



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Contaminated Land Strategy Consultation Results



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## Purpose

1. The purpose of this report is to update members of South Kesteven District Council's Environment Overview and Scrutiny Committee, Cabinet and Full Council with the results of the Contaminated Land Strategy consultation.

## Scope

2. The scope of this consultation:
  - Reflected the Council's responsibilities in relation to contaminated land – in particular its statutory duty to prepare, implement and keep under periodic review its Contaminated Land Strategy
  - Communicated the main pieces of legislation which govern the Council's approach to contaminated land. These include:
    - ❖ The Environmental Protection Act 1990 Part 2A
    - ❖ The Environment Act 1995 section 57
    - ❖ Contaminated Land (England) Regulations 2006

It also referenced other legislation which may be applicable including:

- ❖ Building Regulations 2009
- ❖ Environmental Damage (Prevention and Remediation) Regulations 2009
- ❖ Pollution Prevention and Control Act 1999
- ❖ Water Resources Act 1991
- ❖ Town and Country Planning Act 1990
- ❖ Radiative Substances Act 1993
- ❖ Waste Management Licensing (part 2 of the EPA) 1990
- ❖ Statutory Nuisance (Part 3 of the EPA) 1990

## Objectives

3. The objectives of the consultation were identified as follows. To:
  - Raise awareness of the legislation that governs contaminated land and the Council's role in implementing this legislation
  - Ensure that the draft strategy has been reviewed by specific stakeholders. These include the Environment Agency, Lincolnshire County Council and parish/town councils in South Kesteven
  - Ensure members of the public can comment on the draft strategy, should they wish to
  - Measure the degree of support or otherwise for the draft Contaminated Land Strategy
  - Inform the decision that will be taken by the Council about the strategy

## Timescales

4. Approval to consult on the draft Contaminated Land Strategy was given at a meeting of the Environment OSC on 12 December 2023. Launched on 17 July 2024, the consultation on the Contaminated Land Strategy was open for four weeks - closing on 14 August 2024. Results of the consultation will be presented to Environment Overview & Scrutiny Committee on 7 October

2024. The report will also be considered by Cabinet on 5 November 2024. If approved, it will then be presented to Full Council.

## Stakeholders

5. The stakeholders were identified as follows:

- SK residents
- Town and Parish Councils
- The Environment Agency
- Lincolnshire County Council
- Planning Section -SKDC

## Methodology

6. The table below identifies the method(s) used for each of the stakeholder types:

Stakeholders	Method(s)	Details
Residents of South Kesteven	Members of the public were made aware of the consultation through the following channels: Press release - to the local press SKDC Social Media Channels SKDC website	Potential respondents encouraged to go on-line to respond to the consultation. Consultation Officer prepared a press release promoting the consultation. The release included the link to the survey. Consultation Officer prepared posts for social media channels. Social Media Officer promoted the consultation on social media channels Facebook and X. Posts included a link to the survey. Webpage content prepared by Consultation Officer. Included a draft copy of the strategy and a weblink to the survey.  Those requesting a printed copy of the survey, or one in an alternative format or another language were asked to contact the Environmental Health Officer (Public Protection). This option was included in the press release.
Town and parish councils	All town and parish councils contacted.	Parish Councils were contacted directly by Environmental Health Manager (Environmental Protection). Included within the contact was a request for them to make their local councillors aware of the consultation.

<b>The Environment Agency</b>		The Environment Agency was contacted directly by Environmental Health Manager (Environmental Protection).
<b>Lincolnshire County Council</b>		Lincolnshire County Council was contacted directly by Environmental Health Manager (Environmental Protection).
<b>SKDC's Planning section</b>		Planning Section at SKDC contacted by Environmental Health Manager (Environmental Protection).

## Details

7. To fulfil the requirements of the Environmental Protection Act 1990 – specifically the Council's statutory duty to prepare, implement and keep under periodic review its Contaminated Land Strategy - approval was given to consult on a new Contaminated Land Strategy for South Kesteven.
  
8. Actions undertaken by the Consultation Officer and the Environmental Health Manager (Environmental Protection) included:
  - Preparing, designing and setting up the on-line survey
  - Writing a press release and preparing social media posts
  - Determining content for a web page to host the draft strategy
  - Contacting all parish councils, Lincolnshire County Council and the Environment Agency by email to ask for their opinion
  - Inputting and analysing feedback from eight respondents
  - Preparing a report
  
9. The survey included the following sections:
  - An introduction to the consultation, why the strategy has been produced - including any legislative requirements - and how feedback will be used and responded to. It also included a link to the draft strategy
  - A question asking for any comments about the strategy in general – if they have any questions
  - A question to collect the respondent's contact details should these be needed to respond to a query
  - Demographic questions. These to include a question to identify the type of user (a member of the public, a town or parish council representative, or on behalf of another organisation etc)
  - A statement on how any personal data they supply will be treated
  - A thank you and closing date
  - Links to SKDC data protection and privacy statements

10. The webpage included:

- An introduction to the consultation, why we need their help and how their feedback will be used
- A web link to the survey
- A copy of the draft strategy

11. The press release included:

- An introduction to the consultation
- A web link to the survey and the QR code
- Information on SKDC's position re: contaminated land
- What to do if they don't have on-line access or require the survey in an alternative format or another language
- Next steps

12. The social media posts included:

- An introduction to the consultation
- A web link to the survey

13. The consultation was promoted in the local media and on the Council's social media channels during the consultation period. There was limited activity on these channels- the posts promoting the consultation on Facebook gained 3,468 impressions, 80 engagements and 11 link clicks. The posts on X (formerly Twitter) gained 318 impressions, 3 engagements and 0 link clicks. The press release was posted on Grantham Matters<sup>1</sup> website, but not by any of the other media outlets.

