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West Suffolk
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**Part2a/NPPF
Local Authority Perspective**

James Lemon – Environment Officer

28th February 2013



Changes to Local Government

- Cut-backs on Government Funding/Council Tax Freeze
- Reduction in resources (Budgets & Staff)

SEBC's Budget Savings

2010/2011 – £1.6m

2011/2012 – £1.9m

2012/2013 – £2.4m

Reduction in Staff (2005-2012)

SEBC - 16%

Forest Heath DC – 51%

Mid Suffolk DC – 55% (Highest in Suffolk)



Sharing in Suffolk



- Sharing of Services (but not merging of Councils!)



- Babergh DC + Mid Suffolk DC
- Waveney DC + Suffolk Coastal DC
- Reduction in management and administration



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Is LA delivery of contaminated land duties being affected by the changes in Local Government?



Part2a

- Introduced in April 2000 (now 13 years old!)
- New Part2A Statutory Guidance April 2012
Aim - Reduce unnecessary remediation
- £140m per year saving to businesses

LA actions since April 2012?

- Revision of Contaminated Land Strategies
- Prioritising detailed inspections of the high risk sites
- Producing 'Risk Summaries' for determined sites
- Producing 'Written Statements' for non determined sites
- Use of new Category 1-4 (SPOSH or not)
- Consider Background Levels



Planning (NPPF)

- PPS23 was published in 2004 (replacing the PPG23 – 1994)
- National Planning Policy Framework (NPPF) & Withdrawal of Planning Policy Statement 23 (PPS23) in March 2012
- Aim - Simplify the planning system by reducing planning barriers to growth

LA actions since March 2012?

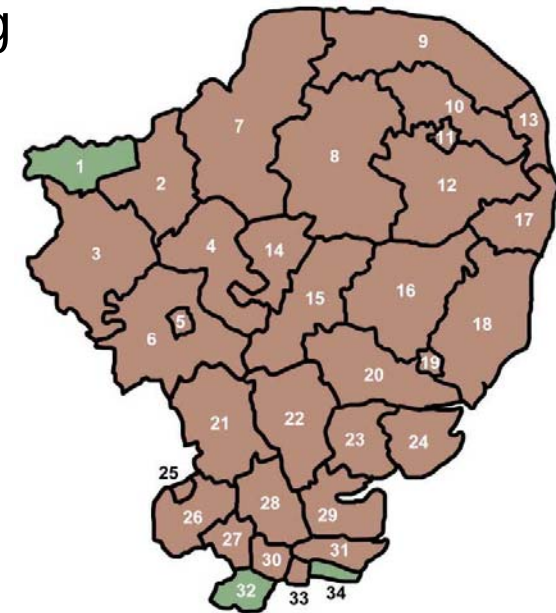
- Getting specific land contamination Planning Policy into Local Plans*
- New Guidance to reflect new policy

*Sets out detailed planning policies in a local authority area in compliance with the NPPF



ELQF LA Questionnaire

- Aim to find out how LA are being affected by the changes within Local Government and the recent changes to Part2a/Planning
- Two questionnaires – 1.Part2a and 2.Planning (NPPF) & Funding/Resources
- Sent to 34 LA CLO/EHOs in the Eastern Region (Suffolk, Cambs, Essex & Norfolk)
- 30 completed for Part2a (88% return)
- 29 completed for Planning/Resources (85% return)
- Good representation of both urban & rural Authorities



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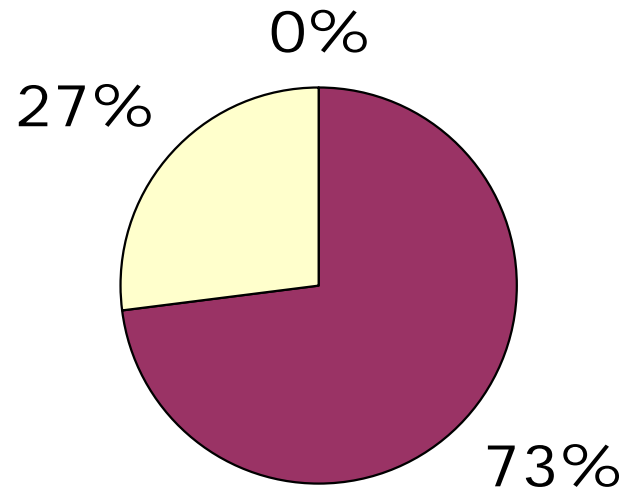


Part 2A Questions



Has your Local Authority published a new Contaminated Land Strategy to take into account the new Part2A Statutory Guidance which was published in April 2012?

- a) Yes
- b) No
- c) Draft Version Only

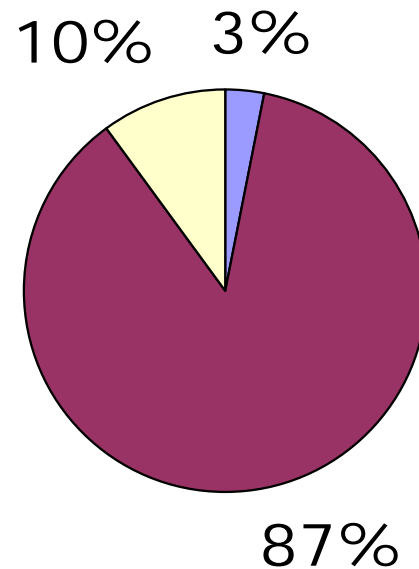



- Yes
- No
- Draft Version Only



Has your Local Authority developed a 'Risk Summary' as outlined in the new Part2a Statutory Guidance, following a Part2a detailed inspection?

