# Wyre
# Borough Council

## Statutory
## Contaminated Land Strategy

Required under the provisions of the
Environmental Protection Act 1990 Section 78B

# Contents

# INTRODUCTION & OVERVIEW

## i.1 - BACKGROUND TO THE LEGISLATION

The presence of land contamination is an inevitable legacy of our industrial past. Many sites within the UK have been contaminated by industrial activities, which date back to the industrial revolution, and are now obsolete. Industrial change and demographic shift during the 20th century has resulted in the large-scale reorganisation of our towns and cities. Industries moved out or disappeared altogether leaving large, previously developed gaps in our urban landscape. At the same time, changes in heating methods and the advent of consumer society changed the type and volume of refuse we produced, and indeed the amount of refuse we deposited. Nearly 90% of waste produced within the UK today is deposited in landfills, thus contributing greatly to the country's existing contaminated land problem. Whilst there is no reliable estimate of the number of contaminated sites in the UK, the Environment Agency has estimated that some 300,000 plus hectares of land are affected, covering between 5,000 and 20,000 'problem sites'. Many of these sites if left in their current state have the potential to cause harm to both man and the general environment, others though safe in their current state, may prove harmful if redeveloped.

The problem of how to deal with contaminated land has long been considered by Central Government. Throughout the 1980's lengthily thought was given to the planning aspects of contaminated land. This led to the requirement of local planning authorities to consult with waste disposal authorities if development was proposed with 250m of land which had been used to deposit refuse within the last 30 years (Town and Country (General Development) Order 1988). Suggestions were also made around this time that planning authorities should have available a list of potentially contaminated sites. This requirement almost became a reality with the introduction of a provision at section 143 of the Environmental Protection Act 1990, for local authorities to maintain registers of land which had been subject to a 'contaminative use' (as specified). This approach was intended to alert interested parties to the possible existence of contamination, however, section 143 was never enacted due to concerns about the blighting effect of such registers on an already depressed property market.

Subsequently, in July 1992, a second consultation process was entered into. The draft regulations were released with significantly reduced categories of contaminative uses, "… to those where there is a very high probability that all land subject to those conditions is contaminated unless It has been appropriately treated". It was estimated that land covered by the new registers would only amount to between 10 and 15% of the area previously envisaged. This, however, still did not satisfy the city, so on the 24th of March 1993, the new Secretary of State (Michael Howard) announced that the proposals for contaminated land registers were to be withdrawn, and a belt and braces review of land pollution responsibilities to be undertaken.

This resulted in the Department of the Environment consultation paper, *Paying For our Past* (March 1994), which elicited no less than 349 responses. The outcome of this was the policy document, *Framework for Contaminated Land*, published in

November 1994. This useful review emphasised a number of key points:

- The Government was committed to the “polluter pays principle”, and, “suitable for use approach”.
- Concern related to past pollution only (there were effective regimes in place to control future sources of land pollution).
- Action should only be taken where the contamination posed actual or potential risks to health or the environment and where there were affordable ways of doing so.
- The long-standing statutory nuisance powers had provided an essentially sound basis for dealing with contaminated land but should now be replaced with a specific contaminated land power.

It was also made clear that the Government wished to:

- Encourage a market in contaminated land;
- Encourage its development; and
- That multi functionality was neither sensible nor feasible.

The proposed new legislation was first published in June 1995 in the form of section 57 of the Environment Act, which amended the Environmental Protection Act 1990 by introducing a new Part IIA. After lengthy consultation on statutory guidance this came into force in April 2000.

## i.2 - EXPLANATION TERMS

The legislation and guidance is very heavily punctuated with many complex and often unusual terms. To assist in the interpretation of these an extensive glossary has been included in DETR Circular 2/2000, *Environmental Protection Act 1990: Part IIA - Contaminated Land*.

## i.3 - NATIONAL OBJECTIVES OF THE NEW REGIME

The Government believes contaminated land to be “an archetypal example of our failure in the past to move towards sustainable development”. The first priority has therefore been specified as the prevention of new contamination via the pollution control regimes.

Secondly there are three stated objectives underlying the suitable for use approach as follows:

a) to identify and remove unacceptable risks to human health and the environment;
b) to seek to bring damaged land back into beneficial use; and
c) to seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

The suitable for use approach recognises that risk can only be satisfactorily assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, "not disturbing social, economic and environmental priorities".

The specific stated objectives of the new regime are:

> *a) to improve the focus and transparency of the controls, ensuring authorities take a strategic approach to problems of land contamination;*
>
> *b) to enable all problems resulting from contamination to be handled as part of the same process (previously separate regulatory action was needed to protect human health and to protect the water environment);*
>
> *c) to increase the consistency of approach taken by different authorities; and*
>
> *d) to provide a more tailored regulatory mechanism, including liability rules, better able to reflect the complexity and range of circumstances found on individual sites.*

In addition to providing a more secure basis for direct regulatory action, the Government considers that the improved clarity and consistency of the new regime, in comparison with its predecessors, is also likely to encourage voluntary remediation. It is intended that companies responsible for contamination should assess the likely requirements of regulators and plan remediation in advance of regulatory action.

There will also be significant incentive to undertake voluntary remediation in that the right to exemption to pay Landfill Tax will be removed once enforcement action has commenced.

The Government also considers the new regime will assist developers of contaminated land by reducing uncertainties about so called, "residual liabilities", in particular it should:

> *a) reinforce the suitable for use approach, enabling developers to design and implement appropriate and cost-effective remediation schemes as part of their redevelopment projects;*
>
> *b) clarify the circumstances in which future regulatory intervention might be necessary (for example, if the initial remediation scheme proved not to be effective in the long term); and*
>
> *c) set out the framework for statutory liabilities to pay for any further remediation should that be necessary.*

## i.4 – STRATEGY REQUIREMENT

The Act itself states at section 78B (1) that:

Every local authority shall cause its area to be inspected from time to time for the purpose -

(a) of identifying contaminated land; and

(b) of enabling the authority to decide whether any such land is land which is required to be a special site (see appendix 1).

Section 78B (2) states that the authorities must act in accordance with guidance issued by the Secretary of State in this respect. Statutory guidance has now been published within the Department of the Environment Transport & Regions Circular 02/2000, dated the 20th of March 2000, which provides a background on the new contaminated land regime and a guide to the Regulations. Specific technical guidance with respects to the drafting of Contaminated Land Inspection Strategies also exists in the form of an advice note dated May 2001.

The statutory guidance makes clear that in order to carry out this duty local authorities must produce a formal contaminated land strategy document which clearly sets out how land which merits detailed individual inspection will be identified in an ordered, rational and efficient manner, and in what time scale.

The strategy must be completed, formally adopted by the Council, and published, within a period of fifteen months from the publication of the guidance (by July 2001). Copies of the final document must also be forwarded to the Environment Agency. Subsequently the strategy must be kept under periodic review.

In order to satisfy the far reaching objectives of the new regime it will be necessary for local authorities to investigate land throughout the whole of their administrative district and collate significant volumes of information. This will ultimately enable local authorities to make the sometimes difficult and inevitably complex decisions relating to the condition of their area, the risks it presents and who may be liable for it at law. The strategy document is the commencement of that process and should seek to express as clearly as possible how each stage will be addressed.

It should be noted that there is no formal mechanism in place for approval of local authority strategies, though the Environment Agency; County Council; English Nature; English Heritage; the Department of Environment, Food and Rural Affairs (DEFRA); and, any statutory regeneration bodies, should be consulted (see appendix 3 for details of consultees).

## i.5 - ROLES AND RESPONSIBILITIES

As detailed in i.4 above, the primary regulators in respect of these new powers are the **local authorities**. In Wyre the strategy will be under the control of the Environmental Services Officer and the Housing and Environmental Services

Committee. It should be noted that this is a complex and demanding enforcement role, which will be carried out in accordance with the Cabinet Office Enforcement Concordat March 1998.

The statutory guidance states: “The local authority has the sole responsibility for determining whether any land appears to be contaminated land.” This is a significant responsibility, which reflects existing local authority duties under the statutory nuisance regime and Town & Country Planning, development control. The role in broad terms includes:

- To cause the area to be inspected to identify potentially contaminated sites
- To determine whether any particular site is contaminated (by definition)
- To determine whether any such land should be designated a ‘special site’
- To authorise the Environment Agency to undertake inspection of, and act as enforcing authority for land designated a ‘special site’
- To act as enforcing authority for contaminated land not designated a ‘special site’
- To consult with the Environment Agency on the pollution of controlled waters
- To ensure the remediation of land determined as contaminated land
- To maintain a public register of regulatory action

The **Environment Agency** also has numerous roles:

- To provide relevant information held by the Agency to local authorities
- To assist local authorities in identifying and dealing with contaminated land (particularly where the pollution of controlled waters is involved)
- To provide site specific guidance to local authorities on contaminated land where requested
- To undertake inspections and act as enforcing authority for contaminated land designated a ‘special site’
- To publish periodic reports on contaminated land and maintain a public register of regulatory action for special sites

Where the presence of contaminated land has been confirmed the enforcing authority must:

- Establish who should bear responsibility for remediation
- Decide after consultation what must be done in the form of remediation and ensure it is effectively carried out
- Determine liability for the costs of the remedial works
- Maintain a public register of regulatory action in relation to contaminated land

## i.6 - OUTLINE OF THE STATUTORY PROCEDURE

Contaminated land is defined as:

> Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in on or under the land, that -
>
> 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.

What may and may not constitute the various categories of harm is described in the statutory guidance. Controlled waters include inland freshwater, groundwater and coastal waters (see appendix 4).

Local authorities must search their administrative district for land, which has both sensitive receptors and sources of potential contamination. Where they have good reason to believe these both exist, they must undertake a formal risk assessment in accordance with established scientific principles in order to establish whether there is the potential for them coming together and causing harm or pollution as described. This is known as a pollutant linkage.

Where they are satisfied that significant harm is occurring, or there is a significant possibility of such harm, or pollution of controlled waters, they must declare that a significant pollutant linkage exists and that the land is therefore contaminated land by definition. In every case where the land does not fall within the category of a special site, they must commence regulatory action.

