South Staffordshire Council

Contaminated Land Strategy

A Strategy for the Identification and Investigation of Contaminated Land in South Staffordshire

June 2001
Preface

This Document sets out South Staffordshire Council’s Strategy for the identification and investigation for potentially contaminated land in its District.
Table of Contents

1 Introduction ........................................................................................................................................ 1

General Policy of South Staffordshire Council .................................................................................... 1
   1.1 Introduction .................................................................................................................................. 1
   1.2 Corporate Strategy ..................................................................................................................... 1
   1.3 Local Agenda 21 ......................................................................................................................... 2
   1.4 Regulatory context ....................................................................................................................... 2
   1.5 The roles of the Council and the Environment Agency .............................................................. 3
   1.6 Defining contaminated land ....................................................................................................... 3
   1.7 Dealing with contaminated land .................................................................................................. 3
   1.8 Pollutant Linkages and Risk Assessment .................................................................................... 4
   1.9 Development of the strategy ........................................................................................................ 5
   1.10 Department for the Environment, Transport and the Regions ............................................ 6

2 South Staffordshire District ................................................................................................................ 7

Characteristics of South Staffordshire’s Area .......................................................................................... 7
   2.1 Introduction .................................................................................................................................. 7
   2.2 Geographical Location ................................................................................................................. 7
   2.3 Brief Description and History ...................................................................................................... 8
   2.4 Size .............................................................................................................................................. 8
   2.5 Population Distribution ............................................................................................................... 8
   2.6 Land owned by Council ............................................................................................................... 8
   2.7 Current land use Characteristics ................................................................................................. 8
   2.8 Protected locations ..................................................................................................................... 8
   2.9 Key property types ...................................................................................................................... 9
   2.10 Key water resource/protection issues ....................................................................................... 9
   2.11 Known information on contamination .................................................................................... 9
   2.12 Current and past industrial history .......................................................................................... 9
   2.13 Broad geological characteristics ............................................................................................... 9
   2.14 Broad Hydrological and Hydrogeological Characteristics ..................................................... 10

3 The Strategy: Priorities, Actions and Timescales ................................................................................. 13

   3.1 Introduction ................................................................................................................................. 13
   3.2 Priorities for the Strategy ............................................................................................................ 13
3.3 Stage 1 – Strategy Production ....................................................................................... 13
3.4 Stage 2 - General Inspection Programme ................................................................. 14
3.5 Stage 3 - Prioritisation of Detailed Inspection (concurrent with Stage 2)............... 15
3.6 Stage 4 – Detailed Inspection of Sites (January 2004 – onwards)......................... 15
3.7 Stage 5 - Determination of a Site as Contaminated Land (on-going)..................... 17
3.8 Stage 6 – Remediation of Contaminated Land (on-going) ....................................... 18

4 Procedures ..................................................................................................................... 19

The following Procedures indicate how the Council will act and respond to Stakeholders in the
District in relation to Contaminated Land Issues .................................................................... 19

4.1 Internal Management Arrangements ........................................................................ 19
4.2 Information Collection ............................................................................................. 19
4.3 Information Management ....................................................................................... 21
4.4 Information Evaluation ........................................................................................... 21
4.5 Receiving Information from the Public .................................................................... 21
4.6 Providing Information to the Public ......................................................................... 22
4.7 Communication of Information .............................................................................. 23
4.8 Other Regulatory Controls ...................................................................................... 23

5 Liaison and Communication .......................................................................................... 27

Efficient communication with other organisations, land owners, occupiers and other persons is an
important part of the resolution of contaminated land issues ................................................... 27

5.1 Statutory Consultees ............................................................................................... 27
5.2 Non Statutory Consultees ....................................................................................... 27
5.3 Owners, Occupiers and other Appropriate Persons ............................................... 27
5.4 Enforcement Action ............................................................................................... 28
5.5 The Public Register ............................................................................................... 28
5.6 Environment Agency Annual Report ....................................................................... 29

6 Review Mechanisms ................................................................................................... 31

6.1 Introduction .............................................................................................................. 31
6.2 Triggers for Reviewing Inspection Decisions .......................................................... 31
6.3 Review of the Inspection Strategy ........................................................................... 31

Appendix A ..................................................................................................................... 1

Contacts ....................................................................................................................... 1

Statutory Consultees ..................................................................................................... 1

Appendix B ..................................................................................................................... 3
1 Introduction

General Policy of South Staffordshire Council

1.1 Introduction

1.1.1 South Staffordshire Council is required to identify and inspect land in its District for contamination under new regulations that came into force on the 1st April 2000. This strategy details how this inspection will be undertaken.

1.2 Corporate Strategy

1.2.1 The Council has a corporate plan that is reviewed annually. The overall aim is to meet the needs of the people of South Staffordshire. This aim is divided into 11 corporate objectives and this strategy meets these in the following ways:

- To review the effectiveness of the Council’s policies in meeting the aim, to learn from such reviews, and to take any necessary corrective action

  Chapter 6 sets out the review mechanisms for the Contaminated Land Strategy, to ensure that this document and the action that flows from it, remain relevant to the needs of the community

- To balance the roles and rights of individuals and groups against each other and against the needs of the people of South Staffordshire as a whole.

  The duties set out in the Environmental Protection Act 1990 in relation to contaminated land will require the Council to carry out this judgment during the remediation of land.

- To improve the quality of life of the people of South Staffordshire

  Requiring the clean up of contaminated land will benefit the people of South Staffordshire.

- To work with others – particularly the County Council and the parish councils – wherever possible to ensure that there is a full and coordinated response to the needs of the people of South Staffordshire

  The initial consultation, and subsequent identification and inspection work, will require successful liaison with these and other bodies to ensure that this aspect of the Strategy is carried out effectively.

- To act as an advocate for the people of South Staffordshire

  An important part of the success of the strategy will be achieving the remediation of contaminated land through voluntary agreement with the parties concerned. Failure to agree, will invoke the need to use legal remedies.
• To be a model for the highest standards of integrity and independance and for achieving objectives

The Council will give a lead to other people by identifying any contaminated land for which it is responsible first, and ensuring its remediation. Objectives for the completion of the various stages of the strategy are also explicit in the document.

• To promote and strengthen local democracy and to be publicly accountable for decisions and actions.

The Council will maintain a public register of legal documents, relevant to the contaminated land duties in the Act.

• To be a model of effectiveness, efficiency and economy.

This Strategy has been produced to ensure that the work on contaminated land is carried out in an effective and efficient manner. This additional work is being carried out within existing staff resources.

• To maximize the amount of national, European, and other funding for the people of South Staffordshire

The Council will identify any available funding to assist in the remediation of contaminated land.

• To increase satisfaction with the Council and its services.

By carrying out these duties, we will improve the environment of South Staffordshire and this will result in expressions of greater satisfaction with the work of the Council.

1.2.2 The Council has previously dealt with contamination by using powers in the Environmental Protection Act 1990, the Public Health Acts and through the planning process.

1.2.3 The Council's approach to local government consistently emphasises the need to be open and accountable for its actions. This document was therefore presented as a consultation draft and made available to all interested sections of the community, businesses, and developers. Comments received were considered before the strategy finalised and submitted to the Environment Agency.