- a) Yes
- b) No
- c) Draft Version Only

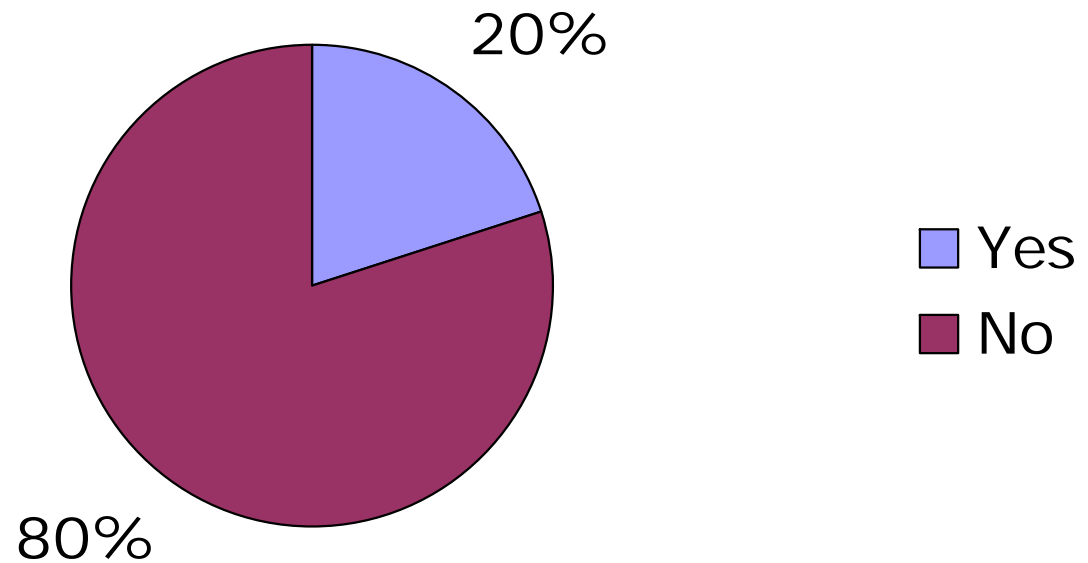


-  Yes
-  No
-  Draft Version Only



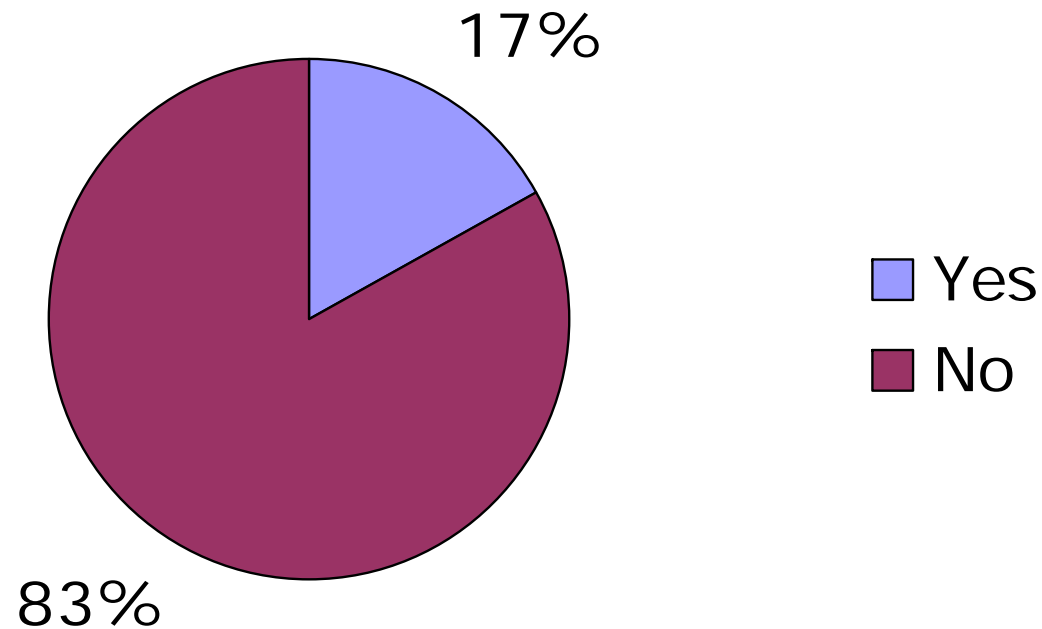
Has your Local Authority used the categorisations (Category 1 - 4) within the new Part2A Guidance to establish is a site is SPOSH (Cat 1-2) or not SPOSH (Cat 3-4)?

