

## REPORT

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| <b>SUBJECT:</b>                 | <b>CONTAMINATED LAND INSPECTION STRATEGY</b> |
| <b>DIRECTORATE:</b>             | <b>REGENERATION AND CULTURE</b>              |
| <b>MEETING:</b>                 | <b>CABINET</b>                               |
| <b>DATE:</b>                    | <b>1ST FEBRUARY, 2012</b>                    |
| <b>DIVISION/WARDS AFFECTED:</b> | <b>All</b>                                   |

### 1. Purpose:

1.1 To consider the Authority's Contaminated Land Inspection Strategy.

### 2. Recommendations:

2.1 Note the content of the attached report entitled '*Monmouthshire County Council's Contaminated Land Inspection Strategy – Progress Report*', December 2011

2.2 Defer progress of the existing inspection strategy until a revised strategy is developed.

2.3 To receive a future report, to enable consideration of a revised inspection strategy following the publication of revised statutory guidance.

2.4 Adopt as formal policy the current approach of consultation between Development Control and Environmental Health Sections with respect to developments on potentially contaminated land.

### 3. Key Issues:

3.1 The authority has duties under Part 11A 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. A report in January 2009 provided a revised and detailed work programme for implementing this strategy. A further report was considered in November 2009 and members requested future updates.

3.2 The attached report provides a summary of progress since that time and members' attention is drawn to the following key points:

- 2480 potentially contaminated sites in the authority have now had an initial desk top risk assessment, which has enabled sites to be placed into risk category bands.
- Identifying these potentially contaminated sites enables effective consultation between the Development Control Section and Environmental Health with respect to potential developments in areas of concern requiring, for example, investigation or remediation works to be undertaken by the developer.
- Since 2005 Welsh Government has provided Capital Support to local authorities to fund intrusive investigations at potentially contaminated sites and towards the cost of remediation. This funding stopped in April 2011.
- There are potentially very significant resource implications for the Council in funding any further progress in the programme of identifying whether or not the high risk sites are contaminated.

- If a site is identified as contaminated, the land would have to be declared as 'Contaminated Land' and placed on public register. The legislation allows for the Council to serve notice on the original polluter to require remediation, but in the quite likely event of the company no longer being in existence, the options remaining would be to serve notice on the current property owners to remediate or for the council to undertake the work. Remediating land is very expensive typically costing around £250,000 per hectare, although the costs do vary widely according to the nature of the site.

3.3 In developing its Inspection Strategy the Authority is obliged to follow statutory guidance. Welsh Government has indicated its intention to revise existing Statutory Guidance on contaminated land and published public consultation in December 2010. WG advises that it is not planning major changes to the regime, more a case of fine tuning existing guidance. However, authorities will be expected to update their strategies to ensure they are in line with the revised guidance.

3.4 In view of the current resource implications for progressing MCC's Inspection Strategy programme, it would be prudent to await this revised Guidance before consideration of a revised Contaminated Land Strategy.

#### **4. Reasons:**

4.1 Members previously requested an updated progress report.

4.2 The financial implications of the current strategy are potentially significant, particularly in the light of Welsh Government having withdrawn funding.

4.3 New statutory guidance to which the authority must have regard is imminent.

4.4 It is important that information held by the Council on potentially contaminated land is consulted and acted upon at the time of any planning application.

#### **5. Resource Implications:**

5.1 The recommendations of this report do not have any financial implications. However, members are asked to note potential implications of options contained within the progress report and these options will need to be considered at a future date, possibly as future budget pressures.

#### **6. Sustainable Development and Equality Impact Implications:**

6.1 The recommendations within this report are not considered to have any Equality Impact implications.

6.2 The development of a contaminated land strategy has implications for sustainable development. In particular, the identification of potentially contaminated sites makes a +ve contribution by helping ensure that such sites are not developed without contamination issues being addressed. The potential impact of future decisions regarding the authority's approach in the light of anticipated revised guidance will need to be considered at that time.

#### **7. Consultees:**

Corporate Management Team  
 Cabinet Members  
 Chairs of Select Committees  
 Head of Legal Services  
 Head of Finance  
 Head of Public Health & Culture  
[Equality@monmouthshire.gov.uk](mailto:Equality@monmouthshire.gov.uk)

**8. Results of Consultation:**

No adverse comments received.

**9: Background Papers:**

- Attached Report:- Monmouthshire County Council's Contaminated Land Inspection Strategy – Progress Report December 2011

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