

# Southampton Land Quality Strategy 2018-2023

Southampton City Council is committed to maintaining confidence in the quality of land across our area so that our residents and visitors can be safe and healthy. Preventing future pollution and addressing historical contamination will ensure ongoing improvements in the quality of our land stock; the local environment and public health. This in turn supports economic growth and the delivery of housing and business developments across the city.

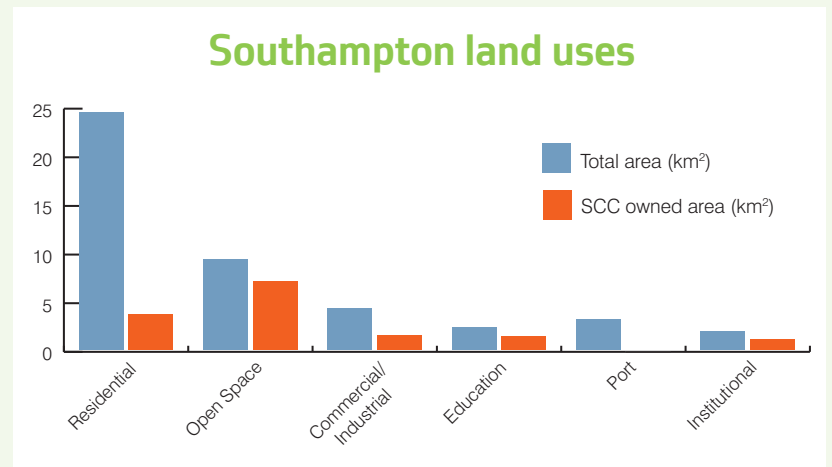
## SOUTHAMPTON CITY COUNCILS RESPONSIBILITIES

As a regulator, land owner, landlord, tenant and planning authority Southampton City Council is presented with a number of responsibilities as a result of legislation and government guidance, including:

- To ensure compliance with and enforcement of statute.
- To protect human health and the wider environment.
- To ensure that where redevelopment of sites take place within the City that the process deals effectively with any land contamination.
- To address the liability issues associated with the Councils existing land holdings and avoid any new liability associated with land acquisitions.
- To ensure that procedures are in place for the open provision of information concerning land contamination to the public, developers/property surveyors etc.
- To encourage market confidence in the redevelopment of brownfield sites in the city.

## LAND QUALITY IN SOUTHAMPTON

- Contamination of land arises principally from industrial processes, waste disposal and accidental spillages of contaminants. If not dealt with properly, it can pose a risk to human health, the environment and sustainable economic development.
- Southampton has a strong industrial history which means the city has an increased risk of land becoming contaminated as a result of previous land uses. In the past, industrial processes were not regulated like they are today and with little or no controls in place the risk of contaminants spreading was far more significant.
- Approximately 250,000 people live in Southampton, and this is expected to grow by 4.9% by 2022, to approximately 260,000 people. This will result in increased demand for usable land for residential use and open spaces. It is important that we ensure this demand can be satisfied and land contamination does not present a barrier to growth or compromise public health or the wider environment.
- Remediation of contaminated land can be costly. Remediation cost for a site can range between £1000 and up to £1.5 million per hectare.



The city is comprised of various land uses which present different challenges where land contamination is an issue.

Where individuals might be exposed to soils and/or spend considerable time the risks are most significant whilst industrial sites can offer a greater hazard due to the nature of their activities.

As well as presenting risks to human health, contamination can cause harm to property, water resources and ecological systems. Southampton does not offer much in terms of agriculture but does have a diverse and dense property stock and a number of designated sites of ecological interest.

As a land owner the council is directly responsible for a significant proportion of land in the city.

## REMEDIATION

The risks presented by any given level of contamination will vary greatly according to the use of the land and a wide range of other factors, such as the underlying geology of the site. In recognition of this, the Government considers a "suitable for use" approach in dealing with contaminated land the most appropriate. This consists of three elements and is the basis to the current UK legislation dealing with contaminated land:

- ensuring that the land is suitable for its current use,
- ensuring that land is made suitable for any new use, and
- limiting requirements for remediation work in relation to the current use or officially-permitted future use of the land.

