



# Contaminated Land Strategy 2018-2023

**Review of the Council's  
"Strategy for the Inspection of Contaminated Land"  
May 2001**

**July 2018**



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## Executive Summary

Slough Borough is situated in the Thames Valley, on the north-eastern boundary of Berkshire, and has a geographical area of just 32.5 km<sup>2</sup>. Slough is largely built up area with small areas of countryside along the southern and northern flanks, plus more extensive areas to the east in the Colnbrook and Poyle area. Without exception, all of these areas of countryside are designated as Metropolitan Green Belt.

Slough was historically a farming hamlet, but brickmaking and horticulture soon became even more significant. In 1882 the construction of the Slough Arm of the Grand Union Canal provided a cheaper means of transportation for the brickmaking industry. This meant that the area of the Borough subject to sand, gravel and, in the past, brick earth extraction activities, became subsequent subject to infilling with waste and other unknown materials.

Urban development was, and remains, predominantly residential, but there were also significant areas developed for commercial purposes, ranging from substantial factory sites, to small workshops, and yards. Many of these have been extensively redeveloped over the years, both to meet commercial development needs and in some cases for residential use.

Part 2A of the Environmental Protection Act 1990 places a duty on the Council to review land in the Borough that has been historically contaminated. Its main purpose is to provide an improved system for the identification of land that is posing unacceptable risks to health or the environment given the current use and circumstances of the land, and for securing remediation where such risks cannot be controlled by other means. Land contamination will also be addressed when land is redeveloped under the planning system, during the building control process, or where action is taken independently by landowners.

Slough Borough Council published its first Contaminated Land Inspection Strategy in 2001. The document outlined how Slough Borough Council was planning to carry out its statutory duties of collating and reviewing information on land which may have been affected by contamination, in order to identify contaminated land in the borough that meets the statutory definition.

The Council has now undertaken a review of the strategy with the aim of bringing the original strategy document up to date by:

- Reporting on updates and amendments to legislation and statutory guidance, since 2001;
- Reviewing the progress made with the implementation of the 2001 Strategy;
- Updating the Risk Prioritisation Procedure, the Developers' Guide, and other achievements since the adoption of the original document; and
- Revising the review mechanisms.

Only land where unacceptable risks are clearly identified will meet the Part 2A definition of contaminated land. The statutory definition of Contaminated Land requires that there must be **a significant possibility of significant harm to human health or non-human receptors, or significant possibility of significant pollution of controlled waters.**

The Council also has the duty prepare and maintain a register of all regulatory action taken in respect to remediation of land determined as Contaminated Land under Part 2A of the Environmental Protection Act. This information is readily available to the public and to those interested in land in the

borough. The register is not a list of sites that are or might be contaminated. The register includes specified details about the condition of the land, and the remediation actions carried out.

The Council plans to review its inspection strategy every five years, or on receipt of new guidance or advice from the Environment Agency or the Department for Environment, Food and Rural Affairs (Defra). The next review should take place in 2023.

The Statutory Guidance advises the Council to use its judgement to reach a balance between the risks raised by contamination, and the potential burdens of regulation intervention on people affected, including cost, health and property blight.

The Council's current principal mechanism for dealing with land affected by contamination is to ensure that land is fit for purpose, when being redeveloped under the planning system. This is considered the most cost-effective and sustainable way forward, unless urgent action is required for any site brought to the Council's attention.

This document also highlights the importance of working together with other Departments in the Council in order to achieve the aims of the strategy, primarily by sharing information.

## Chapter 1. Regulatory Context

### 1.1. Introduction to Part IIA

Part 2A of the Environmental Protection Act (EPA) 1990 came into force in England in April 2000 (inserted by section 57 of the Environment Act 1995). Under Part 2A, each local authority in England has a duty to identify land within its area where contamination is causing unacceptable risks to human health or the wider environment using a strategic approach. Slough Borough Council (SBC) published its first Inspection Strategy (The Strategy) in May 2001.

On 6 April 2012, new Statutory Guidance was published by the Department for Environment Food and Rural Affairs (Defra), which required all local authorities to update or replace their existing Inspection Strategies in accordance with this Guidance. This document is the first review and sets out the way in which the Council proposes to implement its inspection duties under Part 2A in accordance with the revised Statutory Guidance. It provides a review of the progress that has been made to implement the Strategy and also sets out the Council's revised proposals for the identification and assessment of contaminated land within the Borough.

The Strategy outlines the approach used by SBC in order to meet its statutory duties of dealing with potentially contaminated land in the borough. The legal and scientific methods and practices behind the Slough Borough Council Strategy are compliant with the **Contaminated Land Statutory Guidance**, April 2012 (DEFRA).

The Strategy also represents a review and update of the previous **“Strategy for the Inspection of Contaminated Land”**, document produced by the Council in May 2001, as a result of the **New Contaminated Land Regime**, which came into force in England in April 2000.

Reference is also made to supplementary planning guidance which details the Council's expectations of how contaminated land issues will be addressed by developers submitting new planning applications. This additional documentation can be found in the Appendices.

### 1.2. Legal Framework

#### 1.2.1. National context

The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

- (a) To identify and remove unacceptable risks to human health and the environment.
- (b) To seek to ensure that contaminated land is made suitable for its current use.
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The government considers that the most effective way of delivering these objectives is via the 'suitable for use' approach. It also places a strong emphasis on voluntary action.

The main element of the 'suitable for use' approach is to ensure that where unacceptable risks to human health, or the environment are identified; that the remedial requirements are targeted to the risk, as it relates to the current circumstances and use of the land. The Part 2A regime cannot be used to deliver site betterment beyond addressing actual harm.

The government requires that a balance is achieved between the precautionary approaches to dealing with contaminated land and empowering local authorities to make proportionate, clear and accountable decisions; ensuring that any intervention achieves a net benefit.

### 1.2.2. Local context

The current document is designed to dovetail with the **Core Policy 8 (Sustainability and The Environment)** of the Core Strategy 2006-2026.

According to the Core Policy 8:

*“Development shall not:*

- a) Give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise;*
- b) Cause contamination or a deterioration in land, soil or water quality; and*
- c) Be located on polluted land, areas affected by air pollution or in noisy environments unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors.”*

The current Strategy also links to Outcome 4 of **the 5 Year Plan 2017-2021**:

*“Our residents will have access to good quality homes.”*

In order to achieve this outcome SBC is dedicated to complete some key actions, among which the one relevant to this document requires:

**Key Action 1:** Build healthy lifetime homes that can be easily adapted to take account of changing conditions.

**Key Action 6:** Utilise land and resources in and outside of our direct control to develop new homes across all tenures to meet local need.