- a) Yes
- b) No



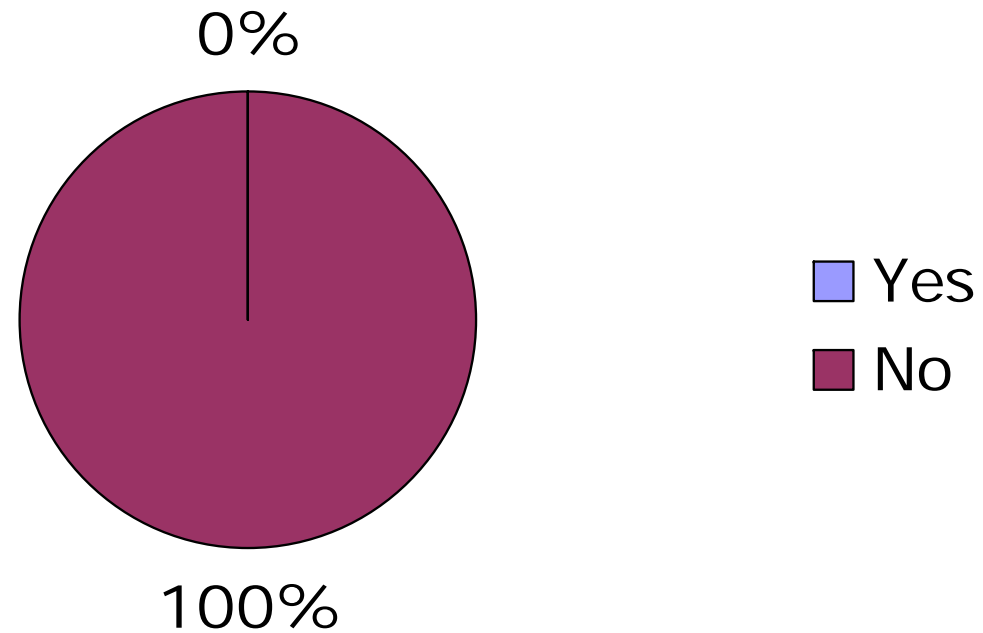
Has your Local Authority (or appointed consultant) carried out an intrusive site investigation under Part2a since April 2012?

- a) Yes
- b) No



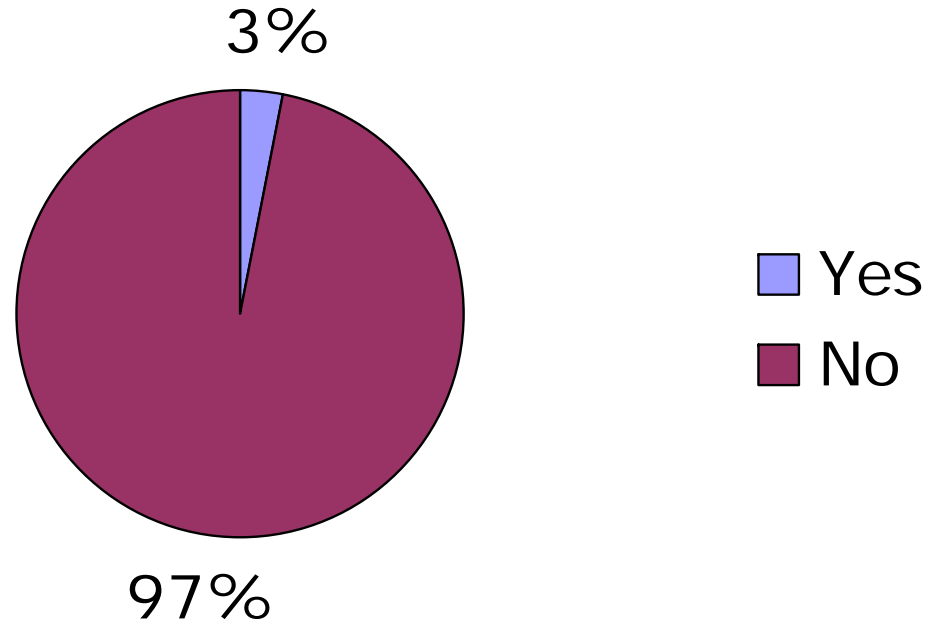
Has your Local Authority gained funding under the Capital Grant Programme for a Part2a site investigations since April 2012?

