



WYRE FOREST  
DISTRICT COUNCIL

**Wyre Forest District Council**

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**Contaminated Land  
Inspection Strategy  
Review**

**March 2007**

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# WYRE FOREST DISTRICT COUNCIL CONTAMINATED LAND INSPECTION STRATEGY

## EXECUTIVE SUMMARY

Under Part IIA of the Environmental Protection Act 1990, the Council is required to inspect land in its district for contamination. The original Contaminated Land Inspection Strategy was formally adopted by the Council and submitted to the Environment Agency in April 2001. This strategy detailed how the authority will take a rational, ordered and efficient approach to this inspection.

This strategy review has been written inline with government policy contained in the DETR 02/2000 that states Local Authorities should keep its strategy under periodic review. The purpose of this document is to update the original strategy with regards to Council and governmental policy; target dates for completion; and the internal team responsible for the implementation of the Strategy,

The Council's priorities in dealing with contaminated land will be:-

- To protect human health
- To protect controlled waters
- To protect designated ecosystems
- To prevent damage to property
- To prevent any further contamination of land
- To encourage voluntary remediation of land
- To ensure compliance with Statute Law.
- To aid effective re-development of land within the Wyre Forest District .
- To ensure that procedures are in place for the provision of information to the Council's customers i.e. the public, developers, land owners etc.
- To enable the Council to address liability issues associated with Council owned land.
- To encourage the remediation/redevelopment of brown field sites within the District.
- To have a comprehensive Strategy in place before the inspection of the District takes place.
- To focus its strategy on areas of the District where statutorily contaminated land is more likely to exist and on industries specific to the region.

The original Strategy stated that a five year programme of inspection would be undertaken, running from April 2001 to April 2006. This programme has now been extended to ten years due to changes in government policy and staffing issues within in the team responsible for implementing the Strategy. An inspection programme based on population-density was proposed, with the largest town being inspected first, followed by the smaller towns and villages. Priority has been given to inspecting land owned by the Council and land scheduled for development in the Council's Local Plan. Controlled waters and protected areas of the environment will also be examined and a final prioritisation exercise has been undertaken to establish the order in which problem sites should be cleaned up.

It is recognised that some sites may be identified outside this general approach to inspection that will require urgent attention. These sites will be dealt with as they arise. The Council will support owners, developers and others wishing to undertake voluntary remediation and will encourage re-use of brownfield land for development in preference to greenfield development.

The District Council is the lead regulator on contaminated land but, wherever necessary, the Council will work in partnership with other organisations particularly the Environment Agency. Detailed consultation is underway with Town and Parish Councils and all statutory consultees.

The Regulations set clear criteria that must be met before land can be formally designated as contaminated land. The Council also maintains a public register which must contain only certain information. The expectations of some members of the public will not be met by the powers which local authorities may exercise under contaminated land legislation.

The major revisions to this document are outlined in Annex A.

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# WYRE FOREST DISTRICT COUNCIL

## CONTAMINATED LAND INSPECTION STRATEGY

### 1. INTRODUCTION

Part IIA of the Environmental Protection Act 1990 requires every local authority to “cause its area to be inspected from time to time for the purpose of identifying contaminated land”.

Statutory Guidance requires local authorities to take a strategic approach to inspecting their areas and to describe and publish this in a written strategy document.

The overriding objective of the contaminated land regime is to provide an improved system of identifying and remediating contaminated land in situations where contamination is causing unacceptable risks to human health or the environment.

#### 1.1 General Policy of Wyre Forest District Council

This Contaminated Land Inspection Strategy has been produced in the context of the Council’s Corporate Plan, the key elements of which are:-

**Our Vision** – Building a better future.

**Our Mission** – To involve the community in planning for the 21<sup>st</sup> century, to provide community leadership and to promote “best value” in the delivery of services.

**Our Values** – To support our Vision and Mission, the Council has identified seven values that will guide us in decision making and all our actions.

The Council will endeavour to:-

<b>BE OPEN, RESPONSIVE &amp; ACCOUNTABLE</b>
<b>GIVE VALUE FOR MONEY</b>
<b>PROMOTING SUSTAINABLE DEVELOPMENT</b>
<b>PLACE CUSTOMERS FIRST</b>
<b>VALUING EMPLOYEES</b>
<b>WORKING IN PARTNERSHIP</b>

The Council will achieve these key elements by implementing strategies which will:-

Promote the health and safety of people and property in the Wyre Forest District.

Manage the delicate balance between development and conservation of the urban and rural environments in order to sustain the natural and built heritage which is special to Wyre Forest.



Promote the economic well-being of the Wyre Forest area by sustainable growth in commerce and industry.

Plan to meet the present and future needs of the citizens of Wyre Forest in a sustainable manner which enhances the quality of life.

Enforce the legislation strictly in accordance with the Enforcement Concordat.

## **1.2 Regulatory Context**

Local Authorities were given the primary regulatory role under Part IIA of the Environmental Protection Act 1990.

This has remained the case following the legislative changes which stemmed from the 1993 Government White Paper "Paying for our Past". The Environment Act 1995 inserted a new section into the Environmental Protection Act 1990 (Part IIA). Further detailed consultation took place resulting in the issue of The Contaminated Land (England) Regulations 2000 which came into force on 1<sup>st</sup> April, 2000 together with statutory guidance.

This is the regulatory regime, generally referred to as the Part IIA regime, which required the production by every local authority of a Contaminated Land Inspection Strategy.

### **1.2.1 Local Authority Responsibilities**

The main responsibilities of the Council under the Act are as follows:-

- (i) to cause its area to be inspected in order to identify contaminated land;
- (ii) to establish who may be the appropriate person or persons to bear responsibility for remediation of the land;
- (iii) to decide, after consultation, what remediation might be required in any individual case and ensure that such remediation takes place, by serving a remediation notice where necessary, with powers to act in default; and
- (iv) to record information on a public register details of their regulatory actions.

### **1.2.2 Environment Agency Responsibilities**

The principal roles of the Environment Agency with respect to contaminated land can be summarised as follows:-

- (i) to provide site-specific guidance to the Council;
- (ii) to act as the regulator for any contaminated land categorised as a "special site";
- (iii) to publish a report on contaminated land; and
- (iv) to make arrangements for carrying out technical research and to act as a centre of expertise.

The Agency also has general responsibilities relevant to its work on contaminated land including:-

- advice on planning applications
- dissemination of best practice
- advice to the Department of the Environment, Transport & the Regions (DETR)
- research and development
- information exchange

### 1.2.3 Definition of Contaminated Land

Part IIA of the EPA 1990 inserted by s57 of the Environment Act 1995 places a duty on local authorities to inspect their area for contaminated land. Sub-section 78A(2) of the Act defines contaminated land for the purpose of Part IIA as:-

*“any land which appears to the local authority in whose area it is situated, to be in such a condition by reason of substances in, on, or under the land that:-*

- (a) **significant harm** is being caused or there is a significant possibility of such harm being caused, or*
- (b) pollution of controlled waters is being, or is likely to be caused.”*

**“Significant harm”** is defined in the guidance as falling into one or more of the following categories:-

- in humans – death, serious injury, cancer or other disease, genetic mutation, birth defects
- irreversible or other substantial change in a protected habitat
- structural failure or substantial damage to buildings and Scheduled Ancient Monuments
- death, disease or other physical damage to livestock or crops which causes substantial loss.

In the case of Scheduled Ancient Monuments, substantial damage (i.e. harm) would be regarded as ‘unauthorised works’ as defined by the Ancient Monuments and Archaeological Areas Act 1979. In order to undertake works affecting a Scheduled Ancient Monument, Scheduled Monument Consent is required. Damage involves anything that represents an addition, removal or alteration of the monument and is a criminal offence, which could lead to prosecution.

### 1.2.4 Principles of Pollutant Linkages

In all cases, land will be determined as being contaminated only where there is a contaminant (which is capable of causing significant harm) and a route or means by which a receptor is, or could be, exposed to the contaminant.

For a site to be deemed contaminated land, a pollutant linkage must be established. A pollutant linkage has three parts:-

- (i) source of contamination in, on, or under the ground
- (ii) a pathway by which the receptor can be exposed to a contaminant resulting in significant harm (or significant possibility of such harm) being caused.
- (iii) a receptor e.g. humans, controlled waters or living organisms that may suffer significant harm from the source via this pathway.

This is expressed simply as:-

**Source + Pathway + Receptor = Risk**

An example would be:-

Contaminant	fractured strata	residential property
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Land may be polluted but unless it complies with the statutory definition i.e. presents a risk of significant harm to a receptor such as a human being or an aquifer providing potable water, the presence of the pollutants in the land may not require immediate, or any, action by the local authority.

Where the Council is satisfied that a pollutant linkage exists, a risk assessment will be undertaken to determine the likelihood of significant harm being caused.

**Receptors**

The receptors recognised as being potentially sensitive are:-

- Human Beings
- Drinking water abstractions
- Source protection zones
- Groundwater – major aquifers
- Groundwater – private abstractions
- Surface waters (rivers, lakes, streams)
- Sites of Special Scientific Interest (SSSIs)
- National Nature Reserves
- Marine Nature Reserves
- Nature Reserves
- Wildlife species protected by UK and EU legislation
- Special Wildlife sites
- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)
- Ramsar sites
  
- Areas of special protection for birds
- Ancient Monuments
- Listed buildings
- World Heritage Sites
- Historic Parks and Gardens
- Historic Battlefields
- Conservation Areas
- Crops
- Livestock
- Home-grown produce

- Owned or domesticated animals
- Wild animals subject to shooting or fishing rights

### **1.2.5 Principles of Risk Assessment**

A form of quantified risk assessment (QRA) will be used to assess the level of risk. All assessment methods are subjective to some degree and all depend upon the application of competent judgement. However, QRA offers an effective method of gaining usable and communicable information about risk.

There are six basic stages to any QRA:

1. Identify the potential hazards.
2. Assess their frequency.
3. Calculate their likely consequences.
4. Assess the impact of these consequences.
5. Calculate the level of risk.
6. Determine the significance of these risk levels.

The Council, as part of its determination of a site as “contaminated”, will produce evidence for the classification of the land which shows that all relevant factors relating to the risk assessment procedure have been taken into consideration and details of the contaminant source, pathway and receptor linkages shown. Contaminated land will be classified under one of the following categories:-

- (i) where significant harm is being caused;
- (ii) pollution of controlled waters is being caused;
- (iii) there is a significant possibility of specific harm being caused;
- (iv) pollution of controlled waters is likely to be caused.

The Council also take into consideration the basis on which remediation requirements might be determined and factors which might affect the identity of appropriate persons to be responsible for remediation costs according to the term “suitable for use”.

### **1.2.6 Requirements for a Strategic Approach**

The Council is required to take a strategic approach to inspecting land in its area for contamination.

The statutory guidance requires that the approach adopted should:-

- Be rational, ordered and efficient
- Be proportionate to the seriousness of any actual or potential risk
- Seek to ensure the most pressing and serious problems are located first
- Ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land
- Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

This Strategy has been developed to meet these requirements. Particular reference has been made to “Contaminated Land Inspection Strategies – Technical Advice for

Local Authorities” issued by the Department of the Environment, Transport and the Regions (DETR). The Strategy has been prepared in a number of stages.

### **1.3 Development of the Strategy**

The production of this Strategy document evolved gradually since 1<sup>st</sup> June, 2000, following the issue of draft guidance by central government referred to in Section 1.2.6.