This involves a series of complex procedures, which must include:

- A formal written record of the determination
- Formal notification of all interested parties
- Determination of the physical extent of the land
- The extent and seriousness of the risks (need for urgent action)
- The number and type of pollutant linkages
- The effect each significant pollutant may have on controlled waters (if any)
- The most appropriate and cost effective remedial scheme for each significant pollutant linkage
- Identification of liability groups and, appropriate persons, for each pollutant linkage
- Assessment of hardship in the case of each, appropriate person
- Effective remediation of the site and recovery of costs where appropriate

A series of consultations must also be carried out at each stage with the ultimate aim of securing voluntary remediation (without the need for enforcement action). Where

the land does fall within the definition of a special site the Environment Agency become the enforcing authority. In these cases, however, the local authority must still make the determination and formally notify the interested parties.

In certain circumstances the local authority may carry out the remedial works. In general terms it has this power where:

- Urgent action is necessary (see 6.6 and appendix 7)
- There is no appropriate person
- The authority is precluded from taking enforcement action (specified reasons)
- The authority agrees to carry out the works on behalf of an appropriate person
- A remediation notice has not been complied with.

In non-urgent cases where a remediation notice is necessary and all the required consultations have been completed, the notice must be served on the appropriate person(s) no sooner than three months after the contaminated land has been determined or declared a special site. The notice itself may require further investigation of the site and as a result more pollutant linkages may be identified. Where that is the case the enforcing authority must go through the same processes again to identify appropriate persons and remedial actions.

The enforcing authority must at all times consider the potential for hardship and undertake cost benefit analysis in respect of all remedial actions. Where remedial actions are undertaken in default of a notice the enforcing authority has the power to recover costs in certain circumstances.

## i.7 - SITUATIONS WHERE THIS REGIME DOES NOT APPLY

As stated in i.3 above, the primary aim of the Government is to prevent new contamination occurring. There are several situations therefore where existing pollution control legislation would apply to control the effects of land contamination:

a) **Integrated Pollution Control** (Environmental Protection Act 1990 Part I / Prescribed Processes and Substances Regulations 1991 Schedule 1 Part A) - There are certain processes prescribed under the above regulations, for a pollution control regime known as, Integrated Pollution Control (IPC). This is enforced by the Environment Agency and includes prevention of pollution to land. Section 27 of the Act gives the Environment Agency power to take action to remedy harm caused by a breach of IPC controls, including land contamination. The same circumstances apply with the Pollution Prevention & Control (England and Wales) Regulations 2000.

b) **Waste Management Licencing** (Environmental Protection Act 1990 Part II) - All waste disposal and processing sites (including scrap yards) should be subject to licencing. Contamination causing harm, or pollution of controlled waters, should be dealt with as a breach of the conditions of the licence. In exceptional circumstances, where the problem arises from an unlicenced activity, it is possible that Part IIA could

apply. An example of this would be a leak from an oil tank outside the tipping area.

Where there has been an illegal tipping of controlled waste (fly tipping) this should also be dealt with under the Environmental Protection Act 1990 Part II (section 59).

c) **Pollution of Controlled Waters not arising from land** (Water Resources Act 1991 section 161) - Where a pollution incident has occurred and the pollutant is discharged directly into the body of water, or it has left land and it is entirely in the body of water (i.e. the land is no longer causing pollution), the Water Resources Act 1991 will apply.

d) **Discharge Consents** (Water Resources Act 1991 Part III) - No remediation notice can require action to be taken which would affect a discharge authorised by consent.

e) **Change of Land Use** - Where land becomes a risk to potential new receptors as a result of a change of use, the Town & Country Planning Development Control regime will continue to apply as before.

f) **Risk of Harm to Employees** - Where there is a risk of harm to persons at work from land contamination, this should be dealt with under the Health and Safety at Work etc Act 1974. The enforcing authority will be either the Health & Safety Executive or this Council depending on the work activity.

g) **Risk of Harm Following an Incident at a COMAH Site** (Control of Major Accident Hazard Regulations 1999) - Where there has been a release, explosion or other major incident, which has caused land contamination, the restoration should be carried out as part of the COMAH on site / off site emergency restoration plan.

**In addition there are several other situations where the relationship with Part IIA needs clarification:**

h) **Contaminated Food** (Food Standards Act 1999) - Part I of the Food and Environment Protection Act 1985 gave Ministers emergency powers to prevent the growing of food on, *inter alia*, contaminated land. Following the establishment of the Food Standards Agency this power is now vested in the Secretary of State. Where the Council suspects crops may be affected from contaminated land to such an extent they may be unfit to eat, they will consult the Food Standards Agency and the Department for Environment, Food & Rural Affairs (DEFRA), to establish whether an emergency order may be necessary. It should be noted, however, that remediation of the site if necessary would be carried out through the new powers in Part IIA.

i) **Radioactivity** - Part IIA does not apply to contamination caused by radioactivity, but the Secretary of State does have the power to make Regulations to that effect. Until such Regulations are created and brought into force, the Council will liase with the Environment Agency where radioactive contamination is suspected or confirmed.

j) **Organisms** - Part IIA does not apply to contamination caused by organisms such as bacteria, viruses or protozoa, as they do not fall within the definition of substances. This could affect land contaminated with Anthrax spores, E-coli, etc. The Council will liase with the Environment Agency in relation to MOD land and the

Department for Environment, Food & Rural Affairs (DEFRA) on all other sites. It should be noted that even though contaminated sites used in connection with biological weapons must be designated Special Sites (see appendix 1), this applies only to non biological contamination.

k) **Statutory Nuisance** - (Environmental Protection Act 1990 Part III) - The relationship between Part IIA and statutory nuisance is not straightforward. Suffice to say if land is declared contaminated land by definition, it cannot be considered a statutory nuisance. This is understandable and ensures there is no duplication or confusion between the two regimes. If however the land is investigated and found not to be contaminated land but, "land in a contaminated state" (defined as land where there are substances in, on or under the land which are causing harm, or there is a possibility of harm being caused), it also can not be considered a statutory nuisance for the purposes of Part III of the Act. Precisely in what circumstances might land be declared, "in a contaminated state", remains to be seen. Where land is not *contaminated land* or in a, *contaminated state*, but is causing a nuisance from smell, it could be considered a statutory nuisance as before.

## i.8 LAND UNDER OWNERSHIP OF AN ENFORCING AUTHORITY

Where land owned by a local authority is found to be contaminated land, unless a special site, there will be no enforcing authority. Local Council's must, however, carry out their duties as though they were the enforcing authority, undertake the same consultations, assessments and seek appropriate remedial works as necessary.

To this end a formal relationship should be maintained between the Department responsible for enforcement of the new regime and that responsible for Council owned land. All information relating to the identification, assessment and remediation of Council owned land must be fully reported to satisfy the needs for transparency. See also i.9 below.

## i.9 - THE NEED FOR TEAM WORKING

This strategy impacts on potentially all departments of the Council, in particular :

Local Plans and Development Control - the inspection of the Borough will identify areas of potentially contaminated land, which may be developed, are proposed for development, derelict, or protected from future development. This may result in the need to investigate planning histories or reassess the suitability of future uses proposed through the Local Plan.

Building Control - have the duty to enforce protection measures in new build projects to mitigate the impact of contamination on property. Information they hold will be essential to quantify risks.

Legal - this is a highly complex piece of legislation which could have significant implications for the Council, landowners and occupiers. The Solicitor's advice may be required on many aspects including those relating to enforcement,

liability, powers of entry, data protection, access to information, etc.

Engineering - land under highways, pavements, verges and common areas may be contaminated and present a risk to potential receptors. Highway Authorities must maintain registers under Part III of the New Roads and Street Works Act 1991 regarding, amongst other things, streets with, “special engineering difficulties”. This includes risks from contamination.

Information & Communications Technology - significant volumes of data will need to be held both on database and geographical information systems. Support will be required on the use of these systems and data protection.

Leisure and Cultural Services - land in use and controlled by this department may be contaminated and require remediation. The Countryside Manager may need to be consulted on remediation and impacts on eco-receptors.

Property Services – the Property Services Manager will lead the Council on the remediation of any contaminated sites it is found to be responsible for.

Financial Services - this legislation can have significant resource implications for the Council, both as an Enforcing Authority and landowner (see also i.10 below).

The need for close corporate team working to ensure the smooth implementation of the strategy can not therefore be overstressed.

## i.10 - FINANCIAL AND MANPOWER IMPLICATIONS

The Explanatory and Financial Memorandum to the Environment Bill stated that the creation of the new contaminated land regime would have neither financial nor manpower implications. In the light of responses received to the draft guidance, however, the Government acceded that successful operation would necessitate considerable resources.

Accordingly, as part of the Government spending review in July 1998 a sum of £50M was made available to local authorities over three years to develop inspection strategies, carry out site investigations and take forward enforcement action. In addition £45M is to be spent on remediation over the same period through the contaminated land Supplementary Credit Approval (SCA) programme.

Funding aspects of the strategy are considered in Part 9.

# THE STRATEGY

## PART 1

## DESCRIPTION OF THE WYRE AREA AND HOW IT'S PARTICULAR CHARACTERISTICS IMPACT ON THE INSPECTION STRATEGY

### 1.0 - GEOGRAPHICAL LOCATION

The Borough of Wyre is a Lancashire Coastal District, located in North West Lancashire, bounded by sea along parts of its western and northern boundaries (see figure 1). The Borough takes its name from the river which flows through its centre, rising in the Bowland Fells and meeting the sea at Fleetwood. It shares a common landward boundary with the City of Lancaster to the north, with the Boroughs of Ribble Valley, Preston and Fylde to the east and south respectively, and with Blackpool along the remainder of its western boundary.

The Borough enjoys a rich natural heritage with a diversity of rural landscapes, ranging from the coastal plains to the upland fells. Parts of the Borough are recognised for their birdlife and habitats, with some areas being awarded special protection due to their scientific interest or ecological features. Prime examples include the intertidal mud flats and salt marshes, which make up the Wyre Estuary Site of Special Scientific Interest (SSSI) and the peat mossland, which makes up Winmarleigh Moss. The latter provides some of the best examples of peat bog habitat within the NW England, being the only substantial area of lowland peat mossland, which remains today. A further example is the Forest of Bowland. This area is designated both an Area of Natural Beauty and a Site of Special Scientific Interest (SSSI) due to its dominance of blanket bog and heather moorland, both of which are of international importance for breeding bird populations.