**Key Action 7:** Make better use of land and existing housing within the borough, including using opportunities for new high quality, family and high density residential developments.

## 1.3. The Contaminated Land Regime

Part 2A of the Environmental Protection Act (EPA) 1990 ('Part 2A') came into force in England in April 2000 (inserted by section 57 of the Environment Act 1995). This established a new regulatory system for the identification and remediation of land contamination which was introduced in DETR Circular 02/2000. This Statutory Guidance contained advice to regulators on how Part 2A should be implemented, in line with the Contaminated Land Regulations 2000.

Since this initial guidance was published, various changes have been made to the Statutory Guidance and Regulations. In April 2012, the Secretary of State for Defra published revised Statutory Guidance in accordance with section 78YA of the Environmental Protection Act 1990. Section 2 of this Statutory Guidance requires local authorities to take a “strategic approach” to inspecting their areas and to describe and publish this within a written Strategy.

The Statutory Guidance requires each local authority to take a strategic approach when compiling and implementing its Strategy in order that it reflects the principles of risk assessment (section 78B(1)). It must, therefore, be:

- a) be rational, ordered and efficient;
- b) proportionate to the seriousness of any actual or potential risk;
- c) seek to ensure that the most pressing and serious problems are located first;
- d) ensure that resources are concentrated on investigating areas where the Authority is most likely to identify contaminated land; and
- e) ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

The Statutory Guidance and the Contaminated Land (England) Regulations 2006 provide a framework for delivering the objectives of the contaminated land regime. The Statutory Guidance sets out the approach to be taken in determining the degree of risk, the identification of any interested parties and level of remediation required. It clearly highlights the need to promote voluntary action before taking enforcement action and to maintain a transparent system through the maintenance of a public register.

## 1.4. Interaction with Other Legislation

### 1.4.1. Planning and Development Control

The provisions of Town and Country Planning legislation will continue to be the major resource to influence the clean-up of contaminated sites. Land contamination is a material planning consideration, which means that the impact of land contamination must be taken into account in the determination of all planning applications. The National Planning Policy Framework (NPPF) sets out that the planning system is central to bringing land affected by contamination back into use, and puts the responsibility for ensuring safe developments onto the developer and/or landowner.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that:

*“The planning system should contribute to and enhance the natural and local environment by:*

- *Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

The most relevant section of the NPPF, paragraph 121, states that, as a minimum, land remediated through the planning process should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. In addition, the guidance acknowledges that local policies and decisions should ensure that the site is suitable for its new use, and that adequate site assessment information is recorded and scrutinized accordingly.

Slough Borough Council works with developers and their consultants to ensure that land is properly assessed and remediated in line with legal requirements, and up to date guidance.

The Web-based resource Planning Practice Guidance expands on the relationship between planning and Part IIA (last updated in 2017).



### 1.4.2. Building Regulations

The Building Regulations 2010 Part C, C1. (2), and Approved Document C, Site Preparation and Resistance to Contaminants and Moisture (Amended 2013), contain specific requirements regarding land contamination. The regulations outline the necessary precautions required to protect new buildings, and their future occupants, from the effects of contamination, including hazardous ground gases. At Slough Borough Council, Building Control regularly consults the Contaminated Land Officer for advice on Building Control Applications, if they are located in area of potential contamination. This cooperation ensures that any new building and future occupants are protected from the effects of potential contamination.

### 1.4.3. Water Resources Act (WRA)

Under the Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009, the Environment Agency retains the powers to deal with any harm to controlled waters being caused by contaminated land. Consequently, there is great potential for overlap between the two regimes. Therefore, guidance has been provided on how the two regimes will operate in tandem. The Council will normally use Part 2A enforcement procedure for land identified as contaminated land, rather than the works notice system used by the Environment Agency under the Water Resources Act 1991.

### 1.4.4. Environmental Permitting

The Environmental Permitting Regulations 2016 (EPR) requires the operators of industrial sites involving particular processes to obtain a 'permit' from the Environment Agency or the Local Authority (depending on the nature and scale of the process). In general, processes regulated under the EPR are likely to be 'more polluting' than those that are not. However, this covers all forms of pollution and does not necessarily mean that EPR sites are more likely to cause land contamination. The EPR replaced the Pollution Prevention and Control (PPC) and Waste Management Licensing regimes.

All waste disposal and processing sites are subject to licencing under Part 2 of the Environmental Protection Act (as amended by the EPR). Contamination causing significant harm or pollution of controlled waters should be dealt with as a breach of a condition of the licence or permit rather than through Part 2A. Where a site has remained unlicensed, or where a waste licence has been surrendered, it could potentially meet the definition of 'contaminated land' and would therefore, be dealt with under the Part 2A regime.

The EPR (as amended) are designed to minimise the impact from potentially polluting activities. Many industrial installations fall under the Environmental Permitting regime. This regime is enforced by the Environment Agency for A1 activities, and by the Council for A2 (LA-IPPC) and Part B (LAPPC) activities. Any facility regulated under the EPR, where there may be a significant risk to land or groundwater [including where one is necessary to satisfy requirements of the Industrial Emissions Directive (IED)], is required to carry out a site condition report to ascertain the baseline condition of the land prior to being granted a permit. If an operator causes contamination of the site or land by breaching conditions of the permit, they are required to remediate the land so that it is returned to its original baseline condition.

### 1.4.5. Health and Wellbeing Strategy

The Strategy is focussed on four key priorities to improve the health and wellbeing of the people in Slough:

- Protecting vulnerable children
- Increasing life expectancy by focusing on inequalities
- Improving mental health and wellbeing
- Housing

### 1.4.6. Environmental Damage Regulations 2009

The Environmental Damage (Prevention and Remediation) Regulations 2009 provide additional enforcement powers for the prevention and regulation of land contamination. The regulations only apply to damage which has taken place after 1 March 2009, and are usually applied to allow a rapid reactive resolution to land contamination caused by a pollution incident.

These regulations define environmental damage as damage to:

- a) Protected species or natural habitats, or a site of special scientific interest, or
- b) Surface water or groundwater with the deterioration in the water's status, or
- c) Contamination of land that results in a significant risk of adverse effects on human health.