1.3 Local Agenda 21

1.3.1 The development of this strategy is part of the Council’s Local Agenda 21 Strategy with regard to sustainable development in South Staffordshire.

1.4 Regulatory context

1.4.1 Contaminated land legislation has been under development since the early 1990's. Following consultation on a 1993 White Paper entitled "Paying for our
Past", The Environment Act 1995 inserted a new section (Part IIA) into the Environmental Protection Act 1990. Another period of detailed consultation followed resulting in the publication of the Contaminated Land (England) Regulations 2000 that finally came into force in April 2000. It is the introduction of this new regulatory regime, generally referred to as the Part IIA regime, which requires the production of this strategy.

1.5 **The roles of the Council and the Environment Agency**

1.5.1 Local authorities have been given the primary regulatory role under the Part IIA regime as they have historically had responsibility for dealing with any statutory nuisance caused by land contamination and are the lead authorities on land use planning. The local authority has a duty:

- To cause its areas to be inspected for contaminated land
- To determine whether any particular site meets the statutory definition of contaminated land
- To act as the enforcing authority for all contaminated land, unless the site meets the definition of a "special site" (in which case the Environment Agency will act as the enforcing authority). See paragraph 3.6.10

1.5.2 The Environment Agency has a secondary role in assisting local authorities, providing site-specific local guidance, dealing with "special sites" and publishing periodic reports on the state of land contamination nationally.

1.6 **Defining contaminated land**

1.6.1 A legal definition of contaminated land is given in Section 78A(2) of Part IIA of the Environmental Protection Act 1990. Which states :-

> Contaminated land is 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

- significant harm is being caused or there is a significant possibility of such harm being caused; or
- pollution of controlled waters is being, or is likely to be caused

1.6.2 Section 78A(5) requires the regulatory authority to act in accordance with guidance issued by the Secretary of State in determining significance and likelihood.

1.7 **Dealing with contaminated land**

1.7.1 If an area of contaminated land has been identified, the approach for dealing with it will be the same regardless of whether the local authority or the Environment Agency is the regulator. There are four main stages to this approach:
• To establish who is the "appropriate person" to bear responsibility for the remediation (or "clean-up") of the land.

• To decide what remediation is required and to ensure that this occurs, through:
  ▪ Reaching a voluntary agreement with the appropriate person, or
  ▪ Serving a remediation notice, if agreement cannot be reached, or
  ▪ Carrying out work themselves, in certain circumstances

• To determine who should bear what proportion of the liability for meeting the costs of the work.

• To record certain information about regulatory action on a public register.

1.7.2 The appropriate person is initially the person responsible for the contamination being present, or if he cannot be found the owner or occupier of the land. If none of the above can be found, the local authority then has the duty to carry out any necessary remediation.

1.8 Pollutant Linkages and Risk Assessment

1.8.1 For a site to meet the definition of contaminated land, a pollutant linkage must be established. A pollutant linkage consists of three parts:

• A source of contamination in, on or under the ground

• A pathway by which the contaminant is causing significant harm (or which presents a significant possibility of such harm being caused)

• A receptor of a type specified in the regulations

The receptors recognised as being potentially sensitive are:

**Human beings**

**Ecological systems or living organisms forming part of a system within certain protected locations, including:**

• Sites of Special Scientific Interest (SSSIs)
• Nature Reserves
• Special Areas of Conservation (SACS)
• Special Protection Area (SPAS)
• Areas of special protection for birds

**Property in the form of buildings, including:**

• Ancient Monuments

**Property in other forms:**

• Crops
• Livestock
• Home-grown produce
• Owned or domesticated animals
• Wild animals subject to shooting or fishing rights
Controlled waters

- Surface waters (e.g., rivers, lakes, streams)
- Drinking water abstractions
- Source protection zones
- Groundwater - private abstractions
- Groundwater - major aquifers

1.8.2 If the three components of the pollutant linkage exist, a risk assessment must be undertaken to determine the likelihood, nature and extent of harm being caused. If a significant risk is established the land must be designated as contaminated land.

1.9 Development of the strategy

1.9.1 All local authorities are required to take a strategic approach to inspecting land in its area for contamination.

1.9.2 In inspecting the District, our approach will:

- 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 we are most likely to identify contaminated land.
- Ensure that we will efficiently identify the specification for a detailed inspection of particular areas of land where necessary.

1.9.3 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 in draft form in April 2000 (this guidance was subsequently published in its final form in May 2001). It has been prepared in a number of stages:

- A draft strategy for consultation was prepared by South Staffordshire’s Head of Environmental Health (General) Services, who is the Council's lead officer on contaminated land.
- Comments were invited on the consultation draft from formal and informal consultees, including other sectors of the community. Parish Councils were seen as particularly important sources of local information and special emphasis was made of their responses.
- This strategy will be submitted to the Environment Agency (June 2001).
1.10  Department for the Environment, Transport and the Regions

1.10.1  It should be noted that, following the June 2001 general election, responsibilities for contaminated land now lie within the new Department for the Environment, Food and Rural Affairs (DEFRA).
2 South Staffordshire District

Characteristics of South Staffordshire’s Area

2.1 Introduction

2.1.1 This section gives the background to the District of South Staffordshire and an explanation of how this influences the Council’s approach to inspection for contaminated land. It will also enable a fair comparison with the work of other authorities.

2.2 Geographical Location

2.2.1 South Staffordshire District is an area that lies along the western and northern edges of the West Midland Conurbation, (the old West Midlands County). It extends to the fringes of Cannock and Stafford in the north, southwards to the Worcestershire border and westwards to the Shropshire border.

Figure 2-1 Map of the District
2.3 **Brief Description and History**

2.3.1 South Staffordshire Council was formed in 1974 under reorganisation of local government from the old Cannock and Seisdon Rural District Councils. Major population centres within the district consist of the large villages of Penkridge, Huntington, Great Wyrley/Cheslyn Hay, Essington, the administrative centre of Codsall, Wombourne, Kinver and the development at Perton.

2.3.2 There is a great deal of historical interest in the area, including a number of historic buildings and monuments including Chillington Hall, Moseley Old Hall, Himley Hall and Kinver Edge.

2.3.3 There are a number of major roads running through the district, which include the M54, M6, A449 and A5. The Staffordshire, Worcestershire and Shropshire Union Canals also pass through the District.

2.4 **Size**

2.4.1 The area covered by South Staffordshire Council is 156 sq miles (404 sq km), in a roughly cruciform shape (see Figure 2-1).

2.5 **Population Distribution**

2.5.1 The population of approximately 105,000 is fairly evenly dispersed amongst the major villages. The villages of Great Wyrley, Cheslyn Hay, Essington and Huntington have grown historically from mining communities.

2.6 **Land owned by Council**

2.6.1 The Council owns and manages a number of small to medium size industrial estates. It also owns and manages significant areas of public open space, including Baggeridge Country Park, South Staffordshire Railway Walk, Shoal Hill and the Old Wyrley and Essington Canal as well as having other land holdings.

2.7 **Current land use Characteristics**

2.7.1 Land use at present is mainly residential or agricultural with a handful of small to medium sized industrial estates. There are also two large-scale food production factories, several concrete/clay products manufacturers and significant clay, sand and gravel extraction and landfill sites.