The first draft outline Strategy was produced on 6<sup>th</sup> June, 2000. This was refined and additions made on 4<sup>th</sup> July, 2000.

The Strategy really began to take shape with the third draft which was produced on 14<sup>th</sup> August, 2000.

The consultation draft Strategy was produced jointly by the Project Manager and the Environmental Health Manager in January, 2001. The Council’s Contaminated Land Task Group were invited to comment on this consultation draft and comments were invited from formal consultees and informal consultees, including other sectors of the community and businesses. Town and Parish Councils are seen as particularly important sources of local information and a proactive consultation exercise will be undertaken with them.

The final version of the Strategy was presented to elected Members and formally adopted by Council in April 2001 prior to being submitted to the Environment Agency in June, 2001.

The Pollution Control section will endeavour to produce annual reports detailing progress on the strategy objectives. The latest version of the progress report can be viewed on the Contaminated Land page of Wyre Forest District Council’s website.

#### **1.3.1 Overall Approach**

It was recognised at the outset that a multi-disciplinary team approach would be needed to secure the necessary expertise from within the Council to produce a Contaminated Land Inspection Strategy.

On 1st June, 2000 an initial meeting of the Contaminated Land Task Group (CLTG) was convened with representatives from the Environmental Health & Community Safety Division, the Planning & Environment Division and the Legal & Democratic Services Division attending.

It was decided to adopt the staged approach set out in the guidance (see Section 3.1.3) and a key element of this was the Stage 1 requirement to identify roles to determine who would do what and when.

It was also decided to add information to a draft Strategy document as the process moved forward, with the intention of refining the document as work on the Strategy developed. This progressive refinement process is set out in section 1.3 above.

### **1.3.2 Internal Team Responsible**

Since the submission of the original Contaminated Land Inspection Strategy in 2001, there have been two team changes. The current Contaminated Land Task Group consists of:

Mr. M. Parker, Head of Planning, Health & Environment  
Mr. M Kay, Environmental Health & Licensing Manager  
Mr. N. Holdstock, Forward Planning Manager  
Mrs. J. Alexander, Commercial & Property Solicitor  
Mr. R. Williams. Principal Pollution Control Officer  
Miss T. Weston, Pollution Control Technician (Contaminated Land)  
Mrs D. Edgerton, Pollution Control Technician

The sub-group responsible for implementing the Strategy and recording data was determined as:-

1. Miss T Weston, Pollution Control Technician (Contaminated Land) to act as Project Manager;
2. Mrs D Edgerton, Pollution Control Technician to act as Research Officer.

### **1.3.3 Internal Liaison**

Ad-hoc meetings have taken place throughout the production and subsequent review of the Strategy. In the main, these meetings have been to resolve operational problems in the implementation of the strategy.

A major progress meeting took place on 6<sup>th</sup> July 2006, the principle purposes of which were:-

1. To discuss the progress of the implementation of this strategy
2. To produce a report detailing the progress of the implementation of the strategy.

### **1.3.4 Consultation with the Environment Agency, English Nature etc.**

Since the adoption of the original Strategy in April 2001, there have been two changes to statutory consultees and these are detailed below.

The statutory consultees for the Contaminated Land Inspection Strategy are:-

Environment Agency  
Natural England (Formerly English Nature)  
English Heritage  
Department for the Environment, Food and Rural Affairs (Formerly the Ministry of Agriculture, Fisheries and Food)  
Food Standards Agency  
Worcestershire County Council  
Advantage West Midlands Redevelopment Agency

Each organisation was invited to comment on the draft strategy and responses were received from the first five listed statutory consultees.

With the instigation of the Contaminated Land Regime, it was identified that a county based technical group would be required separate to that of the long established Worcestershire Pollution Group. The Hereford and Worcestershire Contaminated Land Study Group has since formed strong links with DEFRA and English Heritage and jointly work with the Environment Agency on policy and brownfield developments.

### **1.3.5 Consultation with other Organisations, the Local Community etc.**

Local Town and Parish Councils and Local History Societies have been contacted, requesting any local knowledge of past industrial use/contaminated land and these bodies were also invited to comment on the draft Strategy.

There is also great scope for members of the public, businesses and voluntary organisations to comment and the document will be made available to those expressing an interest.

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## **2. CHARACTERISTICS OF THE WYRE FOREST DISTRICT**

This Section gives the background to the Wyre Forest District and an explanation of how this influences the Council's approach to inspection for contaminated land. It will also enable fair comparison with other authorities.

The Wyre Forest District is a mixed urban and rural District with the majority of the population living within the three towns in the area (see map). Kidderminster is the largest of the three towns and it is an industrial centre which was once almost entirely based on carpet manufacture. Much diversification has taken place over the last 10-15 years; in part brought about by the decline in carpet manufacture and the need for alternative employment.

Both Stourport on Severn and Bewdley have extensive frontages to the River Severn with facilities for boating, cruising and fishing. The centre of the ancient Borough of Bewdley and the canal basin at Stourport on Severn are conservation areas. Both towns have fine examples of Georgian buildings; Bewdley has many buildings which are much older still. There are 15 conservation areas in the Wyre Forest District and a total of 682 listed buildings.

The River Stour and part of the Staffordshire and Worcestershire Canal both run through the District and join the River Severn at Stourport on Severn.

A substantial part of the Wyre Forest is within the District boundaries as is a large part of the Kingsford Country Park. There are extensive outdoor leisure and recreation opportunities within the District to serve the local and commuter population and which attract many visitors. Tourism is vital to the local economy. Attractions such as the privately owned Severn Valley Railway (regular steam train services) and the West Midlands Safari and Leisure Park attract many visitors.

### **2.1 Geographical Location**

The Wyre Forest District lies at the northernmost tip of Worcestershire, to the south and west of the West Midlands conurbation. It is bounded by South Staffordshire, Dudley, Bromsgrove, Wychavon, Malvern Hills, Herefordshire and South Shropshire.

### **2.2 Brief Description/History**

Kidderminster is the centre of business and commerce for the District and has modern shopping and leisure facilities. The town's carpet industry has a world-wide reputation and the town is renowned for being the birthplace of Sir Rowland Hill, the founder of the Penny Post.

Stourport on Severn was developed at the time of the construction of the Staffordshire and Worcestershire Canal (1760) which links the River Severn with the West Midlands conurbation.

Bewdley's famous bridge, built in 1798 to plans by Thomas Telford, spans the River Severn. It is a picturesque Georgian town with an historic old town centre.

Much of the rural part of the District traditionally comprises arable farm land and orchards. In addition, a large portion of the west of the District is within the Wyre Forest which is designated a Site of Special Scientific Interest (SSSI)



### 2.3 Size (Hectares)

The area of the District is 19,571 hectares.

### 2.4 Population Distribution (Geographical)

The estimated population (at 2001) was 96,945 with approximately 95% of the inhabitants living in the three major towns:-

<u>Town</u>	<u>Population</u>
Bewdley	9,000
Kidderminster	54,600
Stourport on Severn	18,700

### 2.5 Details of Council Ownership of Land

Wyre Forest District Council is a major landowner, with holdings ranging from leisure areas, agricultural, former MOD uses, to light industrial land. A significant percentage of land, therefore, may have had potentially contaminative uses such as engineering work shops, waste disposal etc.

All information regarding historical/current uses and remediation, contamination of Wyre Forest District Council land is maintained on the GIS database.

The original strategy adopted in April 2001, stated that a review of all sites where the Council is the site owner or land where it may be responsible would be carried out within 12 months. Due to changes in Council and Government policy and guidance and also staff change over's the inspections of Council owned land or land where it maybe be responsible was actually carried out within 4 years of the Contaminated Land Inspection Strategy being adopted.

Where sites were found to have the potential for being contaminated, the sites were then prioritised for further detailed investigation in line with principles set out in the Strategy.

#### Marketing of Sites

The sale of land owned by the Council will be carried out with full details of any information which may suggest that it is contaminated land, being provided to any prospective purchaser. This will include any available information on historical uses, contamination site investigation reports, details of the location of fuel tanks, waste disposal areas, soakaways etc. If the site is suspected of being contaminated then any potential purchaser will be given the opportunity to undertake their own investigation to determine the extent of contamination.

The information on contamination and potential remediation costs for an agreed 'suitable use' proposal will be taken into account when valuing land, and must be fully documented to protect Wyre Forest District Council from future legal actions/claims by future purchasers and landowners.

## Land Purchases Acquisitions

Before Wyre Forest District Council commits itself to any new land acquisitions, the Property Services Section will ensure that a full site history of the land is known. If there is any suggestion that land may be contaminated or adjacent land may be contaminated, the Council will ask the vendor to appoint consultants to carry out an appropriate site investigation.

Only when the full implications of any contamination are known, will appropriate consideration be given to long term purchase/cost implication. Advice should be sought from the Planning, Health and Environment Division and the Legal & Democratic Services Division to address future liabilities.

## Council Leased Land/Property

Wyre Forest District Council owns land that is leased to a number of commercial organisations. Under the provisions of the Environment Act 1995 if the original polluter cannot be found (i.e. if the company no longer exists), the landowner becomes the person liable for contamination and any subsequent remediation both on or off the site should migration of contaminants have occurred.

Wyre Forest District Council ensures that land in its ownership is not, nor will not, become contaminated by activities carried out on the site.

Prior to the letting/leasing of land in the future, Wyre Forest District Council ensures the following:-

- (a) If it is a greenfield site with no former potentially contaminative uses, that this fact is documented.
- (b) If the site has a history of potentially contaminative uses the nature and extent of any existing contamination needs to be investigated and whether or not remediation needs to be considered. The new tenant must be made aware of any findings and advised if there are any health and safety implications for future ground works and users of the site.
- (c) That there is a condition within the lease/tenancy that requires a new occupier(s) to comply with current environmental legislation and should contamination of the land occur as a result of activities on the site, the occupier is required to clean up the land to an acceptable standard.
- (d) That there is a condition within the lease/tenancy that requires the occupier not to undertake any activities which may give rise to contamination.

As part of the lease/tenancy agreement the occupier must provide the Council with the following:-

- (a) details of the location and the nature of fuel storage
- (b) plans detailing where chemicals or wastes are stored
- (c) plans detailing where services and fuel lines are located
- (d) details of accidents/spillages

## Termination of a Tenancy/Lease Agreement

Prior to the determination of a lease/tenancy agreement for whatever reason, it is essential that the site quality information is obtained from the tenant/lessee before they leave the site while persons are still available who could provide specific information about the site.

If there is any evidence that there may have been land contamination, the tenant/lessee should be required to provide site investigation data to prove that the site remains in the same condition as when a background site investigation was undertaken at the commencement of the lease. If not, the tenant/lessee must prove the extent of any contamination present.

If contamination is present the tenant/lessee will be required to remediate the contamination to the minimum standard of that identified by the background site investigation or to provide financial compensation so that the Council can undertake any necessary remedial works.

The degree of cleaning up required will be determined in advance by a background site investigation report that identifies the level of contamination when the lease period commenced.

## **2.6 Current Land Use Characteristics**

The main uses of land in the District, other than land in residential use, are agriculture, orchards, forestry, industry and leisure. Industrial activity is generally restricted to scattered sites in the urban areas and small to medium sized industrial estates. About a dozen large manufacturing operations exist in the District.

## **2.7 Protected Locations (Natural Habitats etc)**

There are extensive protected locations which are characteristic of the Wyre Forest District. These include SSSI's, National Nature Reserves and Special Wildlife Sites.