### Part 2A of the Environmental Protection Act 1990

The council has a statutory responsibility to continually inspect its area for land contamination and document how it intends to undertake that process. Where significant contamination is identified the land must be remediated to protect human health.

The local authority has a duty:

- to cause their areas to be inspected for contaminated land;
- to determine whether any particular site meets the statutory definition of contaminated land;
- to act as the enforcing authority for all contaminated land, unless the site meets the definition of a "special site" (in which case the Environment Agency will act as the enforcing authority);
- to record information on a public register about their regulatory actions.

If land is legally determined as "Contaminated Land" a remediation strategy must be agreed and the details must be entered onto the local authorities Public Register of Contaminated Land, in accordance with the requirements of the Contaminated Land Regulations.

### What are we doing

Scientific Services has already undertaken an initial prioritisation of the land within its area and has identified a distinct group of priority sites which are believed to present the greatest risk from land contamination. Southampton City Council proposes an initial five year programme of inspection running up to April 2023 to further assess and where deemed necessary remediate these priority sites. Sites not included in the priority list may be brought forward for inspection where sufficient evidence is brought to our attention to suggest that a significant pollutant linkage might exist. This programme will be reviewed annually and recommendations will be made in the 2019 review on meeting the council's future inspection requirements.

### Cost recovery

The council will take remedial action and recover costs from liable parties where it deems appropriate. Where there is evidence that cost recovery would cause undue hardship, the council will consider each matter on a case by case basis.

### Communication policy

Exposure to contamination is involuntary and typically unforeseen. Those affected can easily feel powerless and confused. This can lead to anxiety, stress and anger. Every situation is different therefore it is essential that a specific Risk Communication Strategy is developed for every site that is subject to assessment, investigation and remediation. That Strategy will be devised in collaboration with Southampton City Councils Communications Team and must:

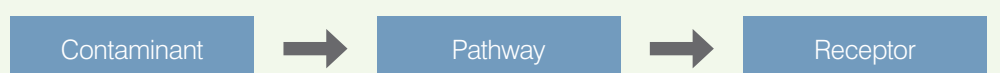
- Provide suitable information in an accessible manner
- Support communities and individuals
- Involve all affected parties
- Demonstrate our actions are necessary, proportionate and fair

### What is contaminated land?

Historical contamination identified via the Environmental Protection Act 1990 (Part 2A) has the following specific definition: Contaminated land 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:

- significant harm is being caused or there is a significant possibility of such harm being caused; or
- pollution of controlled waters is being, or is likely to be caused.

The definition of contaminated land is based upon the principles of the risk assessment. For a site to meet the definition of contaminated land, a pollutant linkage must be established. A pollutant linkage consists of three parts:



The risk assessment process seeks to identify viable contaminant linkages and then assess whether they pose an unacceptable risk to an identified receptor. If a pollutant linkage exists then the following factors are taken into account in deciding whether significant harm is being caused or if there is a possibility of significant harm being caused:

- the nature and degree of harm;
- the susceptibility of the receptors to which the harm might be caused; and the timescales within which the harm might occur.