2.8 **Protected locations**

2.8.1 Protected locations in the area include nine sites of special scientific interest, one National Nature Reserve and a site of geological interest. One of the SSSI’s, Mottey Meadows, is also a candidate Special Area of Conservation (cSAC) and National Nature Reserve. In addition, Cannock Chase SSSI and cSAC lies immediately adjacent to the District’s Boundary.
2.9 **Key property types**

2.9.1 These comprise:

- Approximately 700 listed buildings,
- 14 ancient monuments,
- 16 village based and 2 canal based conservation areas,
- a large number of sites of archaeological interest and
- 12 historic parks and gardens.

2.10 **Key water resource/protection issues**

2.10.1 Mains water is supplied by the Severn Trent and South Staffordshire Water Companies. Also within the district are approximately 50 private supplies from wells, springs and boreholes.

2.11 **Known information on contamination**

2.11.1 The Council holds information on land affected by contamination, as a result of local knowledge, past complaint or because of site investigations related to past planning applications.

2.12 **Current and past industrial history**

2.12.1 South Staffordshire district has a varied industrial history. Although a predominantly rural area, there have been a number of open cast and deep coal mines, several sand and gravel quarries, a light railway, a mineral railway, ironworks and brick and tile manufacturers all operating during the recent past.

2.12.2 Amongst the present industrial uses in the District that can potentially give rise to contamination are two major food manufacturers, two brickworks, two concrete batching plants, one large petrochemical plant, an airport, animal processors, ceramics, aircraft engineering, electronic engineering, mechanical engineering, railway engineering, non-ferrous metal manufacturing, garages, road hauliers, sewage works, timber products manufacturers, landfill sites, dry cleaners, fibreglass manufacturers, glass manufacturers and printers.

2.13 **Broad geological characteristics**

2.13.1 The underlying rock strata in the district consists mainly of sedimentary rock in a more or less continuous sequence of ancient desert deposits. These are divided into Sherwood Sandstone and Mercia Mudstone, often red or brown in colour near the surface due to oxidation of the iron ore they hold. Some of the underlying Sandstone in the district can be up to 2000 feet thick.

2.13.2 Along the eastern fringes of the district and impinging on the villages of Great Wyrley, Cheslyn Hay, Hilton, Essington and Gospel End lie the
Cannock and South Staffordshire coal fields. This is a carboniferous (coal-bearing), stratum that has been exploited in the past.

2.14 Broad Hydrological and Hydrogeological Characteristics

2.14.1 Information from the Environment Agency’s Local Environmental Action Plan (LEAP) documents for the West Midlands Stour and Staffordshire Trent Valley have been used to characterise the hydrogeology of South Staffordshire.

2.14.2 The Staffordshire Trent Valley area includes the majority of the northern part of the District from the parishes of Codsall and Bilbrook northwards. The main surface waters in the area are the River Penk and its tributary, the Saredon Brook. There are a large number of surface water abstraction licences and these are usually subject to flow restrictions in order to protect water quality, and ecology.

2.14.3 The groundwaters in the area are principally Triassic Sherwood Sandstones, which are classed as major aquifer. The quality of this source is generally good and little influenced by pollution although nitrate levels are rising. Overlain drift deposits in the area have some influence on water quality leading to elevated manganese and iron levels. The carboniferous Millstone Units and Coal Measures of the Cannock and South Staffordshire coalfield are a series of discontinuous water bearing sandstones, designated as a minor aquifer in the area.

2.14.4 The West Midlands Stour area covers the majority of the rest of the District south of Codsall. The principal watercourse in this area is the Smestow Brook, a tributary of the River Stour. The quality of surface water is described as “fair” by the Agency, commenting that it is typical of an area influenced by urban discharges.

2.14.5 Groundwater is again dominated by the Sherwood Sandstone and is of generally “good” quality. However, there has been some deterioration, according to the Agency, because of increased crop production and grassland management. These types of farming involve the use of nitrates which can leach into the underlying aquifers. As a result the Agency has defined Nitrate Vulnerable Zones (NVZs) around public water supply abstraction, where nitrate levels either exceed 50 milligrammes per litre (mg/l) or are predicted to do so by 2010. There are 3 NVZs in our District at Tom Hill, Hinksford and Kinver.

2.14.6 The Environment Agency have provided the following statement in respect of groundwater vulnerability for inclusion in the Strategy.

“The South Staffordshire area can be divided into aquifer types - Major, Minor and Non Aquifers, and depending upon the ability of the soils to offer protection to groundwater into High, Intermediate and Low vulnerability areas. Over half of the South Staffordshire District occupies Major Aquifer containing groundwater that in areas, due to overlying soils, is highly vulnerable to contamination.
Public water supply boreholes and some major private abstractions have designated areas relating to the potential risk to the borehole source. These source protection zones are to be used to help determine the potential threat posed by a site and the priority of its assessment and remediation.”
3 The Strategy: Priorities, Actions and Timescales

3.1 Introduction

3.1.1 This chapter sets out the priorities, actions and timescales for the identification and inspection of contaminated land in South Staffordshire.

3.2 Priorities for the Strategy

3.2.1 The Council, in dealing with the potential problem of contaminated land, will have to take into account information from many different sources. There will be many complex issues that need to be assessed and there will be a need to prioritise where limited resources should be directed to achieve the objectives of this strategy.

3.2.2 The statutory guidance identifies the need for a strategic approach to this work (see section 1.9.2). The approach for identifying contaminated land will be guided by the following priorities

a) The protection of human health
b) The protection of controlled waters
c) The protection of designated ecosystems
d) The prevention of damage to properties

3.3 Stage 1 – Strategy Production

3.3.1 It is difficult to establish a timescale for completion of the surveying of the District as set out in section 3.4 as various factors will affect progress. For example, identification of land requiring urgent action will affect progress on the routine site identification.

3.3.2 Notwithstanding this, an initial objective of completing the survey by the end of 2003 has been set and progress towards this objective will be reviewed each June.

3.3.3 In Section 3.4 the order of inspection for the District has been set out and reasons for prioritisation explained.

Publication of the Final Contaminated Land Strategy (June 2001)

3.3.4 Following consultation this strategy was revised in light of the comments received before publication of the final document in June 2001.

Sites requiring Urgent Remediation

3.3.5 The Council may, at any time, receive information that identifies a site where there is an imminent risk of serious harm or serious pollution of controlled waters. In these circumstances, the proposed general work programme of identification and inspection may have to be suspended while the officers
concerned deal with this imminent risk. This approach is commensurate with the policies and aims of the strategy.

3.4 **Stage 2 - General Inspection Programme**

**Collection of Data (April 2001 – December 2003)**

3.4.1 The initial stage of the identification of contaminated land is the collection and subsequent desktop study of information relating to past and present uses of land in the District, concentrating on any uses that could cause contamination to be present. Further information on the type of data sources being used can be found in Chapter 4. This process is iterative, and as more information comes to light conclusions previously made may have to be revisited in light of new evidence.

**Approach to Inspection**

3.4.2 In the first instance, the Council will concentrate their study on known sites where contaminants have been found or are suspected. Thereafter the Council will concentrate their study on areas where people live and work. Human health is our highest priority in assessing risk from land contamination and it is logical to focus our investigations on areas where these receptors are present, and sources and potential pathways may be found.

