

ITEM NO. 11

REPORT TO THE COUNCIL MEETING OF 28th JANUARY 2019

Meeting: Council
Date: 28th January 2019
Subject: Contaminated Land Strategy Framework Document
Report of: Elaine Bird Regulatory Services Manager
Portfolio Holder: Cllr Bateman
Status: For adoption
Relevant Ward(s): All Wards

1 Purpose Report

1.1 To seek approval of the revised Contaminated Land Strategy Framework Document following public consultation.

2 Recommendations:

2.1 It is recommended that:

2.1.1 **Members approve the revised Contaminated Land Strategy Framework Document as set out in Appendix A.**

3 Summary of Reasons for the Recommendations

3.1 The Contaminated Land Strategy Framework Document provides a framework for the Council to prioritise site investigation and remediation of contaminated sites in the District.

3.2 The existing strategy was adopted in 2002 and subsequently reviewed in 2008.

3.3 At the meeting of the Executive Committee on the 12 March 2018, members approved that the draft Contaminated Land Strategy Framework Document as set out in Appendix A should be subject to a period of public consultation running from 30th April to 25th June 2018.

3.4 One minor representation was received during the consultation period which did not have a material impact on the contents of the strategy.

4 Impact on Communities

- 4.1 The Contaminated Land Strategy Framework Document sets out the Council's inspection arrangements and procedures for dealing with contaminated land and provides the justification and transparency for the Council's approach on how it will inspect its area.

5 Key Facts

- 5.1 The Environment Act 1995 introduced provisions into "Part IIA of the Environmental Protection Act 1990" to secure the remediation of land identified as contaminated. These provisions came into force in April 2000 and gave district councils the primary regulatory role for dealing with contaminated land. In accordance with its duty under this legislation Harborough District Council published the Contaminated Land Strategy in January 2002 setting out how it is intended to:

- Identify potentially contaminated sites and prioritise them for further inspection.
- Inspect the sites to establish whether they should be formally determined as "Contaminated Land" as defined in legislation.
- Manage the remediation of "Contaminated Land" sites through voluntary means or enforcement action.

- 5.2 The strategy was reviewed in 2008 and the Executive Committee on 12 March 2018 approved the draft revised Contaminated Land Strategy Framework Document for public consultation.

- 5.3 The consultation process ran from the 30th April to 25th June 2018. One representation was received during the consultation period from Public Health England (PHE) in relation to a change of name from the Health Protection Agency (HPA) and confirmation that whilst background arsenic levels associated with ironstone should not be considered under the contaminated land regime, their presence would still be a planning consideration. These were minor comments and did not materially impact the contents of the document however the necessary amendments have been made to the final document as set out in Appendix A.

6 Legal Issues

- 6.1 It is a statutory duty for the local authority to publish a strategy for carrying out an inspection of its area to identify land which has the potential to be contaminated and where contaminated sites are identified, how the land will be remediated so not to pose a risk to health or the environment.

- 6.2 The strategy needs to be periodically reviewed to ensure that it is fulfilling the Council's statutory duty. The next full strategy review will be undertaken within 10 years of the publication of this document with an interim review within 5 years of publication.

7 Resource Issues

- 7.1 There is existing budget provision for the initial investigation of potentially contaminated sites. Where problems are identified and more intrusive investigation and remediation are required significant expenditure can be incurred. At this stage it is not possible to quantify any potential expenditure however the local authority can bid for funding from DEFRA for intrusive investigation work and remediation costs where a detailed investigation has been carried out. However it must be noted that funding via this method is not guaranteed.

8 Equality Implications

- 8.1 An Initial Equality Impact Assessment was completed when the strategy was reviewed in 2008. The current strategy is only available in English but could be made available for people who do not speak English or are visually impaired on request. Do to the lack of responses to the consultation document it has not been possible to collect any additional equality data to demonstrate any impact against any of the protected groups.

9 Impact on the Organisation

- 9.1 There are no impacts on the organisation in relation to this report.

10 Community Safety Implications

- 10.1 There are no impacts on Community Safety in relation to this report.

11. Carbon Management Implications

- 11.1 None identified in relation to this report.

12. Risk Management Implications

- 12.1 The prioritisation methodology set out in the strategy has been developed to give priority to particular areas of land that it considers most likely to pose the greatest risk to human health or the environment. The statutory guidance says that the enforcing authority should take a precautionary approach to the risks raised by contamination and not take a disproportionate approach based on the local circumstances. Based on this and on the information available to date on the sites with the highest scores the Council does not intend to commence any intrusive investigation but will enter into dialogue with the landowners to make them aware of the potential for contamination. If further information comes to light on any site, the Council will reassess based on local circumstances.
- 12.2 Failure to review the strategy could mean that the Council is failing in its legislative duties to adhere to current guidance and potentially contaminated

sites could be overlooked or incorrectly prioritised which could potentially have a direct impact upon human health.

13 Consultation

13.1 The public consultation process ran from 30th April to 25th June 2018 and one representation was received from Public Health England in relation to a minor amendment required to the strategy which did not have a material impact on the document.

14 Options Considered

14.1 Whilst there is no legal timeframe for reviewing a Contaminated Land Strategy Framework Document, it is considered appropriate to undertake a periodic review. A full review of the strategy will be undertaken every ten years, with an interim assessment every five years to ensure that the inspection strategy is up to date and reflects current practice and guidance. Consideration was given to review the strategy on a more or less frequent basis however as there is capacity within the document to amend the detailed inspection ranking in light of new information becoming available it was felt that this would not be necessary.

15 Background Papers

15.1 Report to the Executive Committee on the 12th March 2018

Previous report(s):

Information Issued Under Sensitive Issue Procedure: N/A

Ward Members Notified: N/A

Appendices:

Appendix A – The Contaminated Land Strategy Framework Document.