Wyre not only offers visitors and residents alike the tranquillity of unspoilt countryside and coastal plains, but is also ideally located for Northwest commuters. The Borough is well served by road, rail, air and sea links, allowing easy despatch and collection of goods to and from the rest of Britain, Europe and the Worldwide marketplace. The Borough has easy access to the national motorway network with major cities such as Manchester (1 hour), Liverpool (1hour), Birmingham ($2^1/_2$ hours), London ($4^1/_2$ hours), and Glasgow (4 hours), within easy reach. Manchester Airport is just 1 hours drive away, and the Regional Blackpool Airport with daily flights to London, only 20 minutes from Poulton-le-Fylde. The Port of Fleetwood is the base for P&O European Ferries (Irish Sea) which operates frequent services to Larne in Northern Ireland and Dublin, Eire. The Boroughs residents and businesses alike also benefit from a rail link operating from Poulton-le-Fylde to the west coast main line at Preston, allowing transport to London and Glasgow within 4 and $3^1/_2$ hours respectively.

## 1.1 - DESCRIPTION / HISTORY

Wyre Borough is just one of 14 local authorities within the County of Lancashire. Wyre has only existed as a local authority since Local Government Reorganisation in 1974, when it was formed by the amalgamation of the Urban Districts of Poulton-le-Fylde, Preesall and Thornton-Cleveleys, the Municipal Borough of Fleetwood, and the Rural District of Garstang. The Borough, with a population of 105,010 (1999 National Statistics mid year estimate), and covering an area of some 28,322 hectares is very diverse in character, extending from the Pennine uplands in the east, across the rich agricultural mosslands of north Lancashire, to the coastal plain and the resorts of Fleetwood and Cleveleys.

Almost three quarters of the Borough's population is resident in the three principal settlements of Fleetwood, Thornton-Cleveleys and Poulton-le-Fylde. All three settlements support a wide diversity of manufacturing and service companies, as well as a thriving and busy tourism industry, which together provide a strong local economy.

Of the three principal settlements, Poulton-le-Fylde provides the base for Wyre Borough Council. This ancient market town is referred to in the Doomsday Survey and is known to have enjoyed a degree of local prominence as a settlement throughout the middle ages. Indeed, this settlement was referred to in a publication of 1837 as the 'metropolis' of the Fylde. It is understood that this prominence derived from its function as a market town for an extensive rural hinterland, together with its success as a port, trading local agricultural exports and consumer imports with the Baltic and Scandinavia, via Skippool.

Poulton's demise as port from the early 1840's was consistent with the decline of small ports generally and associated with the increase in size of vessels. The Skippool area today although no longer a place of trade, is visited frequently for pleasure purposes, with many boats still sailing the river Wyre. In the town itself, the architecture still reveals its medieval roots, however the centre is now frequented mainly by visitors to its many cafes, restaurants, and shops.

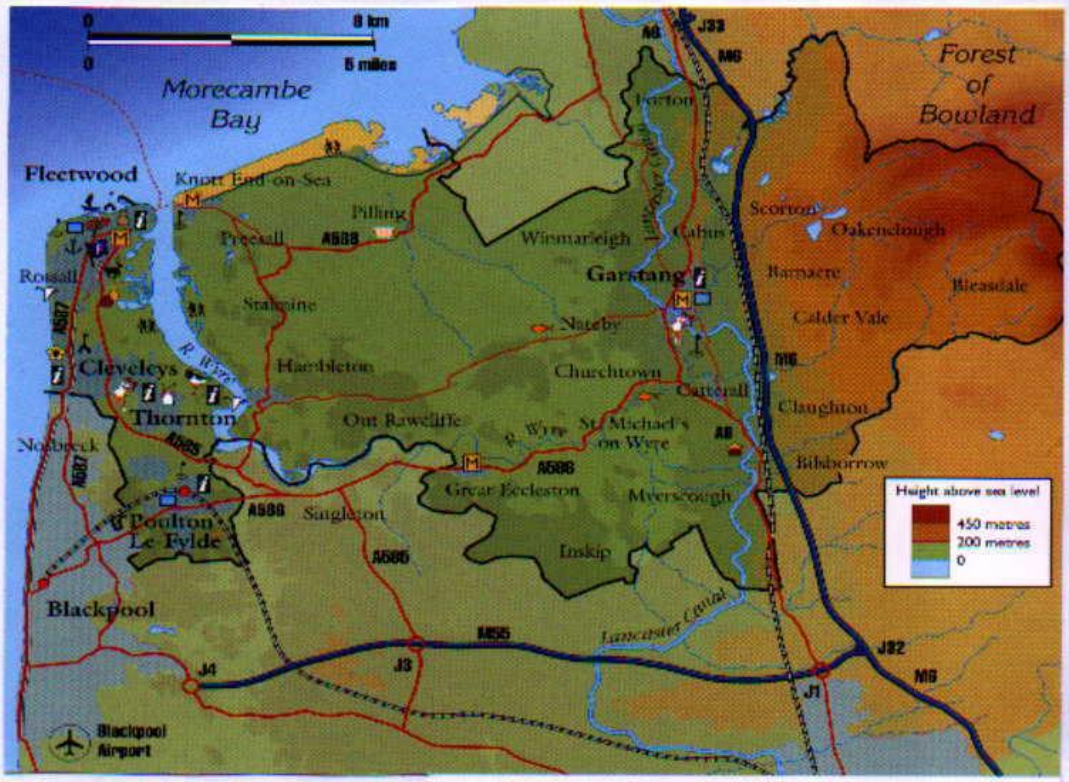
In contrast to Poulton's demise as a Port, the Port of **Fleetwood** began to prosper in 1840, with the introduction of the railway to the town and subsequent steam packet services to Scotland. The town, being located between the Wyre Estuary and the Irish Sea, quickly became England's premier west-coast fishing port, supported by a tight knit community and visited by a multitude of holiday makers in search of fresh air and an escape from the filth and pollution of the surrounding industrial towns.

Unfortunately, the towns success was relatively short lived, and following the extension of the west coast rail services to Carlisle, and the subsequent introduction of rail services to the coastal resorts of Lytham, Southport, Blackpool and Morecambe, the towns prosperity quickly declined. Its success as a fishing port only continued to support the majority of local residents until the demise of the fishing industry itself. Today, very few trawlers operate from Fleetwood, although the port still supports a number of local fishing merchants. The town has recently undergone a major redevelopment and now concentrates on attracting tourism to its traditional Victorian market and newly developed Freeport village.

The third principal settlement of Wyre is **Thornton-Cleveleys,** comprising the inland village of Thornton and the coastal holiday town of Cleveleys. This area once shared its employment base with Fleetwood, and was until recently, the home of ICI Hillhouse International, a large chemical-processing company. Today, the resort largely relies on tourism, with the majority of its population being of retirement age.

The remaining population of the Borough is spread between the Borough's many rural settlements, these being principally Knott End–on-Sea and Garstang, together with a number of smaller well established villages including Great Eccleston, St Michael's-on-Wyre, Churchtown, Nateby, Winmarleigh, Scorton, Cabus, Bleasdale, Calder Vale, Bilsborrow, Hambleton, Knott End, Pilling, Preesall, Stalmine, Inskip, and Out Rawcliffe.

Figure 1: Map of the Wyre Area




## 1.2 – REDEVELOPMENT HISTORY AND KNOWN CONTAMINATION

As is consistent with a coastal district with extensive rural hinterland, Wyre's traditional employment strengths have been in the primary industries, namely in fishing and agriculture and their ancillary associated industries. Whilst much of the rural area remains untouched, in line with the decline of the fishing industry, much of the Docklands area situated in Fleetwood has undergone recent development. Whilst the P&O ferry terminal remains, the Dockland area now houses both a residential development and a large retail park and tourist attraction.

The town of Fleetwood, once dependent solely upon the fishing industry is now home to a number of large manufacturing companies including Lofthouse of Fleetwood (manufacturers of Fishermans Friend), and David Halsall Plc. The town also houses a variety of smaller industrial works including numerous scrap yards and is home both to Lancashire Waste Services Jameson Road landfill, and United Utilities sewage treatment works. Whilst much of the developed land within Fleetwood is still in use, a number of brownfield sites currently stand vacant, and have the potential to be developed in the future. These include amongst others, the site of an old fish processing plant, gas works, and power station, and in particular the former Fleetwood Metals site and the Wyre Waste Management site (both located in the vicinity of Fleetwood Docks). The Council has long recognised the need to regenerate those areas of Fleetwood, which industry has neglected, and it is likely that through its work with the Fleetwood Regeneration Partnership, opportunities will arise to redevelop 'brownfield sites', and hence address specific contamination problems within the area.

Undoubtedly, the Borough's most important site both economically and in terms of potential contamination is the Hillhouse International Chemical Production Park located on the outskirts of Thornton Cleveleys. Much of this site is still in use as a chemical works, and hence, cannot be addressed by the provisions contained within Part IIA. Discharges of trade effluent from the site are controlled by consent, and the individual processes on site authorised by the Environment Agency. The potential for contamination must however be given careful thought when considering the future development of the site. ICI Chemicals and Polymers Ltd. itself has in recent years moved its operations elsewhere, thus leaving a large area of land open for future development. In view of the nature of the chemicals produced on this site, the proximity of the site to the ICI landfill, and the potential for contamination to exist, this site will need to undergo extensive investigation as part of any application for re-development.

Further to the above, it is anticipated that the majority of contaminated sites identified will exist in the three principal settlements of the Borough. Being the largest settlements in the Borough, these areas have undergone the most development in the past and have to an extent been exploited by industry. It is important however that the more rural areas of the Borough are not overlooked. Many of the smaller settlements house light industrial estates and in some cases large manufacturing plants such as Grampian Foods in Garstang and Moore Ready Mix (concrete batching plant) in Catterall. Furtherstill, potential pollution from small sewage treatment plants and farming activities cannot be overlooked, in particular, the spreading of sewage sludge on agricultural land.