3.4.3 South Staffordshire is a predominantly rural area with distinct communities spread across the area. It is important to focus our efforts effectively and it is therefore important to set out in the strategy the order in which the investigation will take place. It is logical to carry out the study by parish and the order of investigation will be decided having regard to:

- **a)** Potential Sources (i.e. concentrating on parishes where previous industrial activity leads us to suspect that there is likely to be a higher incidence of potential pollution linkages, primarily old coal mining areas)

- **b)** Population Size

3.4.4 The Cannock and South Staffordshire Coalfield covers part of the District including the parishes (or parts) of Cheslyn Hay, Essington, Great Wyrley, Hilton, Huntington, and Saredon. Historical evidence indicates a large number of small drift mines and adits, as well as larger collieries.

3.4.5 In the circumstances it has been decided to carry out the work starting with the 6 parishes in the Cannock and South Staffordshire Coalfield and then progressing the other parishes in population size order (set out in the Council’s parish statistics), starting with Wombourne. Within each parish, work will be concentrated initially on population centres.

**Land in Council Ownership**

3.4.6 South Staffordshire Council owns a number of parcels of land in the District. During the general parish inspection strategy, priority will be given to the investigation of these sites. This prioritisation meets with the aims of the
Corporate Strategy to be open and accountable to the people of South Staffordshire and provides a lead in dealing with contaminated land by putting our own house in order first.

**Threats to Controlled Waters, Ecological Systems and Property**

3.4.7 It is expected that the work to collect information as part of the assessment of risk to human health will also identify any imminent threats to controlled waters, ecological systems and property. Any shortfall in information to make a proper assessment of risk to these receptors will be rectified before moving on to the next parish under investigation.

3.5 **Stage 3 - Prioritisation of Detailed Inspection (concurrent with Stage 2)**

3.5.1 The Contaminated Land (England) Regulations 2000 require local authorities to prioritise any remediation of contaminated land. This prioritisation will take place concomitant with the identification process in stage 2.

3.5.2 To ensure that the subsequent detailed inspection and any remediation of land is undertaken in an order appropriate to the potential risk, the Council will use a site prioritisation methodology approved by the DETR.

3.6 **Stage 4 – Detailed Inspection of Sites (January 2004 – onwards)**

3.6.1 Following on from the previous stages, the Council will have identified particular areas of land where it is possible that a pollutant linkage exists. The local authority will now carry out detailed inspection of any such areas to obtain sufficient information for the authority:

a) to determine, in accordance with the guidance, whether that land is within the legal definition of contaminated land; and

b) to decide whether any such land falls within the definition of a special site prescribed in regulations 2 and 3 of the Contaminated Land (England) Regulations 2000, and is therefore required to be designated as a special site.

3.6.2 This detailed inspection may include any or all of the following:

a) the collation and assessment of additional documentary information, or other information from other bodies;

b) further visits to the particular area for the purposes of visual inspection and, in some cases, limited sampling (for example of surface deposits); or

c) intrusive investigation of the land (for example by exploratory excavations).

3.6.3 The Council will only undertake an intrusive investigation of land, as a last resort, in the absence of other information that can be used to make a determination. The Council will not undertake an intrusive investigation if a person offers to provide information needed within a reasonable and specified time, and then provides such information within that time.
3.6.4 Additional information relevant to the detailed inspection, over and above that collected for stage 2 of the Strategy, may be available from the following classes of person/organisations:

- Owners
- Other Appropriate Persons
- Environment Agency
- English Nature
- English Heritage

3.6.5 As a result of this possibility, the local authority will liaise with these parties to ascertain whether such additional information is available.

3.6.6 To undertake an inspection of residential premises, or where the inspection requires the use of heavy equipment, the Council’s authorised officers will give seven days’ notice of the intention to enter the premises. After the seven days, authorised officers may enter the premises with the consent of the occupier, or if not forthcoming, by warrant issued by a magistrate. In an emergency the Council can enter the premises forthwith from the notification.

3.6.7 Before the Council carries out an inspection using statutory powers of entry, it will have satisfied itself, on the basis of any information already obtained:

a) in all cases, that there is a reasonable possibility that a pollutant linkage exists on the land; and

b) further, in cases involving an intrusive investigation,
   i) that it is likely that the contaminant is actually present, and
   ii) given the current use of the land, that the receptor is actually present or is likely to be present.

3.6.8 The Council will carry out any intrusive investigations in accordance with appropriate technical procedures for such investigations. It will also ensure that it takes all reasonable precautions to avoid harm, water pollution or damage to natural resources or features of historical or archaeological interest which might be caused as a result of its investigation. Before carrying out any intrusive investigation on any area notified as an area of special scientific interest (SSSI), the local authority will consult English Nature on any action which, if carried out by the owner or occupier, would require the consent of English Nature under section 28 of the Wildlife and Countryside Act 1981. Any investigations undertaken under the direction of Council employees will comply with the Council’s Health and Safety Policy.

3.6.9 If at any stage, the Council considers, based on information obtained from a detailed inspection, that there is no longer a reasonable possibility that a particular pollutant linkage exists on the land, the authority will cease any further detailed inspection for that pollutant linkage.
Special Sites

3.6.10 There is a particular category of contaminated land called a “special site”. These are sites that fall into 3 broad categories :-

- **Water Pollution Cases** – where the contamination affects certain classes of controlled waters, as defined in regulation 3 of the Contaminated Land (England) Regulations 2000.
- **Industrial Cases** – where the contamination is the result of industrial activity that either poses special remediation problems or are subject to regulation under other national systems, either by the Environmental Agency, or other national agency,
- **Defence Cases** – where contamination is on Ministry of Defence (MoD) Land.

3.6.11 Where a site has been determined as ‘contaminated land’, and it falls within one of the categories mentioned above, the local authority will liaise with the Environment Agency. Following this liaison, a decision will be reached as to whether the site meets the definition of a ‘Special Site’.

3.7 **Stage 5 - Determination of a Site as Contaminated Land (on-going)**

3.7.1 Before determining whether land is contaminated land, the Council will undertake an appropriate scientific and technical assessment of all relevant and available evidence. The Council intends to use the Contaminated Land Exposure Assessment (CLEA) risk assessment model in coming to this determination for human health and by appropriate scientific and technical methods for other receptors.

3.7.2 The CLEA model is presently being developed by scientists under contract to Central Government. Until this model is published, in the event that a determination needs to be made, the Council will have regard to existing risk assessment models, principally that issued by the Interdepartmental Committee on Redevelopment of Contaminated Land (ICRCL). These guidelines are published under the title “Guidance on the Assessment and redevelopment of Contaminated Land” (ICRCL 59/83 – 2nd Edition, July 1987). In the event that the model or guidelines do not cover all potential contaminants, regard will be given in such circumstances to other guidelines, including those published in other countries (e.g. the Dutch List).

3.7.3 There are 4 possible grounds for determination, namely: -

- significant harm is being caused;
- there is a significant possibility of significant harm being caused;
- pollution of controlled waters is being caused; or
- pollution of controlled waters is likely to be caused.