The Environment Agency, Natural England, local authorities and the Secretary of State are the enforcing authorities responsible for administering and enforcing the regulations in England and Wales, depending on the type of damage involved. The enforcing authority must establish whether the damage cause can be classified as 'environmental damage', and identify a responsible operator in order to serve a remediation notice.

### 1.4.7. Statutory Nuisance

The Part 2A regime replaces the Statutory Nuisance provisions of the Environmental Protection Act 1990 for dealing with nuisance that consists of, or is caused by, "land in a contaminated state". That refers to all land where there are substances in, on or under the land which are causing harm, or where there is a possibility of harm being caused. However, where land is causing offence to human senses, for example odours, the Statutory Nuisance regime will still apply.

## 1.5. The Role of the Enforcing Authority

The Enforcing Authorities are the Local Authority (i.e. Slough Borough Council), and the Environment Agency. Local Authorities have been given the primary regulatory role under the Part 2A regime and therefore for most sites Slough Borough Council will be the lead regulator.

The Enforcing Authorities have four main tasks:

- to establish who should bear responsibility for the remediation of land;
- to decide, after consultation, what remediation is required and ensure that such remediation takes place either through agreement or by serving a remediation notice. In certain circumstances the local authority may need to undertake the remediation;
- where a remediation notice is served or the authority carries out the work, to determine who should bear what proportion of the costs for the work; and
- to record certain prescribed information regarding regulatory actions on a public register.

Enforcing Authorities should seek to use Part 2A only where no other appropriate solution exists.

### 1.5.1. The Role of the Local Authority

The primary regulatory role under Part 2A rests with the Local Authorities, reflecting existing functions under the statutory nuisance regime and complementing their role as the Local Planning Authority. The statutory duties of the local authority under the Part 2A regime are:

- to prepare a strategy for inspection of their area;
- to inspect the Borough where possible to identify contaminated land;

- to determining whether any land meets the definition of Contaminated Land under Part 2A of the Environmental Protection Act 1990;
- to establish whether sites should be designated as “Special Sites” and thus become the responsibility of the Environment Agency;
- where the Agency carries out an inspection on behalf of the Council, the inspection duty and the decision as to whether land is Contaminated Land, remain the sole responsibility of the Council;
- to consult the Environment Agency on sites where there is pollution of controlled waters and where the Local Authority considers that land meets the definition of a Special Site;
- to act as enforcing authority for all contaminated land which is not designated as a “Special Site”, for which the Environment Agency will be the enforcing authority;
- to maintain a public register of sites for which a remediation notice has been served, or where a remediation statement or declaration has been published;

### 1.5.2. The Role of the Environment Agency

The Environment Agency has a key supporting role to Local Authorities, involving provision of information and advice, and a number of specific regulatory functions. Thus, the Environment Agency has the following roles with respect to contaminated land under Part 2A:

- custodians of data (website) and provision of information in response to specific requests;
- to assist local authorities in identifying contaminated land, particularly in cases of water pollution;
- to provide site specific guidance to local authorities on contaminated land with specific reference to water pollution;
- to undertake inspections of Potential Special Sites at request and on a priority basis;
- to act as enforcing authority for any land designated as a Special Site;
- to maintain a register of Special Sites remediation;
- to publish periodic reports on the State of Contaminated Land.

## 1.6. Development of the Strategy

Within Slough Borough Council, the Environmental Quality Team in the Planning and Transport Department is responsible for the implementation of Part IIA EPA 1990. A Senior Scientific Officer has been appointed as the lead officer on Contaminated Land, reporting to the Manager of the Environmental Quality Team and the Head of the Regenerations Directorate. The officer’s role is to develop, implement and review the strategy, and assume the day-to-day obligations of its upkeep. The strategy has been prepared with reference to DEFRA’s “Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance”. The Head of Environmental Protection will be responsible for recommending service of remediation notices, to the Development and Consumer Protection Chief Officer and the Council’s Cabinet Committee.

The Council will make the draft document available to the external and internal consultees. Any comments are to be directed to:

Contaminated Land Officer  
Observatory House  
25 Windsor Road  
Slough  
SL1 2EL

Or email [EnvironmentalQuality@slough.gov.uk](mailto:EnvironmentalQuality@slough.gov.uk).

## Chapter 2. Aims and Objectives of the Strategy

### 2.1. Aim of the Strategy

Slough Borough Council has the following overall aims in implementing its Contaminated Land Inspection Policy in order to fulfil the requirements of Part IIA and the statutory guidance:

- To protect human health;
- To contribute to environmental improvement and sustainability in the borough;
- To adopt a strategic risk based approach to the periodic inspection of the Borough for the purposes of identifying land which presents unacceptable risks to human health or the wider environment;
- To promote and achieve remedial actions that are reasonable, practicable, effective and durable;
- Encourage the regeneration and voluntary action by polluters or other appropriate persons, in order to facilitate the re-use of brownfield sites;
- To communicate effectively the authority's intentions;
- To support the Council in meeting the local housing needs, by providing guide to developers, when dealing with brownfield sites;
- Quantify the Council's liabilities, if any.

### 2.2. Objectives of the Strategy

The Council's objectives of the strategy are:

- To follow the overarching objectives of the Contaminated Land Statutory Guidance (April 2012);
- To risk assess, prioritise and inspect land within the borough, in accordance with the Contaminated Land Statutory Guidance (April 2012);
- To ensure that any proposed development within the Borough is dealt with accordingly via the planning process in a manner that ensure the land is suitable for its intended use (thus cannot be subsequently determined as Contaminated Land under the Part 2A regime);
- To ensure that the Strategy is compatible with the Council's Corporate Plan and Policies;
- To share information internally and externally in order to effectively deal with land contamination issues during the policy making and planning process;
- To avoid any unnecessary blight of land within the Borough.

### 2.3. Vision of the Strategy

Slough Borough Council (SBC) vision is that of a council that can continue to adapt to and lead change, through new ways of working.

The council is committed to working with, and on behalf of, the people of Slough to provide sustainable improvements to the quality of life for all. Thus, the main priority of the development and implementation of the Strategy will be to safeguard of citizens, and the natural environment.