## **2.8 Key Property Types e.g. Ancient Monuments**

Within the Wyre Forest District there are nine Scheduled Ancient Monuments which are potentially sensitive receptors. These include historic/protected buildings, archaeological sites, and ancient monuments, and their locations are as follows:-

<b>Parish</b>	<b>Monument</b>
Chaddesley Corbett	Barrow Hill
Chaddesley Corbett	Moated Site, Fish Ponds & Quarries at Harvington Hall
Churchill/Blakedown	Baches Forge
Kidderminster	Moated Site in Wassell Wood 400m S of Trimpley Green
Rock	Moated Site and Fish Ponds at Bowercourt Farm
Rock	Rock Farm Moated Site, Deserted Medieval Village, Ridge & Farrow. 100m SE of St. Peter's & St. Paul's Church
Upper Arley	Arley Wood Camp
Upper Arley	Moated Site at Pickard Farm
Wolverley/Cookley	Small Multivallate Hill Fort on Drakelow Hill 250m W of Solcum Farm.

Also to be found in the District are 682 listed buildings and 15 conservation areas.

## **2.9 Key Water Resource/Protection Areas**

Severn Trent Water supplies most of the District's drinking water. Almost all of Severn Trent supplies are derived from deep bore-holes within, or just outside the District.

A number of private companies in the area also abstract water for drinking and for processing, from their own bore-holes.

The Council inspects the quality of private drinking water supplies in the District. Some supplies are sampled on a rolling programme and these are located throughout the District.

Data provided by the Environment Agency highlights the need to ensure the protection of controlled waters. Accordingly, the Council will give high priority to land contamination which may affect controlled waters.

## **2.10 Known Information on Contamination**

The Council holds some information on contaminated land in the District, primarily submitted as part of development control planning applications proposed on sites where previous contaminative uses are believed to have existed. If development is proposed on an area of land where past use may have resulted in contamination, the Council will request the developer to carry out a site soil survey on such sites with remediation measures for treatment of any significant contamination found, as a condition on the planning application approval.

Development will only proceed when the Council is satisfied that remedial works have been carried out to improve the site conditions to a standard which is fit for use for the proposed development. Development control planning records/property file records will be a valuable source of data during the research investigation phase of the Strategy.

Other information on former open and closed landfill sites within the District is held in the Planning, Health and Environment Division records and this will be researched along with comparative data from the Environment Agency and recorded onto the GIS database system.

## **2.11 Current and Past Industrial History**

The current and past industrial history of the area is set out below.

### Bewdley

Bewdley is situated on the River Severn and is historically an inland port of the West Midlands. Industries associated with the town include rope making and brass founding. A gas works was located to the north west of the town.

### Stourport on Severn

Stourport on Severn grew up around 1760 as a result of the construction of the Staffordshire and Worcestershire Canal. Industries located near the canal include brass and iron foundries, a vinegar works, tan yards, spinning mills, a number of

carpet factories and, on the banks of the River Severn, the sites of a former power station, a town gas works and gas and oil storage depots.

### Kidderminster

Kidderminster is a traditional textile town known for its carpet manufacture. The textile mills are generally located in the flood plain of the River Stour between the river and the canal and spread north and south from the Green Street and New Road area of the town. In addition to the carpet industry there was an iron works to the north and a former gas works near the town centre.

### Other Industrial Activities

In addition to the industry listed above, the Wyre Forest Coalfield extends south into the west side of the District within which coal mining has been recorded from medieval times to the early twentieth century using longwall and pillar and stall methods. The locations of the former pits have been identified in the west and to the north west of the District.

The upper mottled sandstone (Wildmoor formation) comprises a rounded sand suited to the formation of mouldings for iron working and is reported to have been worked near Kidderminster and Stourport on Severn. The river terrace deposits have also been worked at a number of locations within the Stour and Severn valleys for sand and gravel.

### Rural Areas

The principal industry in the rural areas is farming and maintenance of orchards. Whilst many farms are no longer used as such, farm yards are used to store chemicals, fertilisers, pesticides, herbicides and fuels and, as such, contamination may remain in the ground after demolition.

### Comment

The historical legacy of sites and structures is not regarded as a form of contamination though the conservation or recording of remains may require special measures and sensitive consideration.

## **2.12 Broad Geological/Hydrogeological Characteristics**

### General

The geological maps covering the District (GS, 1963 and 1976) indicate that the district is underlain by either coal measures or Sherwood sandstone or Mercia mudstone. More recent drift deposits are indicated in the river valleys.

The River Stour flows south through Kidderminster and Stourport on Severn, joining the River Severn south of Stourport on Severn. The River Severn flows south south-west through Bewdley and Stourport on Severn and the Staffordshire and Worcestershire Canal runs parallel with the River Stour.

Most of the District lies on a major sandstone aquifer. However, part of the District to the west is classified as a minor aquifer with a small area to the east of the District

classified as a non-aquifer. Parts of Kidderminster and Stourport on Severn lie on the total catchment areas of groundwater protection zones. These signal that there are likely to be particular risks posed to the quality or quantity of water obtained should certain polluting activities take place within the area.

To the north of the District, water is abstracted from the River Severn at Trimpley for public water supply and further down at Bewdley, water is abstracted for agricultural use in spray irrigation.

### Drift Deposits

The drift deposits generally comprise river terrace deposits and alluvium. The river terrace deposits typically comprise sands and gravels and are located just above the main flood plain of the river valleys. The alluvium typically comprises soft, possibly organic clays and silts and is located within the flood plain of the rivers and their tributaries.

### Coal Measures

Coal measures generally underlie the District west of Kidderminster and Bewdley comprising the upper carboniferous Warwickshire group and coal measures group. They comprise inter-bedded marls, sandstones, grey clays, shales, limestones and coal bands. Productive coal seams occur in the Halesowen formation of the Warwickshire group as well as in the coal measures group. The coal measures are indicated to be a minor aquifer.

### Sherwood Sandstone

Triassic strata of the Sherwood sandstone group underlie the central portion of the District from the west side of Kidderminster and Stourport on Severn to Chaddesley Corbett and Rushock in the east of the District. They are sub-divided into sandstones of the Bromsgrove Wildmoor and Hopwas Breccia formations and comprise sandstones (generally red) variously with pebble beds, thin red mudstone bands and beds of conglomerate. The Sherwood sandstone is classified as a major aquifer.

### Mercia Mudstone

Triassic strata of the Mercia mudstone group underlie the remaining eastern portion of the District. They comprise red marls with green sandy dolomitic beds. The Mercia mudstone group in the Wyre Forest District is a non-aquifer.

## **2.13 Redevelopment History and Controls**

Wyre Forest has been the centre of large scale industrial activity in recent history, dominated by the carpet industry. Although not to the same extent, both Kidderminster and Stourport still have a carpet manufacturing base to a greater or lesser degree.

There are currently, no Part A prescribed processes and 32 Part B prescribed processes on register indicating a diverse heavy and light industry within the District.

Recently the area has seen a decline in manufacturing and past industrial “brownfield land” being redeveloped for both commercial (shopping areas) and residential uses.

The vast majority of contaminated land issues are currently addressed through the planning regime, where contamination is a material consideration. Whilst the introduction of Part IIA will undoubtedly lead to additional sites being identified and addressed, it is anticipated that planning controls will remain the primary mechanism for dealing with contaminated land and the redevelopment of brownfield sites. Also, any remediation agreed/approved will be carried out under planning controls and not Part IIA.

A more integrated approach to the assessment of brownfield land will be encouraged, that takes into account the environmental assets of such land, including its historic and ecological interest as well as its problems.

#### **2.14 Action Already Taken to Deal with Land Contamination**

As stated previously in Section 2.13, planning controls have been the main driver in taking action to remediate contaminated land within the District. This has normally taken the form of a planning condition requiring the developer to carry out a site soil survey and any subsequent remediation works to restore the land to a satisfactory standard.

This has led to submission of ground investigation reports for numerous developments including the redevelopment of the former power station site in Stourport on Severn which enabled information to be kept on property files. Information, relating to the state of the land considered as potentially contaminated, is inputted into the GIS database system as it is received by the Council.

Closed landfills within the District in the ownership of the Worcestershire County Council are monitored and checked on a regular basis.

### **3. THE COUNCIL'S STRATEGY: OVERALL AIMS**

The reasons for the production of this Strategy document are set out in Sections 1 and 1.2 as detailed previously. This Section sets out the Council's priorities and objectives and details how the Council will meet its objectives.

#### **3.1 Aims of the Strategy**

The principal aims of the Strategy are:-

- to comply with statute law on contaminated land
- to remove any threat to human health
- to remove any threat to controlled waters
- to remove any threat to flora and fauna
- to aid effective re-development of land within the Wyre Forest District
- to protect historic sites and the historic environment

##### **3.1.1 The Council's Priorities Relating to the Potential Problem**

The Council's priorities in dealing with contaminated land will be:-

- To protect human health
- To protect controlled waters
- To protect designated ecosystems
- To prevent damage to property
- To protect historic sites and the historic environment
- To prevent any further contamination of land
- To encourage voluntary remediation of land
- To ensure compliance with Statute Law.
- To ensure that procedures are in place for the provision of information to the Council's customers i.e. the public, developers, land owners etc.
- To enable the Council to address liability issues associated with Council owned land.
- To encourage the remediation/redevelopment of brownfield sites within the District.
- To have a comprehensive strategy in place before the inspection of the District takes place.
- To focus its Strategy on areas of the District where statutorily contaminated land is more likely to exist and on industries specific to the region.

##### **3.1.2 The Council's Priorities Relating to Work That the Council Has Already Done**

The Council's priorities relating to work that the Council has already done are:-

- to obtain data from development control planning applications where site soil surveys were required on planning permissions
- to research information held by the Planning, Health and Environment Division on former landfill sites



- to compare information held by the Planning, Health and Environment Division on former landfill sites with information obtained from the Environment Agency
- to obtain information from the survey of former Council owned dwellings prior to their sale to a private company
- to obtain information, held by other Divisions, on Council owned land and former Council owned land
- to record all the above information on the database
- to evaluate the data.

### **3.1.3 The Council's Targets**

The original strategy set out a 7 year timetable for completion, and followed 15 phased stages. Stage 1, 2, 3, 5, 6, 7, 8, 9, 10,13 and 15 have been completed.

This schedule has been delayed significantly due to national changes in policy and guidance. In addition to the above numerous staff changes have delayed the completions of the inspection regime. The following programme sets out a revised timetable : -

#### **Stage 1 Completed**

Define roles, responsibilities and programme for development of the Strategy

#### **Stage 2 Completed**

Review of the Council's position with reference to statutory guidance Part A and Part C.<sup>1</sup>

#### **Stage 3 Completed**

Define the Strategy structure (Part C) <sup>1</sup> and the Council's objectives.

#### **Stage 4 (02/10/00 – ongoing)**

Commence the collection, collation and evaluation of contaminated land information. The completion of this stage is subject to the availability of appropriate computer software, the acquisition of historic ordnance survey maps of the District and staff resources.

#### **Stage 5 Completed**

Set up a computerised database for recording the researched information. Commence the collection and recording of information already available to the Council.

#### **Stage 6 Completed**

Draft the Strategy.

#### **Stage 7 Completed**

Issue the draft Strategy at the start of this consultation period. Consult widely and proactively to obtain further information.

<sup>1</sup> Part A and C refer to the Local Authority Guide to Part IIA of the Environmental Protection Act 1990

**Stage 8 Completed**

Revise the Strategy in the light of information received from the consultation process and any changes to the statutory guidance from the DETR which was used to produce the Strategy and which is still in draft form at the time of writing (April 2001).

