



COTSWOLD DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 7 OCTOBER 2019
Report Number	AGENDA ITEM 8
Subject	REVISED CONTAMINATED LAND INSPECTION STRATEGY
Wards affected	ALL
Accountable member	Councillor Andrew Doherty, Cabinet Member for Waste, Flooding and Environmental Health Tel: 07879 692429 Email: andrew.doherty@cotswold.gov.uk
Accountable officer	Philip Measures, Service Leader (Operational, Technical and Pollution Services) Tel: 01993 861376 Email: Philip.Measures@publicagroup.uk
Summary/Purpose	To approve and publish a revised Contaminated Land Inspection Strategy having regard to current statutory guidance.
Annexes	Annex A – Contaminated Land Inspection Strategy for the Cotswolds
Recommendation/s	Please write recommendations using letters and italics as below. a) <i>That the Cabinet approves the report.</i> b) <i>That the report be published on the Council's web site.</i>
Corporate priorities	Cotswold District Council's Corporate Strategy for 2016-2019: <i>Protect and enhance the local environment whilst supporting economic growth</i>
Key Decision	No
Exempt	No
Consultees/ Consultation	List any consultees or consultation that has taken place. Consultation has taken place with: Internal (Land, Legal and Property) Environment Agency Neighbouring local authorities (County, Cheltenham Borough Council, Forest of Dean District Council, South Gloucestershire Council, Stratford-on-Avon District Council, Stroud District Council, Swindon Borough Council, West Oxfordshire District Council, Wiltshire Council Public Health England

1. BACKGROUND

- 1.1.** Since April 2000 Part IIA of the Environmental Protection Act 1990 has required local authorities to produce a written inspection strategy to identify areas of contaminated land in their districts. The Council's original contaminated land inspection strategy was agreed by Cabinet in 2001 and was last reviewed and amended in 2011.
- 1.2.** The 2019 revised strategy details how the Council intends to implement the contaminated land regime from 2019 to 2024, taking into account DEFRA's Contaminated Land Statutory Guidance 2012, which requires councils to review their strategies from time to time.
- 1.3.** Environmental and Regulatory Services is responsible for implementing the Council's Contaminated Land Inspection Strategy and for undertaking its enforcement duties.
- 1.4.** The Council is the lead regulator on contaminated land but, whenever necessary, the Council will work in partnership with the Environment Agency, other external agencies and stakeholders in dealing with the issues of identification and remediation of contaminated land.
- 1.5.** Since the adoption of the original Contaminated Land Inspection Strategy there have been a number of revisions to the statutory guidance and government policy relating to contaminated land. In addition, constraints have emerged such as the removal of government funding for investigation and remediation work together with the reduced support for local authorities from the Environment Agency. These constraints will impact on how the Council fulfils its statutory duties. This new report addresses these national changes.

2. MAIN POINTS

- 2.1.** The strategy outlines the steps the Council is taking and has taken to meet the statutory requirements of Part IIA of the Environmental Protection Act 1990 and as laid down in DEFRA's Contaminated Land Statutory Guidance of April 2012.
- 2.2.** The aims of the strategy tie in with the Council's priorities contained within the Council's "Corporate Strategy 2016 – 2019". One of the priorities is "*Protect and enhance the local environment whilst supporting the economic growth*" whilst a key objective is to "*Conserve and enhance the natural, built and historic environment*".
- 2.3.** The Local Authority's duties, undertaken as a consequence of the contaminated land regulatory system, will contribute to these by seeking to ensure that the land on which we live, water which we drink and air which we breathe does not pose any unacceptable risk to our health, property, lakes, rivers, groundwater and our ecological systems.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no immediate financial implications of the adopted strategy.
- 3.2. The revised strategy has not identified any further sites that require proactive investigation and confirms that the planning system will continue to play the dominant role in dealing with sites that are affected by contamination within the District.
- 3.3. However there remains a financial risk of dealing with urgent sites where no liable persons can be identified as the Government's Contaminated Land Capital Grants programme was withdrawn in March 2017. This is not new, and has been an obligation that has existing since the introduction of the legislation in 2000.

4. LEGAL IMPLICATIONS

Current statutory guidance requires both the provision and revision of a relevant Contaminated Land Inspection Strategy. By retaining the 2011 strategy the Council will fail to fulfil its statutory obligation in this respect.

5. RISK ASSESSMENT

There are no new risks associated with the revised Contaminated Land Inspection Strategy or with the recommended decision, which is essentially fulfilling the requirements of environmental legislation and guidance.

6. EQUALITIES IMPACT

- 6.1. It is considered that this Council's approach to contaminated land will have a positive impact for all local residents.
- 6.2. The Equality Act 2010 sets out the Public Sector Equality Duty. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.3. The proposed action has been reviewed against the protective characteristics and it is considered that there will not be any specific adverse impact on any of the groups.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1. There are no implications in relation to climate change

8. ALTERNATIVE OPTIONS

- 8.1. Do nothing and retain the current published Contaminated Land Inspection Strategy 2011, contrary to statutory guidance.

9. BACKGROUND PAPERS

- 9.1. None