## Chapter 3. Appraisal of performance delivering Part 2A

### 3.1. Review of Achievements

Since 2001, when the original Inspection Strategy was published, the Council has undertaken a series of tasks, and the following outcomes were achieved:

- Over 1000 of sites were inspected, risk assessed and prioritised as Potentially Contaminated Land sites, and classified as high, medium or low risk;
- A Prioritisation Procedure was developed and implemented in order to categorise the risk ranking of each Potentially Contaminated Land site;
- Three sites in the borough were determined as Contaminated Land under Part 2A;
- Funding was secured to facilitated the remediation of the three determined Contaminated Land sites;
- Approximately 130 sites were assessment and re-prioritised, namely landfills, including the review of Planning information, preparation of a desk study/PRA and site walkover; approximately 30 of these sites have been reprioritised as low risk.
- the investigation and detailed inspection of a number of sites under Part 2A
- the review of over 100 Site Investigation and Remediation Reports per annum, as part of the Planning Regime;
- Over 100 sites were remediated via Planning and Development Control; many of these sites are large residential schemes accounting for approximately 240 hectares of land.

#### 3.1.1. The Risk Prioritisation Register

Since the publication of the original Strategy document in May 2001, under Part 2A of the Environmental Protection Act 1990, Slough Borough Council (SBC) has used its statutory duty to identify, investigate and remediate areas of Contaminated Land within their boundaries. In preparation for the publication of the original Strategy 2001, SBC had previously undertaken the task of reviewing maps and other information sources to identify potential contaminative historical and current land uses in order to assess the risk of contamination of land within the Borough and rank the sites in order to prioritise them for inspection. SBC identified an initial Register of 987 sites with a potentially contaminative land use, and ranked them by scoring them according to the potential source, pathway and receptor as shown in their original Risk Prioritisation Strategy.

The Prioritisation Register was then continuously reviewed and updated by the Contaminated Land Officer when new information became available through the planning system, or when sites were independently revisited in more detail, up to 2006. After that time, it was not until 2009, when SBC asked Atkins to undertake a full review of the existing, and new information which had become available since that time, and produce an updated Register.

Between 2008 and 2009, Atkins had undertaken the work required to update the Register, and the main results were:

- The existing **Risk Prioritisation Strategy** was revised to include any recent changes in legislation, and it was deemed to be in line with the current legislation, at the time;
- Revision of the information available through Planning and updating the risk scores accordingly;

- Assessment of all the Allotments in Slough was undertaken, and only Cowper Road Allotments is still considered a priority site for further investigation, due to its proximity to a potentially contaminated site;
- Additional assessment of the top eight priority sites was undertaken and, where necessary, ranking scores were modified accordingly;
- Atkins produced the “**Part 2A Risk Prioritisation Register Update**”, July 2009 (Ref. 5064580);

### 3.1.2. Part 2A Determination and Remediation to date

In September 2012, Slough Borough Council issued a statement confirming that the Remediation at Upton Court Park was successfully completed by Atkins. The project value (gross) was £580k (GBP), and it was carried out between September 2011 and May 2012. The contamination was identified within the soils of the park, which historically was known to have been used as a landfill site.

Atkins Ltd. was appointed by the Council to undertake sampling in order to delineate the areas of contamination requiring remediation. Following the initial investigation, a remediation methodology was developed proposing remedial options such as: dense planting zones and fencing to restrict access and exposure, and creation of a clean cover system, acting as a barrier between the site users and any residual contamination. During the works Atkins acted as the Supervisor and Project Manager, ensuring that the Specification for the Works was delivered on time and budget. On completion of the proposed works, Atkins also prepared the Validation Report in accordance with the Environment Agency Guidance.

## 3.2. Ongoing Responsibilities

It is still the duty of the Contaminated Land Officer to update and maintain the Register, by ensuring the following tasks are undertaken periodically:

- Reviewing and updating the information coming in through the Planning system, regarding remedial actions and site investigations carried out at the sites on the Priority list;
- Maintaining the databases: public register, GIS and GeoEnviron, etc.;
- Update the website regularly, to reflect any changes to the Register;
- Respond to Environmental Enquiries;

## Chapter 4. Implementation of the Contaminated Land Inspection Strategy 2001

### 4.1. Revised Risk Prioritisation Procedure

There is currently no evidence of contamination causing actual harm in the Borough. There are, however, several sites of which the Council is aware that there is the possibility or significant possibility of the potential for harm to arise. These sites have been identified through the collation and review of information already undertaken in preparation for the introduction of the Contaminated Land Regime. The main outline of the process followed is presented below.

In 1998, Slough Borough Council (SBC) began the process of reviewing the available historical and contemporary mapping of the land within its borough for the purpose of identifying potentially contaminative land uses. In a second phase of the project from April 1999, SBC undertook the task of carrying out Preliminary Risk Assessments on the previously identified sites in order to prioritise for further work. In anticipation of the new regulations, an evaluation audit of information, held by different departments of the Council, was completed in August 2000. The first version of the Contaminated Land Strategy was published in May 2001, followed by the development of the Prioritisation Procedure, which resulted in a Priority list of sited requiring further investigation and risk assessment.

Following a significant change in legislation in 2006, Atkins was seconded to undertake a considerable review of the sites and update the existing Register at the time.

Subsequently, over the years, the records have been updated somewhat, to include some site investigations and remedial works carried out, but nothing close to the scale of the work carried out in 2006. Following that work, between 2009 and 2010, three sites were determined as Contaminated Land and they were placed on the Public Register.

The Prioritisation Procedure has been revised for the purpose of the current Strategy Review, and it is based upon an assessment of risk from any land that may be contaminated. There are two principal aspects to the implementation of the Strategy:

- A. Strategic Inspection (Risk Prioritisation):** broad assessment and preliminary screening of land within the borough, in order to identify priority land for more detailed consideration; this will involve collation and assessment of desk-based information to identify any potential contaminant linkages.
- B. Detailed Inspection:** an in depth appraisal of sites that have been assigned a high priority ranking, involving intrusive investigation and risk assessment, required in order to support Part 2A decisions.

#### A. Strategic Inspection

##### A.1. Stage 1: Preliminary Screening and Prioritisation

Previous work commenced with a systematic review of the available historical and contemporary mapping of the Borough. The initial stage of the Risk Prioritisation Procedure was based on the types of land/industrial uses the site had been subjected to (i.e. the source of contamination), and the sensitivity of potential receptor(s). For the purpose of the current review, no further datasets or historical mapping, were interrogated, thus no additional sites were added to the priority list. At this stage, the previously identified sites, plotted as point locations on the GIS, were explored in more detail in order to identify the correct boundary of the sites where these potential sources of contamination were initially identified. As a result, the initial 1013 point locations on the priority sites list were converted to polygons, by reviewing the historical mapping and aerial photography from the relevant epochs.