Purchase historic Ordnance Survey maps.

**Stage 9 Completed**

Presentation of the Strategy to Elected Members through the Committee process with a view to formal adoption and publication.

**Stage 10 Completed**

Final version of the Strategy submitted to the Environment Agency by 30<sup>th</sup> June, 2001.

**Stage 11 (02/01/01 – 01/04/11)**

Urgent sites will be dealt with outside of the general approach to inspection. Any verifiable report of sites causing significant harm, identified through the consultation process or otherwise will be investigated forthwith. The Regulations allow for this possibility and it is possible that this stage may include the declaration of "special sites" where regulatory responsibility passes to the Environment Agency.

**Stage 12 (02/04/01 – Ongoing)**

The general approach to inspections will be to deal with the urban areas first, where the largest number of receptors (humans) are located. The towns are the areas where pollutant linkages are most likely to be found and inspections will be prioritised on the basis of population and the risks to controlled waters.

**Stage 13 Completed**

Council owned sites and former Council owned sites which may have had potentially contaminative uses e.g. waste disposal; will be inspected within the general population based approach to site investigation.

**Stage 14 (01/04/05 – 01/04/11)**

It is anticipated that the above investigatory regime will identify any threat to controlled waters or protected areas of the environment. This stage will provide a specific focus where evidence was not conclusive and is part of the structured research procedure to ensure that potential sites are not missed.

**Stage 15 Completed**

The Regulations require the remediation of contaminated land sites to be prioritised. This prioritisation could only have taken place once the sites have all been identified. A proprietary computerised risk assessment package has been used to do this.

### **3.2 Objectives and Milestones**

Statutory guidance requires that the strategic approach should:-

- be rational, ordered and efficient
- be proportionate to the seriousness of any actual or potential risk
- seek to ensure that the most serious and pressing problems are identified first
- ensure that resources are concentrated on investigating areas where the Council is most likely to identify contaminated land

- ensure that the Council efficiently identifies requirements for the detailed inspection of particular areas of land.

The Strategy will focus on identifying and researching primary sources of information on historic land use across the District to enable:-

- (a) Identification of potentially contaminated land to ensure that appropriate planning conditions are imposed prior to redevelopment.
- (b) Objective prioritisation of sites based on the principles set out in the guidance.

Sources of information to carry out the above tasks will include research of historic ordnance survey maps, trade directories dating back to approximately the 1820's and any locally available records.

Important milestones set by the Council are to be found in Section 3.1.3 above, where start dates and completion dates are set against the Council's targets.

### **3.2.1 Completion of Assessment of Land Where the Council May Be the "Appropriate Person"**

The Council's general approach to inspections is to deal with the urban areas first, where the largest number of receptors (humans) are located. Sites where the Council may be the "appropriate person" have been identified, inspected and assessed within that general approach. This was completed by 1<sup>st</sup> April, 2006.

### **3.2.2 Evidence of Actual Harm or Water Pollution, Collated and Reviewed**

When an area of land has been identified as contaminated in accordance with statutory guidance, the manner in which it is dealt with will be the same regardless of whether the Council or the Environment Agency is the regulatory authority. There are four main stages to this approach:-

- (i) To establish who is the "appropriate person" to bear responsibility for the remediation (or "clean-up") of the land.
- (ii) To decide what remediation is required and to ensure that this occurs, through:-
  - reaching a voluntary agreement
  - serving a remediation notice, if agreement cannot be reached
  - the regulatory authority carrying out work themselves, in certain circumstances
- (iii) To determine who should bear what proportion of the liability for meeting the costs of the work.
- (iv) To record certain information about regulatory action on a public register.

The Council's priorities in dealing with contaminated land are set out above in Section 3.1.1 of this document.

All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current governmental guidelines.

### **3.2.3 Potential Receptors Identified**

The receptors recognised as being potentially sensitive are:-

- **Human beings**
- **Controlled waters**
  - Drinking water abstractions
  - Source protection zones
  - Groundwater – major aquifers
  - Groundwater – private abstractions
  - Surface waters (e.g. rivers, lakes, streams)
- **Ecological systems or living organisms forming part of a system within certain protected locations, including:**
  - Sites of Special Scientific Interest (SSSIs)
  - National Nature Reserves
  - Marine Nature Reserves
  - Wildlife species protected under UK & EU legislation
  - Special Wildlife Sites (SWS)
  - Nature Reserves
  - Special Areas of Conservation (SACs)
  - Special Protection Areas (SPAs)
  - Candidate SACs
  - Ramsar sites
  - Areas of special protection for birds
- **Property in the form of buildings, including:**
  - Ancient Monuments
  - Listed buildings
  - World Heritage Sites
  - Historic parks and gardens
  - Historic battlefields
  - Conservation areas
- **Property in other forms**
  - Crops
  - Livestock
  - Home-grown produce
  - Owned or domesticated animals
  - Wild animals subject to shooting or fishing rights

### **3.2.4 Possible Risk to Those Receptors Assessed**

Risk to receptors will be assessed using a proprietary, computerised, risk assessment package. Such packages are not yet available but several are in course of development and an evaluation of their capabilities will be made before choosing the most suitable package.

### **3.2.5 Information on Possible Presence of Contamination Evaluated**

Since adoption of the Contaminated Land Inspection Strategy in April 2001, Government advice has evolved significantly in proportion to the health risk that contaminated land presents.

#### What are the changes?

In 2001 guidance on the subject of land contamination was limited to published data by the Interdepartmental Committee on the Redevelopment of Contaminated Land (ICRCL).

These documents have since been withdrawn from use in the UK guidelines and have been replaced with a new set of Soil Guideline Values (SGV's). These were developed by the Environment Agency in conjunction with the Department for the Environment, Food and Rural Affairs using a specialist computer model commonly known as the Contaminated Land Exposure Assessment (CLEA) model. However, these SGV's have been subject to considerable debate since their introduction and are currently under review. The derivation of new SGV's has ceased, and consideration is being given to the development of a new set of guidelines.

In the absence of appropriate SGV values for certain contaminants, we may refer to the intervention levels used by other countries e.g. Dutch Intervention Values or occupational exposure levels issued by the UK's Health and Safety Executive.

#### Non Statutory Guidance

WS Atkins Consultants have developed soil screening values and the Chartered Institute of Environmental Health have developed Generic Assessment Criteria in addition to the guidance to assist in the completion of complex sites risk assessment. Many environmental consultants have derived their own contaminant intervention level values. In the absence of SGV's the Council utilises the WS Atkins soil screening values as a guideline when assessing third party reports.

BS10175:2001 Investigation of Potentially Contaminated Sites- Code of Practice is a tool for designing site investigations of potentially contaminated sites.

### **3.2.6 Efficient Liaison and Information Exchange Established**

#### Internally

Investigation of Contaminated Land is the responsibility of the Planning, Health and Environment division of Wyre Forest District Council.

Information is exchanged between the Planning, Health and Environment Division and Legal and Democratic Division and Cultural, Leisure and Commercial Services who have land holdings on behalf of the Council

### With Other Parties

The consultation process is seen as the opportunity for liaison and information exchange. The Council endeavours to exchange relevant and useful information relating to potentially contaminated sites to other interested regulatory and non-regulatory parties.

#### **3.2.7 Justification for Inspection of Particular Areas Established**

Within the general population based approach to contaminated land investigation, research and investigation will be focussed on areas and industries where contamination is more likely to exist and where there may be risk to controlled waters. This is entirely consistent with the Council's priorities relating to the potential problem as set out in Section 3.1.1.

#### **3.2.8 Assumptions and Inspection Priorities Checked at Appropriate Intervals**

An annual review meeting of the Contaminated Land Task Group will be convened in April each year to monitor assumptions and inspection priorities, in addition to ensuring that Stages 11-15 of the Council's Targets (Section 3.1.3) are proceeding satisfactorily.

#### **3.2.9 Effective Output of Information**

It is one of the Council's priorities to ensure that procedures are in place for the provision of information to the Council's customers i.e. the public, developers and land owners.

Information on suspect and known contaminated parcels of land is available upon request under the Environmental Information Regulations 2004. However a fee may be charged for such a request. This information is commonly requested by property developers and solicitors during the conveyance of house purchase. Instructions on how to obtain this information is on the council website.

#### **4. THE COUNCIL'S PRIORITY ACTIONS AND TIMESCALES**

This Section details the Council's priority actions that were used to identify all potentially contaminated land within the District. Since the implementation of the strategy in 2001 the majority of the identified priorities as listed below have been accomplished. The remainder are ongoing throughout the implementation of the contaminated land regime.

##### **4.1 Priorities**

- To ascertain whether there is surface water within a 250m buffer zone of the subject site and to determine whether any investigations or surveys/remediation have been carried out.
- To establish the geology and hydrogeology of the area including water abstraction and private water supplies, discharge consents and water protection designations, by reference to information provided by the Environment Agency. This priority action has been completed.
- To purchase historic maps and to transfer all information to the Geographical Information System (GIS) i.e. GGP. This priority action has been completed.
- To establish historical and current use of the subject site and surrounding area by reference to OS maps, local records and trade directories to identify any special designations e.g. SSSI's and Special Wildlife Sites relating to the subject site or surrounding area.
- To establish the waste disposal/management history of the subject site and any surrounding area.
- To research historical/current records and addresses of licensed petroleum tanks with a capacity of more than 1,000 gallons.
- To capture information on all site investigation and site remediation reports held by the Planning, Health and Environment Division.
- To transfer data on all Part A and Part B processes on, or in close proximity to, the subject site.
- To establish the occurrence of any local pollution incidents on, or in close proximity to, the subject site.
- To locate and record land currently or formerly owned by the Ministry of Defence or its predecessor organisations.
- To develop a GIS system linked to the database. This priority action has been completed.
- To train the Research Officer in use of the GIS system. This priority action has been completed.

- To develop close working between the Research Officer and the data inputting team. This priority action has been completed.
- To send letters to Town and Parish Councils, and local history societies requesting any local information that they may have on land/contaminative uses. This priority action has been completed.

It is essential that the information gathered is managed in an appropriate manner. A GIS helps to store, update, and locate data and provide arrangements for internal and public access. Close liaison between the project manager and the research officer is a necessity. It is acknowledged that the bulk of the workload in implementing the strategy is data input. It is also acknowledged that training is necessary for the sub group to keep a working knowledge of the GIS system in place.

## **4.2 Timescales**

The original timescale set by the Council for the completion of its Priority Actions set out in Section 4.1 was the 31<sup>st</sup> August, 2005. During the implementation of these priority actions it was discovered that some were site specific and therefore not all could be completed by this date. These actions are implemented in conjunction with each site investigation when conducting the phase I desk study.



## **5. PROCEDURES**

Procedures have been drawn up to describe how contaminated land issues will be dealt with by the Council. This Section also details the level of service which the business community and members of the public can expect from the Council, on contaminated land issues.

### **5.1 Internal Management Arrangements for Inspection and Identification**

Responsibility for the implementation of Part IIA of the EPA 1990 is held by the Planning, Health and Environment Division. The Pollution Control Technician (Contaminated Land) is the Project Manager for contaminated land, reporting to the Principle Pollution Control Officer. The Research Officer reports to the Project Manager.

The responsibility of data input is held by the Project Manager and the Research Officer and not Support Services as it was intended in the original Strategy adopted in April 2001.

Since the adoption of the Strategy by the Council, the Project Manager is responsible for the day to day implementation of the Strategy. The Project Manager is also responsible for the service of remediation notices, subject to consultation with the Principle Pollution Control Officer and the Head of Legal & Democratic Services.

