
Subject: **REVISED CONTAMINATED LAND INSPECTION STRATEGY 2018**

Meeting and Date: **Cabinet – 2 July 2018**

Report of: **David Randall, Director of Governance**

Portfolio Holder: **Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health**

Decision Type: **Key Decision**

Classification: **Unrestricted**

Purpose of the report: The Council is required to prepare a Contaminated Land Inspection Strategy under the terms of Part II A of the Environmental Protection Act 1990. The strategy must be reviewed from time to time.

Recommendation: That the revised Contaminated Land Inspection Strategy be approved by Cabinet.

1. Summary

- 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 reviewed and amended in 2007 and 2014.
- 1.2 The 2018 revised strategy details how the Council intends to implement the contaminated land regime from 2018 onwards, taking into account DEFRA's Contaminated Land Statutory Guidance 2012, which requires councils to review their strategies from time to time and, the resources available to the Council.

2. Introduction and Background

- 2.1 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. The statutory guidance on contaminated land requires that the strategy be reviewed from time to time.
- 2.2 The strategy outlines the steps the Council are taking and have 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. The aims of the strategy tie in with the Councils Corporate Plan for 2016-2020 which include:

- **A Clean, Green and Safe Environment and;**
- **Healthier People and Communities**

- 2.3 The revised strategy details the general background to the contaminated land legislation and the particular characteristics of Dover District. The strategy outlines the Council's priorities and how the contaminated land regime is to be implemented
- 2.4 The Regulatory Services Department is responsible for implementing the Council's Contaminated Land Inspection Strategy and for undertaking its enforcement duties. 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.

3. Identification of Options

- 3.1 Do nothing and retain the current published Contaminated Land Inspection Strategy 2014, contrary to statutory guidance.
- 3.2 Approve and publish a revised Contaminated Land Inspection Strategy having regard to current statutory guidance.

4. Evaluation of Options

- 4.1 Current statutory guidance requires both the provision and revision of a Contaminated Land Inspection Strategy. By retaining the 2014 strategy the Council will fail to fulfil its statutory obligation in this respect.
- 4.2 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.

5. Resource Implications

- 5.1 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.
- 5.2 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.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add. (SB)
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. Appendices

Appendix 1 – Draft Contaminated Land Inspection Strategy 2018

8. Background Papers

[Contaminated Land Statutory Guidance, DEFRA, April 2012](#)

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