



**Report Reference Number: E/19/32**

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**To:** Executive  
**Date:** 5<sup>th</sup> December 2019  
**Status:** Key Decision  
**Ward(s) Affected:** All  
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**Lead Executive Member:** Cllr Chris Pearson;  
(Lead Executive Member for Housing, Health and Culture)  
**Lead Officer:** June Rothwell  
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**Title:** Contaminated Land Strategy 2019-24

**Summary:**

The Contaminated Land Strategy 2019-24 (Appendix A) for Selby District is a review of the document that previously covered the years 2014-18. It draws on current regulations and guidance along with good practice in dealing with land which may, by virtue of its past use, be contaminated with material which poses a risk to human health or may have a detrimental effect on the environment. The strategy sets out options and resources required to discharge the Council's statutory duties under Section 78A (2) of the Environmental Protection Act 1990 & Regulation 5(1) of the Radioactive Contaminated Land (Modifications of Enactments) (England) Regulations 2006.

Through this strategy the Council sets out how sites will be identified and prioritised and how land will be dealt with if it is felt that harm is being caused or a significant possibility of harm is likely to be caused.

This Contaminated Land Strategy proposes these key aims:

- To encourage the redevelopment of brownfield sites.
- To improve and protect the condition of the environment and the health of residents in the district.
- To meet the statutory obligation placed on the council to produce a written strategy under Part 2A.
- To ensure that a strategic approach is used for dealing with contaminated land.
- To ensure that remedial action is reasonable, practicable, effective and durable.

- To encourage voluntary remediation.

### **Recommendations:**

That Executive Members approve the Contaminated Land Strategy 2019-24.

### **Reasons for recommendation:**

The Council has a statutory duty to: -

- Determine whether any particular site meets the statutory definition of contaminated land and what if any, remediation is required.
- Act as the enforcing authority for all contaminated land within the District, unless the site meets the definition of a “special site”, in which case the Environment Agency will act as the enforcing authority.

## **1. Introduction and background**

- 1.1 Contaminated land is a national problem and is commonly associated with the historic use of sites for industrial or agricultural purposes.
- 1.2 Contaminants, although present, often present no harm to humans or other receptors as they are held in the ground; are not detrimental to health and/ or have no pathway to cause harm.
- 1.3 However, some contaminants do become a risk for harmful exposure if they are able to be inhaled, ingested or come into contact with people, property, water courses or ground water. It is these sites that may require some form of remediation or mitigation.
- 1.4 The strategy, if approved, will address how sites are handled within the District and formalise the Council’s approach.

## **2. Impact of Contaminated Land**

- 2.1 Along with the strategy the Council should consider a number of consequential impacts of contaminated land sites within the district. These include:
  - Dealing with land other than through the planning process. Although the Council’s preferred route for investigation and remediation will be through the development process, the Council does still have a statutory duty to deal with sites appearing on its contaminated land prioritisation list. This would require funding to investigate and potentially remediate sites if it is evident that there is a risk of harm to people, property or the environment.
  - Financial costs to the Council from sites investigation / remediation. Whilst the Council can seek recovery from the polluter (if they are known or are still in existence) or the land owner, some sites may either be owned or have been operated by the Council or may have no liable person(s) from whom the council can recover its expenses. Therefore, the Council could have to meet the full cost of investigation and / or remediation. Often, the

costs of these investigations are not known at the outset as costs depend to an extent on the nature of the material found, ground conditions and a number of local factors. This means that there is a financial risk in undertaking investigations, which may be hard to quantify at the outset of works.

- Potential blight of land or property if they are formally identified as “contaminated” sites. The Council is obliged to maintain a public record of sites which have been formally identified as contaminated under Part 2A of the Environmental Protection Act 1990. This may cause distress or financial loss to owners or residents whose property has been formally identified as contaminated.

2.2 The implementation of the Strategy will be managed by the Environmental Health & Housing Service, with commissioning of specialist expertise for technical work when required.

2.3 A consultation process was carried out between 12<sup>th</sup> August 2019 and 13<sup>th</sup> September 2019 (four weeks) to peer review the strategy. This involved seeking the views of neighbouring authorities and interested stakeholders. A list of the consultees can be found in Section 7.1 of the Contaminated Land Strategy.

As a result of this consultation and at the request of Public Health England one amendment was made to section 4.3.

2.4 It is important to note that this document sets the strategic approach to the management of potentially contaminated sites in the District until the next review, which in accordance with statutory guidance will be every five years.

2.5 The time line for the Contaminated Land Strategy is as follows:

Action	Meeting	Date	Status
Consultation of Draft Strategy	4 week period	12 <sup>th</sup> August – 13 <sup>th</sup> September 2019	Completed
Draft Strategy Report	Leadership Team	21 <sup>st</sup> October 2019	Completed
Draft Strategy Report	Executive	5 <sup>th</sup> December 2019	

### 3. Alternative Options Considered

n/a

## **4. Implications**

### **4.1 Legal Implications**

The Contaminated Land Strategy meets the Council's requirement to have a written strategy detailing the Council's approach to dealing with Contaminated Land within the District.

### **4.2 Financial Implications**

No revenue allowance has been allocated to this work. It is likely that as sites are investigated costs will be incurred. Bids for funding will be submitted through the corporate bid cycle on a case by case basis and contingency reserves reviewed as part of the medium term financial plan.

### **4.3 Policy and Risk Implications**

None.

### **4.4 Corporate Plan Implications**

The Contaminated Land Strategy and any subsequent implementation will help the Council and its partners promote the district as a great place to enjoy life.

### **4.5 Resource Implications**

None.

## **5. Conclusion**

5.1 The Contaminated Land Strategy will provide opportunities for the Council to meet its corporate priorities and would support the Council to discharge its statutory duty to set a structured approach to investigating (and where necessary remediating) contaminated land within the District.

5.2 The strategy requires determination by Executive, following the statutory consultation.

## **6. Background Documents**

None

## **7. Appendices**

*Appendix A - Draft Contaminated Land Strategy 2019-24*

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