CONTAMINATED LAND STRATEGY

June 2001

EXECUTIVE SUMMARY

Under the new regulations, the Council is required to inspect land in its District for contamination and undertake further duties to deal with contaminated land subsequent to identification. A strategy must be adopted and published by the Council by the end of June 2001, and a copy sent to the Environment Agency. This will detail how the authority will take a rational, ordered and efficient approach to this inspection.

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

- To protect human health.
- To protect controlled waters.
- To protect designated ecosystems.
- To prevent damage to property.
- To prevent any further contamination of land.
- To encourage voluntary remediation.
- To encourage re-use of brownfield land.

A five-year programme of inspection will be undertaken, running from July 2001 to July 2006. An inspection programme based on the anticipated highest contamination incidence is proposed, with the largest towns being inspected first, followed by the smaller towns and villages. Priority will be given to inspecting land owned by the Council and land scheduled for development in the Council's Local Plan. Controlled waters and protected areas of the environment will also be examined and a final prioritisation exercise undertaken to establish the order in which problem sites should be cleaned up.

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

The District Council is the lead regulator on contaminated land but, wherever necessary, the Council will work in partnership with other organisations, particularly the Environment Agency. Detailed consultation will be undertaken with Parish Councils and all statutory consultees between Mid-April 2001 and the end of May 2001.

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

CONTENTS

1 INTRODUCTION

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

1.1 CANNOCK CHASE COUNCIL CORPORATE AIMS

The Inspection Strategy is presented in the context of the Council's Corporate Aims & Visions:

We intend to:

- Improve the health of the community.
- Work in partnership with the community
- Keep local people informed
- Provide services that are accessible to our customers.
- Develop a strong sustainable environment for the District
- Ensure that the best services possible are available to all sections of the community
- Invest in the training and development of employees

Cannock Chase is here to:

- Improve the quality of life for all individuals living and working within the District
- Provide leadership and promote the interests of all it's communities
- Enable the provision of quality public services

Land contamination has significant impacts on both the environment and the economy, so these policy areas are therefore key considerations in developing this Inspection Strategy.

The Council's approach to local government consistently emphasises the need to be open and accountable for its actions. This document has therefore been presented as a consultation draft and made available to all interested sections of the community, businesses and developers. Comments received will be considered before the strategy is finalised and submitted to the Environment Agency by the end of June 2001.

1.1.1 Development of Contaminated Land

Government encourages the use of brownfield sites for development purposes. As such the Staffordshire and Stoke-On-Trent Structure Plan 1996-2011 (adopted May 2001) recommends, as a policy target, that 55% of all housing development across Staffordshire should be on brownfield land. To achieve this end each District is set a target. Cannock Chase has been set a target of 46%. Analysis of current trends suggests that this figure is realistic. As brownfield sites are more likely to be contaminated than greenfield sites, this clearly has an impact on this strategy.

The Cannock Chase Local Plan 1997 states that the location of identified areas of contaminated land will influence land use allocations and other policies in the local plan. Furthermore, the following aims and objectives within the Cannock Chase Local Plan Replacement, 2000 are those which will influence the use of potentially contaminated land:

Table 1: Key Aims & Objectives for the CCDC Replacement Local Plan

AIMS	KEY OBJECTIVES
To Protect, conserve and enhance the District's environmental character, whilst enabling high quality development to take place in the most sustainable way.	To protect, conserve and enhance landscape character, including the restoration of damaged areas of countryside and urban land and creating new landscape.
To provide sufficient new housing to meet identified needs, set within a high quality residential environment, in sustainable locations.	To make the best use of land within urban areas, maximising the use of previously developed land and the conversion of existing buildings.
To help create a strong and diverse economy with high and stable levels of economic growth and employment.	To identify good quality employment land in appropriate sites, capable of attracting inward investment and meeting the needs of local businesses.

1.2 REGULATORY CONTEXT

Contaminated land regulations have 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 this enabling legislation, and the regulations and statutory guidance finally came into force in April 2000. It is the introduction of this new regulatory regime, generally referred to as the Part IIA regime, that has prompted the production of this strategy document.

1.2.1 The Roles of the District Council and the Environment Agency

Local authorities have been given the primary regulatory role under the Part IIA regime as local authorities have historically had responsibility for dealing with any statutory nuisance caused by land contamination and are also the lead authorities on land use planning.

The local authority has a duty:

- To cause their 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).

The Environment Agency has a secondary regulatory 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.

1.2.2 Defining Contaminated Land

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

> 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
>
> (a) Significant harm is being caused or there is a significant possibility of such harm being caused; or
>
> (b) Pollution of controlled waters is being, or is likely to be caused.

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

1.2.3 Dealing with Contaminated Land

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:

i. To establish who is the "appropriate person" to bear responsibility for the remediation (or "clean-up") of the land.

ii. To decide what remediation is required and to ensure that this occurs, through:

- Reaching a voluntary agreement
- Serving a remediation notice, if agreement cannot be reached

- Carrying out work themselves, in certain circumstances
- Potentially changing land use in certain circumstances

iii. To determine whom should bear what proportion of the liability for meeting the costs of the work.

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

1.2.4 Pollutant Linkages and Risk Assessment

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

i. A source of contamination in, on or under the ground.

ii. A pathway by which the contaminant is causing significant harm (or which presents a significant possibility of such harm being caused), except in the case of pollution of controlled waters, when significance does not have to be demonstrated.

iii. 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) ❑ National Nature reserves ❑ Marine Nature Reserves ❑ Nature Reserves ❑ Special Areas of Conservation (SACs) ❑ Special Protection areas (SPAs) ❑ Candidate SACs ❑ RAMSAR sites ❑ Areas of special protection for birds ❑ Sites of Biological Importance ❑ Sites of Protected and Endangered Species	• Property in the form of buildings, including: ❑ Ancient Monuments • Properties 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

If the three components of the pollutant linkage exist, a risk assessment will be undertaken to determine the likelihood of harm being caused if the predicted event actually occurred. An area of land can only be designated contaminated land if a significant risk has been proven.

1.2.5 Special Sites

The most seriously contaminated sites, as defined in the Regulations, and grouped into land uses, and grouped into land uses, state ownership and controlled waters.

1.3 DEVELOPMENT OF THE STRATEGY

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

The statutory guidance requires that the approach adopted should:

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

This strategy has been developed to meet these requirements. Particular reference has been made to "Contaminated Land Inspection Strategies - Technical Advice for Local Authorities" issued by the Department of the Environment, Transport & the Regions. It has been prepared in a number of stages:

i. A draft strategy for consultation has been prepared by CCDC's Environmental Protection Section (February - April 2001).

ii. The Council's internal Contaminated Land Working Group will be invited to comment on this consultation draft. This group is made up of officers from Environmental Protection, Local Plans, Development Control, Building Control and I.T. sections (April 2001).

iii. To bring the draft strategy to the attention of the Cabinet prior to consultation.

iv. Comments will be invited on the consultation draft from formal consultees and informal consultees, including other sectors of the community and businesses. Parish Councils are seen as particularly important sources of information and a proactive consultation exercise will be undertaken to involve them (May 2001).

