



REPORT FROM:	HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICES MANAGER
TO:	EXECUTIVE
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CONTAMINATED LAND STRATEGY 2015-2020

PURPOSE OF REPORT

To inform the Executive of the updated Contaminated Land Strategy.

RECOMMENDATIONS

- (1) That Council be recommended to adopt the Contaminated Land Inspection Strategy to ensure that the council continues to meet its statutory duties under Part IIA of the Environmental Protection Act 1990.
- (2) That the Contaminated Land Officer be authorised to make minor or technical changes to the Contaminated Land Inspection Strategy to ensure that it is up to date.

REASON FOR RECOMMENDATIONS

The strategy is required to undergo periodic review and updating as and when required. Changes to statutory guidance and the Government's Contaminated Land Capital Grant Funding Scheme have necessitated an update to this strategy at this time.

SUMMARY

The contaminated land inspection strategy outlines the council's duties in dealing with potentially contaminated land. This strategy is an update to our current strategy, published in 2009.

The strategy has been updated with regard to recent changes to the statutory guidance and reduction/abolition of central government grants programme.

The strategy is proposed to run from 2015-2020, with a full review scheduled in 2020, unless any significant changes to council/government policy or guidance necessitates a review sooner. It is proposed that any minor or technical revisions to the strategy are made under delegated powers to the Contaminated Land Officer with any significant revisions remaining subject to approval by the Executive. This revision is considered a significant revision.

STATUTORY POWERS

Part IIA of the Environmental Protection Act 1990 requires local authorities to prepare, maintain and periodically review their contaminated land strategy. The strategy aims to detail how Pendle Borough Council will investigate and manage contaminated land issues in their area.

BACKGROUND

The council is required to have in place a contaminated land strategy. The strategy is required to undergo periodic review and updating when required. Changes to statutory guidance and the Government's Contaminated Land Capital Grant Funding Scheme have necessitated an update at this point in time.

The strategy details how the council will prioritise, investigate, manage and remediate (if required) contaminated land sites in our borough.

This strategy is updating our existing strategy which was last published in 2009.

KEY INFORMATION

The contaminated land inspection strategy is split into 8 chapters. Each section is discussed in turn below.

Chapter 1 - Introduction & Overview

Provides a brief background to the overarching national objectives of the contaminated land regime, an outline of the relevant legislation and an explanation of the technical terminology used.

It also highlights how the strategy links to other Council policies as well as summarizing the roles and responsibilities of local authorities and the Environment Agency.

Chapter 2 – Aims & Objectives

A brief section on the aims, objectives and priorities of the strategy.

Chapter 3 – Characteristics of Pendle

A detailed overview of the geography, demographics, land use, industrial heritage, protected areas and buildings, water resource issues, information on the hydrology, hydrogeology and geology of the area and general information on known contamination in the borough.

Chapter 4 – Contaminated Land in Pendle

A brief overview of how Environmental Health has identified potentially contaminated sites, how this information is managed and recorded.

Chapter 5 – The Contaminated Land Regime

Provides the definition of what is considered to be contaminated land, outlines the principles behind identifying a contaminant linkage, explains what ‘Significant Harm’ or the ‘Significant Possibility of Harm’ is, explains SPOSH, provides an overview of the statutory procedures in determining that land is contaminated, outlines categories of contaminated land and other principles (such as risk assessment) and how the regime overlaps with other regulatory frameworks.

Chapter 6 – Determination of Contaminated Land

Summarises the decision-making process behind a contaminated land determination, how interested parties are identified, where liabilities lie and how costs are apportioned, how the enforcement procedure works and what remediation options are available.

Chapter 7 – Information Management

Covers how contaminated land data is handled, recorded and how it is accessed, what the role Environmental Information Regulations might be, how the Data Protection Act is involved and what the Contaminated Land Register is.

Chapter 8 – Implementing the Strategy

Outlines the various mechanisms available to the Council to implement the strategy.

IMPLICATIONS

Policy:	The strategy is aligned with and contributes towards a number of existing policies.
Financial:	<p>The Contaminated Land Inspection Strategy has the potential to give rise to financial implications for the council. The council has a duty to investigate contaminated land in the borough nonetheless.</p> <p>The strategy has been updated to reflect the challenging financial times ahead. The strategy aims to discharge our statutory duties sufficiently but also not give rise to burdening the council with financial debt.</p> <p>Central government contaminated land investigation grants are no longer available. Any investigation costs would solely be borne by the council at this time.</p>
Legal:	None arising directly from this report

- Risk Management:** There are no perceived risk management issues with the strategy to consider as it is very similar in nature to our current strategy. The strategy has been developed in accordance with the statutory guidance; our actions under this strategy are bound by this guidance and relevant legislation.
- Health and Safety:** None arising directly from this report
- Sustainability:** The strategy contributes towards the sustainability agenda
- Community Safety:** None arising directly from this report
- Equality and Diversity:** The strategy has been completed with full regard to statutory guidance. As a result it is deemed to be fit for purpose.

APPENDICES

Pendle Borough Council Contaminated Land Strategy 2015-2020
<http://www.pendle.gov.uk/meetings/meeting/2084/executive>