

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**

**Date: 5<sup>th</sup> July 2016**

**REPORT AUTHOR: County Councillor John T Powell  
Portfolio Holder for Environment and Sustainability**

**SUBJECT: Revised Contaminated Land Strategy**

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**REPORT FOR: Decision**

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**1.0 Summary**

- 1.1 In 2001, the Contaminated Land (Wales) Regulations 2001 were introduced which enacted section 57 of the Environmental Protection Act. The Act established a legal framework for dealing with contaminated land known as "Part 2A".
- 1.2 The Act required local authorities to inspect their areas to identify contaminated land in a strategic manner and to set out their approach in a strategy which is formally adopted.
- 1.3 In 2002, the Council published its first Contaminated Land Strategy to meet its statutory requirements and had the simple aim of outlining the new legislation and setting out proposals for future implementation. In 2006, the Strategy was revised to refine the Council's aims priorities and to report on progress with implementation.
- 1.4 The purpose of this report is to seek approval for the third edition of the Strategy which has been revised in light of revised legislation and guidance.

**2.0 Proposal**

- 2.1 Part 2A introduced the legal framework for dealing with contaminated land.

Contaminated Land is defined as:

"Any land which appears to the Local Authority in whose area it is situated to be in such condition, by reasons of the substances in or under the land that:

- a) Significant harm is being caused, or there is a significant possibility of such harm being caused; or

- b) Pollution of controlled waters is being or is likely to be caused”
- 2.2 To assist local authorities in implementing the legislation Welsh Government produced guidance, the most current version being Contaminated Land Statutory Guidance-2012 (Statutory Guidance).
- 2.3 The guidance states that the overarching objectives of Welsh 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.
- 2.4 Part 2A requires local authorities to inspect their areas with a view to identifying contaminated land. In doing so they should adopt a structured approach which is rational, ordered and efficient and reflects local circumstances. The Council should set out their approach in a strategy which is formally adopted.
- 2.5 The local authority should include in its strategy:
- (a) Its aims, objectives and priorities, taking into account the characteristics of its area.
- (b) A description of relevant aspects of its area.
- (c) Its approach to strategic inspection of its area or parts of it.
- (d) Its approach to the prioritisation of detailed inspection and remediation activity.
- (e) How its approach under Part 2A fits with its broader approach to dealing with land contamination.
- (f) Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals.
- 2.6 The guidance requires that local authorities keep the strategy under review to ensure that it remains fit for purpose.

The first edition of the Council’s Contaminated Land Strategy was published to meet its statutory requirements and had the simple aim of

outlining the new legislation and setting out proposals for future implementation.

- 2.7 The second edition was published in order to refine the Council's aims and objectives and to detail the Council's approach with regard to contaminated land. This included reference to historical mapping and a dedicated software system that had enabled some 10,000 potentially contaminated sites being prioritised according to risk.
- 2.8 Since 2006, there have been amendments to relevant legislation and guidance namely:
- a) Contaminated Land (Wales) Regulations 2006
  - b) Contaminated Land (Wales) (Amendment) Regulations 2012
  - c) Welsh Government Contaminated Land Statutory Guidance 2012
- 2.9 In addition, in 2011, the Environmental Protection Service which is responsible for contaminated land took over the management of closed landfills.
- 2.10 The revised Strategy which is produced in Annex A reflects these changes. In addition they set out revised aims and objectives. The Council's aims going forward are:
- Aim 1** - To fulfil the Council's responsibilities with respect to implementing the Inspection Strategy and environmental legislation
  - Aim 2** - Reduce environmental liability caused by Council owned land
  - Aim 3** - Encourage regeneration and redevelopment of contaminated sites
  - Aim 4** - To achieve environmental improvement with priority on human health
  - Aim 5** - To raise awareness and promote understanding of land contamination issues
- 2.11 The Strategy also outlines the Council's approach in dealing with contaminated land going forward.

### **3.0 One Powys Plan**

- 3.1 N/A

### **4.0 Options Considered/Available**

- 4.1 It is necessary to adopt the revised strategy in order to outline the Council's approach to contaminated land and to ensure that it complies with current statutory guidance.

## **5.0 Preferred Choice and Reasons**

5.1 Adopt the revised Contaminated Land Strategy

## **6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

6.1 The strategy details the interfaces with other Council policies.

## **7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

7.1 N/A

## **8.0 Local Member(s)**

8.1 N/A

## **9.0 Other Front Line Services**

9.1 N/A

## **10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 The Highways and Enforcement Solicitor has provided progressive advice upon the content of this report.

10.2 The Finance Business Partner Place notes the content of the report.

10.3 The Solicitor - Highways & Enforcement has commented as follows: “the recommendation and the strategy can be supported from a legal point of view”

## **11.0 Local Service Board/Partnerships/Stakeholders etc**

## **12.0 Corporate Communications**

12.1 Communications comment: No proactive communication action required.

### **13.0 Statutory Officers**

13.1 The Strategic Director Resources (S151 Officer) notes the comments made by finance.

13.2 The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report.

### **14.0 Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the revised Contaminated Land Strategy in Annex A to the report is approved.</b>	<b>To ensure that the Strategy is current and in compliance with Welsh Government Contaminated Land Statutory Guidance.</b>

<b>Relevant Policy (ies):</b>	N/A		
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	N/A
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<b>Person(s) To Implement Decision:</b>	<b>Nia Wyn Hughes</b>
<b>Date By When Decision To Be Implemented:</b>	

<b>Contact Officer Name:</b>	<b>Tel:</b>	<b>Fax:</b>	<b>Email:</b>
Nia Wyn Hughes	01938551299		niah@powys.gov.uk

### **Background Papers used to prepare Report:**

CABINET REPORT TEMPLATE VERSION 3