The previously developed risk prioritisation model within the GeoEnviron database for the purposes of the Strategy will be used again in order to enable the update of the preliminary prioritisation and revise the site scores. The methodology is outlined in the appendices, and the existing priority list obtained by using the site 'risk scores' will be reviewed and updated as a result of this new Strategy. Different from the previous document, the current Strategy will not consider the sites with the highest scores (>100) for further assessment and investigation, but will be dealt with via the Planning Regime. However, if the situation arises, special cases will be assessed and considered for pro-active investigation.

### **A.2. Stage 2: Re-prioritisation of Planning Sites**

This stage will involve the reprioritisation of sites subject to development under the planning regime. Any information relating to planning will be reviewed to determine whether the site has been remediated prior to or during development. Historically sites may have been redeveloped, but not subject to full planning control for identifying and managing contamination. These sites may require further investigation to determine whether they are suitable for use, or whether they require additional remedial measures. As stated previously any sites that were developed prior to 1990 will be given a higher priority; as they are less likely to have benefited from a formalised risk assessment. For sites that have been subject to a planning application/approval post 1990, following the introduction of the Part 2A regime and the Town and Country Planning Act 1990 a 'Position Statement' will be produced. This statement will be shared with the planning enforcement team for possible consideration. However, further action may be required under Part 2A, which will require progress to Stage 3.

### **A.3. Stage 3: Preliminary Risk Assessment (PRA)**

Sites carried forward from Stage 2 will be subject to an initial assessment of risk. This will take the form of a PRA or 'desk study' including a site walkover. The purpose of a desk study is to gain more information about the potential contaminant linkages identified during Stage 1. This involves finding out specific information about contamination pathways and receptors to enable a greater understanding of site conditions, including details of site boundaries, and a site visit. The desk study will involve a review of all the information/data already held by the Council; this may be in electronic format, on GIS or in hard copy/paper form. If the Council identifies any gaps in existing information which prevent decision-making, further documentary data will be sought and obtained from appropriate sources such as the Environment Agency, other statutory bodies or stakeholders. A site visit will often be limited to a visual inspection of the site carried out as a walkover exercise, or viewing the site from its boundary. A standard checklist will be developed for this purpose, which will enable a consistent approach to carrying out desk-based research. This will then be used to develop a Conceptual Site Model, which will be used to inform whether further inspection is required or not.

### **A.4. Stage 4: Selection of Sites for Detailed Inspection**

At this stage, an official Review Panel, made up of officers of the relevant parties in the Council (including the Legal Department), will determine the status of the site and any future actions. This decision will be made on the basis of the information gathered during the desk study, site walkover/visit and any sampling. Each member of the panel will have undertaken a review of the desk study so that they are familiar with the site. The decision as to what course of action to take for each site should be based upon a consensus of opinion from all officers.

Following the review panel meeting a Part 2A Position Statement will be produced, which will include a summary of the information within the desk study and the decision making process. If during Stage 3 more than one site is identified as requiring detailed inspection a decision will be taken, based on a case by case risk assessment, as to which is completed first. If during this stage a site is identified that appears to pose a significant or imminent risk to human health or the environment, then a decision should/will be taken as to whether the site should immediately undergo detailed inspection or remediation action. The decision will be



taken in accordance with the Council's constitution and scheme of delegation to ensure suitable governance arrangements are in place.

### A.5. Revising and Reviewing the Priority List

There might be occasions during the inspection process when information may come to light which leads to a site being reprioritised, or the inspection process being placed on hold for a specific period of time. This may occur for a number of reasons, for example a site visit may show the absence of a specific receptor or contaminant, or the introduction of a pathway. Alternatively, a site may already be undergoing investigation and subsequent remediation via a different regulatory regime.

The rationale behind any reprioritisation or postponement of inspection will be recorded and the site readdressed in accordance with the adopted process. For example, inspection of a site which is currently undergoing development may be placed on hold until the development is complete. The site will then be re-examined to ensure that the appropriate level of remediation has taken place and the site is now 'suitable for use'. Therefore the status of specific sites will need to be constantly reviewed in order that any new information source can be taken into consideration and the risk amended accordingly.

## B. Detailed Inspection

Following the Strategic Inspection, and initial Prioritisation Procedure, the Council will look to carry out in-depth appraisal of each site that has been classed as high risk, depending capacity and resources. A scientific and technical assessment will be undertaken to determine whether, on the balance of probabilities, the land is statutory contaminated in accordance with the Statutory Guidance.

The assessment will have regard to any information and advice received from external organisations. The determination will also be made on the basis of any relevant guidance or standards and/or the ability of any existing management regime to prevent harm. The main objectives of the detailed inspection will, therefore, be:

- To enable an accurate and reasoned determination to be made;
- To identify any special sites;
- To engage any interested parties prior to determination whenever possible;

An Intrusive Investigation will only be considered when a significant pollutant linkage is likely, and there is no immediate plan for the site to be redeveloped, and thus the issues addressed via the Planning Application Process. If the Intrusive Site Investigation is planned to go ahead, the Council shall notify all the interested parties, and a specification of the intrusive investigation works will be prepared and presented to the Environment Agency. The Council will also consider any risk to the environment or sites of interest, arising from the proposed works. Where necessary, the Council will consult the appropriate organisations prior to any intrusive site investigation. The Council will also consider whether any compensation is payable under Paragraph 6 of Schedule 18 of the Environment Act 1995. Any party with a right to compensation will be notified accordingly. If the Council considers that a detailed inspection of a site is necessary, then it will have regard to the following issues:

#### a. Requirement for any consents/licences

Statutory undertakers and the Environment Agency will be consulted, following the liaison procedures, on the need for any consents and/or licenses.

### b. Authorisation of inspections

The Authority will ensure that appropriate persons are authorised to carry out inspections in accordance with Section 108 on the Environment Act 1995. The Authority will liaise fully with any neighbouring authority prior to any investigation of land within their area (section 78X (2)).

### c. Health and safety requirements

The land- owner will be consulted regarding any specific health and safety requirements in relation to their site. The Authority will follow its own health and safety protocol, which shall include a health and safety risk assessment for any site investigation work. Contractors will be expected to comply with the Construction Design Management Regulations 1994.

### d. Rights of Access

The Authority will endeavour to agree any access arrangements with the appropriate person wherever possible. It will ensure that it gives the occupiers/owners of residential properties at least seven days' notice. If access arrangements cannot be agreed then The Authority will seek to obtain a warrant under Section 108(6) Schedule 18 of the Environment Act 1995.