14. Several stakeholders, identified as part of the scoping exercise, were contacted directly on the first day of the consultation. These included town and parish councils and the Environment Agency.

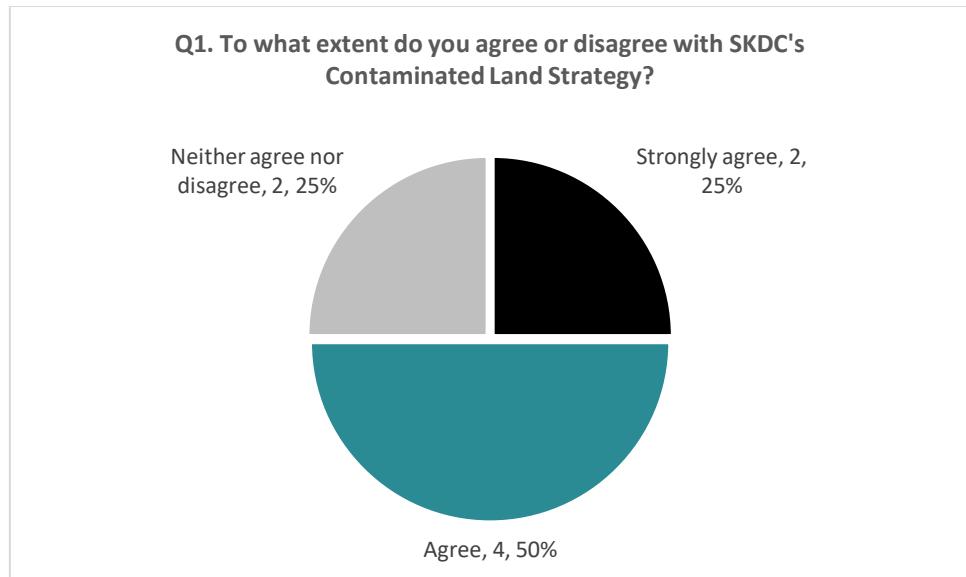
15. The consultation closed on 14 August 2024. Eight responses were received. No requests were received from respondents to provide a printed copy of the survey, or one in an alternative format or another language. This was, however, an option available to them.

## The results

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<sup>1</sup> Post on Grantham Matters website 17.07.24 [Have your say on Council's Contaminated Land Strategy \(granthammatters.co.uk\)](http://Have your say on Council's Contaminated Land Strategy (granthammatters.co.uk))

16. The first question asked respondents the extent to which they agreed or disagreed with SKDC's draft Contaminated Land Strategy. Three quarters of respondents (6 or 75%) agreed with the strategy as illustrated in the pie chart overleaf:



17. When asked why they had chosen to answer in this way, the comments received varied from those who thought the strategy was comprehensive and covered everything, to those who thought that there were some omissions.

**“I have read the strategy and it is really comprehensive and I can't see in my limited knowledge if anything has been missed out”**

**“We agree with the Strategy, but suggest some additional information is included.”**

**“I think (not being an expert) that there are a couple of things missing. 1. Asbestos on military sites..... 2. Our Green MPs are pushing Zane's law. .... As we're largely on limestone, ground water is an issue and pollution can travel”**

18. The third question on the survey asked respondents if they had any questions or would like to comment on anything included in the strategy. Most of the respondents took the opportunity to either ask questions or suggest improvements. One respondent wanted more information about specific sites in the district that might be of concern, and asked if they could be identified as a “layer” on the Council's planning systems. Another wanted to know how the different teams involved work together to identify potential contaminations. Are you testing allotment sites on old tips? was a question asked by another respondent, whilst another asked if there were timelines for returning contaminated sites to a level of acceptable use.

19. A very comprehensive response was received from the Groundwater & Contaminated Land Team at the Environment Agency. They agreed with the strategy but were keen that some additional information be included, to ensure that the risk posed to controlled waters is fully addressed as illustrated in the quote from them overleaf:

**"This will help ensure the risk posed to controlled waters is fully addressed during any Part 2A inspections or during redevelopment of Brownfield sites."**

They made several recommendations. These included the following:

- Ensuring that the strategy differentiates between the statutory definition of 'contaminated land' and refers to all other sites as 'land affected by contamination' as early as possible in the document
- The inclusion of an additional strategic aim to Section 3. "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 as per the objectives defined in the statutory guidance"
- The addition of the phrase "The Environment Agency supports the use of the National Quality Mark Scheme (NQMS)" under either section 4e or 4f of the strategy

20. The comments and suggestions received as part of the consultation process will now be considered by the Environmental Health Manager – Environmental Protection & Private Sector Housing and the Head of Service for Public Protection, prior to the strategy being submitted for approval.

## **Demographics**

21. Respondents were asked to identify if they were a resident of the district, representing a town or parish council or responding on behalf of an organisation. Responses were received from residents, town and parish councils and the Environment Agency.

## **Conclusion**

22. Although the number of responses to this consultation is low, the feedback received from those who took part has been comprehensive and constructive. The next steps should be to consider these comments in turn and identify the appropriate course of action for each. Any questions raised by the respondents should also be addressed.

23. Members are asked to note the results of this consultation and approve the next steps. This will help to ensure that the Council fulfils its statutory duty to prepare, implement and keep under periodic review the Contaminated Land Strategy for the district of South Kesteven.

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