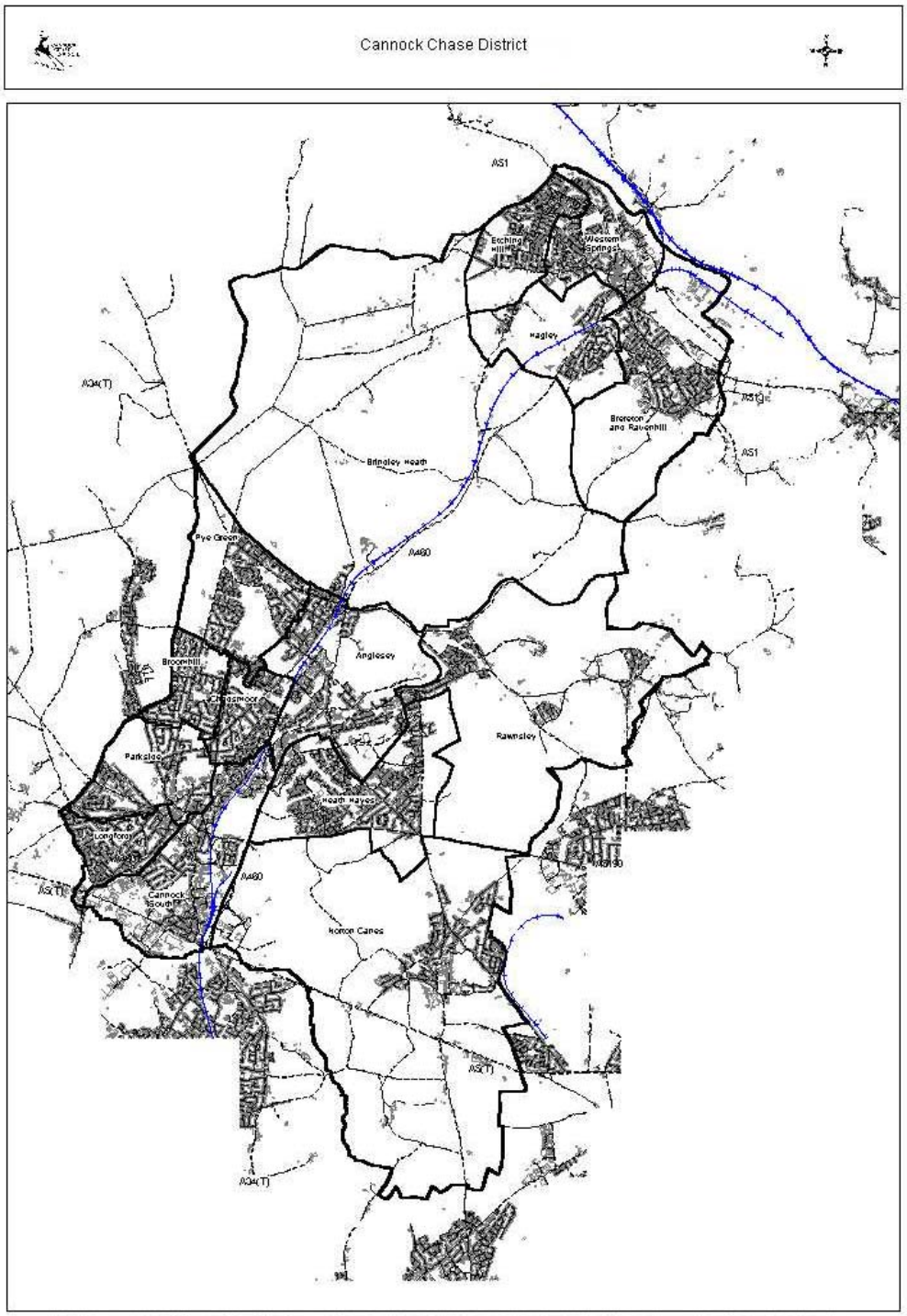
v. A final version of the strategy will be submitted to the Environment Agency.

2 CHARACTERISTICS OF CANNOCK CHASE DISTRICT

2.1 GEOGRAPHICAL LOCATION

Situated in the south of the Staffordshire, the district extends from a southern boundary with the Walsall Metropolitan Borough Council to a northern boundary along the River Trent. At the two ends of the district are the towns of Cannock and Rugeley with between them, large tracts of the wooded and heathland area of Cannock Chase. The district also includes the smaller communities of Brereton, Heath Hayes, Hednesford and Norton Canes.

Figure 1: Map of Cannock Chase District



2.2 BRIEF DESCRIPTION / HISTORY

2.2.1 Cannock Chase District

The district has a long history, which is closely interwoven with that of the Chase itself. In Saxon and Norman times the Chase was a Royal hunting forest that was far greater in extent than it is today. From the earliest times coal and iron were won from this area but only in the 19th century did the mining of coal assume major importance. The canal network facilitated this expansion. Today no coal mining activities exist. Deep mining ceased in the early 1990's and opencast mining in 2000.

Around 250 hectares of derelict land exists within the District as a reflection of the District's past association with the coal mining industry. Since the mid-1970's the council has promoted a reclamation programme, attracting Government grant aid.

2.2.2 Cannock & Hednesford

The town of Cannock grew around the convergence of roads from Stafford, Penkridge, Lichfield, Wolverhampton and Walsall during the 17th century, although its origins can be traced back to 1259. Hednesford and Cannock's initial prosperity was largely dependent on their roles as coaching towns.

2.2.3 Rugeley

In the period to 1800 Rugeley was the more prominent of the two principal towns in the district, due to it's location on the River Trent. Early prosperity was due to the cattle and horse market in the town. During the middle ages industrial activity included wool spinning, tanning (using oak bark from the forests), smelting of iron ore from the Walsall area. The decline of the iron smelting industry in Rugeley during the 18th century was followed by the rise of the coal mining industry. During the 19th century the first deep coalmines were sunk in Brereton and Rugeley.

Other modern, industrial activities have developed, taking advantage of the motorway network in the region. These are characterised by haulage, superstores and out of town developments.

2.3 SIZE

Cannock Chase District covers 7,800 hectares.

2.4 POPULATION DISTRIBUTION

The current population of the district is estimated to be 91,755 (Office of National Statistics - mid 1999) and the number of households 35,262 (Staffordshire County Council - 1996). However, the population has continued to grow as significant housing development has taken place. Staffordshire County Council predicts continued growth in the population and the number of households to 2011. The 1991 census data indicated the following population breakdown:

Table 2 : Population Breakdown by Town

TOWN	POPULATION
Cannock	28653
Rugeley, Brereton & Brindley Heath	24455
Hednesford & Rawnsley	19783
Heath Hayes	9404
Norton Canes	6551

In recent years the proportion of new housing development on brownfield land has been high. 67% of all dwellings developed since April 1995 have been on brownfield sites. At April 2000 approximately 50% of the committed housing land supply (including sites under construction) was located on brownfield land.

Pressure for development is illustrated by Staffordshire County Council who estimate that 67% of Staffordshire's projected housing need is generated in the southern districts of the county.

2.5 LAND OWNED BY THE DISTRICT COUNCIL & STAFFORDSHIRE COUNTY COUNCIL

Table 3: Summary of Green Space Network Management in Cannock Chase District (Excluding Cannock Chase AONB)

LAND MANAGEMENT	HECTARES
CCDC - Leisure	214.28
CCDC - Housing (not including houses or gardens)	27.55
CCDC - Planning	155.00
Staffordshire County Council	160

The District Council has land holdings in the District, held by the Council's Leisure, Planning and Housing Departments. Council owned housing stock consists of 6980 dwellings with no new dwellings have been built for over 10 years. Rather, it works in partnership with housing associations to provide new social housing.

2.6 CURRENT LAND USE CHARACTERISTICS

Approximately 60% of the Cannock Chase District is situated within the southern portion of the West Midlands Green Belt. The land use is divided approximately equally between urban, agricultural and forestry land uses.