- a) Yes
- b) No

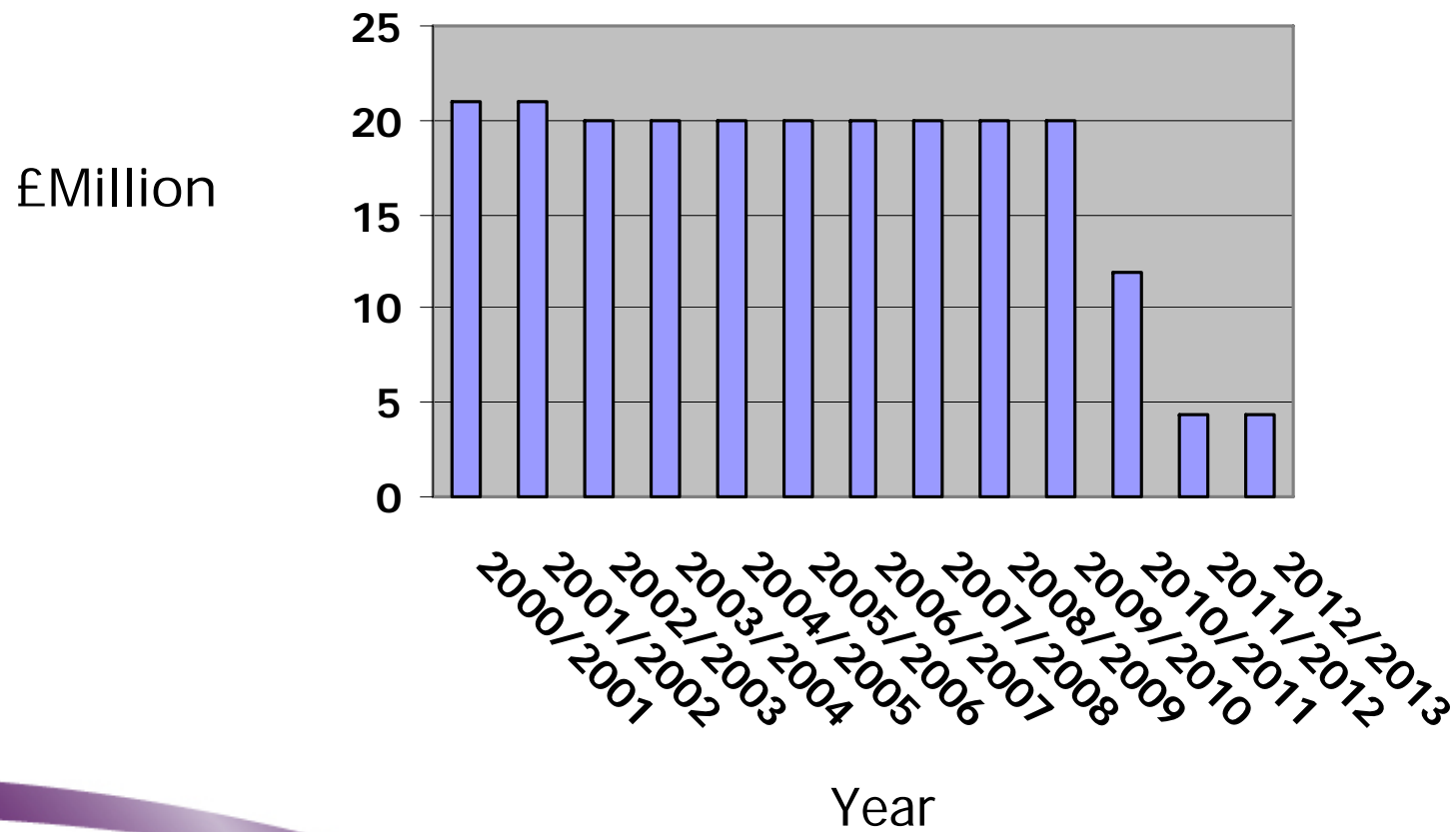


Has your Local Authority successfully gained funding under the Capital Grant Programme for remediation (Site has to be determined under Part2a)?

- a) Yes
- b) No

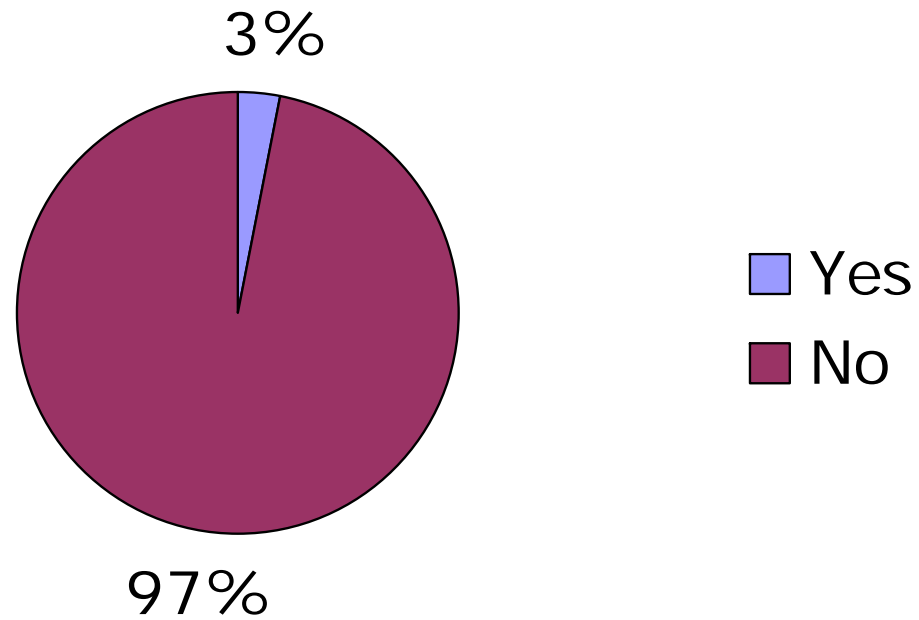


Capital Grant Programme for a Part2a –Budget 2000-2013



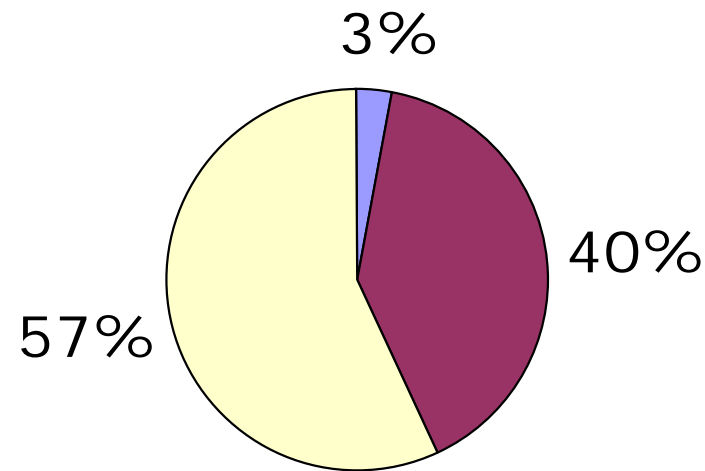
Has your Local Authority determined a site as contaminated land since April 2012?

