
TITLE: REVIEW OF THE CONTAMINATED LAND INSPECTION STRATEGY 2011

Committee: Regulatory and Support Services Committee

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[R269]

1.0 ISSUE

1.1 The purpose of this report is to introduce Members to the updated Contaminated Land Inspection Strategy 2017.

1.2 To seek formal adoption of the new document, so that it can be made available to the public, businesses, developers and other interested parties and be published on the Council's website.

2.0 RECOMMENDATION(S)

2.1 That the committee be recommended to approve the attached Contaminated Land Inspection Strategy 2017 (Appendix 1).

3.0 BACKGROUND/OPTIONS

3.1 Under Part 2A of the Environmental Protection Act 1990 the statutory definition of contaminated land is:

'...land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that -

- Significant harm is being caused or there is a significant possibility of such harm being caused; or
- Pollution of controlled waters is being, or is likely to be, caused.'

Statutory guidance has been issued concerning this definition (Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance. April 2012).

3.2 The Council has a range of responsibilities with respect to contaminated land. Firstly, the Council regulates potentially contaminated sites through the planning process. The Council attaches conditions to the planning permissions of sites which are potentially contaminated. The majority of the contaminated sites are dealt with in this manner.

- 3.3 The Council also has statutory responsibilities to review the potentially contaminated sites in their district and prioritise them in terms of what risk to human health and possibly controlled waters they are currently posing. From the outcome of this, the Council will pursue existing sites, according to this prioritisation, and encourage (or enforce, if necessary) clean-up works of that particular site.
- 3.4 Local Authorities are the primary enforcers of the Part 2A legislation and as such the Council is required to prepare and publish an inspection strategy for the identification of contaminated land within the District.
- 3.5 The Council originally adopted an inspection strategy in 2001. This was updated in 2011 and requires a further update in order to maintain relevance to current regulatory regimes and planning policies.
- 3.6 The 2017 strategy explains how the Council prioritises its inspection procedures whilst developing and maintaining an overall approach that is relevant to the associated risk. Key elements of the strategy are:
- 1) To comply with the legal requirements placed on the Council by Part 2A.
 - 2) To maintain a Register of all the land in the District that falls within the description of “contaminated land” as defined in Part 2A.
 - 3) To ensure that land identified as contaminated land is remediated and keep records of the remediation in the Contaminated Land Register.
 - 4) To encourage owners of contaminated land that is due to be redeveloped to carry out voluntary remediation through the planning process.
 - 5) To encourage the re-use of Brownfield sites in order to maximise the use of previously developed land, to reduce the pressure on Greenfield sites and to preserve the Green Belt in general.
 - 6) The most serious problems are addressed first, concentrating resources on areas where contaminated land is most likely to be found.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 Since the adoption of the 2011 version of the Council’s Contaminated Land Inspection Strategy DEFRA has reviewed the Part 2A regime in its entirety. It found that the primary legislation is fit for purpose but has issued revised Statutory Guidance in April 2012 with a view to making the process of identifying contaminated land simpler, more flexible and less open to challenge.
- 4.2 The revised Statutory Guidance introduced a new 4 category classification system to assist local authorities in deciding whether there is a significant possibility of significant harm to human health. Land classified in categories 1 or 2 would encompass land which is capable of being determined as contaminated land under the Act, whilst land in categories 3 and 4 would not fit the definition of contaminated land. The test for contaminated land as it relates to water pollution has also been amended.

4.3 Since the adoption of the 2011 version of the Council's Contaminated Land Inspection Strategy Officers have worked with the Development Department to produce updated Guidance on Submitting Planning Applications on Land that may be Contaminated (2015).

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no additional financial implications arising from this report.

5.2 Initial Screening Template (IST) completed.

6.0 APPENDICES

6.1 Appendix 1 – Contaminated Land Inspection Strategy 2017

Background Documents

Environmental Protection
Act 1990
Environment Act 1995
Government Guidance/
DEFRA – Land
Contamination: technical
guidance

Location

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The Grange,
Ely

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