Elected Members will be informed at the earliest opportunity and by the most expedient means of any intention to designate an area of Council owned land or land where the Council is, or may be, the "appropriate person" and therefore liable for remediation costs. Since the adoption of the original Strategy in April 2001, all Council owned land and land where the Council may be the "appropriate person" has been preliminarily assessed with regards to contamination and no land was designated as contaminated.

### **5.2 Considering Council Interests in Land**

As indicated in Section 3.1.3 Stage 13, Council owned sites and former Council owned sites were inspected within the general population based approach to site investigation.

#### **5.2.1 Inspecting and Assessing Council Owned/Leased Land**

Information was sought from Heads of Divisions to identify all Council owned/leased land.

Land owned or leased by the Council was amongst the first sites investigated in each area. Assessment of such land was made using the same proprietary computerised risk assessment software and using the same parameters/criteria applying to other sites.

## 5.2.2 Identifying, Inspecting and Assessing Former Council-owned Land Holdings

The Council transferred all its housing stock to a private housing company in March 2000. Prior to the transfer, the Council engaged consultants to carry out an assessment of the housing stock in respect of contaminated land and any potential health risk to tenants.

The assessment covered a wide ranging area as properties are dispersed over the full extent of the District, involving approximately 6,000 properties out of 41,500 properties within the District.

The assessment included a desk top survey using the following classifications:-

<b>LOW</b> potential for contamination of site	No specific contamination identified on site. No apparent pathway for contamination to migrate to site from potentially contaminative sources within the vicinity of the site. May have been former development on site – (residential only). Made ground suspected but considered unlikely to be significantly contaminated.
<b>SLIGHT</b> potential for contamination of site	No specific contamination identified on site. Possible pathway for contamination to migrate to site from minor potentially contaminative sources within the vicinity of the site. May have been former development on site – (residential only). Made ground suspected but considered unlikely to be significantly contaminated.
<b>MODERATE</b> potential for contamination of site	No specific contamination identified on site. Possible pathway for contamination to migrate to site from a major or several minor contaminative sources within the vicinity of the site. May have been former development on site – (including farmyards, sand or gravel pits). Made ground suspected and considered likely to be significantly contaminated.
<b>HIGH</b> potential for contamination of site.	Specific significant contamination identified on site. May be due to former land use (heavy industry, major landfill) or specific information.

The results indicated that none of the properties had a high potential for contamination. 54% being low and 10% being moderate.

## 5.3 Information Collection

Many sources of information are required to identify potential sources of contamination and potential receptors. Some of the sources are as follows:-

Source	Detail	Use
Historic maps	Digital maps purchased from Ordnance Survey	To identify sources
Historic land use database	Digital format working with GIS.	To identify sources of potentially contaminated land use.
Geological maps	1:50 000 solid and drift geology maps will be purchased from the British Geological Society	To characterise sources and pathways
Hydrogeological maps	The Groundwater Vulnerability Maps produced by the National Rivers Authority (NRA) and the Soil Survey and Land Research Centre.	To identify receptors (controlled waters) and assess potential for contamination.
Source Protection Zones	Areas of groundwater that receive special protection by the Environment Agency are identified on the EA website, and can be used with a GIS.	To characterise receptors (controlled waters)
Environmental Health and Licensing records	The District Council maintains records of complaints and investigations.	To identify known information on contamination.
Planning records	The District Council holds detailed planning records of development in the area, including information on ground condition presented in surveys.	To identify known information on contamination.
District Local Plan	A valuable source of up to date information on land use.	To identify receptors (particularly historic monuments and protected areas of the environment).
Integrated Pollution Control register	The Council has maintained a public register containing details of authorised industrial processes in the District since 1990.	To identify sources of contamination.
Waste Management Licences	The Environment Agency maintain a public register of sites licensed for waste management activities and have provided relevant information relating to sites in the District.	To identify sources of contamination.
Register of closed landfill sites	The Environment Agency have provided a register of closed landfill sites.	To identify sources of contamination
The County Archives	The County Archivist has identified a number of sources describing land-use in the District essential for researching site histories prior to the end of the Second World War when the Town & Country Planning legislation came into force.	To identify sources of contamination.
County Archaeologist	Sites and Monuments Records	To identify Scheduled Ancient Monuments and potential associated contaminated land

### 5.3.1 Information on Actual Harm or Pollution of Controlled Waters

The District is almost entirely dependent on bore hole water abstraction for its drinking water supplies. Risk of pollution of any controlled waters would be of serious concern and would warrant urgent site action. The Environment Agency has indicated that there are several cases within the District which meet this criteria.

### 5.3.2 Information on Receptors

Receptors listed as being potentially sensitive are to be found in Section 3.2.3.

Information on receptors is an essential pre-requisite to the risk assessment process and such information is held in the database pending assessment and evaluation.

### **5.3.3 Information on the Possible Presence of Contaminants**

Known sources of potentially contaminated land are in the process of being identified and investigated. This establishes any former and current uses of a site that could have caused pollution of the land. This identification and investigation process will be carried out as part of a Phase I Desk Top Investigation (Preliminary Assessment).

Information as to the geological setting and groundwater vulnerability has also been established from the data provided by the Environment Agency. A buffer zone of 250m was drawn around the site to establish any receptors – human health/occupation and controlled waters being the main ‘drivers’, but any other receptors were noted.

Any pathway was then investigated to determine if a pollutant linkage exists, and therefore any potential for subsequent risk.

*Note: Elimination (removal) of either source – pathway – receptor will break the pollutant linkage and therefore the land will not be defined as contaminated land.*

The potential for farm waste such as slurry, silage liquor and milk spills to enter watercourse pathways and reach an ecologically sensitive receptor has a high probability. It was therefore recommended that all farms, especially where there is a risk of pollution to aquatic environments such as watercourses, produce adequate waste management plans.

Intensive agriculture (cow units, slurry clamps, pig-rearing units) have a higher pollution potential compared to lower intensity forms. Waste management plans were therefore recommended even if the pollution potential to aquatic environments is only slight.

### **5.4 Information and Complaints**

The Council receives information and complaints regarding contaminated land from members of the public, businesses or other outside organisations which will be directed to the Planning, Health and Environment Division.

The procedure for dealing with complaints is as follows:-

- the complaint will be logged on the Division’s computer system
- the complainant will be contacted by an officer within 3 working days and will be kept informed of progress in resolving the complaint.

It is the practise of the Planning, Health and Environment Division to endeavour to resolve complaints quickly and efficiently, however, the legislation presents a number of obstacles to these aims.

1. prior consultation with interested parties is required before land can be designated as contaminated
2. a three month period is the minimum time between designation of land as contaminated and the service of a remediation notice.

3. proof of a pollutant linkage is required before land can be designated as contaminated. This may require a detailed investigation.
4. the Council is required to make every effort to identify the original polluter of the land (the Class A person).

Whilst in urgent site cases 1 and 2 above may be waived, 3 and 4 cannot be waived.

Information regarding contaminated land will be recorded on the database with as much detail as could be supplied by the informant. Where a site has already been investigated, the new information will be assessed to check whether the site will require further investigation or re-evaluation. Where the site is yet to be investigated, the information will be assessed at a future time when the investigation takes place unless the information indicates that urgent site action should be taken.

Voluntary provision of information by individuals or organisations regarding contaminated land which is not affecting their health or property directly, will not be treated as a complaint.

In such circumstances, the Council will be under no obligation to keep the person or organisation informed as to progress towards resolution of the matter but may choose to do so.

#### **5.4.1 Determining the Appropriate Level/Type of Further Information Gathering by the Council**

The Council will gather information as to:-

1. the type and level of potential contamination
2. the existence of a pollution linkage
3. ownership of the land
4. the identity of the original polluter
5. the geographical location of the land
6. the current use of the land
7. any likely receptor

#### **5.4.2 Maintaining Appropriate Confidentiality**

During the course of an investigation, information may come to light which could blight an area of land if that information became common knowledge. If no pollution linkage is established, the value of that land would have been adversely affected for no reason.

It is of vital importance that appropriate confidentiality is maintained to engender trust in the Council to make an objective and fair decision on contaminated sites. Only where confidentiality can be relied upon will the general public and businesses be prepared to offer information.

#### **5.4.3 Dealing with Anonymously-Provided Information**

The Council normally undertakes a preliminary investigation of any information provided anonymously, in order to test its validity. Any such information provided in

connection with contaminated land will be treated in the same way. The information will be recorded together with any validating information and may be acted upon.

## **5.5 Information Evaluation**

All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current government guidance.

### **5.5.1 Evaluating Information on Actual Harm or Pollution**

The phase I desk top study will be used to establish a risk rating. Risk will be based on the following:-

<b>Risk</b>		<b>Action</b>
<b>Low</b>	<b>1</b>	There is unlikely to be a significant environmental risk associated with the land or its use;
<b>Medium</b>	<b>2</b>	Approach consultant for opinion; site visit likely
<b>High</b>	<b>3</b>	Approach consultant advisor. It is likely that a Phase 1 Survey will be required to quantify the likely risk, site visit likely
<b>Very High</b>	<b>4</b>	As above. It is likely that a site investigation will be required
<b>Special Site</b>	<b>5</b>	Liaise with Environment Agency

### **5.5.2 Contaminant Sources – v – Receptors**

Section 3.2.5 detailed the guidance which the Council uses to determine the level of a substance which constitutes a contaminant source. Section 3.2.3 detailed the receptors which the Council deems to be potentially sensitive.

Each have to be considered carefully but it is recognised that both can co-exist provided there is no pollutant linkage.

In the absence of a pollutant linkage, the Council cannot record the site as contaminated land, however, information will still need to be recorded on such sites as any change which produces a potential pollutant linkage will need further investigation.

Changes would include exposure of the source, a different e.g. more sensitive receptor or the creation of a pathway between the source and the receptor.

### **5.5.3 Effectiveness of Previous Actions or Other Regimes**

There are other regulatory actions that can be taken to deal with contamination of land. Overlaps with planning, water pollution and IPPC legislation are considered the most important and are addressed here. Any issues of land contamination that may

previously have been dealt with under the statutory nuisance regime is now dealt with through Part IIA processes.

### Planning

The vast majority of contaminated land issues are currently addressed through the planning regime, where contamination is a material consideration. While the introduction of Part IIA lead to the problems of additional sites being addressed, the redevelopment of brownfield sites, and the associated planning controls, remain the primary mechanism for dealing with contaminated land. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part IIA.

### Water Pollution

The Water Resources Act 1991 gives the Environment Agency powers to deal with harm to controlled waters being caused by contaminated land. While Part IIA legislation does not revoke these powers, the DETR have indicated that such problems should now be dealt with under the new contaminated land regime. Assuming the site is not a special site, the following steps will be taken:-

- (i) The Council will consult with the Environment Agency before designating any contaminated land as a result of risk to controlled waters and will take into account any comments made with respect to remediation.
- (ii) If the Agency identifies a risk to controlled waters from contaminated land, the Council will be notified to enable designation of the land and remedial action will be taken under Part IIA.

### Integrated Pollution Prevention and Control (IPPC)

Under legislation to regulate pollution from industrial processes, site operators are required to undertake a site condition survey prior to receiving a licence to operate. If the site condition is such that areas of land meet the definition of contaminated land, then submission of a site survey may trigger action under Part IIA. Existing processes will be brought under this legislation in stages over the next seven years, although it will apply to any new processes or any substantial change to an existing process.

