

Is the final decision on the recommendations in this report to be made at this meeting?

Yes**Review and update of contaminated land
inspection strategy**

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Director or Head of Service	John Littlemore Head of Housing & Community Services
Lead Officer and Report Author	Duncan Haynes
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the updated Contaminated Land inspection strategy attached as Appendix A is adopted with effect from 1st April 2016.

This report relates to the following corporate priorities:

- Keeping Maidstone an attractive place for all

Timetable

<i>Meeting</i>	<i>Date</i>
Corporate Leadership Team	8 March 2016
Communities Housing and Environment	15 March 2016

Review and update of contaminated land inspection strategy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1. The Maidstone Borough Council Contaminated Land Inspection Strategy was approved in 2010 and due to changes in Statutory Guidance requires revision. The revised strategy will identify how the council will progress its statutory duty within the context of the financial constraints that it faces and its desire to enable people to resolve issues for themselves.
 2. The revised Contaminated Land Inspection Strategy will provide an up to date, relevant, and achievable strategy for the borough. It will give the residents of Maidstone a clear and long term view of how the Council will implement its responsibilities in relation to contaminated land.
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2. INTRODUCTION AND BACKGROUND

1. The current Contaminated Land Investigation Strategy approved 2010 needs to be reviewed in light of Defra's Statutory Guidance update in 2012. The strategy was approved with a number of milestones that matched the council's ambitions and financial circumstances at that time. It reflected the opportunity for local authorities to apply for large central government funding for site investigations, risk assessments and remediation of potentially contaminated land. Since then the resources available to the council have reduced considerably and the central government fund has effectively been cancelled.
2. The revised strategy sets out a proportionate and scalable approach to dealing with the historic legacy of potentially contaminated land in the borough.
3. The revision also takes account of the financial and other resource constraints that the council is now under. It ensures that its objectives are both suitable for the current situation and flexibility for the future.
4. The revised strategy provides information to residents on what has been achieved so far, how progress will be made, how funding will be allocated and what the stakeholders' roles are. It seeks to enable residents affected by potentially contaminated land to resolve their own issues where appropriate.

3. AVAILABLE OPTIONS

1. The committee approves the revised strategy I. This will ensure the strategy reflects current Defra guidance, provides flexibility to investigate potential contaminated land and where possible support residents affected by the impact of potentially contaminated land.
 2. The committee could choose not to adopt the revised strategy, and recommend further revision, but not reviewing the current strategy is not recommended as it refers to withdrawn statutory guidance and sets milestones which cannot be achieved with the resources available to the council.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

1. To approve the proposed revision of the strategy which takes into account the Defra guidance in 2012 to provide a realistic approach to implementing the council duties in respect of contaminated land. It also seeks to enable those affected by potentially contaminated land to address their own issues and updates the statutory guidance.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

1. There is no requirement for formal consultation. Informal consultations have been made with neighbouring authorities and the Environment Agency. Feedback received from neighbours has been favourable specifically in reference to the concise and flexible nature of the strategy for the current local government circumstances
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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

1. The revised strategy will be published on the Council's website.
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6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		John Littlemore
Risk Management		John Littlemore
Financial		Paul Riley
Staffing		John Littlemore
Legal	Part 2A of the EPA 1990 requires local authorities to cause their areas to be inspected with a view to identifying contaminated land and to do so in accordance with the DEFRA 2012 Guidance. The Guidance states that a local authority should set out its strategic approach to its inspection duty in a written strategy which it should formally adopt and publish. Strategies adopted in line with previous Guidance should be updated/replaced. The local authority must periodically review its Strategy, at least every 5 years.	Estelle Culligan, Deputy Head of Legal Partnership
Equality Impact Needs Assessment		Anna Collier

Environmental/Sustainable Development		John Littlemore
Community Safety		John Littlemore
Human Rights Act		John Littlemore
Procurement		John Littlemore
Asset Management		John Littlemore

7. REPORT APPENDICES

1. The following documents are to be published with this report and form part of the report:
 - Appendix A Revised Contaminated land inspection strategy.
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8. BACKGROUND PAPERS

Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance 2012.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf