



**Cabinet**

**Tuesday, 14 May 2024**

**Revised Contaminated Land Inspection Strategy 2024-2029**

## **Report of the Director – Neighbourhoods**

### **Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis**

#### **1. Purpose of report**

- 1.1. The Strategy provided within Appendix A is a revision of the Council's Contaminated Land Inspection Strategy last reviewed in 2018.
- 1.2. It is a requirement for the Council to review its Contaminated Land Inspection Strategy periodically. In general, very little has changed since the last review. The Strategy proposes to primarily use the planning regime to investigate and remediate contaminated sites within the Borough.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet approves the Contaminated Land Inspection Strategy 2024 - 2029.

#### **3. Reasons for Recommendation**

The revised Strategy details how the Council will review the land within the Borough for contamination, reflecting the changes which have occurred.

#### **4. Supporting Information**

- 4.1. Contaminated land is land that poses a significant risk to people, underground waters, surface waters, ecological systems and property because of substances contained within it.
- 4.2. Local authorities are required by law to inspect their areas to identify contaminated land. If contaminated land is found, the Council must take steps to control the risks caused by the contamination. Essentially, the legislation is aimed at finding land which is so contaminated that it needs to be cleaned up in the interest of the public and the wider environment.
- 4.3. In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. With the changes in funding, investigation and remediation costs now fall entirely to the local authority except perhaps for emergency cases and even then, any financial help from DEFRA is subject to internal budget clearance and

the funds may simply not be available. The Council currently has no budget for undertaking contaminated land investigations for example soil samples.

- 4.4. The proactive investigation of contaminated land under Part IIA of the Environmental Protection Act 1990 will, therefore continue to be extremely limited. This Strategy proposes that the responsibility to fund the majority of such work will fall on the landowner and their insurance companies through the planning regime. It should be noted that the Council will continue to investigate reports of contamination which do occur from time to time. These will generally be resolved directly with the landowner, although in extreme cases the Council may need to take immediate and direct action, for example should the contamination arise on Council owned land.

## **5. Alternative options considered and reasons for rejection**

No alternative options considered. We are unable to carry out our statutory enforcement responsibilities without a Strategy being in place.

## **6. Risks and Uncertainties**

None other than where an emergency situation arises and remediation is required.

## **7. Implications**

### **7.1. Financial Implications**

There could be associated costs where an emergency situation arises and remediation is required. If this involves private land, action will be taken to recover the cost from the landowner. For Council owned land it would be necessary to utilise contingency budgets or in-year efficiencies. Staff costs are contained within existing budgets.

### **7.2. Legal Implications**

The legal implications are discussed broadly within this report and Appendix A. This Strategy seeks to ensure the Council meets its legal requirements to identify and remediate contaminated land within its area.

### **7.3. Equalities Implications**

An Equality Impact Assessment has been completed and no significant impact has been identified.

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

None identified.

## 7.5. Biodiversity Net Gain Implications

None identified.

## 8. Link to Corporate Priorities

The Environment	Ensuring the proper remediation of contaminated land has environmental benefits
Quality of Life	Ensuring the proper remediation of contaminated land supports the protection of public health
Efficient Services	None
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that Cabinet approves the Contaminated Land Inspection Strategy 2024 - 2029.

<b>For more information contact:</b>	Geoff Carpenter Service Manager – Public Protection 0115 914 8229 gcarpenter@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	Report to Cabinet 10 July 2018 ‘Revised Contaminated Land Strategy’
<b>List of appendices:</b>	Appendix A - Revised Contaminated Land Strategy 2024-2029 Appendix B – Equality Impact Assessment