

Audit Committee

5 January 2012

Strategic Risk – Contaminated Land - Update



Report of Neighbourhoods Service

Joanne Waller, Head of Environmental Health and Consumer Protection

Purpose of the Report

1. The purpose of this report is to update the Audit Committee on the strategic risk of 'Failure to identify and effectively regulate Contaminated Land'.

Background

2. The industrial history of the region has left a legacy of contamination in, on and under many areas of land within County Durham. This contamination can have potentially serious effects on human health and the environment.
3. The Council is under a statutory duty to inspect their area for contaminated land by virtue of Part 2A of the Environmental Protection Act 1990, as inserted by section 57 of the Environment Act 1995. This legislation also requires local authorities to produce a contaminated land strategy (CLIS), which describes the overall approach the council will take to deal with contaminated land in its area.

Current status of the risk

4. 'Failure to identify and effectively regulate Contaminated Land' was identified as a strategic risk in 2010, and a key mitigation of this risk was the development of a contaminated land strategy, which was agreed by Cabinet on 6 October 2010. Support was also given to the commencement of the new inspection programme as from 1 April 2011, subject to the availability of suitable and sufficient resources.
5. It was estimated that the inspection, sampling and analysis costs associated with each inspection would be between £8,000 - £10,000 per inspection and based upon the predicted annual inspection programme this would require additional resource of circa £100,000 per annum to implement the proposed strategy.
6. Whilst the exact costs of implementing the contaminated land strategy are only estimated, Cabinet were advised at that time, that it was

unlikely that these additional costs would be met from the existing EHCP service budgets.

7. A bid for further investment in the EHCP service has however been submitted for 2012 and will be considered by the Council as part of the medium term financial planning framework. This would allow the inspection programme to commence focusing on our priority sites.
8. An officer responsible for the management of this risk will be attending the Committee meeting.

Recommendations and reasons

9. Audit Committee to confirm that this report provides assurance that the strategic risk of 'Failure to identify and effectively regulate Contaminated Land' is being effectively managed within the risk management framework.

Background Papers:

Contaminated Land Inspection Strategy – Report to Cabinet, 6 October 2010.

http://www.durham.gov.uk/MINAGENDASPDF/Cabinet/061010_Item_6_Contaminated_Land_1.pdf

http://www.durham.gov.uk/MINAGENDASPDF/Cabinet/061010_Item_6_Contaminated_Land_2.pdf

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Appendix 1: Implications

Finance – There will be a financial cost incurred to address this risk.

Staffing - None

Risk – Not a key decision

Equality and Diversity/ Public Sector Equality Duty - None

Accommodation - None

Crime and disorder - None

Human rights - None

Consultation - None

Procurement – None.

Disability issues – None.

Legal Implications – The Council is under a statutory duty to inspect their area for contaminated land by virtue of Part 2A of the Environmental Protection Act 1990, as inserted by section 57 of the Environment Act 1995.