- a) Yes
- b) No



Has your confidence in the effectiveness of the Part2a statutory regime changed since April 2012?

- a) I have become more confident
- b) No Change
- c) I have become less confident

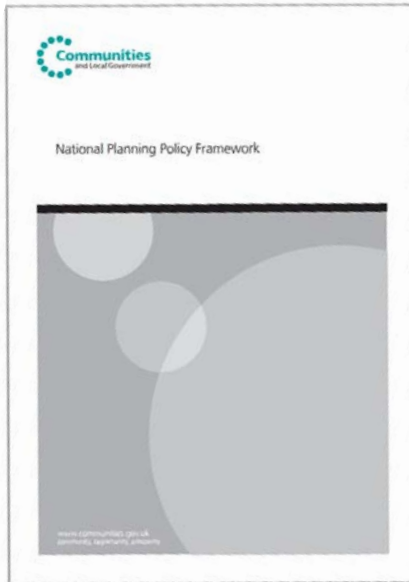


■ I have become more confident

■ No change

■ I have become less confident



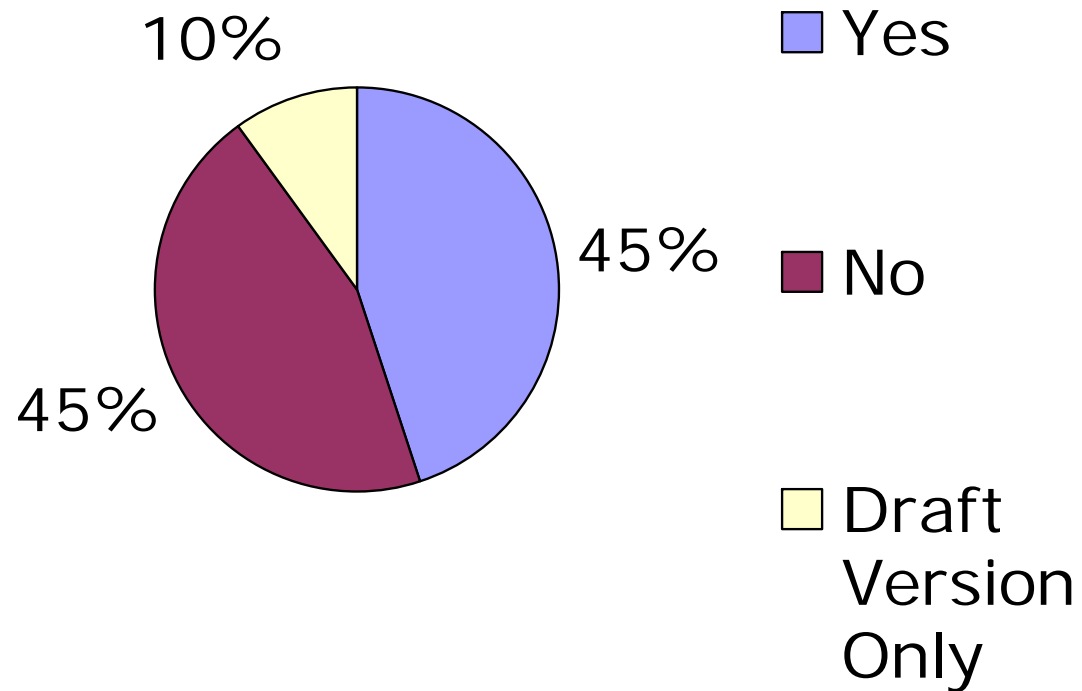


NPPF

Questions

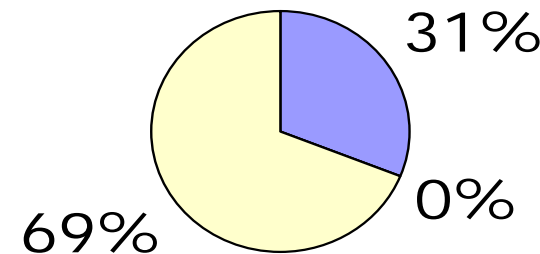
Since the publication of the NPPF in March 2012 and the withdrawal of PPS23 has your Local Authority produced or revised any guidance on planning and land contamination?

- a) Yes
- b) No
- c) Draft Version Only



If you answered 'Yes' to the previous question, please tick the relevant choice below with regards to the adoption of your planning/land contamination guidance.

- a) Adopted as Supplementary Planning Guidance
- b) Adopted as Planning Protocol
- c) Stand Alone Guidance (Not Adopted)

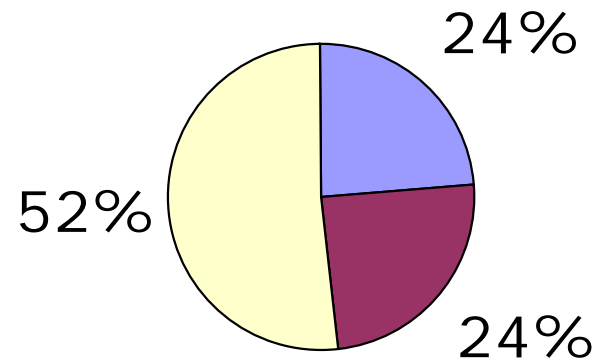


- Supplementary Planning Guidance
- Planning Protocol
- Stand Alone Guidance



Since the publication of the NPPF in March 2012 and the withdrawal of PPS23 has your Local Authority incorporated a specific planning policy relating to contaminated land into Local Plans*?

