

 Executive 1 July 2015		Agenda Item No. 4
Title	Review of the Contaminated Land Inspection Strategy	
For further information about this report please contact	Grahame Helm (01926 456714) environment@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Email consultation responses from – Public Health England 07/04/15 Natural England 09/04/15 Coventry City Council 09/04/15 Head of Development Services 20/05/15	
Contrary to the policy framework:		No
Contrary to the budgetary framework:		No
Key Decision?		No
Included within the Forward Plan? (If yes include reference number)		No
Equality and Sustainability Impact Assessment Undertaken		No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	08/06/15	Chris Elliott
Head of Service	01/06/15	Richard Hall
CMT	08/06/15	Andrew Jones
Section 151 Officer	08/06/15	Mike Snow
Monitoring Officer	27/05/15	Andrew Jones
Finance	08/06/15	Mike Snow
Portfolio Holder(s)	09/06/15	Councillor Moira-Ann Grainger
Consultation & Community Engagement		
The following organisations have been consulted – Environment Agency Stratford upon Avon District Council Natural England Rugby Borough Council Warwickshire County Council Nuneaton and Bedworth Borough Council Warwickshire Public Health North Warwickshire Borough Council Public Health England Coventry City Council		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 The report invites the Executive to adopt an updated Contaminated Land Inspection Strategy which will replace the original document published in 2001.

2. **RECOMMENDATION**

- 2.1 To adopt the updated Contaminated Land Inspection Strategy as contained in Annex 1.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Within the Constitution, any decision on a function relating to contaminated land must be taken by the Executive.
- 3.2 A recent Internal Audit of environmental protection functions, whilst recording a substantial assurance for the service, identified that the current strategy comes across as unduly elaborate and backward looking. The report recommended that the Contaminated Land Inspection Strategy should be revised to reflect the current approach to discharging the Council's obligations on contaminated land.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – One of the strategic aims of the Sustainable Community Strategy is to protect and enhance the built and natural environment and the National Planning Policy Framework (NPPF) also presumes in favour of sustainable development. The Council's draft Local Plan contains a policy (NE5) which provides a basis for addressing contamination and pollution locally ensuring that where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. Ensuring contaminated land is remediated before development will contribute to this objective.
- 4.3 **Impact Assessments** – Should enforcement action ever be required under Part 2A of the Environmental Protection Act 1990, costs to the landowner could be significant and adversely impact those in hardship. In this event, a case-specific impact assessment would be carried out and reported to the Executive for further consideration.

5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications arising from this report. Contaminated land investigation is contained within the core service provision.

6. **RISKS**

- 6.1 The current Contaminated Land Inspection Strategy gives a misleading impression about the Council's management approach.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 The proposed new strategy reflects current good practice amongst other local authorities who have already updating theirs and, given the Internal Audit report, no alternative is proposed.

8. BACKGROUND

- 8.1 Regulations under Part 2A of the Environmental Protection Act 1990 require local authorities to produce a strategy to identify, inspect and remediate contaminated land within their area. The original strategy was adopted in 2001 and was some 71 pages in length which Internal Audit recognised could be much shortened by focussing on the current approach and following an essentially responsive regime linked to the planning process. This approach was adopted in 2011.
- 8.2 As well as external consultees listed above, The Head of Development Services has been consulted and her comments have been incorporated into the new document.
- 8.3 Currently there are approximately 150 sites across the district which have been identified as potentially contaminated but none have been prioritised as posing a significant risk to public health. It is therefore considered that all these sites could be reviewed as they come forward for re-development.