

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Health and Wellbeing Board	18 05 2021 07 05 2021
<b>Subject:</b> Draft City of London Contaminated Land Inspection Strategy 2021-2030	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	1,2,11,12
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	
<b>What is the source of Funding?</b>	
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	
<b>Report of:</b> Director of Markets & Consumer Protection	<b>PHES: For decision</b> <b>HWB: For information</b>
<b>Report author:</b> Robin Whitehouse – Pollution Control	

### Summary

City of London Corporation published a Contaminated Land Strategy in 2001 which has been subsequently reviewed in 2004 and 2015.

In accordance with statutory guidance issued by the Department of Environment, Food and Rural Affairs (Defra) the Contaminated Land Inspection Strategy has been reviewed again and is appended to this report.

The strategy fulfils the City of London's statutory obligation to set out its wider approach to contaminated land and its inspection duties within the Square Mile and provides a more accessible, shorter and condensed strategy document.

### Recommendation(s)

Members are asked to:

- Approve the proposal set out in paragraph 12 and 13 that the attached draft contaminated land inspection strategy (Appendix 1) undergoes external consultation until 25<sup>th</sup> July 2021, subject to any comments received at your meeting and a further report will be presented to your 27<sup>th</sup> September 2021 meeting to approve the subsequent new strategy.

## Main Report

### Background

- 1 The City of London dates from Roman times and has a rich history. Although mainly non-industrial, there have been a wide range of historic land uses which could potentially have given rise to contamination.
- 2 Historically, land contamination could be dealt with through the development management process, where development or a change of use of land provided the only opportunity to deal with contamination.
- 3 In 2000, Part 2A of the Environmental Protection Act 1990 (EPA) was introduced to enable the remediation of land which meets the definition of contaminated land, based on its current land use.
- 4 The City of London Corporation as a regulator of Part 2A must:
  - Inspect the City to identify and categorise contaminated land.
  - Establish responsibility for the remediation of the land.
  - Ensure that appropriate remediation takes place.
  - Keep a public register detailing regulatory action taken to deal with contamination.
- 5 In 2001, the City of London produced a strategy outlining its approach to dealing with contaminated land in the 'Square Mile' using Part 2A Environmental Protection Act 1990.
- 6 The 2001 strategy contained a timetable of activities. These were completed by 2004, and a review was undertaken. The review concluded that *"no evidence of significant harm or pollution of controlled water is currently taking place, and there is no contaminated land in the City as defined by the legislation"*. Subsequent revisions to the Statutory Guidance (2012) and contaminated land strategy (2015) have not changed this position.
- 7 There have been no significant changes to the contaminated land guidance since 2012 and the material changes in this draft contaminated land inspection strategy are detailed in appendix 3.
- 8 This draft strategy review concludes there is scope for further 'strategic inspection' (desktop study) and documentation of the City's exposed ground and work to be undertaken to ensure continued compliance with the aims and objectives of the legislation and Statutory Guidance.
- 9 The overall aim of this draft strategy is to set out how the City of London will continue to address its duties under the Environmental Protection Act 1990

('Part 2A'), in accordance with the Guidance. The overriding priorities of this Strategy are:

- To protect human health
  - To protect controlled waters
  - To protect designated ecosystems
  - To prevent damage to property
  - To prevent further contamination of land
- 10 This revised and condensed draft strategy ensures that the City of London's approach continues to be suitable and appropriate. In order to address the City's obligations, and in accordance with the Guidance the strategy includes:
- a) The Strategy's aims, objectives and priorities, taking into account the characteristics of the City of London's area
  - b) A description of relevant aspects of the City of London
  - c) The City of London's approach to 'strategic inspection' of the City or parts of it
  - d) The City of London's approach to the prioritisation of 'detailed inspection' and remediation activity
  - e) How the City's approach under Part 2A 'fits with its broader approach to dealing with land contamination', so that sites do not become a capable of being determined 'contaminated land' under Part 2A in the future
  - f) How the City of London will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals.
- 11 Consultation has been carried out internally, see appendix 2 for full details (Open Spaces, DBE, Town Clerks, Comptrollers, City Surveyor's) and the results of this have been considered in this draft.

### **Proposals/Options**

- 12 Subject to comments received at your meeting, it is recommended that the attached draft contaminated land inspection strategy is published for external consultation until 25<sup>th</sup> July 2021. Consultees are listed in appendix 2 and will include City businesses, residents, neighbouring boroughs, the Environment Agency and Public Health England. Consultation comments will be incorporated into the final strategy where appropriate.

- 13 A further report will be presented to your committee meeting 27<sup>th</sup> September 2021 to consider approval of the strategy.

### **Corporate & Strategic Implications**

- 14 The proposals within this report and draft strategy meet the statutory requirements set out under Part 2A Environmental Protection Act 1990, as they apply to the City of London Corporation.
- 15 The work on contaminated land sits within the Corporate Plan Strategic Aims to “shape outstanding environments” and to “contribute to a flourishing society”

### **Implications**

- 16 The work contained within the strategy will be funded using existing resources from within the Port Health and Public Protection Service.
- 17 Should quantitative risk assessment as part of a detailed inspection be required costs (consultants fees / soil sampling / remediation) will be assessed based on the individual characteristics of the site and details of land ownership in line with the core legislation and the Guidance. Costs and liability will be apportioned to the responsible individual or organisation. A further report will be made to this committee if the need for a quantitative investigation is identified involving a financial implication for the City.

### **Appendix**

- Appendix 1 – The City of London Draft Contaminated Land Inspection Strategy 2021-2030.
- Appendix 2 – Consultees.
- Appendix 3 – Material changes from the City of London Contaminated Land Strategy 2015-2020.

### **Background Papers**

- The City of London Contaminated Land Strategy 2015-2020, available at: <https://www.cityoflondon.gov.uk/assets/Business/contaminated-land-inspection-strategy.pdf>

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