## B.1. Intrusive Site Investigation and Risk Assessment

When deciding to carry out intrusive investigation and risk assessment (or 'Generic Quantitative Risk Assessment' (GQRA) and 'Detailed Quantitative Risk Assessment' (DQRA)), the Council will prepare the relevant documents based on well-established and industry adopted good practice techniques. These techniques are well documented in various authoritative publications listed in the Reference section of this Strategy. Site investigation and risk assessments will be carried out in accordance with the guidance, good practice, technical procedures and relevant standards/criteria available at the time of the planned works. The purpose of an intrusive investigation is to collect sufficient information to better characterise actual or potential contaminant linkages at the site.

The intrusive site investigation may involve the excavation of trial pits, the drilling of boreholes and the installation of monitoring wells in order to allow sampling and subsequent chemical analysis of soils, water and gas/vapours. The level of investigation required will be decided on a site specific basis and will be dictated by issues such as the number and nature of potential contaminant linkages at the site, local environmental sensitivities, the level of confidence required, the practicalities of investigation and cost implications.

Currently, there is no intention to actively carry out any intrusive investigations, as detailed above, but most of the prioritised sites will be dealt with via the Planning Application Procedure. However, if there are any urgent cases identified as part of the Priority List review, the Council may employ the services of an environmental consultant to carry out the work on their behalf. Any consultant would be selected following a procurement process in line with the Council financial regulations.

## B.2. Risk Summaries & Site Categorisation

Following the outcome of the site investigation and risk assessment process the Council will assign all sites one of four categories if there are human health or controlled water receptors. This is in line with the Statutory Guidance. For assigning a risk category the following will be used:

- a. **Human Health:** the Prioritisation Procedure for Human Health will be used in order to produce a Risk Summary for all sites. The procedure document is available for viewing in the Appendices of the Strategy or downloading on the Council website.
- b. **Controlled Waters:** this is referenced in paragraphs 4.46 of the Statutory Guidance. The Prioritisation Procedure sets out how the Council will determine whether or not land is considered contaminated on grounds of 'significant possibility of significant harm to human health' or 'SPOSH'. This procedure/process ensures that the decision-making process is consistent, transparent and robust.

The table below shows the categories that sites may be allocated and the action likely to be taken by the council. These categories are derived from Contaminated Land Research Report No 6 (CLR Report No 6), and the Sites will be put into these categories based upon the information known about it. This will begin at the initial prioritisation and if necessary continue through to the remediation of the site. A site could move between categories as more information is found about it and risk assessments revised.

<b>CATEGORY 1:</b>	Site probably or certainly not suitable for present use and environmental setting. Contaminants probably or certainly present and likely to have unacceptable impact on key receptors. Urgent action needed in the short term.
<b>CATEGORY 2:</b>	Site may not be suitable for present use and environmental setting. Contaminants probably or certainly present and likely to have unacceptable impact on key receptors. Action may be needed in the medium term.
<b>CATEGORY 3:</b>	Site considered suitable for present use and environmental setting. Contaminants may be present but are unlikely to have unacceptable impact on key receptors. Action unlikely to be needed while the site remains in present use or otherwise remains undisturbed.
<b>CATEGORY 4</b>	Site considered suitable for present use and environmental setting. Contaminants may be present but are very unlikely to have unacceptable impact on key targets. No action likely to be needed while the site remains in present use or otherwise remains undisturbed.

### B.3. Further inspection

The collation of information is an iterative process, and each stage of detailed inspection may result in the need to acquire further information. This could be in the form of further desk-based research or a second stage of intrusive site investigation. If the Council is unable to obtain sufficient information within a reasonable time period then it will consider whether further investigation is necessary. In making this decision it will have regard to whether there is reasonable possibility of a contaminant linkage and whether the site is likely to be a special site.

## C. Determination

Once the Council is satisfied that it has sufficient information on a site to fulfil the criteria of the definition of contaminated land, it will make a determination in the form of a written record. This will be done in accordance with the Statutory Guidance. The determination will be recorded and it shall include the information prescribed in Section 5, 5.17-5.19 of the Statutory Guidance.

Prior to determination of land the Council will inform the interested parties including owner/occupiers of the land and any other person who appears to be liable to pay for remediation. Any legal determination of land will be postponed if the problem is dealt with on a voluntary basis, within appropriate standards and timescales.

Enforcing authorities have four main tasks in the event that Contaminated Land is determined:

1. Establish who should bear responsibility for the remediation of the land (the "appropriate person" or persons);
2. Decide, after consultation, what remediation is required in any individual case and to ensure that such remediation takes place. This can precede either through agreement with the appropriate person, or by serving a remediation notice on the appropriate person, if agreement is not possible. There are also certain circumstances, when the Council could carry out the work.

3. Where the remediation notice is served, or the Authority itself carries out the work, to Council needs to determine who should bear what proportion of the liability for meeting the costs of the work.
4. Record certain prescribed information about their regulatory actions on a Public Register. If the Council determines land as contaminated land, a Notification of Determination will be issued to the Environment Agency, and the owner/occupier and any appropriate persons. The Public Register should include the following information:
  - 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;
  - A summary of the way in which the Authority considers that the requirements of the Regulations and accompanying guidance have been satisfied.

## Chapter 5. Timescales and Review Mechanisms

### 5.1. Priorities

Within the legislation and guidance, to which the Council will be adhering, there is an emphasis on the prioritisation of effort and resources towards sites representing the greatest risk.

The Council's aims for dealing with contaminated land are to:

- Protect human health
- Protect controlled waters
- Protect designated ecosystems
- Prevent and protect against damage to property
- Prevent further contamination of land
- Manage future liabilities on council owned land
- Encourage and promote voluntary remediation
- Encourage and promote the reuse of existing brownfield sites

For other councils it could be possible to prioritise its program based on one or more of these issues. For Slough, however, most of the Borough is of an urban nature and almost the entire Borough is classified as a major aquifer with high groundwater vulnerability. In addition, with exception of some land at Langley and the Colne Valley settlements in the east of the Borough, the Borough is within the SPZs of several abstractions. Therefore, in the absence of being able to prioritise actions based on human health or controlled waters alone, procedures for the categorisation and scoring of sites against contamination potential, site sensitivity, geology, groundwater and surface water characteristics encompassing source, pathway and receptor issues was developed and will be implemented accordingly.