The main areas of residential land use are the towns of Cannock, Rugeley, Hednesford, Heath Hayes and Norton Canes. Only small numbers live in outlying areas because of the operation of planning policies regarding protection of the countryside, Cannock Chase AONB and the Green Belt. Industrial land use is concentrated on the peripheries of the urban areas, to the north and east of Rugeley, north-east of Cannock town centre, along the A5 corridor and south of Norton Canes.

Forestry is a major land use within the district. The majority portion of Cannock Chase Area of Outstanding Natural Beauty within the district consists of commercial forestry operations, together with significant areas of heathland. The remaining part of the AONB is largely country park managed by Staffordshire County Council. Part of the District is included in the Forest of Mercia, which is one of the three lead Community Forests launched by the Countryside Commission, the Forestry Commission and local authorities. This initiative aims to improve areas of poor landscape on the fringes of major conurbations and increase opportunities for recreation.

Agricultural activity is restricted to land in the south of the district south and east of the district and to the south and west of Rugeley.

2.7 PROTECTED LOCATIONS AND SPECIES

A wide variety of habitat types exist throughout the District, ranging from forest and internationally important heathland. The protected areas consist of:

- 40% of Cannock Chase District is situated within the Cannock Chase Area of Outstanding Natural Beauty (AONB).
- Three sites of Special Scientific Interest (SSSI), namely Cannock Chase, Cannock Extension Canal and Biddulph's Pool & No Man's Bank.
- The Cannock Extension Canal is currently designated as a European Union candidate Special Area for Conservation (SAC).
- The Cannock Chase SSSI has recently been put forward as a proposed SAC.
- A number of sites contain internationally and nationally recognised rare and endangered species, which are severally threatened by natural predation and development activities.
- There are two Local Nature Reserves (LNR) within the District at Hazelslade and Hednesford Hills. Subject to confirmation by English Nature, a new LNR at Mill Green and Hawks Green Valley will soon be designated.

2.8 KEY PROPERTY TYPES

- Within the district there are:
- 5 Conservation Areas: Rugeley Town Centre; Church St., Rugeley; the Trent & Mersey canal, Rugeley; Cannock Town Centre and Bridgtown.
- 65 Listed Buildings
- 4 Scheduled Ancient Monuments

2.9 KEY WATER RESOURCES / PROTECTION ISSUES

South Staffordshire Water Plc supplies water to properties in the district and has a number of abstraction points. The Environment Agency has made information on licensed groundwater and surface water abstraction, and public water supplies available. There are no known private drinking water supplies in the area.

2.10 KNOWN INFORMATION ON CONTAMINATION

The Council holds some information on contaminated land in the District. This information is principally past and present landfill site location and has been provided by Staffordshire County Council. It is held in digital format on the corporate GIS system.

This is primarily used in the planning control process. Where developments are in the vicinity of known contamination, the Council will often request a site investigation as part of a planning condition. If development proceeds on these sites, remedial works will often have been carried out to improve the site conditions. Planning records will therefore form a valuable resource during the investigation process.

2.11 CURRENT AND PAST INDUSTRIAL HISTORY

2.11.1 Coal Mining

Historical records date the primitive coal mining industry back to the 13th century.

Early extraction of coal on Cannock Chase was from 'bell pits'; typically thirty feet in depth. Once exhausted, these were back filled, using spoil from adjacent new extractions. As time progressed, more advanced techniques were employed, including the first deep mine at Beaudesert and advanced operations in Brereton.

Rapid growth of the industry occurred during the 19th century with pits being developed in Brereton, Norton Canes, Burntwood, Hednesford, Cannock Wood, Anglesey and Rawnsley. Peak activity was seen in the inter-war period, although productivity reached its peak during the post war period, when Lea Hall colliery and Rugeley Power Station were opened.

All coal-mining activities have now ceased. The site of the former Lea Hall colliery is now being developed as Towers Business Park.

Closure of the collieries can give rise to mine water rebound, with associated contamination issues. Although mines are all currently being pumped of mine water, consideration will obviously have to be given to the current and future issues arising.

2.11.2 Iron Working

Historical records show that the primitive iron and coal mining became established in the 16th century although the earliest iron working industry had become established before coal mining.

The industry was originally centred on Rugeley, later spreading along Rising Brook Valley towards Hednesford and Cannock. The erratic fortune of the industry during the 16th and 17th centuries being due to the over exploitation of the forests.

During the 19th century, the iron and steel developed along the Watling Street at Churchbridge. A tramway was built to connect the factory with the Wyrley and Essington canal. Associated growth in the edge tool industry also developed in the Bridgtown and Churchbridge area.

2.11.3 Power Generation

Two power stations have operated adjacent in Rugeley, adjacent to the former Lea Hall colliery and River Trent. Today, only the second, 'B', station is operational.

2.11.4 Railways

The present railway system consists of the Birmingham - Walsall - Hednesford - Rugeley - Stafford line (formerly the Cannock Mineral Railway). However, a number of privately owned railways previously operated to serve the coal industry. These fed into the Cannock Mineral Railway (now a passenger & mineral line).

2.11.5 IPC & LAPC Processes

Integrated Pollution Control (IPC) is a system established, under Part I of the Environmental Protection Act 1990 (known as 'the Act'), to control pollution from industry. It applies to the most potentially polluting or technologically complex processes in England and Wales and is enforced by the Environment Agency. A parallel but separate system of IPC is used in Scotland and enforced by the Scottish Environment Protection Agency, SEPA. IPC is concerned with the release of polluting substances to air, land and water.

The main objectives of IPC are:

- To use the Best Available Techniques Not Entailing Excessive Cost in order to prevent or minimise the release of prescribed substances and to render harmless any such substances which are released
- To ensure consideration of releases from industrial processes to all media in the context of the effect on the environment as a whole

A separate regime for controlling emissions to air alone from generally less polluting processes was also introduced under Part I of the Act. For such processes local authorities (district and borough councils and in some cases port health authorities) are the enforcing body and the system is known as Local Air Pollution Control (LAPC).

Both IPC and LAPC will eventually be replaced by a new Pollution Prevention and Control (PPC) regime that will implement the requirements of the EC Directive 96/61 on integrated pollution prevention and control.

Table 4: IPC Processes

PROCESS CATEGORY	NO. PROCESSES
1.3 Combustion processes	1
2.2 Non-Ferrous Metals	2

Table 5: LAPC Process

PROCESS CATEGORY	NO. PROCESSES
1.4b Service Stations	15
2.1 Iron & Steel	1
2.2 Non-Ferrous Metals	1
3.1 Cement & Lime	2
3.4 Other Minerals	2
3.6 Ceramic	1
6.2 Di-isocyanate	1
6.5 Coating	9
6.7 Timber	3
6.9 Animal & Plant Treatment	1
1.3 Waste oil Burners (under 0.4MW)	4

2.11.6 IPPC Processes

The system of Integrated Pollution Prevention and Control (IPPC) applies an integrated environmental approach to the regulation of certain industrial activities. This means that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, must be considered together. It also means that regulators must set permit conditions so as to achieve a high level of protection for the environment as a whole. These conditions are based on the use of the 'Best Available Techniques' (BAT), which balances the costs to the operator against the benefits to the environment. IPPC aims to prevent emissions and waste production and where that is not practicable, reduce them to acceptable levels. IPPC also takes the integrated approach beyond the initial task of permitting, through to the restoration of sites when industrial activities cease. PPC will systematically replace the system of IPC and LAPC over the forthcoming years.