At the present time it is very difficult to estimate the number of contaminated sites that will be found in each of the three principal settlements, or indeed the remainder of the Borough. Whilst the Council is currently in the process of purchasing historical maps for the purpose of identifying potentially contaminated land, no inspection of the Borough has yet taken place. Currently therefore, any assumptions regarding the potential for contamination in a particular area of the Borough are based on local knowledge and, on a limited number of ground investigation reports held by the Councils Building and Development Control Services.

## 1.3 - GEOLOGICAL / HYDROGEOLOGICAL CHARACTERSITICS

The Borough of Wyre is mainly low-lying. As a result there are no solid exposures within the District other than in the upland areas of Oakenclough. Subsurface provings are restricted to Triassic rocks in the west and centre of the Borough, with Carboniferous strata present in the east.

The most notable feature in the physical geography of the Borough is the manner in which the estuary of the River Wyre flows from north to east through the District. Starting from its mouth at Fleetwood, the river passes by extensive salt fields preserved in a deep syncline between itself and Preesall. Whilst it is not known exactly how deep these fields extend, removal of salt both through mining and brine pumping operations are thought to have caused the sudden subsidences clearly evident to the west of Stalmine.

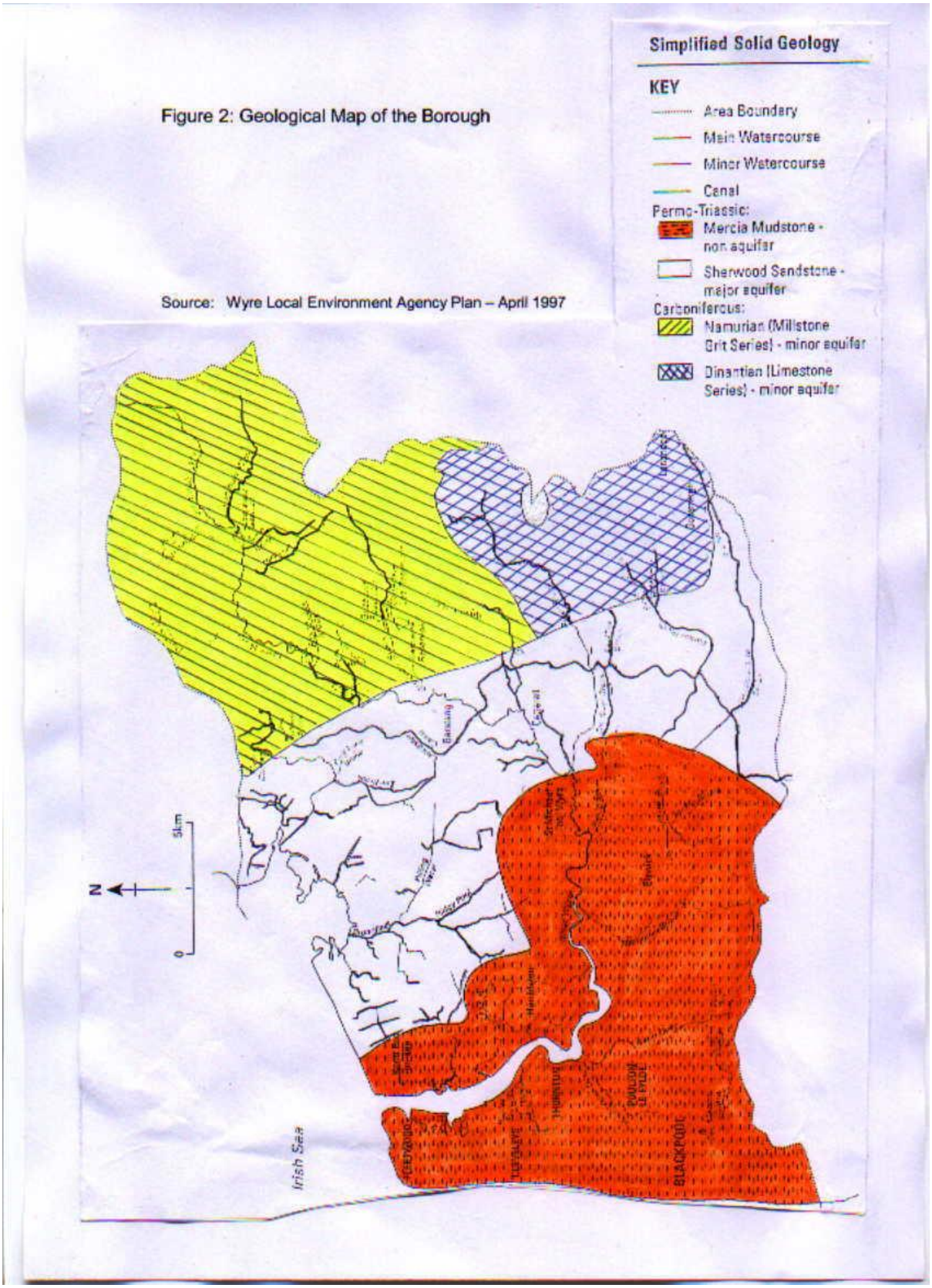
Approximately one third of the Borough of Wyre is situated over a major Sherwood Sandstone aquifer (see figure 2). This aquifer, which forms part of the Fylde aquifer, outcrops on a broad north to south strip located approximately centrally within the Borough, and along the coast east of Preesall.

For many years now the Fylde Aquifer has been heavily exploited for both public and industrial water supply. Major public supply abstractions are located within the Borough on the length of outcrop from Garstang to the south of Inskip, with additional abstractions located within the neighbouring Borough of Preston. The Environment Agency has identified that the Fylde Aquifer is under stress and has subsequently imposed a restriction on any additional abstraction from it. The Agency is also in the process of developing ‘Catchment Abstraction Management Plans’ (CAMS) which address the sustainable management and integration of surface and groundwater resources. Through Planning Policy the Agency aims to ensure that each Local Authority adopts the philosophy that ‘prevention is better than cure’ and ensures that through its Development Plan and planning decisions, surface and groundwater resources such as the Fylde aquifer, are protected.

The remainder of the Borough is situated over minor aquifers, with the exception of the west and south west area of the Borough from St Michaels on Wyre to Knott End on Sea. This area is situated over a non aquifer of Mercia Mudstone. Minor aquifers of the Carboniferous age occur to the east of the Permo-Triassic sandstone outcrop and form the high ground on which the River Wyre rises. The majoirty comprise rocks of the Millstone Grit Group with localised outcrops of Bowland Shale Group (interbedded shales, limestones and occasional sandstones) around Bleasdale.

These aquifers support a number of small scale agricultural and public supply abstractions in the areas of Bleasdale and Dolphinholme. Faulting of the strata suggests that direct hydraulic continuity exists between the Carboniferous and Permo-Triassic aquifer, and some of the recharge to the major Sherwood Sandstone aquifer is thought to be derived from this source.

Figure 2: Geological Map of the Borough




Source: Wyre Local Environment Agency Plan – April 1997

# PART 2

# IMPLEMENTATION OF PART IIA BY WYRE BOROUGH COUNCIL

## 2.0 - LOCAL OBJECTIVES

As a Local Authority, Wyre has a significant role to play in implementing actions and policies that will influence the long-term sustainability and quality of life within the Borough. This role has long been recognised by the Council and since its development in 1974, Wyre has endeavoured to ensure its policy decisions and services compliment the sustainable development of the Borough. This commitment to a sustainable environment is expressed clearly within the Councils Corporate aims and objectives.

The overall vision of the Council is to:

**"Work with local communities to make Wyre a great place to live, work and visit".**

The Council intends to achieve this by:

- Involving the local community, improving communication and consultation channels and listening to what local communities have to say.

- Working in partnership with businesses, local community groups and organisations to ensure a strong local economy.

- Working closely with the Police and local agencies to create a safe and caring environment.

- Ensuring that the right services are provided in the best way possible for local communities.

The Wyre Borough Council welcomes the introduction of Part IIA of the Environmental Protection Act 1990. The existence of contaminated land within the Borough poses a threat to environmental sustainability and all that the Council has strived to protect. Through the identification and remediation of contaminated land, this strategy will complement the Councils existing policies, in particular the Councils Environmental Policy and Local Agenda 21 Strategy.

As a large organisation, the Council recognises the impact its actions can have on the local, regional and global environment. Over recent years Wyre has become increasingly active in many environmental issues and has recently produced a Local Agenda 21 Strategy for the Borough to compliment its existing Environmental Policy. Both documents present the Council's existing environmental responsibilities, together with any future developments and initiatives. Out of twelve key issues identified within Wyre's Environmental Policy Document, the following nine issues

are particularly relevant to this strategy:

| | |
|---|---|
| Environmental Management – | Managing land holdings in sympathy with nature conservation and environmental interests. |
| Healthy Lives – | Implementing environmental improvements through the effective application of environmental legislation, persuasion and education. |
| Raising Awareness – | Forging partnerships with local communities and businesses. |
| Built & Natural Environment – | Working with relevant landowners and external funders to encourage redevelopment. |
| Coast and Countryside – | Involving local communities in the conservation and enhancement of Wyre's landscape. |
| Economic Development – | Ensuring a fair balance between economic growth and environmental considerations. |
| Open Spaces - | Encouraging the use and accessibility of green space to enhance conservation and recreation. |
| Pollution - | Implementing government legislation and local initiatives to reduce the effects of pollution. |
| Wildlife - | Promoting the conservation of wildlife habitats. |

The concept of sustainable development forms the underlying theme of almost all the Council's corporate policies, not least the Local Plan. Within the framework of Government advice and policy guidance from the adopted Lancashire Structure Plan (1997), the overall aim of the adopted Wyre Borough Local Plan (1999) is:

"to encourage and guide investment and development in the Borough in a manner which is consistent with the changing social and economic needs and aspirations of the growing community of Wyre, in locations which reflect the concept of sustainable development, and in a form which respects the careful qualitative balance between development and the particular characteristics of the local environment".

The plan period for Wyre Borough Council's adopted Local Plan is 1991-2006. It aims to secure the most effective use of land and to direct development to the most suitable locations. The plan therefore compliments this strategy by resisting development in environmentally sensitive sites such as green belts and sites of built and natural heritage, and promoting the safe reclamation of derelict, degraded and contaminated land. Through the identification of potentially contaminated sites within the Borough, this strategy will assist the Council in setting out site specific proposals for land use where contamination is known, or thought to exist. Through the allocation of specific land uses, the Local Plan will aid the Council in promoting voluntary remediation of contaminated land. This will not only ensure land within the

Borough is cleaned up, but will also limit further contamination and reduce the need to develop Greenfield sites. The identification and safe re-use of contaminated land therefore plays a key part in the sustainable development of the area.