### 5.2. Programme of action

#### 5.2.1. Work Programme and Timescales for 2018 to 2023

The work programme and anticipated timescales for implementation of the revised Contaminated Land Strategy is outlined as follows:

No.	TASK	SCHEDULED
1	Review of all the existing information received via Planning since the last Prioritisation List review, regarding the 1023 sites on the list	2018
2	Carry out site walkover for the sites where this is necessary	2018
3	Re-calculate each site scoring and update the GIS database	2019
4	Produce an updated risk rating for each of the site remaining on the list	2019
5	If relevant, re-assess the sites with a high risk rating, and recommend for further investigation	2019

Where necessary, new sites, previously not considered will be considered, if and when the situation will highlighted to the Environmental Quality Team, either by an external party, or via the Planning system.

## 5.3. Review mechanisms

The Part IIA legislation places a duty on local authorities to inspect their areas 'from time to time' for the purpose of identifying contaminated land. However, such inspections are not currently proposed as an activity part of the Contaminated Land Strategy. The present approach, due to limited funding opportunities, is to address any such sites under the Planning procedure. Thus, the majority of the investigation will take place retroactively, as and when a planning application is submitted, for the purpose of developing a site on the current list of Priority Sites, or if any relevant new sites are exposed during re-development. These sites will be the responsibility of the developer to be addressed, under the guidance of the Contaminated Land Officer.

There is also a need for review of the strategy itself to ensure that it remains effective and up-to-date.

### 5.3.1. Triggers for undertaking additional inspections

Currently, the Council has no schedule of carrying out site inspections in addition to those already completed between 2002 and 2004. However, the Council reserves its right to carry out or recommend such inspections if needed, under the following scenarios:

- **Unforeseen events:** which cannot be addressed by other environmental legislation and may include localised flooding, landslides, accidents, fires and spillages;
- **Introduction of new receptors:** such as the designation of a new protected ecosystem or housing development neighbouring or nearby the site;
- **Unplanned changes in land use:** where there is persistent unauthorised use of land by children or travellers, creating human receptors on a site which otherwise does not have a receptor to complete the pollutant linkage;
- **Identification of localised health effects:** where it becomes apparent that human health is being affected by a particular piece of land;
- **In response to new information:** which could come from other statutory bodies, from owners/occupiers or appropriate persons, or other interested parties;
- **Supporting voluntary remediation:** where a potentially liable party wishes to undertake remedial action prior to inspection by the LA;
- **Re-development:** where a planning application is submitted, concerning a priority site or a site located within 250m of a potentially significant source of contamination previously identified.

### 5.3.2. Triggers for reviewing inspection decisions

There will be circumstances where changes in the condition or character of the site or surrounding land will prompt the Council to review the conclusions of a previous inspection. This would include situations as outlined in Section 9.4.1, but also where there were:

- Significant changes in legislation;
- Establishment of significant case law or other precedent; and
- Revision of guideline values for exposure assessment.

Transparent and consistent recording of decision-making will be ensured to allow for efficient review.

### 5.3.3. Review of the Strategy

The Council has a duty under Part 2A to keep the Strategy under periodic review to determine whether the objectives/priorities are being achieved, to revise and improve procedures, to take into account any changes in

legislations and guidance, to consider the establishment of significant case law or precedent and to reflect changes in Council policies and strategies. It is the advices of the general guidance on Land Contamination to review the strategy approximately every five years, thus the next review is scheduled for no later than the end on 2023. This deadline shall be changed should relevant legislation or/and guidance be released, requiring and early review. If relevant information will require the update of any section of this Strategy, it is possible that suitable addendums will be incorporated into the document, without the need for a full review.

The review will be carried out by the relevant officer in the Environmental Quality Team, in consultation with other services across the Council as well as external organisations and neighbouring authorities where necessary. The Environment Agency, as part of their statutory duty under Part 2A, has to assess the Inspection Strategy and its effectiveness in their 'State of Contaminated Land in England report. Any suggested changes to the Strategy will then be reported, for approval to the Council. Details of all significant proposed changes will be sent to the various statutory consultees. Following the consultation period, the Strategy document will be revised. The changes to the Strategy will then be adopted and implemented.

## Chapter 6. Communication and Information Management

### 6.1. General Liaison and Communication

#### 6.1.1. External consultation partners

While the Council is the primary regulator for the implementation of Part IIA legislation, the Environment Agency (EA) also has a role as an enforcing authority. Therefore, in addition to being a statutory consultee for the development of the strategy, the EA has responsibilities to assist the Council. Close collaboration between the Council and the EA will be essential to align the duties of the two enforcing authorities.

In addition, the Part IIA legislation makes specific provision in certain defined cases for Local Authorities to consult with other statutory bodies that have a particular regulatory function and body of expertise relevant to contaminated land. For Slough Borough, these include:

- Natural England
- Public Health England
- Health and Safety Executive
- National House Building Council

#### 6.1.2. Internal communications

The current Strategy Review will not require elaborate internal review by any specific Department. However, the following will be permitted to comment should they wish to do so:

- Development Control
- Planning Policy
- Assets Management
- Legal Services

Following the adoption of the revised Strategy, any further communication and liaison will be carried out via email and the Council's Webpage.

#### 6.1.3. Communicating with the wider community

Under Part IIA legislation, the Council is obliged to make provision for responding to information or complaints from members of the public, businesses and voluntary organisations. To facilitate general public participation the strategy will be made available for download from the Council's website. The Council may consider it appropriate to utilise one or more of its existing communication practices where communicating with large numbers of people instead of writing letters. This could include using the local newspaper, the local radio, the Press Office, presentations or exhibitions, Sector Forums, Parish Council meetings, public meetings and the Council's website. Specialist advice will need to be sought, should it be necessary, to communicate complex matters with members of the community whose first language may not be English.

The Council is aware of the need to avoid alarm and potential blight due to the creation of unnecessarily high perceptions of risks when communicating with the public about land contamination issues. The Council's statutory duties and the reasons for requiring further information will be clearly explained and all communication will be made in line with the guidance presented in the SNIFFER publication 'Communication Understanding of Contaminated Land Risks (2010)'. The Council recognises, however, that land use plays an important role in the community and that peoples' perceptions about the quality of the land may affect their



ability to enjoy their local environment. Effective communication is, therefore, essential in order to address any misconceptions and to ensure that people are fully informed. The expertise of the Council's communication team will be used to ensure that an effective and transparent communication process is adopted; Public Health England will also be contacted where appropriate along with the Environment Agency.