All information is recorded on the Council's GIS system, linked to an Access database, to allow statistical information to be stored.

#### **5.5.4 Identify Any Key Geographical Areas**

No specific geographical areas have been identified as being of potential concern. However, in the case of some former industrial activities which are Scheduled Ancient Monuments, any contaminants present may constitute a significant element of the archaeological interest for which the monument was scheduled.

The advice of the area Ancient Monuments Inspector will be sought when drawing up a remedial strategy for such sites.

It is thought that Scheduled Ancient Monuments constitute less than 5% of the total archaeological resource. It is intended when significant contamination is identified on or in an unscheduled archaeological site, and remediation is necessary, full discussion with the County Archaeologist will take place at an early stage to agree an appropriate

mitigation strategy. This could include in situ preservation or excavation and recording. The special circumstances might require the development of a particular approach to overcome issues such as the archaeological material itself being treated as contaminated and not suitable for removal for archiving/further research. Clearly this would depend upon the nature of the contamination and it is hoped that the archaeologists would work with the Council to develop the appropriate mitigation strategy.

It is anticipated that decontamination is likely to take place in response to a proposed planning application for the development of brownfield land. If this is the case, then the procedures for dealing with areas of potential archaeological interest set out in Planning Policy Guidance 16 (PPG.16) Archaeology and Planning will be followed. The first stage would be to consult the Sites and Monuments Record to establish this potential.

Consideration will also be given to the impact of remediation measures that:-

- (a) will take place outside the normal development control procedures and will not, therefore, be subject to the automatic appraisal of the historic implications; and,
- (b) special sites under the aegis of the Environment Agency which will not necessarily be aware of the appropriateness of following a similar procedure to that set out in PPG 16.

It is recognised that contaminated sites should be considered in their historical context. They can tell us about past industrial activities and may include buildings and plant, as well as other archaeological evidence, which it might be appropriate to conserve or record. The understanding of the history of a site may inform planners and developers as to how new development can best be integrated into the existing urban fabric.

It is also recognised that contaminated land may have high nature conservation value. The contribution which contaminated land may make towards the County Biological Action Plan warrants consideration and assessment.

#### **5.5.5 Identify any Specific Potential Pollution Linkages**

Advice will be sought from the Environment Agency on risk assessment if controlled waters are the receptor in a particular pollutant linkage. It is anticipated that risk assessments and remediation will be carried out in accordance with Environment Agency guidance as laid down in "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources (EA R&D Publication 20, 1999).

#### **5.5.6 Identify Any Particular Individual Sites**

The initial desk top study and risk assessment procedure prioritises areas of land indicating high risk of significant harm for further investigation.

Further investigation will incorporate the following:-

- a site visit; followed by
- intrusive investigation by consultants (land owner)



Some information on particular individual sites is held in the Planning, Health and Environment Division. Information on individual sites in the form of site soil surveys and remediation schemes is also held by this department.

#### **5.5.7 Identify Gaps in Information and How These are to be Remedied**

The Council's priorities set out in Section 4.1 give a clear indication of the completed research. However, it is recognised that shortcomings still remain in the obtained information.

It is intended to use graded overlays on the GIS system to indicate the totality and accuracy of information. Land graded as 1, will need further research, through the scale to grade 5, where no further research is required. These overlays will be updated and re-visited as the research progresses and gradually the gaps will be filled.

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## **6. GENERAL LIAISON AND CONTAMINATION STRATEGIES**

The effective implementation of this Strategy depends largely on collaborative working within the Council Divisions and effective liaison with outside organisations.

### **6.1 Other Statutory Bodies**

The key statutory bodies with whom effective liaison must be fostered are the statutory consultees for this Contaminated Land Inspection Strategy.

Those bodies are:-

- Environment Agency
- Natural England
- English Heritage
- Department for the Environment, Food and Rural Affairs
- Food Standards Agency
- Worcestershire County Council
- Advantage West Midlands Redevelopment Agency

Each of these bodies were invited to comment on the consultation draft of this Strategy and the first five listed, responded.

### **6.2 Owners, Occupiers and Other Interested Parties**

The Council's approach to its regulatory functions is to seek voluntary action before taking enforcement action. This approach will be pursued for contaminated land enforcement matters as it is recognised that, in most cases, much more can be achieved by agreement than by strict enforcement of the legislation.

To this end, the Council will actively promote liaison with owners, occupiers and other interested parties which truly reflects its values.

The Council will be:-

- ◆ Open, responsive and accountable
- ◆ Value for money
- ◆ Promoting sustainable development
- ◆ Putting communities first
- ◆ Valuing employees
- ◆ Working in partnership

### **6.3 The Wider Community**

The Council ensured that members of the public, businesses and voluntary organisations, were consulted on this Strategy. It is anticipated that the wider community is a rich source of information which could lead to the investigation of long forgotten contaminated sites.

Participation in the process of identifying and investigating contaminated land is encouraged, recognising the valuable contribution of these sectors.

## **7. PROGRAMME FOR INSPECTION**

The Council's targets set out in Section 3.1.3 (Stages 11-15 inclusive) and its priorities in Section 4.1, will form the basis of the programme for inspection.

### **7.1 Arrangements for Carrying Out Detailed Inspection**

Every effort will be made to secure detailed inspection of sites on a voluntary basis. It may be necessary to make assessments on-site and co-operation will be sought for a joint inspection with the land owner/occupier. Advice will be given as to the purpose and extent of the inspection and the data requirements.

If a voluntary, co-operative approach fails to achieve progress the Council has statutory powers.

Under Section 108(6) of the Environment Act, the Council has been granted powers of entry to carry out investigations. At least 7 days notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment.

#### **7.1.1 Ensuring Compliance with B19-25 of Statutory Guidance**

The Council will follow this protocol to ensure compliance with paragraphs B19-25 of the statutory guidance.

1. Evidence of the actual presence of a pollutant will be required before commencement of a detailed inspection.
2. A detailed inspection may include any or all of the following:-
  - (a) the collation and assessment of documentary information, or other information from other bodies
  - (b) a visual site inspection and, in appropriate cases, limited sampling e.g. of surface deposits
  - (c) intrusive investigation of the land e.g. by exploratory excavations.
3. Before using its statutory powers of entry for inspection referred to in Section 7.1, the Council will ensure that information already obtained:-
  - (a) indicates that there is a reasonable possibility that a pollutant linkage exists; and,
  - (b) in cases involving intrusive investigation that the contaminant is actually present; and
  - (c) that given the current land use that the receptor is actually present or is likely to be present
4. The Council will not use statutory powers of entry for carrying out an intrusive investigation if:-

- (a) it has already been provided with detailed information from a reliable source, e.g. the Environment Agency; sufficient to determine whether the land is contaminated land.
  - (b) a person offers to provide such information within a reasonable, and specified time, and then provides such information within that time.
5. The Council will carry out any intrusive investigation in accordance with appropriate technical procedures for such investigations. It will also ensure that all reasonable precautions are taken to avoid harm, water pollution or damage to natural resources or features of historic or archaeological interest.
- Before carrying out any intrusive investigation of a Site of Special Scientific Interest, the Council will consult Natural England on any action which, if carried out by the owner or occupier, would require the consent of Natural England as a Section 28G authority under the Countryside and Rights of Way Act 2000.
6. If at any stage, the Council considers on the basis of information obtained, that there is no longer a reasonable possibility that a particular pollutant linkage exists on the land, the Council will discontinue the inspection for that particular pollutant linkage.

#### **7.1.2 Site Specific Liaison with Owners and Other Appropriate Persons**

The Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach will be adopted for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement than by enforcement.

The Regulations provide an incentive to undertake voluntary action, in that any materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes. This exemption does not apply to materials generated as a result of a remediation notice having been served.

This approach requires effective communication with owners, occupiers and other interested parties. The Project Manager is the central contact point within the Council on contaminated land issues and, as such, works to keep owners, occupiers and other interested parties informed at each stage of an investigation, regardless of whether or not there is a formal designation of contaminated land.

Where a formal designation of contaminated land is required, the following actions will be undertaken:-

- (a) Designating an area of contaminated land
  - (i) Write to the owner and/or the occupier of the land at least 5 working days prior to designation, explaining, in summary, the reason for designation.
  - (ii) Write to the owner and/or the occupier of the land explaining that the land has been designated as contaminated land and seeking appropriate remediation, without service of a notice.

- (iii) If requested, dispatch a copy of the written risk assessment to the owner and/or occupier of the land within 5 working days of receipt of a request.
- (iv) Write to the owner/occupier of neighbouring properties and/or the complainant within 5 working days of designation.

(b) Serving a remediation notice

- (i) A written remediation notice will be served on the owner/occupier specifying action required.
- (ii) Letters will be sent to the owner/occupier of neighbouring properties and/or the complainant within 5 working days of notice being served.

Should an urgent designation of contaminated land be required, these steps will be observed as far as practicable although some deviation from the timescales specified is to be expected.

First class liaison arrangements already exist with the Environment Agency. The arrangements cover both general matters and site specific issues. Effective liaison can only develop where there is good, two-way communication, mutual trust and a determination to succeed. The Council will make every effort to maintain these liaison arrangements and to establish liaison arrangements of the same standard with English Heritage. English Heritage have already provided valuable information and advice which has been incorporated into this Strategy. Information and advice was received from several other organisations during the consultation process, all of which was incorporated into this Strategy document.

### **7.1.3 Methods of Inspection**

Collection of documentary information is an essential pre-requisite to an inspection. Information will be collected on the database linked to the GIS system. Hard copy documents will be filed for possible future reference once the information has been put on the database. Where the database contains information on sites which indicates that there is possible contamination or a pollutant linkage, the Research Officer extracts the information at the appropriate time for consideration of a detailed inspection.

Visits are made to such sites with the intention of carrying out visual inspections. It should be possible to assess whether a pollutant linkage is likely from a visual inspection. Any obvious potential pollutants will be sampled. Details of the site visit are used, along with any other information obtained, to update the database.

When a potential pollutant linkage has been identified on a site intrusive sampling will be carried out in accordance with the protocol set out in Section 7.1.1. Intrusive sampling will normally take the form of trial pits and boreholes to expose material for scientific examination. Experience shows that the best results are obtained by a combination of the two techniques. Location and numbers of trial pits and boreholes is vital to the success of the establishment of contamination and should be agreed before work commences.

#### **7.1.4 Health and Safety Procedures**

Health and Safety procedures are required to protect personnel engaged on any part of the inspection process. The Council has procedures in place which are designed to protect staff, so far as is reasonably practicable.