The enforcement and administrative duties are divided as follows:

Environment Agency - Integrated Pollution Prevention & Control (IPPC) will apply to (Part A1 installations).

Local Authority - Local Authority Pollution Prevention & Control (LAPPC) will be applied in a two tier system. Part A2 processes are those which will be subject to an integrated system of control, which will include waste minimisation responsibilities. Part B processes are those which will be subject to a system of air pollution control only.

The number of industrial activities, presently located in the district, which are identified as being classified as PPC installations are as follows:

Table 6 : Pollution Prevention & Control Installations

Part A1	Combustion	1
	Non-Ferrous Metals	2
	Waste Licensed	2
Part A2	Ceramic Production	1
	Animal Rendering	*1 proposed*
Part B	Small Waste Oil Burners	4
	Non-Ferrous Metals	1
	Cement & Lime	2
	Other Mineral Industries	1
	Organic Chemicals	2
	Coating Activities	5
	Motor Vehicle Refinishing	4
	Timber Processes	3
	Animal & Vegetable Waste	1
	Petroleum Filling Stations	23

2.11.7 Current Industrial Development projects

Kingswood Lakes, (Poplars Phase II), Cannock.

The Cannock Chase Local Plan 1997 allocates 36 hectares for new employment at this location for which outline planning permission has been granted. The site is considered to be a strategically important and highly accessible site of 'premium' site scale. The site is jointly owned by Staffordshire County Council and a private developer.

Orbital Centre, (Poplars Phase I), Cannock.

20 hectare site, 1 mile south of Cannock town centre, located at an important transport node - A34/A5 trunk roads/ A460 Cannock Eastern Bypass, proposed junction with Birmingham Northern Relief Road (BNRR) and the junction with the BNRR (currently under construction) and the proposed Bridgtown Railway station, which has potential for park and ride facilities. This development is now largely complete; comprising of industrial floorspace with retail and leisure development.

Towers Business Park, Rugeley.

Former colliery site; closed in 1991 with the loss of 1,100 jobs. 56.6 hectare site 1 mile east of Rugeley town centre. 30 hectares are to be redeveloped for employment purposes, following reclamation by English Partnerships.

Keys Business Park (Former Hednesford Brickworks)

Former brickworks; located 2 miles northeast of Cannock. This has been reclaimed, allowing for redevelopment for industrial purposes.

Mill Green

Largely council owned 7.6hectare site, 1/2 mile east of Cannock town centre, located at the junction of the A5190 Lichfield Road / A460 Cannock Eastern bypass. The intended use for this site is high quality office, commercial or leisure development.

Park Farm North, Cannock.

Council owned 2.0 hectare site abutting the A460 Cannock Eastern Primary Route.

Wharf Road, Rugeley.

1.1 hectare reclaimed site and adjacent to the new Rugeley Town railway station. The site has planning permission for housing use.

2.12 BROAD GEOLOGICAL CHARACTERISTICS

The geology of the district can be summarised as follows:

- Cannock Chase AONB predominantly lies over soft sandstone.

- Cannock town is positioned over glacial boulder clays and stratified sands / gravels over carboniferous coal seams. Similar geological characteristics are found beneath Brereton, Beaudesert and Wimblebury.

- Rugeley is largely situated over Triassic sandstones with marl bands. There are occasional drifts of boulder clay and unbedded gravelly clays. Along the Trent valley are glacial gravels over pebble beds.

At the time of writing, the Authority is considering the purchase of digital maps of geological data from the British Geological Survey. This will show solid geology, drift geology, artificial ground and mass movement and will be compatible with the corporate Map-info GIS system.

2.13 BROAD HYDROLOGICAL AND HYDROGEOLOGICAL CHARACTERISTICS

The principal watercourses within the Cannock Chase District are the River Trent, Ridings Brook and the Saredon Brook.

The biological and chemical water quality of the District's waterways range from fairly good to poor.

The Cannock Chase Local Plan 1997 recognises the importance of protecting floodplains, aquifers, watercourses, ponds and rivers from pollution and degradation, and proposes buffer zones against development to achieve this aim.

Groundwater can act as both a pathway and receptor for contaminants. The Environment Agency Groundwater Vulnerability Map shows major aquifers in the area.

There are a number of groundwater abstraction points located within the district, which are surrounded by source protection zones. These cover large tracts of the district.

2.14 AREAS OF NATURALLY METAL ENRICHED SOILS

The soil survey and Land research Centre based at Cranfield University have undertaken a national soil survey. This information is available in digital form, and consideration is been given to the purchase of the relevant data set for the district, possibly in combination with the other local authority members of the Staffordshire Pollution Group. Soil maps will enable the identification of naturally metal enriched soils, enabling a high baseline level to be applied wherever the harmful effects of metal contamination are assessed. The risk assessment process is referred to in section 4.6.

3 THE CANNOCK CHASE DISTRICT COUNCIL STRATEGY

3.1 THE COUNCIL'S PRIORITIES

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

1. To protect human health
2. To protect controlled waters
3. To protect designated ecosystems
4. To prevent damage to property
5. To prevent any further contamination of land
6. To encourage voluntary remediation
7. To encourage re-use of brownfield land

3.2 WORK PROGRAMME

The inspection process has been broken down into a series of milestones:

Stage 1 - Purchase of Historical Maps, Historic Land Use Database & Information Handling Database Software (July 2001 - January 2002)

To begin the process of investigation, the Council intends to purchase a set of historic maps in a digital format, which can be used with the Council's Geographical Information System (GIS), Map-Info. There is a possibility that the Authority may be eligible for maps free of charge from Ordnance Survey, which may preclude the requirement to purchase historical maps. This option is being explored.

Historic maps for a number of years from the latter 19th Century to the mid-20th Century would be of value in showing the presence of potentially contaminative activities during the most significant period for industrial growth. To allow for the inaccuracies of historical maps these are 'geo-rectified' so that they correctly match contemporary maps.

Consideration will also be given to the acquisition of an historic land use database to identify areas of potentially contaminated land from historic ordnance survey maps, following governmental advice on the identification and classification of potentially contaminative land uses.

Historic maps may contain limited information for the purposes of identifying such land. For example, an industrial site may be referred to as 'works'. Detail can be added to this by researching local records in the Staffordshire libraries such as the William Salt Library, Stafford. Kelly's Directories contain historical adverts for services and goods. They would therefore assist in identifying these anonymous 'works'.

Consideration will also be given to the purchase of database software to handle the data acquired during the inspection process.

It should be emphasised that only a small proportion of sites subject to potentially contaminative land use will meet the strict definition of contaminated land. Due to the past uses of the land, many of these sites will contain substances in, on, or under the ground, which have the potential to cause harm. However, in order to be designated as contaminated land these sites must have a pathway by which significant harm may be caused and a receptor on which significant harm can be inflicted. If either the pathway or the receptor is missing from the pollutant linkage, the site may be land in a contaminated state but can not be designated as contaminated land under Part IIa.

Stage 2 - Draft Consultation Strategy (Date April 2001)

This first version of the strategy is written as a draft document for consultation purposes.

Stage 3 - Consultation (May 2001 to December 2001)

The consultation process will be undertaken in two stages.

Firstly, this draft document will be issued to identified consultees and made available for the wider public to comment on the approach to the inspection strategy. These comments will be taken on board in writing the final version prior to the beginning of July 2001.

