

# Environment and Sustainable Communities Overview and Scrutiny Committee



22 January 2016

## Contaminated Land and Inspection Strategy Update

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### Report of Terry Collins, Corporate Director, Neighbourhood Services

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#### Purpose of the Report

1. To Provide the Environment and Sustainable Communities Overview and Scrutiny Committee with an update on Durham County Council's Contaminated Land and Inspection Strategy (CLIS).

#### Background

2. In April 2000, a statutory regime for the regulation of contaminated land was implemented, under Part 2A of the Environmental Protection Act 1990. The Act imposes a statutory duty on each local authority to strategically inspect the land within its area for the purpose of identifying land which could be defined as 'contaminated land'.
3. Contaminated land for the purpose of Part 2A of the Environmental Protection Act 1990, is defined as 'any 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 that:-
  - a). Significant harm is being caused or there is a significant possibility of such harm being caused; or
  - b). Significant pollution of controlled waters is being caused, or there is significant possibility of such pollution being caused.
4. Under provisions of Part 2A local authorities are also obliged to produce a written CLIS outlining how they intend to fulfil their inspection duties.
5. In April 2014, members of the Environment and Sustainable Communities Overview and Scrutiny Committee received a report on the CLIS which set out the draft strategy and provided information in relation to a forth coming consultation.

#### Current Position

6. On 13<sup>th</sup> May 2015 CMT approved the draft 2015 CLIS for consultation with interested parties.
7. The review was a timely review and followed the release of new Contaminated Land Statutory Guidance by Defra in April 2012.

8. A formal public consultation took place between 6<sup>th</sup> July 2015 and 31<sup>st</sup> August 2015. Responses could be made either directly or by completing the online survey form on the Council's website. The survey was open ended and allowed respondents to answer freely on any aspect of the strategy.
9. A total of 8 interactions were made: 4 from residents and 4 from organisations. Responses were received from the following organisations: Brandon and Byshottles Parish Council; Durham Wildlife Trust; The Coal Authority and The Environment Agency (EA).
10. The consultation revealed overall strong support of the CLIS. The EA provided a detailed response relating to the controlled waters sections of the report and references to the Statutory Guidance.
11. The comments received at the end of the consultation period were collated and considered. Changes were made to the 2015 CLIS in light of the EA's feedback along with some additional alterations. None of the changes altered the original draft priority actions or aims of the CLIS.
12. The updated 2015 CLIS was approved by Cabinet on 18<sup>th</sup> November 2015.
13. The 2015 CLIS is essentially an operational plan that sets out how the Council will meet its statutory duties in respect to contaminated land in line with the guidance and the Council's Corporate Plan. It is now published on the Council's website and will be in place until 2020.

### **Recommendation**

14. Members of the Environment and Sustainable Communities Overview and Scrutiny Committee are requested to note and provide comment on the information provided within the report.

### **Background Papers**

- Defra (April 2012) Environmental Protection Act 1990: Part 2A, Contaminated Land Statutory Guidance, HM Government.
- Durham County Council's November 2011 Contaminated Land Inspection Strategy.
- Durham County Council's September 2015 Contaminated Land Inspection Strategy.
- Part 2A Environmental Protection Act 1990.

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## **Appendix 1: Implications**

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**Finance - None**

**Staffing - None**

**Equality and Diversity / Public Sector Equality Duty - None**

**Accommodation - None**

**Crime and Disorder –**

**Human Rights - None**

**Consultation - None**

**Procurement - None**

**Disability Issues - None**

**Risk and Legal Implications - None**