3.7.4 In coming to the decision the Council will have specific regard to advice from the following regulatory bodies: -
**Environment Agency**

In circumstances where the Council is considering whether land is contaminated by virtue of any pollution of controlled waters, or the land is subject to regulation under other regimes by the Agency, i.e. Discharge Consents or Waste Management Licences.

**English Nature**

Where the determination is being made because of significant harm to an ecological system.

3.7.5 On completion of the determination the Council will prepare a written record of any determination that particular land is contaminated land. The record will include:

- a description of the particular significant pollutant linkage, identifying all three components of pollutant, pathway and receptor;
- a summary of the evidence upon which the determination is based;
- a summary of the relevant assessment of this evidence; and
- a summary of the way in which the authority considers that the requirements of the statutory guidance have been satisfied.

3.8 **Stage 6 – Remediation of Contaminated Land (on-going)**

3.8.1 As a result of a determination that land falls within the definition of contaminated land, the Council will undertake the process of ensuring that the land is remediated.

3.8.2 This strategy does not cover the remediation aspects of the new regime, other than to say that the Council will ensure that any land identified as contaminated will be remediated so that it is suitable for its present use. In achieving this the Council will seek to agree with any appropriate persons the form of remediation required. Only where agreement is not achieved, or no appropriate persons can be identified for the site in question, will the Council use their legal powers to require the remediation. This may involve the Council carrying out works themselves.

3.8.3 The cost of any remediation will be apportioned as set out in the Statutory guidance amongst the appropriate persons.

3.8.4 A record of regulatory actions will be recorded in a public register, which will be available at the Council Offices.
4 Procedures

The following Procedures indicate how the Council will act and respond to Stakeholders in the District in relation to Contaminated Land Issues.

4.1 Internal Management Arrangements

4.1.1 The Head of Environmental Health (General) Services has responsibility for the implementation of the Contaminated Land Provisions in Part IIA of the Environmental Protection Act 1990. The officers in the Pollution Control Section of the Service Unit will have day-to-day responsibility for the work relating to the implementation of the Strategy under the supervision of the Senior Environmental Health Officer (Pollution Control).

4.2 Information Collection

4.2.1 To be in a position to designate land as being contaminated within the definition in the Act, information from various sources will need to be collected and assessed against a suitable risk assessment model. This information is to be acquired in digital form, where possible, in order to be able to take advantage of the benefits of Geographical Information Systems (GIS) Software. The Council is also mindful of the future requirement for information to be available electronically, via the Council Website. The following table sets out these different sources of information and their use (along with explanatory comments): -

<table>
<thead>
<tr>
<th>Information</th>
<th>Source</th>
<th>Use</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Owned Land</td>
<td>Land Terrier</td>
<td>To identify land in Council ownership</td>
<td>It is important to identify all land in Council ownership to ensure that none of it is Contaminated.</td>
</tr>
<tr>
<td>Land Previously owned by the Council</td>
<td>Council Records</td>
<td>To identify land previously in Council ownership</td>
<td>It is important to identify all land where the Council may be considered to be an “appropriate person”</td>
</tr>
<tr>
<td>Historic Maps</td>
<td>Digitised Maps from Ordnance Survey Agents</td>
<td>To identify potential Sites which could be sources of contamination</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Geological Maps</td>
<td>British Geological Society</td>
<td>To identify sources and pathways</td>
<td>To be purchased</td>
</tr>
<tr>
<td>Resource Description</td>
<td>Data Owner</td>
<td>Purpose</td>
<td>Status</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Hydro geological maps</td>
<td>British Geological Society</td>
<td>To identify receptors</td>
<td>To be purchased</td>
</tr>
<tr>
<td>Catchment Plans</td>
<td>Environment Agency</td>
<td>To identify receptors (controlled waters)</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Maps showing water abstraction points</td>
<td>Environment Agency</td>
<td>To identify receptors (controlled waters)</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Maps showing Discharge Consent Points</td>
<td>Environment Agency</td>
<td>To identify potential sources</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Waste Disposal Licence Data</td>
<td>Environment Agency</td>
<td>To identify sources</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Information on closed landfill sites</td>
<td>Environment Agency</td>
<td>To identify sources</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Radio-active Substances (RAS) Licensed Sites</td>
<td>Environment Agency</td>
<td>To identify potential sources</td>
<td>Already acquired</td>
</tr>
<tr>
<td>IPC and IPPC Sites</td>
<td>Environment Agency</td>
<td>To identify potential sources</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Water Quality Objective Maps</td>
<td>Environment Agency</td>
<td>To identify receptors (controlled waters)</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Source Protection Zones</td>
<td>Environment Agency</td>
<td>To identify receptors (controlled waters)</td>
<td>Already acquired</td>
</tr>
<tr>
<td>Mining Records</td>
<td>Coal Authority and County Council</td>
<td>To identify potential sources</td>
<td>Identify old coal mining and mineral extraction sites</td>
</tr>
<tr>
<td>Locations of Protected flora and fauna and ecosystems eg. SSSI’s</td>
<td>English Nature</td>
<td>To identify receptors</td>
<td>To be researched</td>
</tr>
<tr>
<td>Historic and Protected Buildings and records of archaeological sites</td>
<td>English Heritage and Council Records</td>
<td>To identify receptors</td>
<td>To be researched</td>
</tr>
<tr>
<td>Land Use records</td>
<td>MAFF, Council Records</td>
<td>To identify source and receptors</td>
<td>To be researched</td>
</tr>
<tr>
<td>Aerial Photograph Surveys</td>
<td>Council records</td>
<td>To identify historic activity (Sources)</td>
<td>Already acquired</td>
</tr>
<tr>
<td>County Archive Data</td>
<td>Staffordshire County Council</td>
<td>To identify historic activity (Sources)</td>
<td>To be researched</td>
</tr>
<tr>
<td>Other Pertinent Information (eg Council records of past remediation, Planning application records)</td>
<td>Council Records</td>
<td>To identify historic activity (Sources)</td>
<td>To be researched</td>
</tr>
</tbody>
</table>
4.3 **Information Management**

4.3.1 Collation of information related to contaminated land duties is ideally suited to a database linked to a GIS system. The Council intends to use this technology to record spatial information collected as set out in the previous section and a suitable package will be acquired.

4.3.2 The Council is also at the outset of a project to implement GIS on a corporate platform. This project is scheduled to take approximately 3 years to full implementation and will arrive too late to be of use in the identification/inspection programme. Any package or other solution chosen to allow the recording of information will be compatible with the new corporate GIS and the longer terms aims of dissemination of Council information by electronic means.

4.4 **Information Evaluation**

4.4.1 Information collected in the process of implementing the Strategy will need to be evaluated for a number of factors. These include accuracy, completeness, the source of the information (e.g. anecdotal information compared with site investigation report), confidentiality and other issues.

4.4.2 The Council will ensure that, during evaluation, consideration will concentrate on evidence of actual harm or pollution. To achieve this the Council will use the CLEA Model referred to in section 3.7.1. At all times the emphasis will be placed on identifying pollution linkages.

4.5 **Receiving Information from the Public**

4.5.1 The Council is likely to receive complaints or information from the public, businesses, or community groups relating to contaminated land. The information received as a result of these contacts may have a direct effect on the inspection strategy and its timescale by virtue of any resultant action that is required.

