

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Neighbourhoods	
MEETING/ DECISION DATE:	On or after 22 <sup>nd</sup> May 2024	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3533
TITLE:	Adoption of the Revised Contaminated Land Strategy	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1. Contaminated Land Strategy 2023 Appendix 2. Equality Impact Assessment / Equality Analysis – Re. Revised Contaminated Land Strategy		

### 1 THE ISSUE

Bath & North East Somerset Council (“the Council”) is required to have a Contaminated Land Strategy as required under Part 2A of the Environmental Protection Act 1990 (“the Act”).

In 2001 the Council published its Contaminated Land Strategy (“the Strategy”) detailing how it would undertake its inspection.

The Strategy has been updated, as required in a periodic fashion or following updated guidance. The updated Strategy also reviews the progress that has been made to implement the Contaminated Land Strategy and sets out the Councils plans for continuing its work.

### 2 RECOMMENDATION

**The Council is asked to;**

Approve the revised Contaminated Land Strategy to be published online on the B&NES Website and to be publicly available online and by request.

### 3 THE REPORT

Under section 78B of the Act the Council is required to cause its area to be inspected from time to time for the purposes of identifying contaminated land.

The Council's approach to land contamination is to identify, characterise and remove unacceptable risks to human health and the environment, and to ensure that the cost burdens are proportionate, manageable and economically sustainable.

The aims of the Strategy are:

- To identify unacceptable risks to human health and the environment from the immediate and long-term effects of contaminated land.
- Prioritise potentially contaminated sites and ensure that most pressing and serious problems are located first.
- To address properties/land in need of remediation in order to improve the environment within the B&NES District.
- To encourage the voluntary remediation and redevelopment of contaminated land.
- Ensure future developments through the Development Control process effectively deal with contamination and are "suitable for use" and not capable of being determined as Contaminated Land under the Act.

The ongoing work in relation to the Contaminated Land Strategy is outlined below:

- Identification, investigation and remediation through the planning and development control process – The Department will continue to work with Planning and Development Control to ensure that sites are identified for investigation, risk assessment and remediation to ensure that Developers remove unacceptable risks and that sites are "safe and suitable for use".
- Investigation of complaints: where a complaint is made about a site, it will be inspected, and where appropriate, investigated and assessed to determine mitigation or remedial actions required. Any inspection of alleged contaminated land will be undertaken in accordance with the Strategy.
- Inspection of known Issues: Undertaking inspection of sites of highest risk or sites with known issues in accordance with the Strategy within the constraints of available resources.
- Identification of known or potential areas of historical contamination: This activity is now largely complete as the Council has examined historical maps and relevant reports of its District.

#### **4 STATUTORY CONSIDERATIONS**

The provisions in The Act were introduced to provide a better way to identify and remediate contaminated land. Under section 78B of the Act every local authority is required to cause its area to be inspected from time to time for the purposes of identifying Contaminated Land.

In accordance with statutory guidance issued in April 2012 by the Department for the Environment, Food and Rural Affairs under section 78YA of the Act local authorities are required to prepare, implement and keep under periodic review, a Contaminated Land Inspection Strategy. The Council first published its Contaminated Land Strategy in 2001 and the revised document is at Appendix 1.

## 5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

The Contaminated land Strategy is a revision to an existing document. The revised document does not place any additional resource implications to the existing strategy.

## 6 RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## 7 EQUALITIES

There is no equality and diversity implications arising from the Strategy. Please refer to equalities impact assessment checklist in Appendix 2.

## 8 CLIMATE CHANGE

The Council declared a Climate Emergency in March 2019, resolving to provide the leadership to enable the Bath and North East Somerset area to be carbon neutral by 2030. This was followed by the Ecological Emergency, which was declared in July 2020, recognising the severity of the degradation of the natural environment and loss of wildlife, the consequences of this, and the urgency with which we need to take action to restore nature. The Council resolved to be nature positive as an organisation by 2030.

## 9 OTHER OPTIONS CONSIDERED

None

## 10 CONSULTATION

Internal Consultation regarding revised Contaminated land strategy:

- Director of Public Health
- Legal Services & Monitoring Officer
- S151 Officer
- Finance Officer
- Head of Planning
- Head of Building Control and Public Health

External Consultations regarding revised Contaminated land strategy

- Environment Agency

<b>Contact person</b>	Michelle Tett, Environmental Protection Manager Tel: 01225 396037
<b>Background papers</b>	N/A
<b>Please contact the report author if you need to access this report in an alternative format</b>	