- a) Yes
- b) No
- c) Under consultation



■ Yes

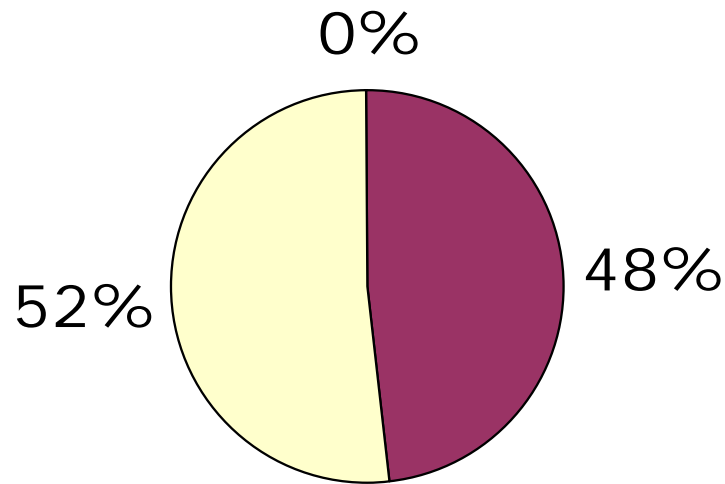
■ No

■ Under Consultation

* Sets out detailed planning policies in a local authority area

Has your confidence in the effectiveness of the planning regime (in relation to land contamination) changed since March 2012?

- a) I have become more confident
- b) No Change
- c) I have become less confident



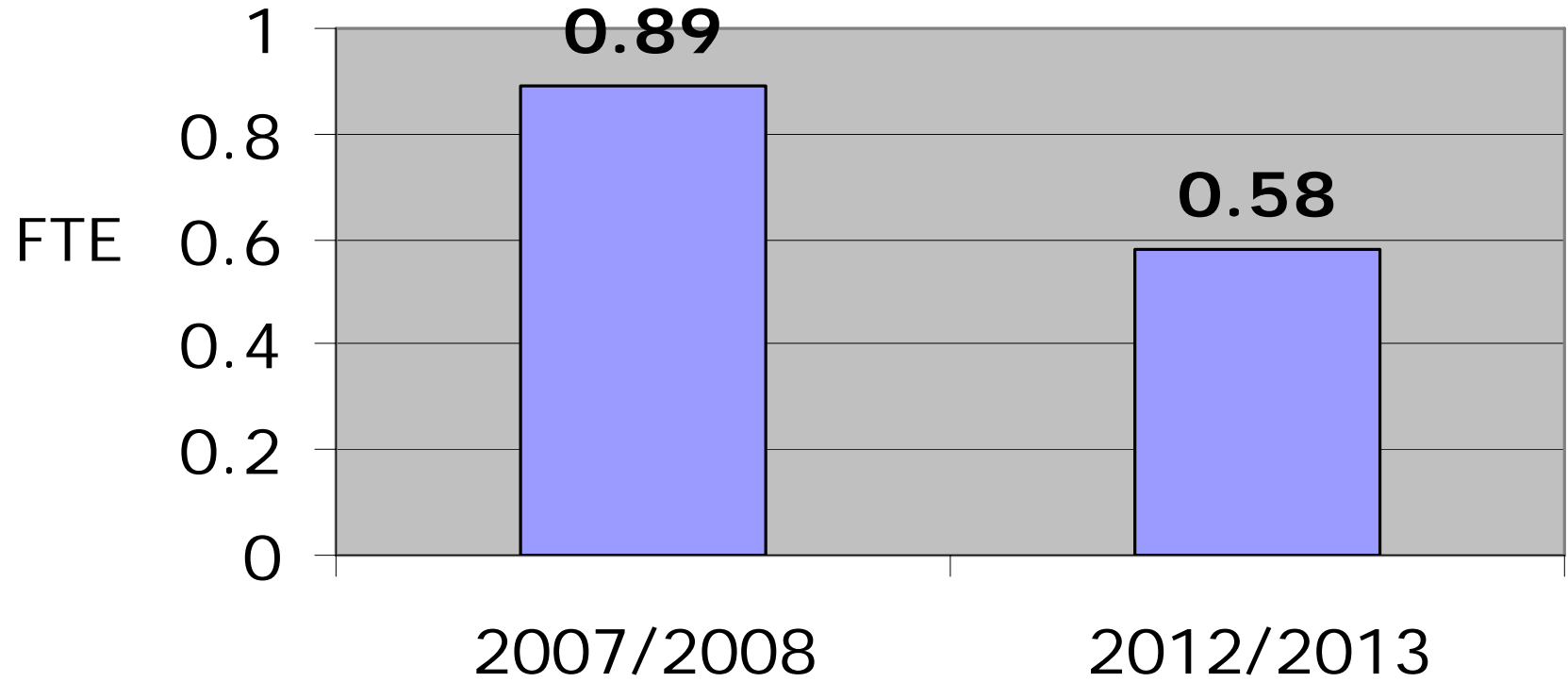
- I have become more confident
- No change
- I have become less confident