**Concerns**

4.5.2 Any concerns regarding contaminated land will initially be dealt with in line with the Council Pollution Control Policy adopted in 1994. Complaints can be made -

- in person at the Council offices during normal working hours,
- by telephone, or
- by letter, addressed to the Head of Environmental Health (General) Services, at the Council Offices.

4.5.3 All concerns will be logged on the complaints system and an officer will contact the initiator to discuss their concerns within 3 working days. During the investigation, the complainant will be kept informed of the investigation’s progress.
4.5.4 While every effort will be made to deal with the concern quickly, the procedures required to be undertaken to establish whether the land can be designated as contaminated, and its subsequent remediation are constrained by the need to carry out detailed investigations, and to identify and carry out prior consultation with “appropriate persons”.

**Other Contacts from the Public**

4.5.5 Individuals and organisations may also voluntarily provide information relating to potentially contaminated land or express concerns anonymously that land is contaminated. Since contacts will be recorded and taken into consideration in the inspection strategy.

4.5.6 Similarly, anecdotal evidence will be recorded and used during the survey, where confirmation is possible using additional robust scientific evidence.

4.6 **Providing Information to the Public**

4.6.1 The information collected as part of this work will, with some exceptions, be available to the public under the Environmental Information Regulations 1992. Internal arrangements for notifying the Council’s Land Charges Section have already been established for responding to search enquiries.

4.6.2 At all times, the Council will have regard to its responsibilities under the Data Protection Act 1998 and all actions will comply with the Council’s Information Protection Policy (December 2000).

**Requests for Information**

4.6.3 The Council already has an existing policy in respect of providing environmental information. The Policy is as follows:

- A suitably qualified officer will inspect files held in the Environmental Health (General) Service Unit relevant to the request to ascertain whether information is held. No site visit will be made.
- Any information found will be collated into a written reply.
- A response to the request will be made as soon as possible, and in any event within 2 months of the receipt of the enquiry. In all cases an acknowledgement will be sent out of receipt of the letter within 7 days if a full reply cannot be collated within that time. We will endeavour to respond to all requests within 4 weeks of receipt.
- In all responses the enquirer will be directed towards other relevant public bodies who may hold environmental information appertaining to their request.
- A standard charge will be made for responding to all routine requests for information (at present, £50 inc vat).
- If the nature of the request results in additional time being spent on dealing with the matter an additional charge may be made above the standard fee.
- Enquirers should be aware that no guarantee will be given that there is no other information, outside the respondents' knowledge, which may indicate that the land is subject to contamination. A caveat will be included in all replies to this effect.

4.7 **Communication of Information**

4.7.1 The Council is aware that this work can lead to public concern. It will seek to re-assure the public when contaminated land concerns are raised. It will achieve this through effective communication, ensuring that those affected are kept informed at all stages of the investigation and, where necessary, the remediation process.

4.8 **Other Regulatory Controls**

4.8.1 Contaminated land can also be dealt with under other regimes.

**Planning and Development Control**

4.8.2 Land contamination, or the possibility of it, is a material consideration for the purposes of town and country planning. This means that a planning authority has to consider the potential implications of contamination both when it is developing structure or local plans (or unitary development plans) and when it is considering individual applications for planning permission.

4.8.3 Where necessary, any planning permission will contain appropriate conditions regarding site investigation and remediation. Under the "suitable for use" approach, risks should be assessed, and remediation requirements set, on the basis of both the current use and the proposed new use.

4.8.4 In addition to the planning system, the Building Regulations 1991 may require measures to be taken to protect the fabric of new buildings, and their future occupants, from the effects of contamination.

4.8.5 In any case, where new development is taking place, it will be the responsibility of the developer to carry out the necessary remediation. In most cases, the enforcement of any remediation requirements will be through planning conditions and building control, rather than through a remediation notice issued under Part IIA.

**Integrated Pollution Control (IPC) and Integrated Pollution Prevention and Control (IPPC)**

4.8.6 Section 27 of the Environmental Protection Act 1990 gives the Environment Agency the power to take action to remedy harm caused by a breach of IPC controls. This could apply to cases of land contamination arising from such a breach. Local authorities are precluded by section 78YB(1) of the Environmental Protection Act 1990 from serving a remediation notice to remedy the harm in these circumstances.

4.8.7 In some cases, remediation activities may themselves constitute processes which cannot be carried out without a permit issued under the IPC regime.
4.8.8 In addition, Central Government is currently developing a new regime of Pollution Prevention and Control (IPPC). This will replace the current IPC regime. The IPPC regime will have the same relationship to Part IIA as has the IPC regime.

**Waste Management Licensing**

4.8.9 There are three areas of potential interaction between the Part IIA regime and the waste management licensing system under Part II of the Environmental Protection Act 1990.

4.8.10 Firstly, there may be significant harm or pollution of controlled waters arising from land for which a site licence is in force under Part II. Where this is the case, the Part IIA regime does not normally apply. The land cannot formally be identified as "contaminated land" and no remediation notice can be served. If action is needed to deal with a pollution problem in such a case, this would normally be enforced through a condition attached to the site licence. Part IIA however, does apply if the harm or pollution on a licensed site is attributable to a cause other than a breach of the site licence, or the carrying on of an activity authorised by the licence in accordance with its terms and conditions.

4.8.11 Secondly, an enforcing authority acting under Part IIA cannot serve a remediation notice in any case where the contamination results from an illegal deposit of controlled waste. In these circumstances, the Environment Agency and the waste disposal authority have powers under section 59 of the Environmental Protection Act 1990 to remove the waste, and to deal with the consequences of it having been present.

4.8.12 Thirdly, remediation activities on contaminated land may themselves fall within the definitions of "waste disposal operations" or "waste recovery operations", and be subject to the licensing requirements under the Part II system.

**Statutory Nuisance**

4.8.13 Until the implementation of the Part IIA contaminated land regime, the statutory nuisance system under Part III of the 1990 Act was the main regulatory mechanism for enforcing the remediation of contaminated land.

4.8.14 Parliament has considered that the Part IIA regime, as explained in the statutory guidance, sets out the right level of protection for human health and the environment from the effects of land contamination. It has therefore judged it inappropriate to leave in place the possibility of using another, less precisely defined, system that could lead to the imposition of regulatory requirements on a different basis.

4.8.15 From the coming into force of the new contaminated land regime, most land contamination issues are therefore removed from the scope of the Statutory Nuisance regime. The statutory nuisance regime however, will continue to apply for land contamination issues in any case where a nuisance abatement notice, or an order of the court, has already been issued and is still in force.
4.8.16 The Water Resources Act 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters. The normal enforcement mechanism under these powers is a "works notice" which specifies what actions have to be taken and in what time-period. This is served on any person who has "caused or knowingly permitted" the potential pollutant to be in the place from which it is likely to enter controlled waters, or to have caused or knowingly permitted a pollutant to enter controlled waters. Where it is not appropriate to serve such a notice, because of the need for urgent action or where no liable person can be found, the Agency has the power to carry out the works itself.

4.8.17 There is an obvious potential for overlap between these powers and the Part IIA regime in circumstances where substances in, on, or under land are likely to enter controlled waters. The decision as to which regime is used in any case may have important implications, as there are differences between the two enforcement mechanisms.

