
Review of the West Berkshire Council Contaminated Land Strategy

Committee considering report:	Joint Public Protection Committee
Date of Committee:	13 March 2023
Portfolio Member:	Councillor Tom Marino
Date Portfolio Member agreed report:	10 January 2023
Report Author:	Suzanne McLaughlin
Forward Plan Ref:	EX4131 (b)

1 Purpose of the Report

- 1.1 To provide an opportunity for the Joint Public Protection Committee (JPPC) to consider and adopt the updated strategy drafted under the Environmental Protection Act 1990 in relation to contaminated land which will allow West Berkshire District Council to discharge the duties placed on it by the Act.

2 Recommendation

The Committee:

- 2.1 **CONSIDERS** the revised Contaminated Land Strategy.
- 2.2 **APPROVES** the Strategy subject to any amendments agreed at the meeting.
- 2.3 **DELEGATES** authority to the Public Protection Manager, in consultation with the Chairman of the JPPC, to make any minor amendments to the Strategy prior to it being published.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>All costs associated with the drafting of the strategy have been met from within existing budgets.</p> <p>There are no other costs mentioned/referred to in relation to the implementation of the revised strategy and therefore no additional financial implications for West Berkshire District Council or the Partnership.</p>

	A copy of the report has been sent to Melanie Ellis.
Human Resource:	There are no HR implications associated with the drafting or implementation of this strategy.
Legal:	<p>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 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> <p>A copy of the report has been sent to Sharon Armour and Nicola Thomas and comments on the report were received from the Monitoring Officer at Corporate Board.</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.

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	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			<p>The recommendations in the report are expected to have minimal impact on emissions of CO₂.</p> <p>The strategy is unlikely to make a difference to CO₂ emissions but the management of methane emissions from gassing landfills is likely to have a positive impact on the environment.</p>
Health Impact:	x			The strategy is intended to prevent contaminated land posing an unacceptable risk to health.
ICT Impact:		x		The report will be published on both the PPP and West Berkshire Council's websites.
Digital Services Impact:		x		The report will have minimal impact on digital services.

Council Strategy Priorities:	x			The strategy will assist the Development Plan for West Berkshire in delivering housing on contaminated brownfield sites.
Core Business:	x			The strategy will assist the Planning and Housing Team in providing their core business by helping to deliver housing on contaminated brownfield sites.
Data Impact:		x		There is minimal data impact associated with this report.
Consultation and Engagement:	Planning and Planning Policy, Legal and Finance teams have been consulted on the production of this report.			
PPP Priorities	PPP Priorities: <ul style="list-style-type: none"> • Community Protection • Protection and Improving Health • Protection of the Environment 			

4 Executive Summary

- 4.1 The current West Berkshire Council contaminated land strategy was last updated in 2014. The legislation requires periodic reviews of contaminated land in the District.
- 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 West Berkshire 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 District 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 Council continues to ensure that a long-term approach is adopted. The history of industry and development in the District does not lend itself to the creation of numerous high-risk sites of contaminated land. Through the approach detailed in this strategy document the 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 Proposals

- 5.1 The Joint Public Protection Committee is asked to consider and adopt the revised draft strategy subject to any amendments agreed at this meeting.

6 Other options considered

- 6.1 To continue with the existing strategy.

7 Conclusion

- 7.1 The Council is required to maintain an up to date Contaminated Land Strategy. This updated version fulfils that requirement.

8 Appendices

- 8.1 Appendix A - Draft Strategy

Background Papers:

Previous Strategy and Relevant Legislation

Subject to Call-In:

Yes: No:

Wards affected: All

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