

<b>Committee(s):</b>	<b>Date(s):</b>
Port Health and Environmental Services – For Decision	10 March 2015
Health and Wellbeing Board – For Information	24 April 2015
<b>Subject:</b> Draft City of London Contaminated Land Inspection Strategy 2015 - 2020	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Summary</b>	
<p>The City of London Corporation published a Contaminated Land Strategy in 2001 which was subsequently reviewed in 2004.</p> <p>The Department of Environment, Farming and Rural Affairs (Defra) produced additional refined statutory guidance in 2012 (the Guidance) which is legally binding and has been the catalyst for the revised strategy.</p> <p>A draft contaminated land inspection strategy for 2015 through to 2020 has been produced in accordance with the Defra guidance and is appended to this report.</p> <p>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.</p> <p><b>Recommendations</b></p> <p>I recommend that your Committee approves the proposal set out in paragraph 9 that the attached draft contaminated land inspection strategy (Appendix 1) undergo external consultation until 25<sup>th</sup> May 2015, subject to any comments received at your meeting and a further report will be presented to your 22 September 2015 meeting to approve the subsequent new strategy.</p>	

## 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.

### **Key Policies and Proposals**

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”*. Whilst these findings still stand, in light of the revised guidance this strategy review concludes there is scope for further ‘strategic inspection’ (desktop study) and documentation of the City’s exposed ground. Dependent on outcome of the revised ‘strategic inspection’ the City will proceed to ‘detailed inspection’ should that become applicable and appropriate.
7. The overall aim of this Strategy is to set out how the City of London will continue to address its duties under section 57 of 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
8. This revised 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.

## **Proposals**

9. I propose that, subject to comments received at your meeting, the attached draft contaminated land inspection strategy is published for consultation until 25 May 2015. A further report will be presented to your 22 September 2015 meeting to approve the new strategy.

## **Financial Implications**

10. Strategic inspection (desk top study) work contained within the strategy will be funded using existing resources from within the Port Health and Public Protection Service. Assistance by way of information provision will be required from the Department of Open Spaces and the Department of the Built Environment (DBE).
11. 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.

### **Corporate and Strategic Implications**

12. The work on contaminated land sits within Strategic Aim 1(SA1) of the Corporate Plan: ‘To support and promote The City as the world leader in international finance and business services’.

### **Consultees**

13. Consultation has been carried out internally (Open Spaces, DBE, Town Clerks, Comptrollers) and the results of this have been considered in this draft.
14. The strategy will undergo full external consultation e.g. Environment Agency, neighbouring boroughs until the 25 May 2015 and consultation comments will be incorporated into the final strategy where appropriate.

### **Conclusion**

15. The City Corporation has produced an updated contaminated land inspection strategy designed to protect human health, controlled waters, designated ecosystems and prevent damage to property. Subject to comments received at your meeting, the contaminated land inspection strategy will be published for public consultation until 25 May 2015.

### **Background Papers:**

The City of London Contaminated Land Strategy 2001 and 2004 review.

### **Appendix:**

The City of London Draft Contaminated Land Strategy 2015 - 2020.

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