
Bracknell Forest Council - Contaminated Land Inspection Strategy

Committee considering report:	Joint Public Protection Committee
Date of Committee:	5 October 2022
Chair of Committee:	Councillor Tom Marino
Date JMB agreed report:	30 August 2022
Report Author:	Suzanne McLaughlin
Forward Plan Ref:	JPPC4131(a)

1. Purpose of the Report

- 1.1 To provide an opportunity for the Joint Public Protection Committee (JPPC) to consider the updated strategy drafted under the Environmental Protection Act 1990 in relation to contaminated land which will allow Bracknell Forest Council to discharge the duties placed on it by the Act.
- 1.2 The JPPC is then asked to make a recommendation to Bracknell Forest Council's Executive to adopt the revised strategy and guidance.

2. Recommendations

The Committee:

- 2.1 **RECOMMENDS** to the Bracknell Forest Council Executive that it adopts the revised strategy with or without modification.

3. Implications and Impact Assessment

Implication	Commentary
Financial:	All costs associated with the drafting of the strategy have been met from within existing budgets. There are no other costs mentioned/referred to in relation to the implementation of the revised strategy and therefore no additional financial implications for Bracknell Forest Council or the Partnership.
Human Resource:	There are no HR implications associated with the drafting or implementation of this strategy.
Legal:	It is a statutory requirement that Local Authorities have a Contaminated Land strategy in place under Part 2A of the Environmental Protection Act 1990 to deal with identification and remediation. The duties were implemented by The

	<p>Contaminated Land (England) Regulations 2000 – now updated to 2006, supported by Part 2A Contaminated Land Statutory Guidance. The strategy needs to reflect changes in legislation and government guidance as well as local requirements.</p> <p>The overarching objectives of the Government’s policy on contaminated land and the Part 2A regime are:</p> <p>(a) To identify and remove unacceptable risks to human health and the environment.</p> <p>(b) To seek to ensure that contaminated land is made suitable for its current use.</p> <p>(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.</p> <p>Under the Terms of the Inter-Authority Agreement the Joint Public Protection Committee has oversight of enforcement and policy matters relating to the Environmental Protection Act 1990.</p>			
Risk Management:	In adopting an up to date strategy the Council will have fulfilled its statutory obligation set out above.			
Property:	There are no property implications associated with this report.			
Policy:	This report provides an updated version of the strategy in order to ensure the Council’s approach remains current and meets its statutory obligations.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		There are no significant equalities issues associated with this strategy albeit that young children are more likely to be adversely impacted by exposure to any given level of contamination.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		See above.

Environmental Impact:	x			The recommendations in the report are expected to have no impact on emissions of CO ₂ . The reasons the Council believes that this will have no impact on emissions is that the strategy is unlikely to make much difference to CO ₂ emissions but the management of methane emissions from gassing landfills is likely to have a positive impact on the environment.
Health Impact:	x			The strategy is designed to prevent contaminated land posing an unacceptable risk to health.
ICT or Digital Services Impact:		x		The report will be published on both the PPP and Bracknell Forest Council's websites.
PPP Priorities :	x			PPP Priorities: <ul style="list-style-type: none"> • Community Protection; • Protection and Improving Health; • Protection of the Environment;
Data Impact:	x			There is no data impact associated with this report.
Consultation and Engagement:	Planning, Legal and Finance Colleagues have been consulted on the production of this report.			
Other Options Considered:	To continue with the existing strategy.			

4. Executive Summary

- 4.1 The current contaminated land strategy was approved by Bracknell Forest Council in 2012. The legislation requires periodic reviews of contaminated land in the Borough. The Overview and Scrutiny Commission received a report reviewing progress in relation to contaminated land in 2017.
- 4.2 The proposed updated document consists of minor layout changes and updates to references to the legislation where appropriate. No significant changes to the Council's overall strategy have been made.
- 4.3 Under the contaminated land regime Bracknell Forest Borough Council has two roles: firstly, to undertake an assessment of its area for contaminated land through a strategic approach and, secondly, where contaminated land posing an unacceptable risk to health/environment is identified, to ensure the contamination is remediated to reduce that risk to an acceptable level. The Council has carried out an assessment of the Borough and taken appropriate action regarding contaminated land where appropriate. The planning process has been and continues to be the main route for achieving remediation of contamination at sites that are subject to redevelopment.
- 4.4 Addressing the issues of contaminated land is not a short-term project and the Borough Council continues to ensure that a long-term approach is adopted. The history of

industry and development in the Borough does not lend itself to the creation of numerous high-risk sites of contaminated land. Through the approach detailed in this strategy document the Borough Council continues its commitment to ensuring that all potentially contaminated sites receive a clear, efficient and all-encompassing assessment and appropriate action, where required, in response.

5. Proposal

- 5.1 The Joint Public Protection Committee is asked to consider the revised draft strategy and to them make a recommendation to the Bracknell Forest Council's Executive that it adopt the strategy at its meeting on the 18th October 2022 subject to any amendments agreed at this meeting.

6. Appendices

- 6.1 Appendix A – Draft Strategy

7. Background Papers:

- 7.1 Previous Strategy and Relevant Legislation

Wards affected: All Wards or State Specific Wards

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