



RECORD OF DELEGATED OFFICER DECISION

Key Decision ✓

SUBJECT: Revision of Rhondda Cynon Taff County Borough Council's Contaminated Land Inspection Strategy

PURPOSE OF REPORT:

To seek approval for the amendments made to the Council's Contaminated Land Inspection Strategy (CLIS), which was originally published in January 2004, revised in 2008 and further revised and updated in November 2016.

In accordance with the Council's scheme of delegation this report has been prepared to accompany the intended Officer decision of the Service Director, Public Health and Protection as described below.

DELEGATED DECISION:

It was **AGREED:**

1. To approve the updated and revised Contaminated Land Inspection Strategy 2016 for Rhondda Cynon Taf.


Chief Officer Signature

PAUL MEE
Print Name

17.02.17.
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution



CONSULTATION

Jay Ross

16/2/17

CONSULTEE CABINET MEMBER SIGNATURE

DATE

CONSULTEE OFFICER SIGNATURE (if required)

DATE

CALL IN PROCEDURE RULES.

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

NO ✓

Reason for urgency:.....

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....
(Mayor)

.....
(Dated)

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.



FOR CABINET OFFICE USE ONLY

PUBLICATION & IMPLEMENTATION DATES

PUBLICATION


Publication on the Councils Website:- 17.02.17

DATE

IMPLEMENTATION OF THE DECISION

Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Subject to Call In the implementation date will be 27.02.17
DATE


Secretary to the Cabinet Signature

CHRISTIAN SJ HANDGAN
Print Name

17.02.17
Date

Further Information

| | |
|---------------|-----------------------------------|
| Directorate: | Community & Children's Services |
| Contact Name: | Neil Pilliner |
| Designation: | Pollution & Public Health Manager |
| Tel.No. | 01443 425519 |

DELEGATED DECISION

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

10th FEBRUARY 2017

Revision of Rhondda Cynon Taff County Borough Council's Contaminated Land Inspection Strategy

**AUTHOR(s): Neil Pilliner, Pollution & Public Health Manager
Sarah Illsley, Senior Environmental Control Officer**

1. PURPOSE OF THE REPORT

- 1.1 To seek approval for amending the Council's Contaminated Land Inspection Strategy (CLIS), which was originally published in January 2004, revised in 2008 and further revised and updated in November 2016. In accordance with the Council's scheme of delegation this report has been prepared to accompany the decision of the Service Director, Public Health and Protection as described below.

2. RECOMMENDATIONS

- 2.1 To approve the updated and revised Contaminated Land Inspection Strategy 2016.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The key reasons for the above recommendation are as follows:
- a. The Contaminated Land Regulations and associated Statutory Guidance was reissued in 2012. The CLIS has been amended to take account of the change.
 - b. The revised CLIS amends the programme for undertaking inspections in line with availability of resources.
 - c. The Foreword has been updated.

4. BACKGROUND

- 4.1 Contaminated land can affect health, blight areas and preclude redevelopment. The reclamation of derelict and often contaminated industrial sites can therefore be a crucial factor in the regeneration of communities. Rhondda Cynon Taf has had a history of industrial exploitation, which has left a legacy of almost 4600 such sites. Many of them are in prime locations and are ripe for redevelopment. The contaminated land regime compliments the Development Control process



and provides a mechanism to release some of the most contaminated sites for beneficial use. Its risk-based approach will ensure that sites are cleaned up sufficiently to enable them to be safely used for their new purpose. It therefore supports regeneration, whilst at the same time aims to safeguard the health of our community.

- 4.2 The Council's duties in respect of contaminated land are contained within Part IIA of the Environmental Protection Act 1990 which came into force in Wales in July 2001 through the Contaminated Land (Wales) Regulations 2001. The legislation was supported by comprehensive statutory guidance issued by the National Assembly for Wales in November 2001. The guidance required Local Authorities to prepare a strategy detailing how they will take a rational, ordered and efficient approach to the inspection process.
- 4.3 Following a three month public consultation Rhondda Cynon Taf County Borough Council published its Contaminated Land Inspection Strategy (CLIS) in January 2004. It was written in accordance with technical advice issued by the National Assembly for Wales and addressed all the responses received as a result of the consultation process.
- 4.4 The Council's CLIS was designed to achieve the following set of priorities with respect to potentially contaminated land:
 - a. To protect human health and well being
 - b. To encourage the redevelopment of damaged land/ reuse of Brownfield land
 - c. To encourage voluntary remediation
 - d. To communicate and work effectively with other organisations to protect other receptors
 - e. To engage with local communities (e.g. through the Communities First Partnerships) to establish their priorities
 - f. To ensure compliance with and enforcement of the legislation and statutory guidance
- 4.5 Developers of land known to have past associations with potentially contaminating uses have been required by conditions attached to their planning permission to undertake site investigations. A geographical information system (G/S) developed by the Public Health and Protection Department has proved invaluable at the planning consultation stage in identifying such areas of land. Investigations are carried out prior to development, which seek to characterise the exact nature of any potential pollutant linkages and ensure that they are addressed through appropriate remediation.
- 4.6 Since 2010, the Welsh Assembly Government has not provided a capital funding programme for the investigation and/or remediation of contaminated land. In addition to this, the Council has no specific capital budget for the investigation and/or remediation of contaminated land. As a result, the Council focuses its resources on providing input into the Development Control process, by