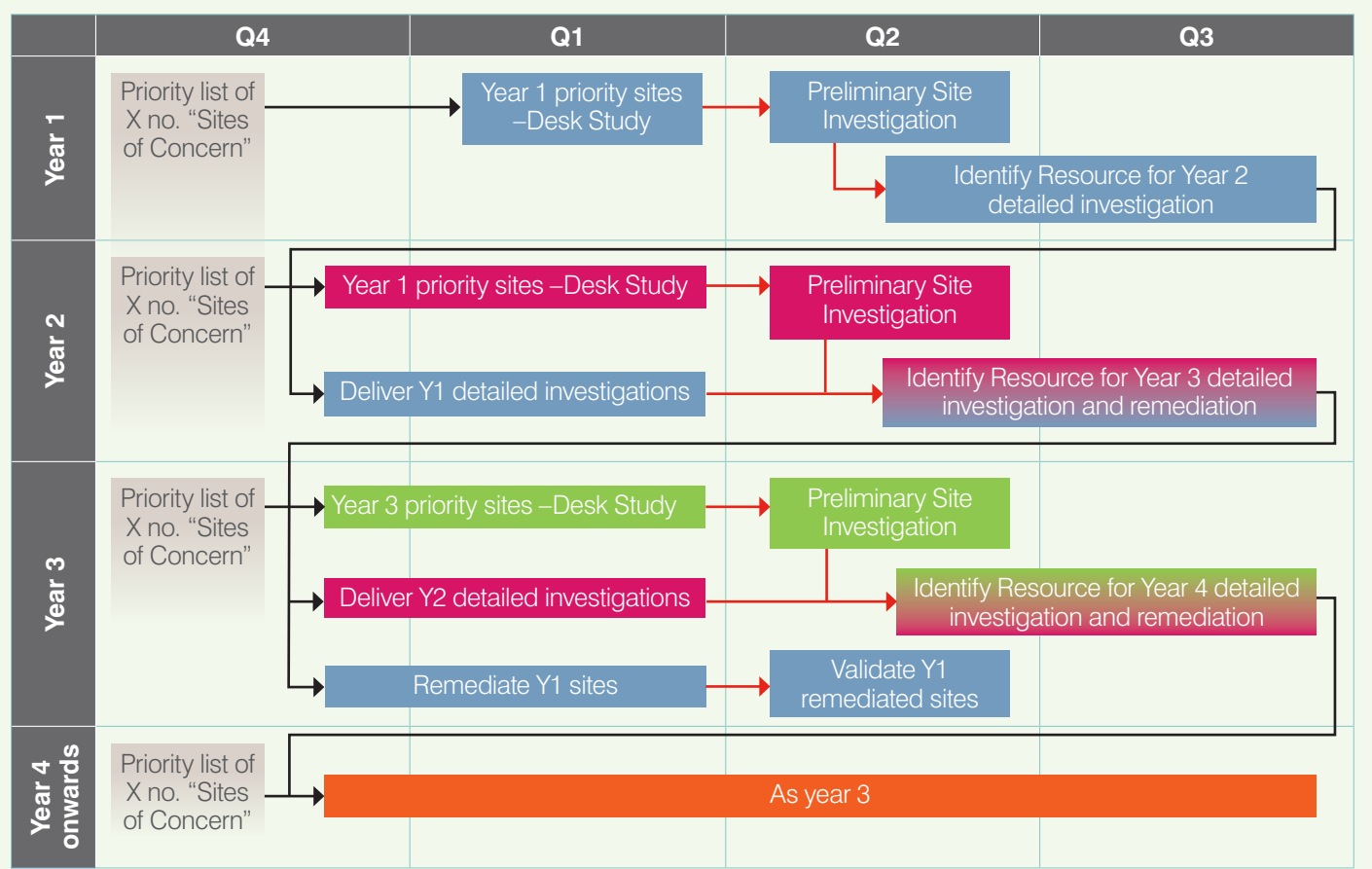
## Inspection programme

Priority sites will be subject to a phased investigation until a point is reached where the council can reasonably demonstrate that the site does not meet the legal definition of contaminated land.

Where any phase identifies the subsequent need for further investigation, assessment or remediation we will identify resources and budget programme for investigation, assessment or remediation will be identified and funding sought as necessary.

The programme represents a continual cycle and multiple sites will be subject to inspection at any one time.

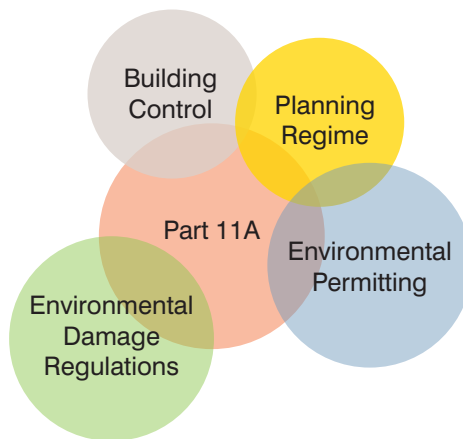
As the programme progresses sites that are not considered contaminated land or have been remediated will be removed from the priority list.



## REMEDICATION

There are a number of other regulatory functions that provide Southampton City Council with legislative powers to deal with land contamination. Part 2A is designed to address historical contamination that presents a risk to an existing land use and will only be used to secure remediation where no appropriate alternative exists.