A second phase of consultation will subsequently commence aimed at acquiring local knowledge of contamination issues from the wider public. The data sources cited later in section 4 might not identify all potentially contaminated sites. It is feasible that an area of land may be used for high-risk contaminative activity (e.g. waste disposal) without ever being recorded on a map. Local consultation will therefore play an important role in identifying the gaps in this knowledge.

It is hoped that a programme of visits to Town and Parish Councils can be scheduled to occur during the period July to December 2001. Town and Parish Councils will be asked to provide any relevant information or local knowledge they may possess on potentially contaminative land uses that have occurred in their parishes.

Local history societies will be contacted as another source of information. Consultation on the strategy will also be publicised in the local press and it is anticipated that a number of interested residents will come forward with information on past land uses.

Outstanding decisions regarding the inspection process will be addressed during the consultation process timetable.

Stage 4 - Publish Final Inspection Strategy (June 2001)

The final strategy will be finalised and published during June 2001 and submitted to the Environment Agency as the representatives of the DETR in relation to contaminated land issues.

Stage 5 - Dealing with Urgent Sites (July 2001 - July 2002, and ongoing)

If there is any verifiable report of sites causing harm that are identified through consultation, the general approach to inspection will be secondary to dealing with such sites. The regulations recognise this scenario as realistic and the proposed approach is in line with the guidance.

This stage may include declaring some 'special sites' and passing the lead regulatory role for these inspections to the Environment Agency.

Stage 6 - General Approach to Inspection (July 2001 - July 2005)

The Council's first priority in dealing with contaminated land is to protect human health as clearly stated in 3.1. To achieve this goal, it is proposed that land within the District will be inspected in an order based on the anticipated highest contamination incidence, with the largest towns being inspected first, followed by the smaller towns and villages. These towns are therefore at the highest risk of having all three elements of a pollutant linkage (source, pathway, receptor) of an area of contaminated land, which could cause significant harm to human health.

The order of detailed inspection can only be determined after an initial 'screening' survey of the district reveals which urban areas have had the most significant concentration of potentially contaminative activities. Upon completion of the initial screening exercise a prioritisation map will be published.

Stage 7 - Council Owned Land (July 2001 - December 2004)

The council has some land holdings within the District. There are other areas of land within the District, which the Council (or its predecessors) has owned in the past where potentially contaminative activities (e.g. waste disposal or coal mining) may have occurred. The Council also acquired derelict and previously used land in order to develop this or to improve the overall quality of an area.

Within the general population based approach to investigation, it is appropriate that these types of sites are subjected to investigation (and if necessary, remediation) as a priority. This follows the Council's general approach to "putting its own house in order" before expecting others to follow suit.

Staffordshire County Council also holds land within the district. It is proposed that these will be inspected as a priority and referred to the County Council so that they may have the opportunity to also follow the same approach as Cannock Chase Council.

Stage 8 - Local Plan Land (July 2001 - July 2005)

As the Local Planning Authority for the area, the Council must draw up a local Plan (which with the Structure Plan, the Minerals and Waste Local Plans, forms the development plan). The Local Plan specifies which areas of land should be used for which type of development and contains other policies controlling the use and development of land.

At the time of writing the Local Plan is the Cannock Chase Local Plan which was adopted in March 1997. Work is underway on the preparation of a replacement Local Plan for the period up to 2011. Consultations were carried out on the Issues Paper between January and March 2001. The first Deposit Draft Local Plan is to be published by March 2002.

As the Council will be making recommendations about the future use of land, it is logical to undertake investigation of the emerging sites as a priority within the general population based approach to contaminated land investigation. The land will therefore be specifically considered as development potential is considered.

Stage 9 - Threats to Controlled Waters, Protected Areas of the Environment and Buildings (April 2005-April 2006)

It is anticipated that the investigation of towns and villages will bring to light information that would reveal any imminent threats to controlled waters or protected areas of the environment posed by contaminated land. If the evidence demonstrates a need for urgent action, this will be taken as soon as practicable alongside the rolling programme of inspections. All evidence of risks to controlled waters will be referred to the Environment Agency, whether or not evidence of a need for urgent action is evident.

If, however, the evidence is not conclusive then these areas will be included in a specific investigation of such threats, to be undertaken once the investigation of urban areas is complete. This will include areas of the district with low population density such as Cannock Chase forest.

Stage 10 - Final Prioritisation (January 2006 - June 2006)

The regulations require the remediation of contaminated land sites to be prioritised. This prioritisation can only occur at the end of the investigation stage, currently timetabled for January 2006.

It is likely that a proprietary risk assessment package will be required for this stage but it is not possible to identify a specific package at the time of writing.

4 PROCEDURES

4.1 INTERNAL MANAGEMENT ARRANGEMENTS FOR INSPECTION AND IDENTIFICATION

Within the District Council, the Environmental Health and Public Protection Services Department has responsibility for the implementation of Part IIA EPA 1990.

The Environmental Protection Section will deal with the day-to-day implementation of the strategy once approved by elected members. The Environmental Protection Section will also be responsible for serving remediation notices, subject to consultation with the Council's Legal Services Section.

Elected members will be informed at the earliest opportunity of any plans to designate an area of Council-owned land, or land where the Council is the "appropriate" person and may be liable for remediation costs.

4.2 CONSIDERING LOCAL AUTHORITY INTERESTS IN LAND

As indicated in section 3, investigation of Council-owned land will be carried out alongside the inspection schedule, and this land will be amongst the first investigated in each area.

4.3 INFORMATION COLLECTION

Many sources of information will be required to identify potential sources of contamination and potential receptors. A consultant will be appointed to capture data held within the authority. However, the principle sources are likely to be as detailed below:

Table 7: Principle Sources of Information

RESOURCE	DISTRICT SPECIFIC	USE
Hydrogeological maps	The groundwater vulnerability maps produced by the Environment Agency	To identify receptors.
Source Protection Zones	Areas of groundwater that receive special protection by the Environment Agency are identified on the EA website, and can be used with a GIS	To characterise receptors (controlled waters).
Licensed Water Abstractions	Spreadsheet providing details of all licensed water abstractions located within the district provided by the Environment Agency.	To identify receptors.

Licensed Radioactive Sources	Spreadsheet providing details of all licensed radioactive sources located within the district provided by the Environment Agency.	To identify sources of contamination.
Pollution Incidents	The Environment Agency maintains a database of pollution incidents. Information on a site by site basis may be acquired from this source.	To identify sources of contamination.
River Quality data	Biological and chemical water quality data provided by the Environment Agency, which can be used with the Council's GIS system.	To identify receptors and pathways.
Environmental Health records	The District Council maintains records of complaints and investigations	To identify known information on contamination.
District Local Plan	An issues paper has been published prior to revising the existing local plan. The plan is a valuable source of land use policies and future proposals.	To identify receptors (particularly historic monuments and protected areas of the environment).
Integrated and Local Authority Pollution Control register	The Council has maintained a public register of authorised industrial processes in the district since 1990.	To identify sources of contamination.
Waste Management Licences.	The Environment Agency maintains a public register of sites licensed for waste management activities.	To identify sources of contamination.
Register of closed landfill sites	The Environment Agency expects to provide information regarding closed landfill sites by the end of 2001.	To identify sources of contamination.

Maps of known landfill sites	Staffordshire County Council has provided maps of current and known former landfill sites in the district. This is available via the Council GIS system.	To identify sources of contamination.
County archives	Available via County libraries.	To identify sources of contamination.
Agricultural Land Classification (ALC) System	Site specific agricultural land classification information includes long term limitations resulting from contamination.	To identify sources of contamination and receptors.