conditioning planning consents to require investigations/remediation to be undertaken where necessary. In addition Officers will provide comments on submissions received through the planning process or requests for pre-planning advice and contribute to the Local Development Plan process. The Council will keep this position under review, should future funds from Welsh Government or other appropriate schemes become available.

- 4.7 In 2012, following a consultation exercise undertaken by DEFRA and the Welsh Assembly Government, the existing Contaminated Land statutory guidance was revised and reissued. The resulting Welsh Government Guidance Document; Contaminated Land Statutory Guidance -2012 sought to produce a clearer, simpler regime consistent with the principles of good regulation. It focussed on the definition of 'contaminated land' and commenced section 86 of the Water Act 2003 – amending the definition of 'contaminated land' as it relates to significant pollution of controlled water. The Contaminated Land (Wales) Regulations 2012 amended the 2007 Regulations.
- 4.8 The review process has been used to assess the effectiveness of the original CLIS in meeting the requirements of Part IIA legislation and statutory guidance. The first full review of the CLIS was completed in December 2008. The strategy has now been revised to take account of the change in statutory guidance. Timescales in the original Contaminated Land Strategy were arbitrary, which needed to be redefined in light of experience, demands on resources and changes in funding provision. As a result the revised CLIS has redefined inspection targets in order to provide a realistic and achievable programme. Future progress reviews of the CLIS are now scheduled at five-yearly intervals and will be undertaken in 2021 and 2026.

5. EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed by contacting the author of the report or the Cabinet Business officer.

6. CONSULTATION

- 6.1 In accordance with the statutory guidance there is no duty to consult on revised versions of the CLIS.

7. FINANCIAL IMPLICATION(S)

- 7.1 There are no financial implications aligned to this report and its implementation will be in line with budgetary requirements.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The Council's duties in respect of contaminated land are contained within Part IIA of the Environmental Protection Act 1990 which came into force in Wales in July 2001 through the Contaminated Land (Wales) Regulations 2001. As detailed in the background information above the 2016 revised version takes account of the latest statutory guidance.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP

- 9.1 In 2016, the Local Service Board was replaced by a Public Service Board for the Cwm Taf Region. Rhondda Cynon Taf also launched its new Corporate Plan for 2016-2021- "The Way Ahead". Key priorities within this plan include the promotion of a clean and attractive environment for all and the promotion of a prosperous economy; objectives directly linked to the CLIS.

Work has already been done towards this with the Council adopting a Local Development Plan in 2011. This informs and complements 'The Way Ahead' and the Single Integrated Plan, containing details of how we will balance social, economic and environmental issues to meet the needs of those people living, working and visiting Rhondda Cynon Taf. The plan sets out how we will use land for new housing, employment and retail sites with sustainability as its central principle.

10. CONCLUSIONS

- 10.1 Progress with the CLIS has been significantly slower than anticipated due to lack of funding since 2010 and resources being focused on the redevelopment of potentially contaminated land through the planning process. Whilst involvement via the planning process continues to place a significant demand on Officer time, it provides an alternative mechanism for dealing with contamination, ensuring that the land is suitable for use and securing remediation on a voluntary basis.
- 10.2 The CLIS has been revised to take account of the amended Statutory Guidance and sets a more realistic target for undertaking inspections in light of the availability of resources. The Pollution and Public Health Team will keep this position under review and seek to utilise any future funds released by Welsh Government or other appropriate schemes.

Relevant Scrutiny Committee

Community & Children's Services Scrutiny Committee

Health & Well Being Scrutiny Committee

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

**REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR OF
PUBLIC HEALTH AND PROTECTION**

Revision of Rhondda Cynon Taff County Borough Council's Contaminated Land
Inspection Strategy

Background Papers:

Draft Contaminated Land Inspection Strategy 2016

Officer to contact: Neil Pilliner, Pollution & Public Health Manager