The procedures cover:-

- (a) safe access and egress, to and from sites
- (b) wearing of personal protective equipment for use on site i.e. helmets, overalls, gloves and safety shoes.
- (c) use of sampling equipment
- (d) use of specialist personal protective equipment where there are special risks e.g. from the inhalation of dusts.
- (e) lone working

#### **7.1.5 Potential Special Sites**

The Environment Agency is the enforcing authority for special sites. Descriptions of the types of land which are to be designated as special sites are set out in Regulations 2 and 3 of the Contaminated Land (England) Regulations 2000 and are summarised as follows:-

- land which is contaminated by reason of waste acid tars in, on, or under the land. These are tars which contain sulphuric acid; were produced as a result of refining benzole, used lubricants or petroleum.
- land on which any of the following activities have been carried on at any time –
  - (i) the purification (including refining) of crude petroleum or of oil extracts from petroleum, shale or any other bituminous substance except coal; or
  - (ii) the manufacture or processing of explosives.
- land on which a prescribed process designated for central control has been or is being carried out under an authorisation where the process does not comprise solely things being done which are required by way of remediation.
- land within a nuclear site
- land owned or occupied by or on behalf of –
  - (i) the Secretary of State for Defence
  - (ii) the Defence Council
  - (iii) an international headquarters or defence organisation; or
  - (iv) the service authority of a visiting force,being land used for naval, military or air force purposes.
- land on which the manufacture, production or disposal of –
  - (i) chemical weapons;

- (ii) any biological agent or toxin which falls within Section 1(1)(a) of the Biological Weapons Act 1974 (restriction on development of biological agents and toxins); or
  - (iii) any weapon, equipment or means of delivery which falls within Section 1(1)(b) of that Act (restriction on development of biological weapons), has been carried on at any time.
- land comprising premises which are or were designated by the Secretary of State by an order made under Section 1(1) of the Atomic Weapons Establishment Act 1991 (arrangements for development etc. of biological weapons) has been carried on at any time.
  - land to which Section 30 of the Armed Forces Act 1996 (land held for the benefit of Greenwich Hospital) applies.
  - land which –
    - (i) is adjoining or adjacent to land of a description specified above; and
    - (ii) is contaminated by virtue of substances which appear to have escaped from land of such a description.
  - land where –
    - (a) controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land and, as a result, require a treatment process or a change in such a process to be applied to those waters before use, so as to be regarded as wholesome within the meaning of Part III of the Water Industry Act 1991 (water supply);

In considering whether this regulation applies, four questions have to be answered:

1. Do the controlled waters beneath or around the contaminated land contribute to an abstraction, or intended abstraction, that is used at least in part, for human consumption?;
2. Are controlled waters being affected by the land?;
3. Is it likely that the substances present will cause the quality of water at the subsequent point of potable abstraction to be regarded as unwholesome? and;
4. Will the presence of those substances require a treatment process, or a change to the existing treatment process applied to those waters, to ensure that the waters are wholesome?

For a site to be designated as a Special Site under Regulation 3(a), the answers to all four questions have to be “yes” and then the Environment Agency becomes the enforcing authority. If the site is not designated as a Special Site, the Council will deal with the harm to controlled waters as set out in Section 5.5.3 Water Pollution.

In the case of abstractions from groundwater, controlled waters should be considered to have the potential for human consumption if:-

Those controlled waters lie within the catchment, or Source Protection Zone III of an abstraction borehole, spring or well used (wholly or in part) to supply water for

human consumption, or is licensed for such purposes, or is the subject of an application for an abstraction licence under the Water Resources Act 1991 for such purposes. The published total catchment (SPZ III) on the Environment Agency's Groundwater Protection Maps should normally be used in this respect. Any additional hydrogeological data that may justify revision of the zones may need to be taken into account. Small licensed abstractions, or abstractions exempt from licensing, catchments may be delineated on the basis of guidance set out in 'Groundwater Protection for Small Sources' (NRA, 1995) and 'Groundwater Protection Zones: Manual of Standard Zone Delineation Methodologies' (Environment Agency, 1996).

In the case of water abstracted from surface waters, controlled waters should be considered to have the potential for human consumption if controlled waters in rivers, streams, lakes, ponds or other surface water bodies, or tributaries of such water bodies, are up-stream or an intake for a potable abstraction, or are licensed for such purposes, or are the subject of an application for an abstraction licence under the Water Resources Act 1991 for such purposes.

Regulation 3(a) also requires that controlled waters are being affected by the land for the land to be designated a Special Site. Section 78A(8) of EPA90 defines "affected by" as being "pollution of those waters is being, or is likely to be caused". For the purpose of this section, controlled waters should be considered to be affected if substances are present in those waters, or are likely to enter controlled waters, at concentrations measurably in excess of background concentrations up hydraulic gradient of the site.

Those controlled waters in the catchment of a potable abstraction shall be considered to fail to satisfy the requirements for wholesomeness if the concentration of any substance, or predicted concentration of any substance, in the water at the point of abstraction exceeds the relevant standards given in the Water Supply (Water Quality) Regulations 1989 (SI 1989/1147 as amended by SI 1989/1384 and SI 1991/1837), and the Private Water Supplies Regulations 1991 (SI 1991/2790).

Finally, the treatment process applied to the abstracted water must require changes (improvements) to ensure that the water complies with the relevant water supply regulations before the land can be designated as a Special Site.

Relevant treatment processes include any form of physical, biological or chemical process, or combination of processes, that are necessary as a result of the presence of the significant pollutant(s) within the identified significant pollutant linkage(s).

A change to the treatment process may be either the requirement for a new process, or alteration of an existing process to increase the intensity or degree of treatment applied. Treatment also includes mixing and blending of different waters to ensure that concentration limits are achieved.

(b) controlled waters are being affected by the land and, as a result, those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under Section 82 of the Water Resources Act 1991 (classification of quality of waters).



Actual designation of a special site cannot take place until the land in question has been formally identified as contaminated land by the Council. However, detailed investigation of any potential special site will be carried out by the Environment Agency on behalf of the Council.

Therefore, any potential special site coming to the attention of the Council will be notified forthwith to the Environment Agency seeking their advice regarding further detailed site investigation.

When necessary, the Council will authorise a person nominated by the Agency to use, on its behalf, the powers of entry conferred by Section 108 of the Environment Act 1995.

#### **7.1.6 Making Arrangements for External Appointments of Consultants etc.**

The Council has a small budget for the appointment of consultants. Consultants have been identified who are able to provide the necessary expertise particularly where intrusive sampling is necessary. This is highly specialised, complex work which requires exceptional analytical laboratory facilities.

#### **7.1.7 “Risk Communication” Strategy Especially with Local Communities**

The complexities of contaminated land issues do not lend themselves to easy explanation to the lay person. Development of effective methods of risk communication was therefore essential.

The Council takes any concerns raised by a member of the public seriously and with due recognition of the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barriers to effective communication which are:-

- familiarity – increased concern about unfamiliar issues
- control – increased concern if the individual is unable to exert any control over an issue
- proximity – increased concern if the issue is close to home
- immediacy – increased concern about immediate consequences rather than long term or insidious effects
- scale – particularly where there is media coverage; one large incident appears much worse than several small incidents.
- “dread factor” – lack of understanding can lead to heightened concern and stress which make further explanation more difficult.

It is important to recognise that the expectations of some members of the public will not be met by the powers given to the Council under the contaminated land legislation.

### **7.1.8 Frequency of Inspection**

The original Strategy, formally adopted in April 2001, did not intend to set a frequency for inspection. As a “capped” authority, it had no more resources to channel into the identification and remediation of contaminated land. The Council relied on the graded overlays on the GIS system referred to in Section 5.5.7 to ensure that appropriate frequency of inspection is secured.

#### **Best Value Performance Indicators: BV 216a and BV 216b**

In April 2005, Best Value Performance Indicators were introduced with regards to contaminated land: BV 216a and BV 216b. These BVPIs have been introduced with the purpose to measure Local Authorities progress in the inspection of the sites of potential concern in relation to contaminated land.

#### **BV 216a – Identifying Contaminated Land**

This performance indicator is a snap shot of all of the sites of potential concern within the district in relation to contaminated land on the 1<sup>st</sup> April every year. Sites have been identified where a pollutant linkage may exist and may need to be remediated.

#### **BV 216b- Information on Contaminated Land**

This is the number of sites for which there is sufficient detailed information available to decide whether or not remediation is necessary. This number is in the form of a percentage and is a target set by the Project Manager.

#### **BV 216a and BV 216b in 2006/2007**

To put these performance indicators into perspective, in 2006/2007 the number of sites of potential concern, BV 216a, was 830. The Project Manager set a BV 216b target to gain sufficient detailed information as 7% of these sites, equivalent to 58 sites. By 31<sup>st</sup> March 2007, this target was reached and sufficient detailed information for 58 sites of potential concern had been obtained. The Project Manager has increased the BV 216b target to 8.5% for the financial year 2007/2008, equivalent to 70 sites of potential concern.

To date, a total of 126 sites have been inspected.

### **7.1.9 Format of Information Resulting from Inspection**

The format of information is twofold. All the textual detail resulting from inspections will be on a purpose designed contaminated land database. This database information will be linked to the GIS system which is a graphical or “map-based” method of presenting information.

## **8. REVIEW MECHANISMS**

This Strategy outlines the general approach to the inspection of land in the District for contamination. The Strategy is not an end in itself and the document is reviewed periodically, to ensure that the general approach is meeting the Council's aims, priorities and targets.

There are instances where circumstances dictate that inspections should take place outside the general approach of the Strategy. These decisions will be reviewed along with the Strategy to ensure that it remains effective and up to date.

### **8.1 Review of Assumptions and Information**

Any assumptions are reviewed together with the Strategy annual review. Progress towards the completion of the information gathering process is reviewed annually as part of the general review process in April each year. The type, level and quality of information are reviewed to ensure that the information is useful and relevant.

### **8.2 Review of Strategy Document**

The Strategy was finalised in May 2001. It is appropriate to review the Council's targets periodically. A report is compiled annually documenting the progress of the Contaminated Land Inspection Strategy. The progress report compiled in 2006 is available to view on the Contaminated Land page of the Council's website. This review of the Strategy will be reported to Members in April 2007.

The next review of the Contaminated Land Inspection Strategy will be conducted in 2009.

### **8.3 Audit of Inspection Procedures**

The Strategy recognises that there may be occasions when inspections may have to be carried out, outside the general approach to inspection priorities. It is intended that inspection procedures are audited to ensure that inspections carried out on a re-assessed priority basis and inspections carried out within the general priority approach, provide reliable, verifiable, accurate data, sufficient for the Council to decide whether a pollutant linkage exists.

In addition, there may be occasions where the findings of previous inspections and decisions should be reviewed. Such occasions would include:-

- significant changes in legislation
- new guidance
- significant legal case law or other precedent
- revision of guideline values for exposure assessment.

It is therefore vital, that all inspections and decisions are made and recorded in a consistent manner, to allow efficient review.

## **9. INFORMATION MANAGEMENT**

### **9.1 General Principles**

The Council's Geographical Information System is the main tool to manage contaminated land information.

This system is used to correlate all information, including the proximity of receptors and any pathways to possible sources of contamination.

The GIS has a contaminated land database attached to it which enables all information to be drawn together for reporting and assessment purposes.

### **9.2 Information Content**

- Register Contents

Under the Regulations, the Council is required to maintain a public register of contaminated land. The Regulations define the information to be recorded in the register. The register takes the form of a series of relevant documents as follows:-

- remediation notices
- details of site reports obtained by the Council relating to remediation notices.
- remediation declarations, remediation statements and notifications of claimed remediation.
- designation of sites as "special sites"
- any appeals lodged against remediation and charging notices
- details of any convictions

The public register does not include details of historic use of the land and other records used in the investigation of potentially contaminated land. These are research documents and as such, will not be made available to the public.

### **9.3 Storage Systems**

Information is primarily stored on the GIS/Contaminated Land database but submitted paper-based reports will be stored on a property file.

The public register is paper-based and be in the form described in Section 9.2.

### **9.4 Administration**

Since adoption of the Strategy in 2001, the Council has undergone divisional re-organisation where the Planning & Environment Division and the Environmental Health & Community Safety Division have amalgamated to form the Planning, Health and Environment Division. The administration of the Strategy is now the responsibility of the Environmental Health and Licensing Department within the Planning, Health and Licensing Division. The administration includes the data collation and risk assessment process and the database and GIS operation.