4.4 INFORMATION MANAGEMENT

The Council's Geographical Information System (or GIS) will be the primary tool used to manage contaminated land information. The Council currently operates the Map-Info system corporately. This allows the efficient exchange of information between departments.

This system will be used to correlate all information and determine the proximity of potential receptors (residents, controlled waters) to sources of contamination. The GIS will be linked to an Access database, which will allow statistical information to be drawn together for reporting and comparison with other authorities.

4.5 COMPLAINTS AND VOLUNTARY INFORMATION PROVISION

From time to time, the Council may receive a complaint regarding contaminated land from a member of the public, business or community group. Interested residents may also voluntarily supply information relating to land contamination that is not directly affecting themselves, their families or their property. These complaints or acts of information provision may impact on the approach to inspection and so the procedures to be adopted are detailed here.

4.5.1 Complaints

A complaint regarding contaminated land will be dealt with following the same procedures currently used by the Environmental Health and Public Protection Services Department to deal with statutory nuisance complaints.

All complainants may expect:

- Their complaint to logged and recorded.
- To be contacted by an officer regarding their complaint within 5 working days of receipt.
- To be kept informed of progress towards resolution of the problem.

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does, however, present a number of obstacles to speedy resolution of problems:

i. Proof of a viable pollutant linkage before any formal designation as contaminated land is permissible, which might only be possible with detailed investigation.

ii. Prior consultation with interested parties before designation as contaminated land.

iii. A minimum of a three month period between designation and serving of a remediation notice.

iv. The requirement for the enforcing authority to make every effort to identify the original polluter of the land (or 'Class A' person).

The regulations allow conditions (ii) and (iii) to be waived in extreme cases, but not conditions (i) or (iv).

4.5.2 Confidentiality

All complainants will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the complainant will remain confidential. The only circumstance in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and an adverse effect on the complainant's health was an important reason for the original contaminated land designation.

4.5.3 Voluntary Provision of Information

If a person or organisation provides information relating to contaminated land that is not directly affecting their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice.

4.5.4 Anonymously supplied Information

The Council does not normally undertake any investigation based on anonymously supplied information, and this general policy will be adopted for contaminated land issues. This does not, however, preclude investigation of an anonymous complaint in exceptional circumstances.

4.5.5 Anecdotal Evidence

Any anecdotal evidence provided to the Council relating to contaminated land will be noted, but no designation of contaminated land will occur without robust scientific evidence. In all cases, knowledge and experience will be used to decide what, if any, further investigation is required following a complaint or a provision of information.

4.6 RISK ASSESSMENT

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

4.6.1 CLEA, ICRCL, SNIFFER Guidelines

A new set of guidelines - the Contaminated Land Exposure Assessment or CLEA guidelines - are expected from the DETR shortly. These guidelines are intended for human health risk assessment only and, as such, are not appropriate for assessing harm to other receptor types. Until these guidelines are available, however, the Council will evaluate all information against the guidelines issued by the Interdepartmental Committee on Redevelopment of Contaminated Land (ICRCL).

ICRCL 59/83 (2nd Edition, July 1987) - "Guidance on the assessment and redevelopment of contaminated land" - gives the most widely used set of trigger and action levels for a range of contaminants and is likely to remain a key reference document, even with the introduction of CLEA.

The Framework for Deriving Numeric Targets to Minimise the Adverse Human Health Effects of Long-term Exposure to Contaminants in Soil ('SNIFFER') may also be an appropriate tool for assessment.

4.6.2 Risk Assessment for Other Substances

Risk assessments may also be required for substances not covered by ICRCL or CLEA guidelines. In these cases, reference may be made to occupational exposure levels issued by the Health and Safety Executive or other authoritative sources of information, such as guidelines adopted in other countries. If guidelines from other countries are referred to, it will be important to bear in mind the significant difference in remediation standards between the UK and these other countries.

4.6.3 Risk Assessment for Controlled Waters

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

4.6.4 Risk Assessment for Agricultural Land

The uptake of contamination by plants and animals may not be easily predicted from soil concentration of contaminants. Therefore the MAFF Code of Good Agricultural Practice for the Protection of Soil may be utilised for this purpose.

4.7 INTERACTION WITH OTHER REGULATORY REGIMES

There are other regulatory actions that can be taken to deal with contamination on land. Overlaps with planning, water pollution and IPPC legislation are considered the most important

and are addressed here. Any issues of land contamination that may previously have been dealt with under the statutory nuisance regime will now be dealt with through Part IIA processes. Where pollution can be prevented or alleviated under an authorisation issued under another regulatory regime, a remediation notice can not be served under Part IIa.

4.7.1 Planning

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

The Environmental Protection Section is consulted by Development Control and Building Control on issues relating to pollution.

4.7.2 Water Pollution

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

- The Council will consult with the Environment Agency before designating any contaminated land as a result of risk to controlled waters and will take into account any comments made with respect to remediation.

- If the Agency identifies a risk to controlled waters from contaminated land, the Council will be notified to enable designation of the land and remedial action will be taken under Part IIA.

4.7.3 Integrated Pollution Prevention and Control (IPPC)

Under new legislation to regulate pollution from industrial processes, site operators are required to undertake a site condition survey prior to receiving a licence to operate. If the site condition is such that areas of land meet the definition of contaminated land, then submission of a site survey may trigger action under part IIA. Furthermore, should an operation cease, then a closure site report would be required. This would highlight whether contamination has occurred during the lifetime of the operation. This being the case, then remediation measures would be required under the terms of the permit. Existing processes will be brought under this legislation in stages over the next seven years, although it will apply immediately to any new processes or if substantial changes are undertaken to an existing process.

4.7.4 Waste Management Licensing

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.

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; that is, the land cannot formally be identified as "contaminated land" and no remediation notice can be served. If action were needed to deal with a pollution problem in such a case, this would normally be enforced through a "condition" attached to the site licence. However, Part IIA 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.

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 1990 Act to remove the waste, and to deal with the consequences of its having been present.

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.

4.7.5 Nature Conservation and Heritage Legislation

It is recognised that remediation work may not always be in the best interest of nature or heritage conservation. This potential conflict of interest will be accounted for in the risk assessment process. Various statutory instruments and legislation require the Council, to take nature conservation and heritage interests into account in discharging its functions. Principally, these include:

- The Conservation (Natural Habitats, &c.) regulations 1994
- The Wildlife and Countryside Act 1981 (and amendments)
- The Countryside and Rights of Way Act 2000
- The UK Biodiversity Action Plan 1994
- Planning Process Guidance Note PPG9

5 LIAISON AND CONTROL

Much of the work proposed in this strategy will be collaborative and require effective liaison with other bodies.

5.1 STATUTORY CONSULTEES

Contacts have already been established with officers of all statutory consultees.

Statutory consultees for the Contaminated Land Inspection Strategy are:

- Environment Agency
- English Nature
- English Heritage
- Ministry of Agriculture, Fisheries and Food
- Food Standards Agency
- Regional Development Agency
- Staffordshire County Council

Each organisation will be invited to comment on the consultation draft of the strategy.

In the event that contaminated land or potentially contaminated land is identified, that may affect a neighbouring authority, liaison will take place with the lead officer as appropriate to ensure a consistent and satisfactory outcome.