## 2.1 - STRATEGY IMPLEMENTATION

The introduction of Part IIA has already had a significant impact on the workload of the authority. Staff from numerous departments within the Council have been asked to contribute information towards the development of this strategy alone, and will continue to be involved in its actual implementation.

The Department most affected by the introduction of Part IIA is the Pollution Control Section, located within Environmental Services. Due to its existing responsibilities in the remit of environmental protection and public health enforcement, this Department was considered best suited to implement the provisions of Part IIA.

To compensate for the impact of Part IIA on the existing workload of the Pollution Control Section, in July 2000 the Council appointed an additional Environmental Health Officer, to work primarily on contaminated land. This post, titled 'Contaminated Land Lead Officer' for the purposes of this document, has been responsible for the development of this strategy in association with an external consultant, and has recently undertaken numerous training courses in preparation of the area wide assessment.

The Contaminated Land Lead Officer will be responsible for the desktop survey of the Council's administrative district and will act as lead officer in the further investigation of potentially contaminated sites. Whilst it is not yet known how many sites the Council will be required to investigate within the Borough, it is inevitable that assistance will be required from the respective District Environmental Health Officers and Technical Officers employed within Pollution Control. However, the Contaminated Land Lead Officer will remain the first point of contact for interested parties at all times.

The implementation of Part IIA will be overseen by the existing management hierarchy within the Environmental Services Unit, led by the Environmental Services Officer. Details and contact numbers for the Contaminated Land Lead Officer and the management team can be found in Appendix 3.

As detailed above and in i.9, the implementation of Part IIA will involve the participation of numerous departments within the Council. Good team working is essential to the successful identification and remediation of contaminated land. For this reason, the Council has created both an internal working party on contaminated land and has externally become an active member of the Lancashire Authorities Contaminated Land Officers Group (CLOG).

The Internal working party was created in July 2000, and consists of officers from the

following departments within the Council:

Development Control
Local Plans
Building Control
Legal
Engineers and Highways
Information & Communications Technology
Leisure and Cultural Services
Estates
Finance

Whilst the members of the working party only met as a group once during the development of this strategy document, members were approached on an individual basis by the Contaminated Land Lead Officer throughout the development stage. Individual members of the working party will continue to be involved in contaminated land and the implementation of this strategy. The degree to which they are involved will of course depend on their role within the authority. Examples of the involvement the above departments may have can be found in i.9 above.

Further to the above, the Lancashire Contaminated Land Officers Group was formed in March 2000 and consists of members from each of the fourteen Lancashire Authorities and the Environment Agency. The group members meet on a regular basis, with the primary purpose of discussing in detail the implementation of Part IIA. As with any new piece of legislation, consultation with other enforcement officers and enforcement authorities is essential in order to ensure consistency in the approach taken, and ensure that important aspects of the legislation are not overlooked or misinterpreted. In addition to providing a vital discussion and liaison group, CLOG has developed several working procedures including a risk prioritisation procedure, (see 3.1), and has also been successful in obtaining group discount both for essential training and historical mapping information. The future of the group will be reviewed on an annual basis, and will be dependent upon its continuing value to its members.

## 2.2 – STRATEGIC APPROACH

The approach adopted by Wyre Borough Council in identifying contaminated land must, according to the statutory guidance be rational, ordered and efficient. In developing a strategic approach it is necessary to consider -

- The extent to which any specified receptors are likely to be found in the Borough;
- The history, scale and nature of industrial or other potentially contaminative uses within the Borough;

Land can only be considered contaminated if it impacts in a certain way on specified

receptors, these are:

a) Human beings

b) Eco systems:
- Sites of Special Scientific Interest
  Wildlife & Countryside Act 1981 section 28
- National / Local Nature Reserves
  Wildlife & Countryside Act 1981 section 35 / National Parks & Access to the Countryside Act 1949 section 21
- Marine Nature Reserves
  Wildlife & Countryside Act 1981 section 36
- Areas for the Special Protection of Birds
  Wildlife & Countryside Act 1981 section 3
- Special Areas of Conservation, Special Protection Areas
  Conservation (Natural Habitats etc) Regulations 1994 regulation 10
- Any candidate Special Areas of Conservation or Potential Special Protection Areas
- Any habitat or site afforded planning policy protection
  Planning Policy Guidance Note 9 - Nature Conservation, para 13

c) Property:
- Buildings (including below ground)
- Ancient monuments
- All crops including timber
- Produce grown domestically or on allotments for consumption
- Livestock
- Other owned or domesticated animals
- Wild game subject to shooting or fishing rights

d) Water:
- Territorial sea water (to three miles)
- Coastal waters
- Inland fresh waters (rivers, streams, lakes, including the bottom / bed if dry)
- Ground waters
  Water Resources Act 1991 s104 (see also appendix 3)

In undertaking its duties to inspect the Borough under section 78B (1) of the Act, the Council will take into consideration the particular characteristics of the area, including:

- Relevant geology, hydro geology and hydrology
- The location of:
  - sensitive water receptors
  - sensitive property receptors
  - relevant ecological receptors
  - all existing human receptors, and;
- Potential sources of contamination

Consideration will also be given to the existence of sites and receptors which if found to be contaminated land would be designated special sites (see appendix 1).

## 2.3 - POTENTIAL SOURCES OF CONTAMINATION

a) INDUSTRIAL HISTORY - A comprehensive list of potentially contaminative uses has been appended at 5. The first step in the process of identifying potentially contaminated sites will be to closely examine historical data in the form of old Ordnance Survey plans and photographs from the early part of the 20th Century to the present day. A lot of past industry will also still be within recent memory so local knowledge will be important at this stage. To aid this process all the Town and Parish Council's will be consulted.

b) CURRENT INDUSTRY - The present industrial areas of the Borough are potential sources of contamination and these will be inspected in accordance with the statutory guidance to establish whether there is a potential for contamination to exist, and, if there is, whether it is controlled by another agency.

c) ENVIRONMENTAL PROTECTION ACT 1990 Part I - 'Part B' processes authorised for air pollution control by this Council. There are currently 32 processes authorised by the Council under Part I of the Act. These range from petrol vapour recovery processes to vehicle resprayers and concrete batching plants. Many of these processes have the potential to pollute land, but there are no other statutory methods of control.

d) ENVIRONMENTAL PROTECTION ACT 1990 Part I - 'Part A' processes authorised for integrated pollution control (IPC) by the Environment Agency. There are currently 9 processes in the Wyre District authorised by the Environment Agency under Part I of the Act. The IPC regime should control unauthorised discharges to land but their presence will need to be noted and the potential for long term pollution assessed, particularly post closure.

e) HAZARDOUS SUBSTANCES - this Council is a Hazardous Substances Authority for the purposes of the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 1992. This legislation requires consent to allow the presence on land of hazardous substances above a specified quantity. These regulations were recently amended by the Planning (Control of Major Accident Hazards) Regulations 1999 (SI 981) to take account of the new COMAH Regulations (see f below). There are currently 3 authorised sites in the District. A register is maintained for this purpose by the Planning Officer.

f) COMAH sites - The Control of Major Accident Hazards Regulations 1999 (SI 743) are enforced by the Environment Agency and Health & Safety Executive (joint competent authority) to control both on and off site risks from industries with a high potential for disaster from dangerous substances (flammable, toxic or explosive). There are currently 2 sites within the District.

g) It should be noted that all sites notified to the HSE under the Notification of Installations Handling Hazardous Substances Regulations 1982 (NIHHS sites) and COMAH sites, will be held on the hazardous substances register, so there should be no need to consult with the HSE on their location.

h) EXPLOSIVES - are not directly covered by the hazardous substances regulations but are controlled by the Health & Safety Executive under licences issued under the Explosives Act 1875. Any licenced sites will be identified.

i) CURRENT LANDFILL AND WASTE PROCESSING SITES - are licenced by the Environment Agency under the provisions of Part II of the Environmental Protection Act 1990. Details of all these sites have already been provided by the Agency for this purpose.

j) CLOSED LANDFILL SITES - are a potentially significant source of risk, especially those which operated before the licencing requirements of the Control of Pollution Act 1974. All closed landfills in the District will be identified and their association with any specified receptors considered in detail.

k) SEWAGE WORKS AND LAND USED FOR THE DISPOSAL OF SEWAGE SLUDGE - land dedicated for the disposal of sewage sludge is notified to the Environment Agency under the, Sludge (Use in Agriculture) Regulations 1989. This land, together with all operating and redundant sewage works will be identified and assessed.

l) MINES AND MINERALS EXTRACTION - the geology of the area has resulted in certain areas being used for the extraction of minerals, namely, salt and sand. Many of the resulting pits have then being filled with refuse or other materials. These can present a particular risk to water resources. An attempt will be made to identify all past quarrying sites and assess the risks they present.

m) WASTE OR DERELICT LAND - often owned by the utilities, railways or local authorities, is left seemingly abandoned because it has no particular use or is difficult to access. These areas can accumulate unwanted materials and can be used to dispose of wastes and effluents illegally. An attempt will be made to identify and assess any such land.

n) MINISTRY OF DEFENCE LAND - there is one area within the Borough occupied by Defence Agencies. The potential for contamination could be significant therefore this site will be investigated, in association with the Environment Agency as required, in accordance with the statutory guidance.

o) PREVIOUSLY DEVELOPED CONTAMINATED SITES - the inspection of the District will identify many potentially contaminated sites, which have been developed over the years. In some cases the methods and extent of remediation may be unknown, in others it may be known but the remediation suspected of being inadequate. Such sites will, where possible, be identified and their remediation assessed.

As mentioned above, a more comprehensive list of previous uses considered potentially contaminative are listed in appendix 5 for information. Any site with the potential to cause pollution will be identified at this preliminary stage.

