

To: **Executive**
15 November 2022

Contaminated Land Inspection Strategy
Executive Director of Delivery

1 Purpose of Report

- 1.1 To provide an updated local strategic framework and guidance in order to enable the Council to discharge the duties placed on it by the Environmental Protection Act 1990 in relation to contaminated land.

2 Recommendation

- 2.1 That the updated Contaminated Land Inspection Strategy, attached at Appendix 1, be approved.

3 Reasons for Recommendation

- 3.1 This recommendation provides an updated version of the strategy in order to ensure the Council's approach remains current.

4 Alternative Options Considered

- 4.1 To continue with the existing strategy.

5 Supporting Information

- 5.1 The current contaminated land strategy was approved by the Council in 2012. The legislation requires periodic reviews of contaminated land in the Borough. The Overview and Scrutiny Commission received a report reviewing progress in relation to contaminated land in 2017.
- 5.2 The proposed updated document consists of minor layout changes and updates to references to the legislation where appropriate. No significant changes to the Council's overall strategy have been made.
- 5.3 Under the contaminated land regime BFC has two roles: firstly, to undertake an assessment of its area for contaminated land through a strategic approach and, secondly, where contaminated land posing an unacceptable risk to health/environment is identified, to ensure the contamination is remediated to reduce that risk to an acceptable level. The Council has carried out an assessment of the Borough and taken appropriate action regarding contaminated land where appropriate. The planning process has been and continues to be the main route for achieving remediation of contamination at sites that are subject to redevelopment.
- 5.4 Addressing the issues of contaminated land is not a short-term project and BFC continues to ensure that a long-term approach is adopted. The history of industry and development in the Borough does not lend itself to the creation of numerous high-risk sites of contaminated land. Through the approach detailed in this strategy document BFC continues its commitment to ensuring that all potentially contaminated

sites receive a clear, efficient and all-encompassing assessment and appropriate action, where required, in response.

6 Consultation and Other Considerations

Legal Advice

- 6.1 It is a statutory requirement that Local Authorities have a Contaminated Land strategy in place under Part 2A of the Environmental Protection Act 1990 to deal with identification and remediation. The duties were implemented by The Contaminated Land (England) Regulations 2000 – now updated to 2006, supported by Part 2A Contaminated Land Statutory Guidance. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.
- 6.2 The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are: (a) To identify and remove unacceptable risks to human health and the environment. (b) To seek to ensure that contaminated land is made suitable for its current use. (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

Financial Advice

- 6.3 There are no other costs mentioned/referred to and therefore no financial implications for the council.

Other Consultation Responses

- 6.4 Planning has been consulted and incorporated some amendments to the text.

Equalities Impact Assessment

- 6.5 There are no significant equalities issues associated with this strategy albeit that young children are more likely to be adversely impacted by exposure to any given level of contamination.

Strategic Risk Management Issues

- 6.6 The strategy makes a significant contribution to protecting the public from exposure to contamination and to minimizing environmental harm.

Climate Change Implications

- 6.7 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂. The reasons the Council believes that this will have no impact on emissions is that the strategy is unlikely to make much difference to CO₂ emissions but the management of methane emissions from gassing landfills is likely to have a positive impact on the environment.

Background Papers

Previous Strategy and Relevant Legislation.

Appendices

Appendix 1 – Draft Strategy

Contact for further information

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