5.2 NON-STATUTORY CONSULTEES

There is great scope for members of the public, businesses and voluntary organisations to play an important role in dealing with contaminated land in the District. The consultation exercise to be undertaken with Parish Councils has already been described in Section 2. Efforts will be made to encourage participation in the process of identifying and investigating contaminated land, recognising the valuable contribution of these sectors.

5.3 COMMUNICATING WITH OWNERS, OCCUPIERS AND OTHER INTERESTED PARTIES

The District Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach will be adopted for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement than by enforcement. The regulations provide an incentive to undertake voluntary action, in that any materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes. This exemption does not apply to materials generated as a result of a remediation notice having been served.

This approach requires effective communication with owners, occupiers and other interested parties. The Environmental Protection Section will be the central contact point within the authority on contaminated land issues and as such will work to keep owners, occupiers and other interested parties informed at each stage of an investigation, regardless of whether there is a formal designation of contaminated land.

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

Designating an Area of Contaminated Land

- Write to the owner and / or the occupier of the land at least 5 working days prior to designation, explaining in summary the reason for designation.
- Write to the owner and / or the occupier explaining the land has been designated as contaminated land and seeking appropriate remediation without service of a notice.
- Notify the Environment Agency that the land has been designated as contaminated land.
- If requested, dispatch a copy of the written risk assessment to the owner and / or occupier of the land within 5 working days of receipt of a request.
- Write to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of designation.

Serving a Remediation Notice

- Provide a written remediation notice to the owner / occupier specifying action required.
- Write a written remediation notice to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of notice being served.
- Provide the Environment Agency with a copy of all notices served.

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

5.4 POWERS OF ENTRY

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

During site investigations the Council may be accompanied by other persons, including officers of the Environment Agency, on a site by site basis as appropriate.

5.5 ENFORCEMENT ACTION

Cannock Chase Council has signed up to the Enforcement Concordat and will implement its principles across all areas of regulatory services. The concordat sets out a blue print for fair, practical and consistent enforcement and represents existing best practice. Monitoring and auditing will enable the Council, in consultation with users, to assess how far it is fulfilling these elements.

5.6 RISK COMMUNICATION

The complex nature of contaminated land issues does not lend itself to easy explanation to the lay person. Development of effective methods of risk communication is therefore essential.

The Council will treat any concerns raised by a member of the public seriously and with respect, recognising the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barriers to effective risk communication:

- **Familiarity** - decreased concern regarding familiar issues. i.e. familiarity breeds contempt.
- **Control** - increased concern if the individual is unable to exert any control over events.

- **Proximity in space** - decreased concern over future consequences rather than immediate effects.
- **Proximity in time** - increased concern about immediate consequences rather than long term effects.
- **Scale** - particularly in terms of media coverage, where one large incident appears much worse than several small incidents.
- **"Dread factor"** - lack of understanding can lead to stress and make further explanation more difficult.

These regulations grant only limited powers to local authorities to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their home, and it is to be expected that some members of the public will have difficulty accepting this.

> *Every effort will be made to provide information in a readily understandable format with officer availability to answer questions. This should ensure that the public has sufficient detail to reach an informed decision on the issues in question.*

5.7 PUBLIC REGISTER

Under the regulations, the Council is required to maintain a public contaminated land register. The register will be held by the Environmental Health and Public Protection Department at the Civic Centre, Beecroft Rd., Cannock. It will be paper based (rather than electronic) and be accessible on request by members of the public during office hours, Monday to Friday.

The regulations clearly specify the information that can be recorded on this register. This register will therefore include:

- Remediation notices.
- Details of site reports obtained by the authority relating to remediation notices.
- Remediation declarations, remediation statements and notifications of claimed remediation.
- Designation of sites as "special sites".
- Any appeals lodged against remediation and charging notices.
- Convictions.

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

5.8 PROVISION OF INFORMATION TO THE ENVIRONMENT AGENCY

The Environment Agency is required to periodically prepare report for the Secretary of State on the state of contaminated land in England. This report will include:

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

As local authorities are the lead regulators on contaminated land, with the EA regulating only some categories of sites, the national survey will clearly be reliant on information provided by local authorities. A Memorandum of Understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the local authority and the Environment Agency. The Council will therefore provide information to the Environment Agency following the guidelines agreed through this national forum.

The local authority must provide information to the Environment Agency whenever a site is designated as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed. The Environment Agency has provided standard forms allowing this information to be provided in a consistent format and the Council will adopt these to fulfil its reporting requirements.

6 REVIEW MECHANISM

This strategy outlines the general approach to be taken in inspecting land in the District for contamination. This section will describe instances when inspections will occur outside this general approach framework, circumstances under which previous inspection decisions should be reviewed and measures taken to ensure the strategy remains effective and up-to-date.

6.1 TRIGGERS FOR UNDERTAKING INSPECTION

The strategy has already recognised there may be occasions where inspections may have to be carried out outside of the general inspection framework.

Triggers for undertaking non-routine inspection will include:

- **Unplanned events** - e.g. if an incident such as spill has occurred.
- **Introduction of new receptors** - e.g. if housing is to be built on a potentially contaminated site, designation of a new protected ecosystem, persistent trespass onto a site by young people.
- **Supporting voluntary remediation** - e.g. a potentially liable party wishing to undertake clean up before the local authority has inspected their land.
- **Identification of localised health effects** that appear to relate to a particular area of land.
- **Responding to information** from other statutory bodies, owners, occupiers, or other interested parties.

While these occurrences may trigger non-routine inspections, if this strategy is to prove effective, they must not be allowed to significantly interfere with the milestones laid down in the general inspection framework. It will be important to consider this issue in all strategy reviews.

6.2 TRIGGERS FOR REVIEWING INSPECTION DECISIONS

In addition there may be occasions where the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were

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

It is important therefore that all decisions are made and recorded in a consistent manner that will allow efficient review.