## 2.4 - POTENTIAL SPECIFIED RECEPTORS

a) HUMAN - The present population of the District is 105,010 (1999 National Statistics mid year estimate) distributed principally amongst the 3 main population centres of Fleetwood, Thornton-Cleveleys and Poulton-le-Fylde. The remainder distributed throughout the many villages and smaller settlements of the rural area. Human receptors may therefore be present to some degree at almost any location within the District. The potential for persons either living on or frequenting a potentially contaminated site will be considered in every case, but priority will be given to sites with infants.

b) PROPERTY. BUILDINGS - All buildings and underground services (within the footprint of the building) are potential receptors and will be considered in every case where contamination and buildings exist.

c) PROPERTY. ANCIENT MONUMENTS - as listed by English Heritage will be specifically identified as part of the strategy and the potential impact of contaminants considered. Where such sites comprise former industrial activities, careful regard will be given to the fact that any contaminants present, may well constitute a significant element of the archaeological interest whereby the monument was scheduled. Such regard will be of particular importance when considering the suitability of any remedial works to a site. However, in any case where significant contamination is identified and remediation considered necessary, full discussions will be entered into with the County Archaeologist and English Heritage Ancient Monument Inspector. Although not specifically included within the DETR guidance, consideration will also be given to the effect of contamination on Listed Buildings, Historic Parks, Gardens and Conservation Areas. A full list of scheduled Ancient Monuments is provided for reference in appendix 2.

d) PROPERTY. AGRICULTURAL AND HORTICULTURAL CROPS - Being a largely rural area, crop-growing regions will not be specifically identified within the Borough, but taken into consideration as necessary. It is likely that contamination of agricultural land will be brought to the Council's attention as a result of a site investigation on neighbouring land, or as the result of an Agricultural Land Classification Survey undertaken by the Department of Environment, Food and Rural Affairs (DEFRA). Whatever the case, in order to confirm the existence of a pollutant linkage, specific information relating to the receptor of concern will be obtained and reviewed against existing guidelines, such as those contained within the documents; 'MAFF Soil Code of Good Agricultural Practice, Appendix II' and 'Redevelopment of Contaminated Land (IRCL) Guidance Note 70/90'. Where necessary, advice will be sought from DEFRA, or in the case of food safety, from the Food Standards Agency (FSA).

e) PROPERTY. HOME GROWN PRODUCE - There are many acres of allotments within the District and these will all be identified and their potential for contamination considered as a result of previous uses or activities. Similarly any domestic gardens likely to be contaminated will be identified and assessed.

f) PROPERTY. AGRICULTURAL LIVESTOCK, GAME AND OTHER OWNED ANIMALS - Again being a largely rural area the presence of livestock in an area will not be specifically identified but taken into consideration as necessary.

g) ECOLOGICAL RECEPTORS - Wyre Borough enjoys a rich natural heritage. For instance, the Forest of Bowland is designated an Area of Outstanding Natural Beauty because of its scenic quality, whilst other parts of the Borough have special protection because of their scientific interest or ecological features. Several areas of the Wyre countryside and parts of Bowland are recognised for their national / international importance to birdlife and habitats. For example, the vast expanses of mud flats and salt marshes within the Wyre Estuary Site of Special Scientific Interest are of international importance for wading birds, wildfowl, marine plants and animal communities, whereas Winmarleigh Moss is recognised nationally as the largest remnant of peat bog habitat within the county.

Significant impact of contamination is unlikely in these areas due to the protection the Council has provided them, however, a number of known contaminated sites within the Borough coincide with sites of ecological receptors. Such sites include the Hillhouse International Chemical Production Park and the Jameson Road landfill site, which are both located on the Wyre Estuary, a designated Site of Special Scientific Interest. In such cases careful regard will be given to the possible effect of existing contaminants upon known ecological receptors. However, whether or not contamination is suspected in an area or not, all receptors listed in 2.2(b), will where possible be identified within the Borough, and any risks carefully quantified with English Nature and the Environment Agency. A full list of County Heritage Sites is provided for information in appendix 2.

h) WATER. AQUIFERS – As detailed in 1.3 above, the area relies heavily on the principal Sherwood Sandstone Aquifer that outcrops centrally, between the north and south of the Borough. The drift deposits which overlie this aquifer, are dominated by alluvium and peat deposits, with a small pocket of glacial sand and gravel around Stakepool, and wind blown sands on the coast at Fleetwood and Knott End. Whilst the presence of these deposits reduces the vulnerability of the aquifer to pollution, they are capable of transmitting water to the aquifer and therefore have the potential to convey pollution.

The majority of the minor aquifer rocks within the Borough are covered by drift deposits consisting of Till (Boulder Clay), Alluvium and Peat. In those areas of thickly developed boulder clay, the underlying aquifer will afford some protection. In the remaining areas however, where the drift deposits comprise complex or mixed sequences of peat and sand, underlying aquifers will be vulnerable to surface pollution. Such areas will require careful consideration when assessing risks from identified sources of contamination, as will those upland areas around Oakenclough where drift deposits are absent. Here, the groundwater will be particularly vulnerable to pollution, as fissures will give ready access to surface water.

Attention will be given to the location of all Aquifers situated within the Borough, their depth and their vulnerability according to their cover. Any potential risks from identified sources of contamination will be given careful consideration, with the assistance of the Environment Agency.

i) WATER. PUBLIC WATER SUPPLIES – As detailed above, all public water supply abstraction points will be identified using information supplied by the Environment Agency. Their location and depth, together with the strata / surface water supply they draw from, and volume of supply, will be carefully considered in relation to any identifiable sources of contamination.

j) WATER. PRIVATE WATER SUPPLIES – 29 private water supplies exist within the Borough, many of which are drawn from shallow sources. The protection of these is particularly important due to the heavy reliance paid on them by local communities. This Council already monitors these as part of its duties under the Water Industry Act 1991 Part II and Private Water Supplies Regulations 1991.

k) WATER, OTHER AUTHORISED ABSTRACTION POINTS - All authorised abstraction points such as those used for agricultural and recreational purposes will be identified using information supplied by the Environment Agency.

l) WATER, OTHER SPECIFIED RECEPTORS - All other water receptors such as rivers, streams, tributaries, reservoirs, lakes etc. will be identified as part of the inspection strategy.

Details of statutory and non statutory consultees and contact points are included in appendix

# PART 3

# IDENTIFICATION OF POTENTIALLY CONTAMINATED SITES WITHIN WYRE AND THEIR PRIORITISATION ACCORDING TO RISK

## 3.0 - IDENTIFICATION

The identification of contaminated land will be carried out in an ordered, rational and efficient manner based firmly on the principles of risk assessment. Significant and imminent risks to human health, in particular infants, will always be given the highest priority.

Before land can be declared contaminated by definition, a significant pollutant linkage, must be identified.

pathway
(via air soil or water)
Contaminant ɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔReceptor
(hazard) (target)

*pollutant linkage*

Unless all three elements of a pollutant linkage are identified land can not be considered contaminated. All search strategies will therefore be prioritised on areas where both contaminants and receptors are known or likely to exist. It is important to fully understand this concept as it will form the basis of all future site investigation and prioritisation procedures.

If, for example, an area of land is known to be badly affected with potentially dangerous contaminants, it will not be considered of the highest priority if studies confirm there are no specified receptors within the area of influence. If there are receptors evident, the risk assessment process will seek to determine the likelihood of them coming together at any time. If the chances of this are calculated as significant, and the consequences would result in significant harm, or pollution of controlled waters, then a significant pollutant linkage will be said to exist, and the land will be declared contaminated land by definition.

In summary, for contaminated land to exist the following are pre-requisites:

i) One or more contaminant substances
ii) One or more specified receptors
iii) At least one plausible pathway between contaminant and receptor
(Then a pollutant linkage exists)
iv) A good chance that the pollutant linkage will result in significant

harm to one of the specified receptors or, pollution of controlled waters.

The strategy for identification will therefore be based on a desk top survey of the Borough to identify areas of land where:

a) Previous uses indicate contamination may exist
b) There are known receptors within a determined area of influence
c) There is no existing pollution control regime in place

Previous uses considered potentially contaminative are listed in appendix 5.

The first year after the strategy is published will be devoted to carrying out the desktop survey of the Borough. This will mainly involve the examination of both pre war and post war historical mapping. Whilst this exercise may be undertaken using paper maps, the Council is currently looking to purchase historical digital OS mapping from Landmark Information Group Ltd. If purchased, this mapping which also consists of historical land use data, will aid in the identification of land which falls within (a) and (b) above (i.e. land which has had a previous contaminative use and is in the vicinity of specified receptors).

Whilst the information on offer from Landmark would by no means constitute an exhaustive list of potentially contaminated sites within the Borough, it would provide a starting point and an initial screen of the Wyre District. If purchased, this data will undoubtedly be supplemented with information gathered as a result of research carried out by the Council, both in response to public complaints / enquiries, and on the basis of local knowledge. Any potentially contaminated sites identified during the desk top survey of the Borough will be narrowed down to those with no existing pollution control regime in place ((c) above).

## 3.1 – PRIORITISATION

Potentially contaminated land identified by the Desktop survey, shall, prior to detailed investigation, be listed and categorised according to a **preliminary assessment** of risk. The method used will be based on that described in DETR Contaminated Land Research Report 6, entitled, 'Prioritisation & Categorisation Procedure for sites which may be Contaminated' (CLR 6). This is to ensure all further investigative work relates directly to the seriousness of the potential risk and therefore the most pressing problems are identified and quantified first.

CLR6 which was published in 1995 sets out a simple but systematic approach to quantifying potential risk. Using a source-pathway-receptor approach to contaminated land, the Report provides both a simple screening exercise which can be used to identify those sites with the potential to be contaminated, and a more detailed assessment to allow the prioritisation of those sites for inspection, according to the seriousness of their potential risk.

Part I of the Assessment (the screening exercise) assesses individual sites according to their proximity to a receptor, falling within one of the following groups:

- Development (humans, plants and the built environment)
- Surface water
- Ground water

These groups encompass the primary receptors identified under Part IIA. They do not however give any consideration to the predominant use of individual sites. As detailed in 3.0, in order for land to be considered as 'contaminated land' all three elements of a pollutant linkage must exist. It is important therefore that the preliminary assessment of land within the Borough identifies those sites where both contaminant(s) and receptor(s) exist. In order to compensate for this shortfall in CLR6, a land-use classification has been added to the preliminary assessment.