4.8.18 The Environment Agency has published a policy statement, *Environment Agency Policy and Guidance on the Use of Anti-Pollution Works Notices.* This sets out how the Agency intends to use the works notice powers, particularly in cases where there is an overlap with the Part IIA regime. The statement has been agreed with the DETR. In summary, the effect of the policy, taken together with the legislation, is that:

   a) the local authority will consult the Environment Agency before determining that land is contaminated land in respect of pollution of controlled waters;

   b) in any case where a local authority has identified contaminated land which is potentially affecting controlled waters, the local authority will consult the Environment Agency, and take into account any comments the Agency makes with respect to remediation requirements;

   c) where the Agency identifies any case where actual or potential water pollution is arising from land affected by contamination, the Agency will notify the local authority, to allow the authority formally to identify the land as "contaminated land" for the purposes of the Part IIA regime; and

   d) in any case where land has been identified as "contaminated land" under the Part IIA regime, the Part IIA enforcement mechanisms would normally be used, rather than the works notice system. This is because Part IIA imposes a duty to serve a remediation notice, whereas the Agency is given only a power to serve a works notice.

4.8.19 No remediation notice can require action to be carried out which would have the effect of impeding or preventing a discharge into controlled waters for which a "discharge consent" has been issued under the Water Resources Act 1991.
Radioactivity

4.8.20 Under the Environmental Protection Act 1990, the normal Part IIA regime does not apply with respect to harm, or water pollution, which is attributable to any radioactivity possessed by any substance.
5 Liaison and Communication

Efficient communication with other organisations, land owners, occupiers and other persons is an important part of the resolution of contaminated land issues

5.1 Statutory Consultees
5.1.1 The Council has contacted the following statutory consultees to agree liaison arrangements:

- The Environment Agency;
- English Nature;
- English Heritage;
- Department for the Environment, Food and Rural Affairs;
- Food Standard Agency;
- Staffordshire County Council,

and each organization was invited to comment on the draft strategy as part of our consultation exercise.

5.1.2 The Environment Agency operates on an area basis and South Staffordshire’s district is covered by two separate Agency areas, the Upper Severn and Upper Trent. The Agency have indicated that the Upper Trent Area will lead on liaison on contaminated land issues.

5.2 Non Statutory Consultees
5.2.1 Other organisations, as well as companies and individuals with an interest or involvement in land also have an important role in the strategy. Efforts will be made to encourage these parties to become involved in identifying potentially contaminated land and in this respect contact with the Parish Councils in South Staffordshire will emphasise our wish to receive historical information about previous land use.

5.3 Owners, Occupiers and other Appropriate Persons
5.3.1 South Staffordshire Council, while understanding its regulatory role in this area, will seek to achieve its aims through voluntary agreement with parties responsible for remediation, before taking any enforcement action. The Council will however, always hold foremost in its actions, the need to protect all receptors from the dangers posed by contaminated land.

5.3.2 The requirements of the Act provide a number of incentives for voluntary remedial action, including the exemption from landfill tax of materials
disposed as a result of voluntary remediation. This exemption is not available where the Council serve a remediation notice.

5.3.3 To achieve effective liaison with the owners, occupiers and other interested parties, the Senior Environmental Health Officer (Pollution Control) will be the central contact within the Council on contaminated land issues. The Council will ensure that all parties involved will be kept informed at each stage of the investigation, irrespective of whether these a formal designation of contaminated land.

5.4 **Enforcement Action**

5.4.1 The Environmental Health (General) Services Unit adopted an enforcement policy in February 2001. Contaminated land duties will be undertaken within this enforcement framework.

5.5 **The Public Register**

5.5.1 The Council, as part of its duties must maintain a contaminated land register available to the public at all reasonable times. Initially this register will be paper based and available for inspection during office hours at the Council Offices, Codsall. The Council will look to place this information on the Council’s web site as soon as practicable.

5.5.2 Included in the register will be:

- Remediation notices
- Appeals against remediation notices
- Remediation declarations
- Remediation statements
- Appeals against charging notices
- Designation of special sites
- Notification of claimed remediation
- Convictions for offences under section 78M of the Act
- Guidance issued under section 78V(1) of the Act
- Other environmental controls (as prescribed)

5.5.3 Copies of information held on the register are available to members of the public at reasonable charge.

**Confidentiality**

5.5.4 Certain information may be excluded from the register on the grounds of national security or commercial confidentiality. In the case of national security the Secretary of State can either direct local authorities to exclude information, or decide on its exclusion or inclusion after representations are made.
5.5.5 If a provider of information wishes it to be excluded from the register, they must make representations to the Council with the grounds for exclusion. The Council may also consider that information should be excluded from the register. In these circumstances it will notify the person concerned, in writing, and give them 14 days to make representations.

5.5.6 If the Council decides not to grant an exclusion on grounds of commercial confidentiality, the person concerned has 21 days in which to appeal against the decision to the Secretary of State. If an appeal is made the information is excluded until the determination is made. If no appeal is made the Council will put the information on the register.

5.6 **Environment Agency Annual Report**

5.6.1 The Agency is required to produce a Report, from time to time, on the state of contaminated land in England and Wales. Local authorities, as lead regulators on contaminated land will have to provide information to the Agency in order for them to compile the report. A memorandum of understanding has already been agreed between the Environment Agency and the Local Government Association on behalf of the local authorities and this describes the various protocols for information exchange.
6 Review Mechanisms

6.1 Introduction
6.1.1 The Council is aware that due to a number of factors, there will be a need to re-inspect the District periodically for the purpose of identifying land which may fall within the definition of contaminated land. The frequency of re-inspection is not prescribed and is dependant on changing circumstances.

6.1.2 The Council does not intend to adopt a formal review period for the strategy’s findings. Rather it will continually revisit decisions as new information is received that can affect the conclusions drawn.

6.2 Triggers for Reviewing Inspection Decisions
6.2.1 There are likely to be situations when changes in the condition or the circumstances of land or its surroundings prompt the Council to revisit inspection findings for a particular parcel of land. These will include:

- Proposed changes in the use of surrounding land;
- Unplanned changes in the use of the land (e.g. persistent unauthorised use by the public);
- Unplanned events e.g. localized flooding, accidents/fires/spillages where consequences cannot be addressed through other environmental control legislation;
- Reports of localized health effects which appear to relate to land contamination;
- Verifiable reports of unusual or abnormal site conditions;
- Information from statutory bodies, owners or occupiers of land, or other parties.

6.3 Review of the Inspection Strategy
6.3.1 In line with standard quality management practice and taking into account the principles of “Best Value”, the Council will audit the inspection procedures on a routine basis to ensure they represent the most efficient use of resources and are effective in meeting the legislative requirements.

6.3.2 The Council has not undertaken a strategic inspection of its entire district before in relation to contaminated land. It is therefore intended to carry out an initial review of its procedures after one year, in light of practical experience and appropriate modifications will be made.

