
Meeting: Executive

Date: 9 March 2010

Subject: Contaminated Land Strategy 2010-2015

Report of: Cllr David McVicar, Portfolio Holder for Safer Stronger Communities

Summary: The report proposes the approval of the Contaminated Land Strategy 2010-2015

Advising Officer: Gary Alderson, Director of Sustainable Communities

Contact Officer: Susan Childerhouse, Head of Public Protection

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

Managing growth effectively: The Strategy will help guide the development of previously used, or brownfield, land and ensure its suitability for use.

Promoting healthier lifestyles and creating safer communities: The Strategy will help ensure current homes and gardens do not pose a significant public health risk to their users and that land can safely be used for private, local and sustainable food production.

Protecting children and young children; The Strategy will help ensure that garden and play areas are suitable for use and do not pose a health risk to their young users.

Boosting prosperity: The Strategy will help pre-emptively resolve potential problems in conveyancing and valuation of property and bring back unsafe land into commercially viable usage.

Financial:

All initial delivery and monitoring expenditure will continue to be met within existing budgets as part of ongoing duties. Some future costs for investigation and remediation may need to be borne by the Council if the original polluter is untraceable or hardship prevails in cases of designation, though options are available to seek grant funding from DEFRA in such cases.

Legal:

There is a mandatory legal requirement placed on the Council to produce and implement a Contaminated Land Strategy by Part 2A of the Environmental Protection Act 1990. The purpose of the regime is to ensure all Local Authorities carry out periodic inspections of their area to identify sites that may be determined as contaminated land if they meet the criteria of the statutory definition, and ensure appropriate action is taken to make the land suitable for use.

Risk Management:

Failure to properly manage and operate a Strategy to deal with potentially contaminated land could result in central government agencies intervening to assume responsibility for the function.

Staffing (including Trades Unions):

None.

Equalities/Human Rights:

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where remediation notices are served.

The Service undertakes regular equality monitoring to check that local businesses and residents are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate.

Community Safety:

The Strategy details how the Council will discharge its responsibilities in relation to identifying and dealing with potentially contaminated land.

Sustainability:

To help create a safer, stronger, healthier and more prosperous community

Summary of Overview and Scrutiny Comments:

- The report has not been subject to consideration by the Overview and Scrutiny Committee.

RECOMMENDATION(S):

1. **That the Executive consider and adopt the Contaminated Land Strategy 2010-2015, as attached at Appendix A to the report.**
2. **That the Director of Sustainable Communities, in consultation with the Portfolio Holder for Safer and Stronger Communities, undertakes any necessary minor amendments to the plans prior to publication.**

Reason for Recommendation(s): To ensure that the service continues to meet its obligations with respect to statutory requirements

Executive Summary

The Strategy has been designed to ensure that the Council meets its legal duties of inspecting its area and adheres to the principles of clear and open communication at all times. The Strategy seeks to secure solutions that are acceptable to all without necessarily resorting to enforcement action, thereby remediating land to a level acceptable by modern standards, with commensurate improvements to Public Health and, ultimately, the possible perceived value of property.

Background

1. Central Bedfordshire Council has a clear and influential role in safeguarding the public, consumers and businesses of Central Bedfordshire. The Council's Public Protection service has a significant role to play in creating a safe and healthy environment for people at home, at work and at leisure, whilst supporting business growth, protecting consumers and cracking down on rogue traders. The primary responsibility of this service is to work towards the achievement of cohesive, strong and safe communities, thereby enhancing the attractiveness of the area to people and businesses.
2. In striving to achieve these goals it is recognised that good strategic planning is the cornerstone of efficient performance management. An effective strategic plan provides a solid foundation, keeping priorities and principles firm even in times of change. It is also a vital part of the 'golden thread' which links corporate and community objectives through to individual performance plans, so that each member of a team knows how they contribute to achieving the council's improvement objectives.
3. The proposed strategy appended to this report, along with the Central Bedfordshire Enforcement Policy, are published documents, ensuring that the way the services operate and the Council's commitment to this area of responsibility is transparent to businesses, residents and others affected by this strategy.

Conclusion and Next Steps

4. This report sets out the strategy which Central Bedfordshire will adopt to identify and remediate contaminated land within the area. The strategy although having a five year life span will be reviewed annually and if legislative changes take place which require a new approach to be taken the strategy will be updated and presented to Executive for approval. Once adopted the strategy will be published.

Appendices:

Appendix A – Contaminated Land strategy

Background Papers: (open to public inspection)

Central Bedfordshire Enforcement Policy

Local Development Framework

Environmental Protection Act 1990

Location of papers: Priory House, Chicksands