Further to the above, a preliminary assessment (Appendix 6i – 6iv) will be carried out under the following headings for each site:

- Development (humans, plants and the built environment)
- Surface water
- Ground water
- Land Use

Having carried out each stage of the preliminary assessment, individual sites will be placed in the highest group (A, B or C) identified under any of the above headings. Those sites falling within group A will then be taken as priority and assessed first, under part II of the Assessment, followed by those sites falling within groups B and, eventually, those in Group C.

Part II of the procedure involves a more comprehensive assessment of each site, using more detailed information such as any available site investigation data, and in most cases, carrying out a simple walk-over survey. There is no 'land-use' heading for this stage of the assessment, leaving just three assessment headings. On completion of each stage of the Assessment (Appendix 6v – 6vii), a site will be placed into one of the following priority categories, thus providing three priority categories in total for each site:

Priority Category 1 - Site <u>likely</u> not <u>to be</u> suitable for present use and environmental setting.
Contaminants probably or certainly present and very likely to have an unacceptable impact on key targets.
Urgent <u>assessment</u> action needed in the short term.

Priority Category 2 - Site may not be suitable for present use and environmental setting.
Contaminants probably or certainly present and likely to have an unacceptable impact on key targets.
<u>Assessment</u> action needed in the medium term.

Priority Category 3 - Site considered suitable for present use and environmental setting.
Contaminants may be present but unlikely to have an unacceptable impact on key targets.
Assessment action unlikely to be needed whilst the site remains in present use or otherwise remains undisturbed.

Priority Category 4 - Site considered suitable for present use and environmental setting.
Contaminants may be present but very unlikely to have an unacceptable impact on key targets.
No assessment action needed while site remains in present use or undisturbed.

The terminology used to describe the above categories in CLR6 is not considered ideal for the purpose of Part IIA. Some wording has therefore been slightly changed. Any such changes have been underlined for identification purposes.

Having obtained three priority categories for each site, a simple calculation is, required, resulting in one overall risk category for each site. The calculation involves adding each of the three priority category numbers together and dividing the sum by the number of 'category 1's' obtained in the initial part of the assessment. If there are no 'category 1's' then the sum is multiplied by 2 instead. Weight is given to the lower category figures, with Risk Category 1 sites receiving attention first. Examples of the final calculation are available in Appendix 6viii.

Following completion of the categorisation procedure, (Appendix 6ix), it may be appropriate to further prioritise the sites in each category depending on the numbers of sites falling in each group. This exercise will be carried out having regard to the individual characteristics of each site. Further investigation of sites is likely to include a more detailed desk top survey and / or exploratory investigations, including contact with interested parties to confirm the existence of any contaminants or the effectiveness of any remedial / control measures taken.

Whilst the completion of Part II of the categorisation procedure does where possible, require the collection and review of detailed site specific information, in many cases site investigation reports may not exist. It must be understood therefore that Part I and II assessments will in most cases, be carried out using a limited amount of incomplete and basic data, consisting mainly of historical OS maps, historical use data and geological information. The purpose of this procedure is to merely prioritise sites in order for more detailed investigation. It should be noted however, that, where detailed information regarding a site is available, this will be used to assist in the prioritisation procedure. Also, if more information on a site is made available at any time, assessments will be revised and the Risk Category for an individual site may change.

## 3.2 – COUNCIL OWNED LAND

The Council owns approximately 450 sites within the Borough of Wyre. These range in size considerably from small grassed / floral areas to large open spaces. In terms of potential contamination, the Council owns a large landfill site located on Jameson Road, Fleetwood, in addition to a number of non-operative landfills, including Broadwater Wood, Fleetwood and Skippool Marsh, Poulton-le-Fylde. In addition, the Council also owns a number of works depots and industrial units, and knows of at least one contaminated site outside the Borough of which it owns a proportion.

The Councils Contaminated Land Lead Officer will work closely with the Property Services Department to ensure all potentially contaminated land owned by the Council is identified within the Desktop survey of the Borough. Any such land will be treated as though privately owned and assessed in accordance with the Councils prioritisation procedure. In doing so, the Council can be confident that the most pressing problems within the Borough (whether privately or Council owned) are being addressed first and that investigation of privately owned high risks sites are not delayed unnecessarily.

## 3.3 - COMPLAINTS FROM THE PUBLIC

Complaints will continue to be received about fly tipping, accumulations, and the potential for contaminated land. These will be investigated in accordance with existing protocols to establish whether the complaint is justified. If so, the particular circumstances will be evaluated to establish which enforcement process would be most appropriate. See also i.7 above, where the new contaminated land regime does not apply.

Complaints may also be received about the fact that a particular site has been identified for further investigation. This could give rise to concern, especially where a potential sale has failed as a direct result of the suggestion that the land may be contaminated. Those so affected may seek an early investigation to clarify their position, thereby seeking to circumvent the prioritisation process. Such requests for priority inspection will, where resources allow, be dealt with as considerately as possible and in accordance with the Council's customer service policy. This is considered also in Part 7 on data handling and access to information.

## 3.4 – ANONYMOUS COMPLAINTS

It is the policy of the Environmental Services Unit not to accept anonymous complaints. This policy will apply to contaminated land.

## 3.5 - EXCEPTIONS TO THE PRIORITISATION PROCEDURE

Whilst the Council is undertaking the desktop survey of the Borough it is inevitable that applications for redevelopment of potentially contaminated land will be received by the Council. Such applications can not be put to one side in accordance with the

prioritisation procedure, they require immediate attention. Contaminated land is a material planning consideration. Planning law is concerned with ensuring that the risks consequent on developing and changing the use of land are properly identified and addressed. It is vital therefore that the suitability of any land subject to a planning application, which is identified as being potentially contaminated is assessed, and if necessary, remediation conditions applied to the planning consent.

In the same way that investigation of land subject to a planning application can not be delayed for any length of time, land identified for development within the Local Plan can similarly not be dealt with under the prioritisation procedure. The Contaminated Land Lead Officer will work closely with the Local Plans Manager to ensure that the potential implications of contamination are given full consideration when designating sites for future development.

# PART 4

# DETERMINATION OF CONTAMINATED LAND

## 4.0 - CONFIRMING A POLLUTANT LINKAGE

The Council has the sole responsibility for determining whether any land appears to be contaminated land, it can not delegate this responsibility. This applies even where the Environment Agency has carried out an investigation on behalf of the Council (see 4.5 below).

Once the Council becomes aware of the (possible) existence of a pollutant linkage, they must, in accordance with their prioritisation procedure, commence the risk assessment process. In some cases, detailed information regarding a site may have already been obtained and hence, reviewed at the prioritisation stage. In other cases however it will be necessary for the Council to obtain additional information regarding a site for the purposes of risk assessment. In such cases the existence of a pollutant linkage(s) may need to be confirmed either by consultation with interested parties or through the carrying out of a detailed site investigation. Whatever the case, investigations / enquiries regarding a particular site will be limited in extent, their purpose being merely to confirm the existence of a pollutant linkage and hence formally identify land as being 'contaminated' by definition.

## 4.1 - PRINCIPLES OF RISK ASSESSMENT

The definition of contaminated land (see i.6 above) is based on the principles of risk assessment. For the purposes of the guidance risk is defined as the combination of:

a) the probability, or frequency, of occurrence of a defined hazard; and

b) the magnitude of the consequences.

There are two steps in applying the definition of contaminated land:

STEP 1

The Council must satisfy itself that at least one pollutant linkage exists -

pathway
(via air soil or water)
Contaminant ɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔReceptor
(a polluting substance) (as defined)

*pollutant linkage*

This, for the purposes of this strategy is termed a **stage 1 risk assessment.**

The contaminant(s) must have the potential to have a defined detrimental impact on the receptor(s) and the pathway has to be plausible. It is not necessary for direct observation of the pathway but if a reasonable scientific assessment suggest the two could come together then a pollutant linkage is said to exist and the authority must proceed to step two.

STEP 2

At this stage a more detailed investigation must be undertaken to confirm that the pollutant linkage identified is:

- resulting in significant harm (or the significant possibility of such harm) being caused to the receptor(s), or

- resulting in (or likely to result in) the pollution of controlled waters

If either of these are confirmed then the land becomes contaminated land by definition and the pollutant linkage becomes, 'significant'.

pathway
(via air soil or water)
**Significant pollutant** ɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔɔReceptor

*significant pollutant linkage*

This, for the purposes of this strategy is termed a **stage 2 risk assessment.**

The detailed investigation of contaminated land is invariably a very time consuming and expensive process, therefore it must be emphasised that all investigations will be carried out on an incremental basis and terminated immediately it is clear that no significant pollutant linkage exists.

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the Council will authorise urgent action in accordance with 6.6 of this strategy.

## 4.2 - OBTAINING DESK TOP INFORMATION

As has been explained in the introduction to this strategy, the suggestion that land may be contaminated can have a significant impact on the way others view it, and in

particular, its perceived value. The Council will therefore seek to obtain as much information as possible about a suspected site without causing unnecessary alarm. This may involve detailed inspection of historical data in its possession such as Planning and Building Control files. Also, the consultation of others who may possess information such as:

The Environment Agency
Department of Environment, Food & Rural Affairs
The Health & Safety Executive
English Nature
English Heritage
Countryside Agency
Food Standards Agency
Developers
Previous occupiers
and others

Details of several sources of information are listed in 2.3 above.

Once sufficient information has been obtained which confirms a pollutant linkage does not exist, or, if it does, it is not significant, then the investigation will cease and no further action will be taken. It may be however, that circumstances will be identified whereby a significant pollutant linkage could occur at some time in the future. Then arrangements will be made to keep the situation under review.

## 4.3 - INSPECTION OF LAND

Where evaluation of all available data suggests a significant pollutant linkage may exist, it may be necessary to visit the site and carry out some form of on site testing, or take away samples for analysis. In every case this will be carried out by a, “suitable person”, adequately qualified to undertake the work (see appendix 7). The utmost discretion will be used at all times to minimise the effect on occupiers of the land.

Intrusive investigations will be carried out in accordance with appropriate technical procedures to ensure:

a) They are effective;
b) do not cause any unnecessary damage or harm; and
c) do not cause pollution of controlled waters.