## 6.2. Information Management

Information management comprises of collection, evaluation, maintenance and review of data gathered as part of the Site Prioritisation Procedure. This is required should there ever be a need for the Council may need to defend its decisions and determinations of contaminated land. Thus, all the information arising from the investigation of potentially contaminated land was carefully logged and stored. The investigations produce a sizeable volume of information that required careful stewarding and management.

As part of this process, the Council has a duty to record and maintain some types of information, including complaints, voluntary information provision and the public register.

### 6.2.1. Data Collection (Geographical Information System)

Following the publication of the initial Contaminated Land Inspection Strategy in 2001, a considerable amount of information was collected and processed, using software provided by STM Environmental. The initial list of prioritised sites was processed using GeoEnviron, the database software provided by STM Environmental, and mapped using MapEagle, the Geographical Information System (GIS) software interlinked with the database. The information collected during the Strategic Inspection was used to identify all potential sources of contamination within the Borough based on any features identified on historical maps including mid-1800s, pre-war and post-war epochs. The information captured by this survey was digitised onto the GIS and a layer was created, named 'Potentially Contaminated Land sites (PCLs)' layer. Since its creation this layer has been continually updated and amended. In order to assist in the information management process, each site on the PCL layer has been allocated an individual site reference number (i.e. PCL0001).

The information held by the Council on individual sites typically varies from a single polygon on the PCL layer around an historical feature, to detailed site investigation reports and risk assessments that provide in-depth information on the characteristics of the site. Wherever information was available on each site it was used during the Prioritisation Process to assist in assigning the site an appropriate level of risk. All relevant information was logged within the GeoEnviron database, which is updated on a regular basis. The database is also supported by an electronic filing system, which holds all reporting as well as pertinent correspondence relating to planning consultations and Part 2A inspection.

### 6.2.2. The Public Register

Under the Part IIA regulations, the Council is required to maintain a Public Contaminated Land Register. This is not a register of all the information and documentation used in the investigation of potentially contaminated land. The regulations clearly specify the information that must be recorded in the register:

- A copy of the remediation notice;
- Details of appeals against remediation notices (including the decision judgements on them);
- Copies of remediation declarations, remediation statements and notifications of claimed remediation;
- Details of any appeals lodged against charging notices;
- Details of any land designated as a special site;
- Details of any convictions;

Therefore, entries into the Register will only be made where a remediation notice has been served as a result of implementation of the Part IIA legislation, or where voluntary remediation has been secured and a

Remediation Statement produced. Hence, remedial actions resultant from planning controls will not be entered in the Register. The Public Register is available on the Councils website.

### 6.2.3. Public Access to Information

The Council acts in accordance with the requirements of the following statutes and regulations in making environmental information accessible to the public:

- Local Government (Access to Information) Act 1985
- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004

For the majority of the above legislation, there are common exceptions to the right to access information. These generally refer to issues relating to national security, legal proceedings, breaches of statutory provision, confidentiality, work in the course of completion, personal information or issues which could following disclosure increase the likelihood of damage to the environment. In compliance with the above and also the requirements of the Contaminated Land (England) (Amendment) Regulations 2012, information held on the public register will be accessible by the public. These requirements will also be adhered to when carrying out Part 2A duties, which require disclosure of site specific information. The data collected and logged within the GeoEnviron database is mainly incomplete or unverified and therefore certain site-specific information obtained during detailed inspection, will be treated as confidential. Part 3 12(4) (d) of the Environmental Information Regulations 2004 provides an exemption for incomplete data.

### 6.2.4. Environmental Searches

The Council routinely responds to requests for Environmental Searches from residents, solicitors and other interested parties, for information pertaining to property sales or development. There will be a minimum charge for requests, outside of general enquiries and enquiries concerning the Register. Additional fees in the form of an hourly rate will be imposed where collation of information is excessive. Where charges are to be levied, the person(s) or company making the enquiry will be informed of the likely cost prior to the commencement of work. The Council endeavours to respond to all requests within ten working days.

All Environmental Searches are recorded within the GeoEnviron database, and are processed using the reporting tool within MapEagle. Responses issued will be based upon historical data and documentation available to the Environmental Quality Team. No guarantees are supplied as to the completeness or accuracy of the data provided. As a matter of course, the client is reminded that a response revealing no historical potentially contaminative uses equally does not guarantee that the land is free from contamination. The client will be advised to make further enquiries in this respect to the EA, public Records Offices, and environmental consultants, for example.

All requests for information under the Environmental Information Regulations (2004) will be dealt with within the statutory timescale for response of 20 working days.

### 6.2.5. Local Land Charges

Under section 1 of the Land Charges Act 1972, the Local Land Charges keeps the following registers:

- a register of land charges;
- a register of pending actions and pending actions in bankruptcy;
- a register of writs and orders affecting land and writs and orders in bankruptcy;
- a register of deeds of arrangement affecting land;
- a register of annuities;

The Council responds to corporate contaminated land enquiries under Condition 29 (CON29) of the Environmental Information (Amendment) Regulations. Information pertaining to the actual determination of a site will not be released, until the Council is satisfied as to its status under Part 2A. It is hoped that this approach will avoid any unnecessary concerns about a site that may ultimately not be considered as being statutory contaminated land. Following the implementation of Part 2A and the requirement for each local authority to keep a public register of its regulatory activity, a question (3.12) referring to contaminated land has been added to the Form CON29 Enquiries of Local Authorities. The questions on this form are answered by the Local Land Charges team as part of the search carried out every time a property transaction takes place. Local Land Charges base their response to 3.12 on information provided by the Public Protection Service.

### 6.2.6. Complaints

In this context complaints refers to a member of the public, business, or community group protesting about the condition of a piece of land or water feature. This objection may be made in relation to land or water with which they have a direct or indirect connection.

All complainants may expect:

- Their complaint to be logged and recorded;
- The complaint to be acknowledged within 3 working days and investigated within 5 working days;
- To be kept informed of progress with the complaint towards a resolution;

Complaints regarding contaminated land will be dealt with through the Council's existing procedures. Investigating officers will undertake appropriate actions and enquiries considered necessary to resolve any complaint having regard to departmental procedures, statutory requirements and professional judgement. The appropriate level and nature of further investigation will be determined on a case by case basis and will be dependent on a number of factors including; the nature of the complaint, the initial findings and the amount of information already available and an assessment in the context of the overall inspection programme.

Anonymous complaints or information provided anonymously will be evaluated by an investigating officer. Appropriate action will be taken on the basis of the merits of the information received.

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