Funding/Resource Questions

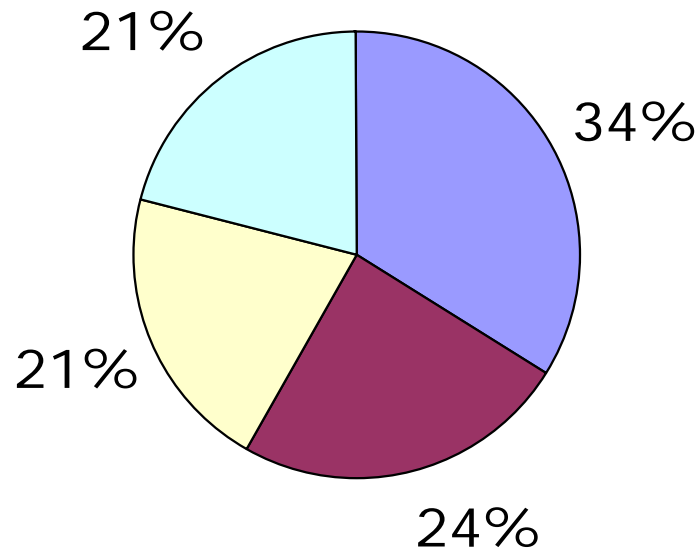


Please state the number of Full Time Equivalents (FTE) that work solely on contaminated land Part2a & Planning work in 2007/2008 and 2012/2013



Does your Local Authority have a budget for contaminated land in the financial year 2012/2013?

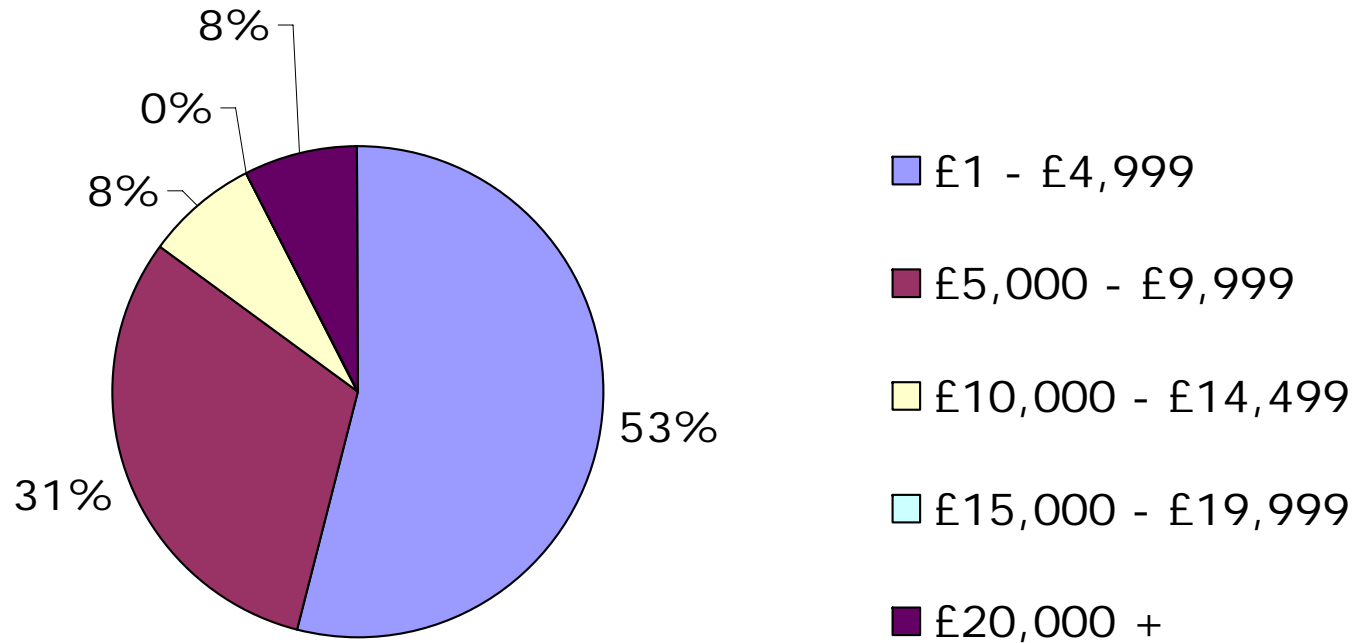
- a) Yes (ring fenced specific to contaminated land)
- b) Yes (not ringed fenced e.g. general Council pollution budget)
- c) No (but funds are available if required)
- d) No