6.3.3 Subsequent review periods of the Strategy will be decided as part of the first annual review.
Appendix A

Contacts

Statutory Consultees

Neil Foster
Contaminated Land Officer
Upper Trent Area
Environment Agency
Sentinel House
Wellington Crescent
Fradley Park
Lichfield
WS13 8RR

Lucy Abbot
Contaminated Land Officer
Upper Severn Area
Environment Agency
Hafren House
Welshpool Road
Shrewsbury
SY3 8BB

Graham Walker
Senior Conservation Officer
English Nature
Attingham Park
Shrewsbury
Shropshire
SY4 4TW

Paul Stamper
Ancient Monuments Inspector
English Heritage
112 Colmore Row
Birmingham
B3 3AG

Fiona Reynolds
Sustainable Agriculture Branch
Rural Marine Environment Division
MAFF
Room 141
Nobel House
17 Smith Street
London
SW1P 3JR

Chris Welch
County Archaeologist
Director of Development Services
Staffordshire County Council
Riverway
Stafford
ST16 3TJ

Dr Patrick Miller
Food Standards Agency
Room 707C
Aviation House
125 Kingsway
London
WC2B 6NH
Appendix B

References

**Legislation and Associated Guidance**

The Environmental Protection Act 1990 Part IIA (as amended by the Environment Act 1995)


**Other Guidance**


**Other Documents**

Environment Agency Local Environment Action Plan – Middle Severn

Environment Agency Local Environment Action Plan – West Midlands - Stour

Environment Agency Local Environment Action Plan – Staffordshire Trent Valley

Environment Agency Local Environment Action Plan – West Midland - Tame

South Staffordshire Council Local Plan

South Staffordshire Council Corporate Strategy 2001-2002 “Serving our Communities - Safeguarding our Environment”
# Appendix C

## Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adit</strong></td>
<td>an opening or passage, especially into a mine.</td>
</tr>
<tr>
<td><strong>Appropriate Persons</strong></td>
<td>Any person identified as bearing a responsibility for any thing which is to be done by way of remediation in any particular case.</td>
</tr>
<tr>
<td><strong>Aquifer</strong></td>
<td>Any rock formation containing water. The rock of an aquifer must be porous and permeable (full of interconnected holes) so that it can absorb water.</td>
</tr>
<tr>
<td><strong>Brownfield site</strong></td>
<td>A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination.</td>
</tr>
<tr>
<td><strong>Catchment Area</strong></td>
<td>the area from which a river or reservoir is fed</td>
</tr>
<tr>
<td><strong>CLEA</strong></td>
<td>Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment</td>
</tr>
<tr>
<td><strong>Contaminated land</strong></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>a) significant harm is being caused or there is a significant possibility of such harm being caused; or</td>
</tr>
<tr>
<td></td>
<td>b) pollution of controlled waters is being, or is likely to be caused</td>
</tr>
<tr>
<td><strong>Controlled waters</strong></td>
<td>These include</td>
</tr>
<tr>
<td></td>
<td>a) inland waters (river, streams, underground streams, canals, lakes and reservoirs)</td>
</tr>
<tr>
<td></td>
<td>b) groundwaters (any water contained in underground strata, wells or boreholes)</td>
</tr>
<tr>
<td></td>
<td>c) territorial waters (the sea within three miles of a baseline)</td>
</tr>
<tr>
<td></td>
<td>d) coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit)</td>
</tr>
<tr>
<td><strong>DEFRA</strong></td>
<td>Department for the Environment; Food and Rural Affairs</td>
</tr>
<tr>
<td><strong>DETR</strong></td>
<td>Department for the Environment; Transport and the Regions</td>
</tr>
<tr>
<td><strong>Discharge Consent</strong></td>
<td>Permission given by the Environment Agency for discharge of effluent into controlled waters.</td>
</tr>
<tr>
<td><strong>Drinking water abstraction</strong></td>
<td>The taking of water from a source (in this case, primarily an underground source) for drinking water</td>
</tr>
<tr>
<td><strong>Dutch List</strong></td>
<td>A document, published by the Dutch Government, providing a comprehensive list of pollutants and setting soil remediation intervention values and indicative levels for serious soil contamination</td>
</tr>
<tr>
<td><strong>EA</strong></td>
<td>The Environment Agency</td>
</tr>
<tr>
<td><strong>Eco-system</strong></td>
<td>A biological system of interacting organisms and their physical environment</td>
</tr>
<tr>
<td><strong>Geological Maps</strong></td>
<td>A map on which is recorded geological information, such as the distribution, nature, and age relationships of rock units, and the occurrence of structural features, mineral deposits, and fossil localities</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>GIS</strong></td>
<td>Geographical Information System, a GIS is a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information</td>
</tr>
<tr>
<td><strong>Groundwater</strong></td>
<td>Any water contained in underground strata, wells or boreholes</td>
</tr>
<tr>
<td><strong>Hydro-geological</strong></td>
<td>Relating to the branch of geology dealing with ground water</td>
</tr>
<tr>
<td><strong>ICRCL</strong></td>
<td>Interdepartmental Committee on Remediation of Contaminated Land</td>
</tr>
<tr>
<td><strong>IPC</strong></td>
<td>Integrated Pollution Control – a regime of regulation by the Environment Agency of certain polluting industries as designated by the Environmental Protection (Prescribed Processes and Substance ) Regulations 1991 (as amended)</td>
</tr>
<tr>
<td><strong>IPPC</strong></td>
<td>Integrated Pollution Prevention and Control – a new regulatory regime that applies an integrated environmental approach to the regulation of certain industrial activities.</td>
</tr>
<tr>
<td><strong>NNR</strong></td>
<td>National Nature Reserve</td>
</tr>
<tr>
<td><strong>Pathway</strong></td>
<td>One or more routes by which a receptor can be exposed to a contaminant</td>
</tr>
<tr>
<td><strong>Pollutant linkage</strong></td>
<td>The relationship between a contaminant, a pathway and a receptor</td>
</tr>
<tr>
<td><strong>Receptor</strong></td>
<td>Sometimes referred to as &quot;a target&quot;- the health of a person, waters, ecosystem or property type that could be affected by contamination</td>
</tr>
<tr>
<td><strong>Remediation</strong></td>
<td>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</td>
</tr>
<tr>
<td><strong>Risk assessment</strong></td>
<td>The study of a) the probability, or frequency, of a hazard occurring; and b) the magnitude of the consequences</td>
</tr>
<tr>
<td><strong>Risk Prioritisation</strong></td>
<td>A decision, based on various factors, which leads to an order for subsequent work to be undertaken</td>
</tr>
<tr>
<td><strong>SAC</strong></td>
<td>Special Area of Conservation</td>
</tr>
<tr>
<td><strong>Source</strong></td>
<td>A substance in, on or under the ground with the ability to cause harm</td>
</tr>
<tr>
<td><strong>Source protection zone</strong></td>
<td>Protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted</td>
</tr>
<tr>
<td><strong>SPA</strong></td>
<td>Special Protection Area for birds</td>
</tr>
<tr>
<td><strong>Special site</strong></td>
<td>Any contaminated land designated due to the presence of: Waste acid tar lagoons Oil refining Explosives Integrated pollution control sites Nuclear sites</td>
</tr>
<tr>
<td><strong>SSSI</strong></td>
<td>Site of Special Scientific Interest</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td><strong>Target</strong></td>
<td>Sometimes referred to as &quot;a receptor&quot; - the health of a person, waters, ecosystem or property type that could be affected by contamination</td>
</tr>
</tbody>
</table>