



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023-24

COMMUNITY SERVICES SCRUTINY COMMITTEE

15th JANUARY 2024

**PRE SCRUTINY - REVIEW OF THE STRATEGY OF DEALING WITH
CONTAMINATED LAND IN RCT**

**REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATIONS**

1. PURPOSE OF THE REPORT

- 1.1. To allow members the opportunity to scrutinise the proposed Contaminated Land Inspection Strategy for RCT to enable the Chief Officer in consultation with the relevant Cabinet Member to make informed decisions.

2. RECOMMENDATIONS

It is recommended that Members:

- 1.2. Undertake pre scrutiny on the report (attached at **Appendix A**), thus providing Scrutiny with an opportunity to contribute to this matter; and
- 2.2 To Authorise the Service Director Democratic Services and Communications to provide the comments and observations of the Committee to Chief Officer and relevant Cabinet Member.

3. REASONS FOR RECOMMENDATIONS

- 1.3. The need for the Chief Officer to be aware of the comments and observations of the Community Services Scrutiny Committee prior to their consideration of the proposed Contaminated Land Inspection Strategy for RCT, through the delegated decision process.

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 over 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 There are regulatory controls in place now to cover potentially polluting processes which should limit new land contamination being created. The Contaminated Land regime was created with the intention of dealing with the legacy of previous land use that we have inherited from past growth and development. The Council's duties in respect of contaminated land are contained within Part 2A of the Environmental Protection Act 1990 which came into force in Wales in July 2001. Under Part 2A, the Council is required to take a strategic approach in order to identify contaminated land. The Contaminated Land Inspection Strategy (CLIS) outlines the rational, ordered, and efficient approach that the Council intends to deal with the legacy of contaminated land.
- 4.3 Following a public consultation Rhondda Cynon Taf County Borough Council published its initial 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. The Council's CLIS was designed to achieve the following set of priorities with respect to potential 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 to establish their priorities
 - f. To ensure compliance with and enforcement of the legislation and statutory guidance
- 4.4 In March 2005, following a number of site investigations jointly commissioned by the Council and Environment Agency Wales (now Natural Resources Wales), Brofiscin Quarry in Groesfaen was designated as a Special Site due to the pollution of a major ground water source. As a Special Site the regulation of the site passed to Environment Agency Wales and following extensive investigations and consultations, site remediation works were completed in June 2013. This is the only area of land in Rhondda Cynon Taf which has formally been determined as contaminated land in line with legislative and statutory guidance requirements.
- 4.5 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 has focused its resources on ensuring effective site investigation and remediation via the Development Control process, by conditioning planning consents where necessary. Investigations are carried out prior to development and seek to

characterise the exact nature of any potential pollutant linkages and ensure they are appropriately remediated.

THE CONTAMINATED LAND INSPECTION STRATEGY

- 4.6 The CLIS review process has been used to assess the effectiveness of the original CLIS in meeting the requirements of Part 2A legislation and statutory guidance. The first full review of the CLIS was completed in December 2008. In 2016, the strategy was then revised to take account of the change in statutory guidance in 2012. Timescales in the original Contaminated Land Strategy were deemed to be arbitrary, which needed to be redefined in light of experience, demands on resources and changes in funding provision. As a result, each review of the CLIS has redefined inspection targets in order to provide a realistic and achievable programme. A copy of the recently reviewed CLIS(Dec 2023) is included for Member's information in Appendix 1.

2. PRE SCRUTINY

- 5.1 Members are reminded that the purpose of pre scrutiny activity is to contribute and inform decisions before they are determined. The Community Services Scrutiny Committee continues to have the opportunity to explore and comment on a number of reports to bring a different perspective to the decisions made and enabling Chief Officer delegated decisions to be more informed.
- 5.2 The comments and any recommendations made by Community Services Scrutiny Committee will be presented to the Chief Officer and relevant Cabinet Member.
- 5.3 Members are referred to section 4 of Appendix A and Appendices 1 and 2 which provide further information on the proposed Contaminated Land Inspection Strategy for RCT.

6 EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 An Equality Impact Assessment is not needed because the contents of this report are for information purposes only.

7 CONSULTATION

- 7.1 The involvement of the Community Services Scrutiny Committee in the pre-scrutiny exercise will contribute to the quality and robustness of decision making.

8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications aligned to this report.

9 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 The report has been prepared in accordance with paragraph Part 4 of the Constitution (Overview & Scrutiny Procedure)

10 CONCLUSION

- 10.1 The undertaking of pre scrutiny by the Community Services Scrutiny Committee in respect of the review of the effectiveness of the proposed Contaminated Land Inspection Strategy for RCT will ensure that the Community Services Scrutiny Committee fully evaluates the effectiveness of its overview and scrutiny function.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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