

REPORT

SUBJECT: CONTAMINATED LAND INSPECTION STRATEGY
DIRECTORATE: SOCIAL CARE & HEALTH
MEETING: CABINET
DATE: 6th September 2017
DIVISIONS/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the Council's proposed Contaminated Land Inspection Strategy 2017.

2. RECOMMENDATIONS:

- 2.1 Members agree the proposed Contaminated Land Inspection Strategy 2017 (Appendix A) and its implementation.

3. KEY ISSUES:

- 3.1 The Authority has duties under Part 2A of the Environmental Protection Act 1990 to inspect its area for contaminated land in line with statutory guidance, which includes the development of an inspection strategy. In 2002 the Council approved a Contaminated Land Inspection Strategy setting out its plans for identifying potentially contaminated land and prioritising any identified sites for remediation action.
- 3.2 Revised statutory guidance was provided by Welsh Government in 2012. This did not fundamentally change the inspection responsibilities of the Local Authority but 'fine – tuned' previous guidance and required Strategies produced in accordance with previous versions to be updated or replaced to reflect current guidance.
- 3.3 A report to Cabinet in June 2016 included a summary of the work undertaken to date to meet the Authority's inspection responsibilities and presented options for updating the Inspection Strategy. Members resolved to adopt the option of dealing with land contamination through the planning regime as the Authority's future approach.
- 3.4 The proposed Inspection Strategy has been revised accordingly and explains how the Authority will implement the contaminated land regime as required by Part 2A of the Environmental Protection Act 1990 and in accordance with the 2012 statutory guidance. The strategy has regard to the Authority's Single Integrated Plan 2013-2017 and supports the vision and themes of this Plan.
- 3.5 Although not statutory consultees Welsh Government and Natural Resources Wales have been consulted on the proposed Inspection Strategy. Appropriate amendments have been made to reflect comment from Welsh Government to include an overview of how the Strategy helps deliver the key goals of the Well-being of Future Generations Act 2015.
- 3.6 In accord with statutory guidance the Strategy should be periodically reviewed to ensure it remains up to date. It is for the Authority to decide when this should be. In line with recommended good practice it is proposed to review the Strategy in five years (2022) or otherwise in response to changes in relevant legislation or guidance.

4. REASONS:

- 4.1 The authority has a duty to inspect its area for contaminated land in line with statutory guidance. The 2012 guidance requires Strategies produced with regard to previous versions of guidance to be updated or replaced.

5. RESOURCE IMPLICATIONS:

- 5.1 The Strategy is based on the approach agreed by Cabinet in June 2016 of dealing with land contamination through the planning regime. This has been the approach followed since 2012. The costs of this will be absorbed within existing staff resources.
- 5.2 A matter may arise that requires a 'Detailed Inspection' outside the 'planning regime' approach, for example where evidence is found of contamination that is causing, or has the potential to cause, significant harm. It should be noted that costs could potentially be significant, and should such an event occur it would be likely to result in a report to Cabinet to consider.

6 Future Generations Evaluation:

- 6.1 The Future Generations Evaluation, including equalities and sustainable impact assessments, is provided in Appendix B. The revisions have a positive impact for the reasons provided.

7. CONSULTEES:

SLT

Cabinet Members

Chairs of Select Committees

Monitoring Officer and Head of Legal Services

Head of Finance

Head of Community Led Delivery

Estates Manager

Results of Consultation

No adverse comments have been received from internal consultation. As provided in 3.5 of the report Welsh Government comment has been reflected in the Inspection Strategy.

8. BACKGROUND PAPERS:

Cabinet Report 'Contaminated Land Inspection Strategy' 8th June 2016.

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