



Cabinet

10 July 2018

Revised Contaminated Land Inspection Strategy

Report of the Executive Manager - Neighbourhoods

Cabinet Portfolio Holder for Community and Leisure: Councillor D J Mason

1. Summary

- 1.1. The Strategy provided within Appendix A is a revision of the Council's Contaminated Land Inspection Strategy last reviewed in 2010.
- 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. However in this period there has been a change in government policy and funding which is reflected in this 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 the contaminated land inspection strategy, as attached at Appendix A, be considered and approved

3. Reasons for Recommendation

- 3.1. The revised Strategy details how the Council will review the land within the Borough for contamination reflecting the changes in government policy that 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2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn.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. There is currently 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 now 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. In such circumstances it has been necessary to call on Council reserves.

5. Other Options Considered

- 5.1 This review enables the Council to fulfil its statutory obligations in light of the changes that have occurred since the last review in 2010. The only option would be not to carry out a review which would mean that these changes would not be taken into account.

6. Risk and Uncertainties

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

7. Implications

8. Finance

- 8.1 None other than where an emergency situation arises where remediation is required. If this involves private land, action will be taken to recover the cost from the landowner. For council owned land funding will be made available from reserves.

8.2 Legal

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.

8.3 Corporate Priorities

This strategy assists the Council to meet its Corporate Priorities by “*maintaining and enhancing our residents quality of life*”.

For more information contact:	Dave Banks Executive Manager – Neighbourhoods. 0115 914 8438 dbanks@rushcliffe.gov.uk
Background papers Available for Inspection:	None.
List of appendices (if any):	Appendix A – Contaminated Land Inspection Strategy 2018-23