## **9.5 Use By Other Divisions of the Council**

Information will be available to other Divisions of the Council. The principal users of the information will be the Planning, Health and Environment. This Division is responsible for identifying and inspecting contaminated land and ultimately ensuring its remediation.

Information is also be used by the Legal & Democratic Services Division, specifically by the:-

- Property Officer
- Commercial & Property Solicitor
- Land Charges Officer
- Terrier Officer

Divisions holding land on behalf of the Council e.g. Cultural, Leisure & Commercial Services Division may also have cause to use the information held on land in their management portfolio.

## **9.6 Confidentiality of Information**

There are two classes of information which the Council holds on contaminated land. They are:-

- (a) information on the database and in the GIS system, which is information to enable the Council to consider the designation of contaminated land; and
- (b) information on the public register where the land has been designated as contaminated and remediation notices have been served.

Both classes of information are subject to some confidentiality.

In (a) the details of the supplier of the information (perhaps a complainant) and any research information obtained by the Council will be treated as confidential.

In (b), information which relates to the affairs of an individual or business and is commercially confidential to that individual, will be treated as confidential unless the relevant person's permission for inclusion of the information on the public register, has been given. The guidance on commercial confidentiality in DETR Circular 02/2000 will be followed.

## **9.7 Arrangements for Giving Access to Information**

Under the Environmental Information Regulations 2004, the Council is required to maintain a public register of contaminated land. The register will be held by the Planning, Health and Environment Division at its offices at Duke House, Clensmore Street, Kidderminster, DY10 2JX

The public register can be inspected, on request, by anyone wishing to do so,. An appointment for viewing the public register is necessary and should be made with the Environmental Health and Licensing Department..

## **9.8 Dealing with Requests for Information**

Requests for information should be directed to the Project Manager (Miss Terri Weston). Requests should be in writing to Planning, Health and Environment Division, Wyre Forest District Council, Duke House, Clensmore Street, Kidderminster, Worcestershire, DY10 3JX.

A telephoned request to consult the public register in person should be made to Miss. Terri Weston on 01562 732584. Advance telephoned requests are required to arrange an appointment to view the register.

## **9.9 Provision of Information to the Environment Agency**

A Memorandum of Understanding has been agreed between the Environment Agency and the Local Government Association. The agreement entitled, "Protocol for Land Contamination", describes how information is to be exchanged between local authorities and the Environment Agency. The Council provides information to the Environment Agency in accordance with the guidelines set out in the Protocol.

The Council is also required to provide information to the Environment Agency whenever a site is designated as contaminated land and whenever a remediation notice, statement or declaration is issued or agreed. The Environment Agency has provided standard forms to facilitate the supply of this information and the Council will adopt the use of these forms to fulfil its reporting requirements.

The Environment Agency is required to prepare an Annual Report for the Secretary of State on the state of contaminated land in England and Wales. This report will include:-

- A summary of local authority inspection strategies, including progress against the strategy and its effectiveness
- The amount of contaminated land and the nature of the contamination
- Measures taken to remediate land

As local authorities are the lead regulators on contaminated land, with the Environment Agency regulating only some categories of sites, the national survey will clearly be reliant on information provided by local authorities.

## 10. OTHER SUPPORTING INFORMATION

This Section contains information which may be of use to readers of this Strategy.

### 10.1 Contact Points in the Council

Contact points for contaminated land issues are as follows:-

Name	Title	Telephone No.
Miss Terri Weston	Project Manager	01562 732584
Mrs Danielle Edgerton	Research Officer	01562 732582
Mr Richard Williams	Principle Pollution Control Officer	01562 732581
Mr. Mark Kay	Head of Environmental Health & Licensing	01562 732580
Address		
Planning, Health and Environment Division, Wyre Forest District Council, Duke House, Clensmore Street, Kidderminster, Worcestershire, DY10 2JX.		

Contact points for planning and development control matters for contaminated land are:-

Name	Title	Telephone No.
Mr. Noel Holdstock	Forward Planning Manager	01562 732550
Miss Clare Eynon	Development Control Manager	01562 732515
Mr Mike Parker.	Head of Planning, Health and Environment	01562 732500
Address		
Planning, Health & Environment Division, Wyre Forest District Council, Duke House, Clensmore Street, Kidderminster, Worcestershire, DY10 2JX Chester Road North, Kidderminster, Worcs. DY10 1TA.		

Contact points for legal matters for contaminated land are:-

Name	Title	Telephone No.
Mrs. Jane Alexander	Commercial & Property Solicitor	01562 732712
Miss Caroline Newlands	Head of Legal & Democratic Services	01562 732715
Address		
Legal & Democratic Services Division, Wyre Forest District Council, Civic Centre, Stourport on Severn, Worcs. DY13 8UJ.		

## 10.2 Glossary of Terms

DETR Circular 02/2000 contains a detailed glossary of terms that provides legal definitions of terms that may be used in this Strategy. This glossary provides some interpretation of terms used in the Strategy to aid reading by the lay person.

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<b>AONB</b>	Area of Outstanding Natural Beauty
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<b>Brownfield site</b>	A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. Only a small proportion of brownfield sites will meet the definition of contaminated land.
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<b>CLEA</b>	Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment
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<b>Contaminated land</b>	Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances, in, on or under the land that: a) significant harm is being caused or there is a significant possibility of such harm being caused; or b) pollution of controlled waters is being, or is likely to be caused
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<b>CTLG</b>	Contaminated Land Task Group
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<b>Controlled waters</b>	These include: a) inland waters (river, streams, underground streams, canals, lakes and reservoirs) b) groundwaters (any water contained in underground strata, wells or boreholes) c) territorial waters (the sea within three miles of a baseline) d) coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit)
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<b>DETR</b>	Department of the Environment, Transport & the Regions
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<b>Drinking water abstraction</b>	The taking of water from a source (in this case, primarily an underground source) for drinking water
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<b>EA</b>	Environment Agency
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<b>Eco-system</b>	A biological system of interacting organisms and their physical environment
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<b>GIS</b>	Geographical Information System
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<b>Groundwater</b>	Any water contained in underground strata, wells or boreholes
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<b>ICRCL</b>	Interdepartmental Committee on Remediation of Contaminated Land
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<b>Pathway</b>	One of more routes by which a receptor can be exposed to a contaminant
<b>Pollutant linkage</b>	The relationship between a contaminant, a pathway and a receptor
<b>Ramsar site</b>	A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed
<b>Receptor</b>	Sometimes referred to as “a target” – the health of a person, waters, ecosystem or property type that could be affected by contamination
<b>Remediation</b>	Generally accepted as being the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land
<b>Risk assessment</b>	The study of: a) the probability, or frequency, of a hazard occurring; and b) the magnitude of the consequences
<b>SAC</b>	Special area of conservation
<b>Source</b>	A substance in, on or under the ground with the ability to cause harm
<b>Source protection zone</b>	Protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted
<b>SPA</b>	Special Protection Area for birds
<b>Special site</b>	Any contaminated land designated due to the presence of: <ul style="list-style-type: none"> <li>• Waste acid tar lagoons</li> <li>• Oil refining</li> <li>• Explosives</li> <li>• Integrated pollution control sites</li> <li>• Nuclear sites</li> </ul>
<b>SSSI</b>	Site of Special Scientific Interest
<b>WFDC</b>	Wyre Forest District Council

### 10.3 Details of Statutory Consultation Contacts

Natural England  
Block B,  
Government Buildings,  
Whittington Road  
Worcester,  
Worcestershire,  
WR5 2LQ

Kieron Finney,  
Area Contaminated Land Officer,  
Environment Agency,  
Hafren House,  
Welshpool Road,  
Shilton,  
Shrewsbury. SY3 8BB

Kara Thomas/David Mortimer.  
Contaminants Division,  
Food Standards Agency,  
P.O. Box 31037,  
Room 238,  
Ergon House,  
17 Smith Square,  
London. SW1P 3WG.  
[Kara.thomas@foodstandards.gsi.gov.uk](mailto:Kara.thomas@foodstandards.gsi.gov.uk)  
[David.mortimer@foodstandards.gsi.gov.uk](mailto:David.mortimer@foodstandards.gsi.gov.uk)

Ian George,  
Ancient Monuments Inspector,  
English Heritage,  
West Midlands Region,  
112 Colmore Road,  
Birmingham. B3 3AG.

DEFRA  
Customer Contact Unit  
Eastbury House  
30-34 Albert Embankment  
London  
SE1 7TL

DEFRA Helpline: 08459 335577  
[helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)

Julie Lloyd,  
Advantage West Midlands,  
3 Priestly Wharf,  
Holt Street,  
Aston Science Park,  
Birmingham. B7 4BN.

Petroleum Officer,  
Trading Standards,  
Environmental Services Department,  
Worcestershire County Council,  
County Hall,  
Spetchley Road,  
Worcester. WR5 2NP.

## 10.4 References

The Environmental Protection Act 1990

The Environment Act 1995

The Contaminated Land (England) Regulations 2000 SI 2000 No.227

DETR Circular 02/2000 Contaminated Land

Contaminated Land Inspection Strategies, Technical Advice for Local Authorities  
DETR (Draft for Comment April 2000)

Memorandum of Understanding: Environment Agency & Local Government  
Association. Annexe C. Protocol for Land Contamination

Forest of Dean District Council Contaminated Land Inspection Strategy Consultation  
Draft November 2000.

West Somerset DC: Contaminated Land Inspection Strategy Review 2006-2009

## Outline of Review of the Contaminated Land Inspection Strategy, 2007

The review of the Contaminated Land Inspection Strategy led to some major changes within the strategy document being made. An outline of these changes is detailed below:

1. The internal team responsible for the Contaminated Land Inspection Strategy has been subject to change. The team now consists of:

Mr M Parker, Head of Planning, Health and Environment  
 Mr M Kay, Environmental Health and Licensing Manager  
 Mr N Holdstock, Forward Planning Manager  
 Mrs J Alexander, Commercial and Property Solicitor  
 Mr R Williams, Principal Pollution Control Officer  
 Miss T Weston, Pollution Control Technician (Contaminated Land)  
 Mrs D Edgerton, Pollution Control Technician

The Sub-group responsible for implementing the strategy and recording data is now:

Miss T Weston, Pollution Control Technician (Contaminated Land) to act as Project Manager  
 Mrs D Edgerton, Pollution Control Technician to act as Research Officer

2. Timescales for the implementation of the Councils targets on pages 19 and 20 have now changed. The delay in completing some of these targets is partly due to the above team changes. Some of the targets are ongoing throughout the contaminated land inspection regime because these targets are site specific.
3. Since the formal adoption of the Contaminated Land Inspection Strategy, Government guidelines have been subject to change. ICRL guidelines have been withdrawn and replaced by a set of soil guideline values for 10 different contaminants. The Council has invested in the WS Atkins Consultants soil screening values which are used where there is no SGV available for a contaminant.
4. The timescale for the Council's priority actions on pages 24 and 25 have changed since the adoption of the original strategy in April 2001. Some of the priority actions have been completed in line with the timescale adopted in the original strategy but the remainder of priority actions are site specific and can only be done in conjunction with the desk studies for each particular site of potential concern.
5. Two new Best Value Performance Indicators, BV 216a and BV216b have been introduced since the adoption of the original strategy in 2001. These performance indicators ensure that appropriate frequencies of site inspections are conducted throughout the year.
6. The viewing of public registers is now arranged by appointment only. Interested parties are required to contact the Pollution Control Section to make an appointment.
7. The next review of the Contaminated Land Inspection Strategy will take place in 2009.