Land contamination is a material planning consideration which means the impact of contamination must be taken into account in the determination of all planning applications. The National Planning Policy Framework sets out that the planning system is central to bringing land affected by contamination back into use and puts the responsibility for ensuring safe developments onto the developer and/or landowner. There is an expectation that the majority of contaminated sites will be remediated through the planning regime.



## BUSINESS AND SERVICE DELIVERY

As a major landowner the Council must ensure that it has in place appropriate mechanisms to manage ground quality issues. In addition to the activities being undertaken under Part 2A, the need for a proactive means of approaching land contamination within current procedures is required.

Those departments with land holdings are therefore supported by Scientific Services to ensure that ground contamination is given the appropriate level of consideration within.

- Asset and Property Management Plans
- Land Transactions
- Development Projects
- Operational Use / Service Delivery

PRIORITY	WHAT ARE WE GOING TO DO?
<b>Ensure confidence in the city's land assets.</b>	<ul style="list-style-type: none"> <li>• Address the liability issues associated with the council's existing land holdings and avoid any new liability associated with land acquisitions.</li> <li>• Provide information to assist in the council's contribution to city regeneration projects.</li> <li>• Maintain records of land condition assessments and remediation in accessible manner including the use of Geographic Information System.</li> <li>• Ensuring that the precautionary approach taken to land contamination whilst seeking to ensure that disproportionate burdens are not placed on local communities and local businesses.</li> </ul>
<b>To protect Human health and the wider environment.</b>	<ul style="list-style-type: none"> <li>• Prioritise risks to human health and the most sensitive and vulnerable to its risks.</li> <li>• Focus on identifying the most pressing and seriously affected areas first.</li> <li>• Ensure our protected ecological systems are afforded suitable protection</li> </ul>
<b>Act as a responsible landowner, landlord and tenant to ensure the council achieves full legal compliance.</b>	<ul style="list-style-type: none"> <li>• Lead by example, ensuring our plans, policies and working practices support and promote sustainable remediation.</li> <li>• Ensure all Southampton City Council land transactions adequately deal with land contamination issues.</li> <li>• Ensure public confidence in the council's assessments by applying good practice at all times.</li> <li>• Support other council departments to ensure land contamination is given appropriate consideration.</li> <li>• Encourage the use of sustainable remediation techniques.</li> </ul>
<b>Where Possible, deal with land contamination through the planning regime, building control or voluntary remediation.</b>	<ul style="list-style-type: none"> <li>• Ensure efficiency by directing effort away from areas already or soon to be dealt with through redevelopment.</li> <li>• Provide information to ensure the adoption of appropriate planning policies and decisions.</li> <li>• Provide comprehensive information to developers to ensure that they meet the local and national requirements.</li> <li>• Support Development Control to ensure all new developments are adequately assessed and where appropriate remediated.</li> <li>• Engage with developers to secure appropriate land assessment information either prior to planning approval or through planning conditions.</li> <li>• Encourage landowners to undertake voluntary remediation.</li> </ul>
<b>Where no alternative exists, use the Part 2A inspection process to ensure existing land is safe.</b>	<ul style="list-style-type: none"> <li>• Avoid undertaking Part 2A activity on land where redevelopment is likely to offer a more immediate solution.</li> <li>• Systematically inspect sites identified by the prioritisation process in accordance with Part 2A of the Environmental Protection Act 1990.</li> <li>• Bring forwards sites for inspection which were not previously prioritised where evidence is brought to our attention to suggest the land is causing significant harm or there is possibility of significant harm.</li> <li>• Maintain a public register of Contaminated Land on our website in accordance with Section 78R of the Environmental Protection Act 1990.</li> <li>• Identify those sites where land is presenting unacceptable environmental risks in a systematic and logical manner and ensure remediation takes place.</li> </ul>

## HOW WILL WE MEASURE SUCCESS?

- Reduction in the number of priority sites.
- Increased number of sites investigated through redeveloped.
- Successful implementation of the Inspection Programme.
- The number of sites remediated.
- The Land Quality Strategy will also contribute to wider improvements in health across the city and we anticipate improvements in key indicators for Public Health in the city.

## LINKS TO OTHER STRATEGIES AND PLANS