6.3 REVIEWING THE STRATEGY

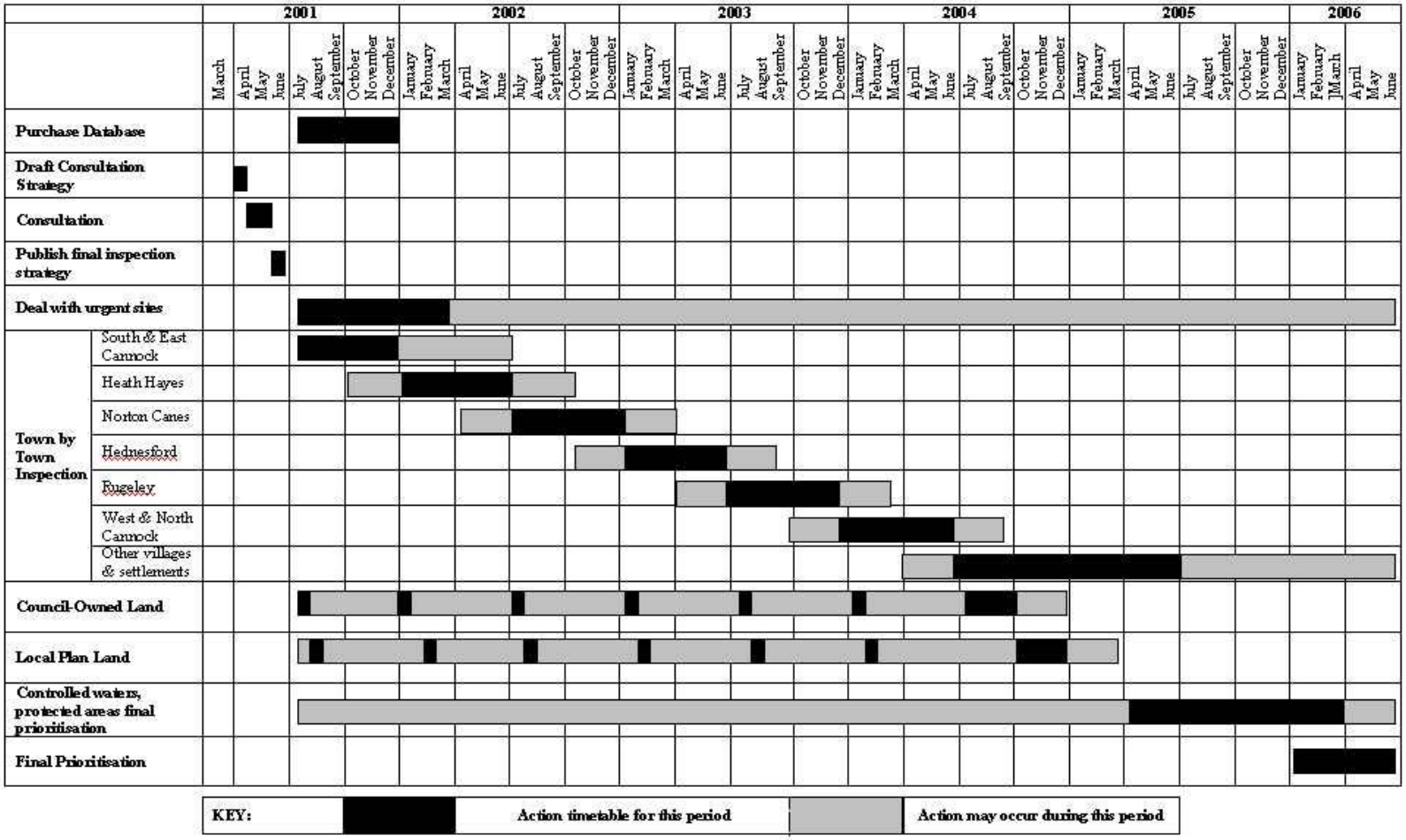
As part of the overall quality management of this work, it is important to consider the need to review the strategy from time to time.

The strategy will be finalised following consultation during late April and May 2001, and work will then begin in earnest in the form of a desktop inspection. It will be appropriate to review the milestones in light of progress after the first full year of operation. This review will therefore take place in June May 2002 and the findings will be reported to the Council. If there are significant changes to the strategy, it may be appropriate to carry out further annual reviews in the following years.

If the strategy is found to be operating satisfactorily throughout the period of the five-year workplan, the next review date will be June 2006 when the first inspection of the District has been completed and the remediation of contaminated sites has been prioritised.

APPENDICES

APPENDIX A: INSPECTION TIMETABLE



Appendix B:
Glossary

Appropriate person	"Any person who is an appropriate person, determined …….to bear responsibility for any thing which is to be done by way of remediation in any case"
AONB	Area of outstanding natural beauty
Brownfield site	A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. This does not include land previously in use but where structures or activities have blended into the landscape in the process of time to the extent that it can reasonably be considered as part of the natural surroundings. Only a small proportion of brownfield sites will meet the definition of contaminated land.
CCDC	Cannock Chase District Council
CLEA	Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment.
Contaminated Land	Any land which appears to the local authority in whose area it is situated to be in such 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.
Controlled Waters	These include: Inland waters (rivers, streams, underground streams, groundwaters, canals, lakes and reservoirs)
DETR	Department of the Environment, Transport and the Regions.
Drinking Water Abstraction	The taking of water from a source (in this case, primarily an underground source) for drinking water.
EA	The Environment Agency.
Eco-system	A biological system of interacting organisms and their physical environment.

GIS	Geographical information system.
Groundwater	Any water contained in underground strata, wells or boreholes.
ICRCL	Interdepartmental Committee on Remediation of Contaminated Land.
NNR	National Nature Reserve.
Pathway	One or more routes by which a receptor can be exposed to a contaminant
Pollutant Linkage	The relationship between a contaminant, a pathway and a receptor.
Ramsar Site	A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed.
Receptor	Sometimes referred to as 'a target' - the health of a person, waters, ecosystem or property type that could be affected by contamination.
Remediation	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.
Risk Assessment	The study of: The probability, or frequency, of a hazard occurring; and The magnitude of the consequences.
SAC	Special area of conservation.
Source	A substance in, or under the ground with the ability to cause harm.
Source Protection Zone	Protection zones around certain sources of groundwater used for public water supply and certain other private supplies e.g. brewery boreholes. Within these zones, certain activities and processes are prohibited or restricted.
SPA	Special Protection Area for Birds.
Special Site	Any contaminated land designated due to: (i) The presence of: • Waste acid tar lagoons • Oil/petroleum refining • Explosives • Integrated pollution control sites • Nuclear sites • Chemical & biological weapons • Defence land

	(ii) Certain controlled waters are affected by contaminated land.
SSSI	Site of Special Scientific Interest

Appendix C:
Details of Statutory Consultation Contacts

STATUTORY CONSULTEES	
Graham Walker, English Nature, West Midlands Team, Attingham Park, Shrewsbury, Shropshire. SY4 4TW	Mr J. Watkiss, Scientific Officer, Units 10 & 11, Greyfriars Business Park, Frank Foley Way, Stafford. ST16 2ST
Mr A Murray, Staffordshire County Council, Development Services Dept., Riverway, Stafford. ST16 3TJ Contaminants Division,	English Heritage, 44 Derngate, Northampton. NN1 1UH
Ms F. Reynolds / Mr G. Beckwith, Sustainable Agriculture Branch, Rural & Marine Environment Division, MAFF, 16 Palace St., London. SW1E 5FF	Advantage West Midlands, 3 Priestley Wharf, Aston Science Park, Holt Street, Birmingham. B7 4BN
Dr Patrick Miller, Contaminants Division, Food Standards Agency, 7th Floor Aviation House, 125 Kingsway, London. WC2B 6NH	

NEIGHBOURING LOCAL AUTHORITIES	
South Staffordshire District Council, Council Offices, Codsall, Wolverhampton. WV8 1PX	Walsall Metropolitan Borough Council, Challenge Building, Hatherton Rd., Walsall. WS12 5PL
Lichfield District Council, District Council House, Frog Lane, Lichfield. WS13 6YX	Stafford Borough Council, Civic Offices, Riverside, Stafford. ST16 3AQ

Appendix D:
References

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- 'A History of the Community of Cannock Chase', K.J. Peden.
- 'Cannock Chase District Profile, Factsheet July 1998', CCDC - Local Plans & Policy Section.
- 'Some Guidance on the Use of Digital Environmental Data', P.J. Hooker, R.A. Ellison, A.P. Marchant, R.P. Shaw, R.U. Leader, R. Newsham & M.J. Brown (British Geological Survey), R.S. Ward, N. Veitch, A.J. Hart and J.L.Morris (Environment Agency).
- 'Contaminated Land Inspection Strategy, Consultation Draft, November 2000', Forest of Dean District Council.
- 'Cannock Chase Local Plan (Replacement), December 2000', CCDC - Local Plans & Policy Section.

Legislation and Guidance

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- SI 2000/227, Environmental Protection, England, The Contaminated Land (England) Regulations 2000, HMSO (2000).
- DETR Circular 02/2000, Environmental Protection Act 1990: Part IIA Contaminated Land, HMSO (2000).
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