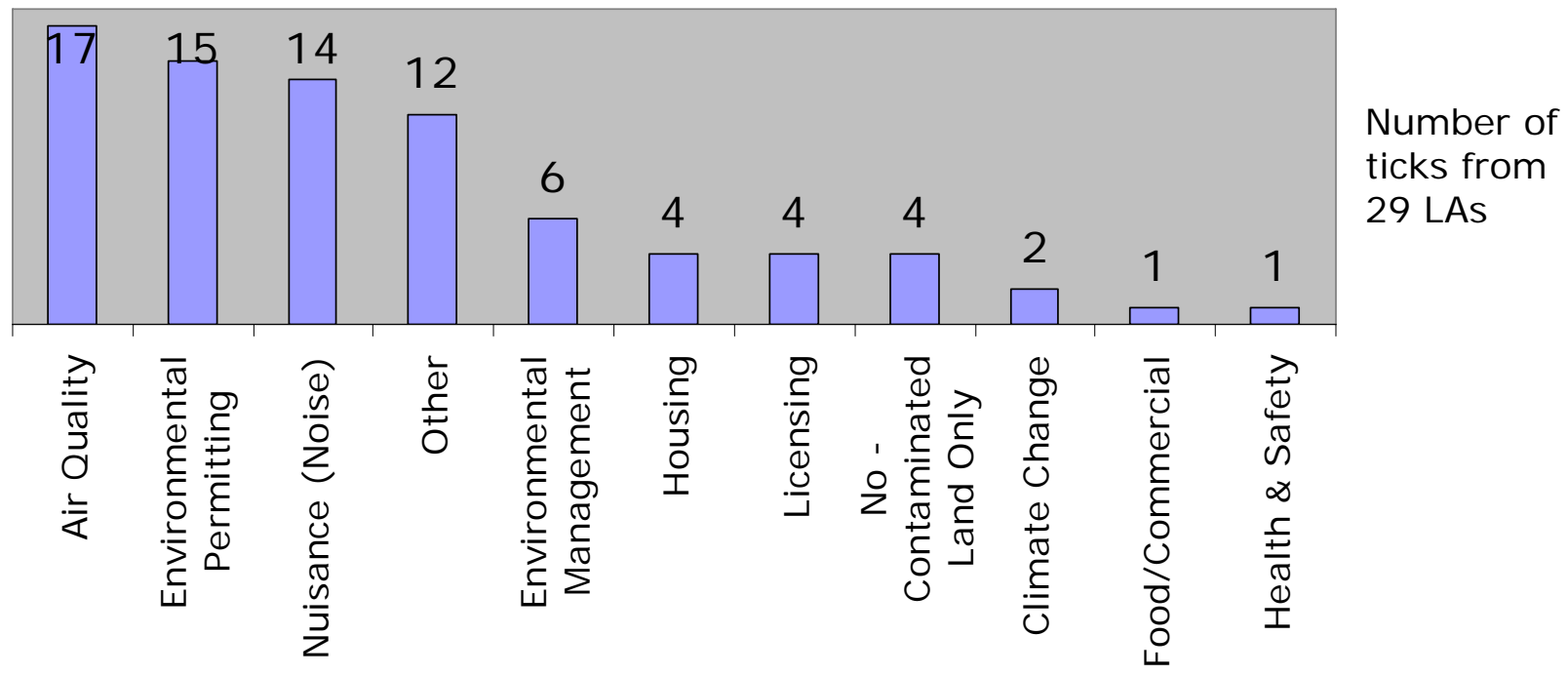
- Yes (ring fenced specific to contaminated land)
- Yes (not ringed fenced e.g. general Council pollution budget)
- No (but funds are available if required)
- No



**If you answered Yes (ring fenced)
to the above, please indicate below
your budget for 2012/2013?**



Does the officer who deals with contaminated land (Part2a/Planning) carry out any other duties for the Local Authority?



What are the main challenges that Local Authorities face when dealing with contaminated land?

Part2A

'Lack of decision making between Cats 2&3'

'Lack of BVPI means no incentive to managers to progress Part2A'

'Uncertainty of whether the DEFRA Capital Grant will continue'

'Lack of assistance from DEFRA regarding guidance (i.e templates for risk summaries etc)'

Planning

'Lack of understanding by Planning colleagues'

'Removal of PPS23'

'Need policies to add weight to our decisions'

Resources/Funding

'Lack of Resources' and 'Loss of Staff'

'CLO taken on other work such as Air Quality'

'Dedicated officers becoming rare'

'No training budget'


'Not classed as a Council priority'

**Thank you to all those that completed
the questionnaire....**

**So...How are we going to overcome
some of these challenges?**



Part2A

- Establishment of a National Advisory Group/Expert panel - To help LAs with decision making using the revised Guidance, with a particular focus on sites near the Category 2/3 border
 - DEFRA Category 4 Screening Levels Project (C4SL)– New generic screening levels – May 2013, establish levels below which LAs can conclude that land is definitely not contaminated (i.e. within Category 4)
 - DEFRA to provide Case Studies – examples of how to apply the Guidance
 - Use of Background Levels (DEFRA/BGS-2012)
- 

Planning

- Is new national guidance on its way? - Taylor review of Planning Guidance – Dec 2012

“Need guidance on noise, air, land, water (including the Water Framework Directive) and light pollution, important issues on which Government could set standards in order to ensure appropriate development.”

Lord Matthew Taylor of Goss Moor, Department for Communities and Local Government, December 2012

- LAs should by March 2013 have Local Plans that comply with the NPPF....and hopefully take into account land contamination!



West Suffolk Local Plan, new contaminated land planning policy that states-

'Development will not be permitted where there is an unacceptable risk...due to siting on land which is known to be or potentially affected by contamination or where the land may have a particular sensitive end use....

Proposals for development on or adjacent to land which is known to be or potentially affected by contamination; or land which may have a particular sensitive end use.....will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, and remediation proposals and implementation schedule prior to or as part of any planning application'



Funding/Resources

- Increase effectiveness by focusing on higher risk Part2A sites and not wasting time on lower risk sites
- Regional & County Groups – providing free training (ELQF)
- Shared Services – More resilient
- Area of very pro-active regulators
- Statutory Work
- Both the revised Part2a guidance and NPPF is less than a year old. We need to be patient, these changes are still very new!

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Case Study – Potential Use of C4SLs

Marcus Bell

