intention to continue to take contributions from consultees who have not yet made a response and from any other individual or organisation that would like to comment on this strategy. We propose to consider these responses as part of our regular reviews of the strategy.

As recommended in the Statutory Guidance, we aim to review this strategy at least every five years to ensure that it remains up to date and relevant. The next review is due in **May 2029**.

7. ACCESS TO INFORMATION

7.1 Public Register

The Part 2A public register is currently blank. No sites have been found to meet the Part 2A definition of contaminated land, so we have not determined any sites as contaminated land.

7.2 Enquiries

Requests for information and enquiries regarding contaminated land can be made by telephone, email or in writing. We aim to respond to all requests within 3 working days. Please note that there may be a charge to cover our costs to reply to some types of enquiries, but you will always be advised in advance if there is a charge.

Please note that circumstances may arise where specific information cannot be released due to commercial confidentiality, an ongoing investigation, or where legal action is required to enforce a remediation notice.

Enquiries should be directed to the council's public protection team:

Tel: 01904 551525

Email: public.protection@york.gov.uk

Address: Public Protection, City of York Council, Eco Depot, Hazel Court, James Street, York, YO10 3DS

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