To ensure the most appropriate technical procedures are employed the Council will have regard to the most up to date Government guidance available.

## 4.4 - POWERS OF ENTRY

Statutory powers of entry are conferred on the Council to enable it to carry out its functions under Part IIA. These are also considered in appendix 7. There are no

circumstances in which the Council will use these powers to obtain information about the condition of land, where:

- It can obtain the information from third parties without the need for entering the site; or
- A person offers to provide the information within a reasonable and specified time, and does so.

## 4.5 - LAND WHICH MAY BE A SPECIAL SITE (see appendix 1)

Where the Council are aware that land it intends to investigate would, if declared contaminated land, be a special site, it will notify the Environment Agency in writing requesting any information it may have on the land and the likelihood of pollutant linkages. According to the wishes of the Environment Agency, it may be that a joint investigation will be undertaken.

Where the Environment Agency (or their agents) wish to carry out formal investigation on behalf of the Council, their officers will need to be appointed as, "suitable persons", in accordance with appendix 7. The Environment Agency does not have the power under Part IIA to investigate land, which may be contaminated land without the authorisation of the Council. Where authorisation is given the Council will provide the Agency with any information it has collected in the course of its investigations for that site. Contact details for the Environment Agency are provided in Appendix 3.

## 4.6 - DETERMINING LAND IS CONTAMINATED

There are four possible grounds for determining land is contaminated:

a) Significant harm is being caused
b) There is a significant possibility of significant harm being caused
c) Pollution of controlled waters is being caused
d) Pollution of controlled waters is likely to be caused

In making any determination the Council will take all relevant information into account, carry out appropriate scientific assessments, and act in accordance with the statutory guidance. The determination will identify all three elements of the pollutant linkage and explain their significance.

In an attempt to ensure the situation can be understood as widely as possible, a simple conceptual model (initially in diagrammatic form) will be produced for all relevant pollutant linkages, and multi-stage assessment forms completed, which clearly demonstrates the decision making process.

## 4.7 – WHERE THE SIGNIFICANCE OF A POLLUTANT LINKAGE CAN NOT BE ADEQUATELY DETERMINED

Situations may arise where, on the information available, it is not possible to determine whether a pollutant linkage is significant in accordance with the statutory guidance. In such cases the Council will determine that, on the balance of probabilities, it would seem the land does not fall within the statutory definition of contaminated land, but the situation will be kept under review and reopened at any time new information becomes available.

Similarly, inspection may identify contamination that would form a significant pollutant linkage should new receptors be introduced. In such circumstances this information will be carefully recorded and the site monitored where the introduction of relevant new receptors seems likely. Should such a site be identified for future development the need for remedial, or further investigative works will be brought to the attention of the planning officer and the developer.

## 4.8- CROSS BOUNDARY CONTAMINATION

The Council will primarily deal with contaminated land within its own administrative area. However, contamination is no respecter of local government boundaries, and cases may arise where contaminated land located outside the Borough is causing, or is likely to cause significant harm or pollution of controlled waters within the Wyre area. For example, the migration of landfill gas from a waste disposal site located outside the Borough could present a threat to residential properties in Wyre. Likewise, the migration of contaminants from land located within the Borough of Wyre could cause harm or the pollution of controlled waters in a neighbouring Borough. Whichever the case, the local authority whose area is affected by the contamination has the right to exercise its powers under Part IIA as though the source of the contamination was situated within its administrative district. It is important however that in taking action, the local authority does not prejudice the functions of the authority in whose area the contaminated land is actually situated, particularly as that authority may also be required to take enforcement action because of harm or pollution occurring within its own area.

Wyre Borough Council considers itself to have a close working relationship with its neighbouring authorities. As discussed in 2.1, the Council is an active member of the Lancashire Contaminated Land Officers Group (CLOG), which is made up of officers from each of the County's fourteen authorities. The group meets regularly, giving the members the opportunity to form liaisons and discuss issues of concern. In the event that cross boundary contamination is identified, CLOG will prove a useful mechanism for ensuring a co-ordinated approach to the investigation and remediation of the land. As a matter of course, the Council will consult with the relevant neighbouring authority where potentially contaminated land is identified within 250m of the Borough's boundary, and will ask that its neighbouring authorities do likewise.

In adopting a co-ordinated approach to the investigation and remediation of cross boundary contamination, it is hoped that the necessary investigative works may be

shared between the Council and the neighbouring authority. This would avoid any unnecessary duplication of work and should ultimately allow the cost of the investigation to be shared. Such an approach should also ensure consistency in the approach taken to remediate the land, thus avoiding the situation whereby a single landowner is faced with conflicting remediation requirements by two local authorities.

# PART 5

# THE WRITTEN RECORD OF DETERMINATION AND FORMAL NOTIFICATION

## 5.0 - RECORD OF DETERMINATION

Once an area of land has been declared contaminated by statutory definition, the Council will prepare a written record to include:

a) a description of the pollutant linkage(s) confirmed, including conceptual model;
b) a summary of the evidence which confirms the existence of the pollutant linkage(s);
c) a summary of the risk assessment(s) upon which the pollutant linkage(s) were considered to be significant;
d) a summary of the way the requirements of the statutory guidance were satisfied.

## 5.1 - NOTIFICATION

The Council will then formally notify in writing all relevant parties that the land has been declared contaminated, these to include:

a) the owner(s)
b) the occupier(s)
c) those liable for remediation ('appropriate persons' in the guidance)
d) the Environment Agency

In the case of the Environment Agency a standard summary form SOCL/LA/FORM1 will accompany the formal written record of determination. This form is one of three standard forms designed by the Environment Agency to assist in the communication of contaminated land information between the Agency and individual local authorities. The Environment Agency are required to prepare and publish a report on the state of contaminated land in England (the Report) and are therefore largely reliant on information provided by local authorities. The aim of the Report is to compile information on the nature, extent and distribution of contaminated land, the level of remediation undertaken and the level of regulatory activity implemented under Part IIA. This will in turn allow an assessment of the scale and significance of the problem and the effectiveness of the measures put in place to address it. Form SOCL/LA/FORM1 is designed specifically to notify the Agency when a site is determined as contaminated land, whereas forms SOCL/LA/FORM2 and SOCL/LA/FORM3 are designed to notify the Agency of remediation works undertaken and of regulatory activity, respectively. Copies of these forms can be found in Appendix 8.

In all instances, every effort will be made by the Council to notify all relevant persons

of the determination of contaminated land. In some cases however it may not be possible to identify all the relevant parties, particularly the appropriate persons. For this reason the Council will act on the best information available to it at the time and will keep the situation continually under review as more information comes to light.

If the Council are of the opinion that the contaminated land is a special site (see appendix 1) it will inform the Environment Agency of that decision also. The Agency will then consider whether it agrees that the land should form a special site. If it does not agree it will notify the Council and the Secretary of State within 21 days with a comprehensive statement explaining its reasons. The Council will then refer the decision to the Secretary of State.

If the Environment Agency agrees with the Council, or it fails to notify the Council it disagrees within 21 days, the land will be designated a special site. The responsibility for securing remediation then passes to the Environment Agency, though the Council must complete the formal notification process.

The legislation and statutory guidance has been designed to try to encourage voluntary remediation (without the need for enforcement action). The formal notification procedure commences the process of consultation on what remediation might be most appropriate. To aid this process the Council will therefore provide as much information to the relevant parties as possible, including where available:

a) a copy of the written record of determination;
b) copies of site investigation reports (or details of their availability)
c) an explanation of why the appropriate persons have been chosen as such
d) details of all other parties notified

The appropriate persons will also be provided with written explanations of the test for exclusion and apportionment.

It may be at this stage that the Council will need further information on the condition of the site to characterise any significant pollutant linkages identified. If that is the case an informal attempt will be made to obtain this information from the appropriate persons already identified.

# PART 6

# LIABILITY & ENFORCEMENT

## 6.0 - APPORTIONMENT OF LIABILITY

Land may be declared contaminated upon the identification of only one significant pollutant linkage. Full liability can not therefore be determined until all significant pollutant linkages on the site have been identified (see also 4.1 above). When all significant pollutant linkages have been identified the procedure relating to the apportionment of liability must commence. This has five distinct stages as follows:

i) Identifying potential appropriate persons and liability groups
ii) Characterising remediation actions
iii) Attributing responsibility to liability groups
iv) Excluding members of liability groups
v) Apportioning liability between members of a liability group

These procedures are complex and cumbersome. The process commences with the establishment of liability groups. All appropriate persons for any one linkage are a 'liability group'. These may be class 'A' or class 'B' persons.

> APPROPRIATE PERSONS - Class 'A' - These are generally speaking the polluters, but also included are persons who, "knowingly permit". This includes developers who leave contamination on a site, which subsequently results in the land being declared contaminated.
>
> APPROPRIATE PERSONS - Class 'B' - Where no class 'A' person(s) can be found liability reverts to the owner or the occupier. These are known as class 'B' persons.

The Council will make all reasonable enquiries to identify class 'A' persons before liability reverts to innocent owner / occupiers.

The matter of appropriate persons must be considered for each significant pollutant linkage. Therefore where a site has had a series of contaminative uses over the years, each significant pollutant linkage will be identified separately and liability considered for each.

## 6.1 – APPORTIONMENT OF COSTS

Generally speaking the members of a liability group will have the total costs falling on the group as a whole apportioned between them. It may also be necessary to apportion costs between liability groups.

There are three basic principles, which apply to exclusion and apportionment tests:

i) The financial circumstances of those concerned have no relevance;
ii) The Council must consult persons affected to obtain information (on a reasonable basis having regard to the cost). If someone is seeking to establish an exclusion or influence an apportionment to their benefit then the burden of providing the Council with supporting information lies with them.

iii) Where there are agreements between appropriate persons the local authority has to give effect to these agreements.

## 6.2 - LIMITATIONS ON COSTS TO BE BORN BY APPROPRIATE PERSONS

There are six tests specified to identify Class 'A' groups who should be excluded from liability. These will be applied in sequence and separately for each pollutant linkage. The exclusion of Class 'B' persons is much less complex, the single test merely excludes those who do not have an interest in the capital value of the land. Tenants therefore are excluded.

When the Council has apportioned the costs of each remediation action, before serving remediation notices, it will consider whether any of those liable may not be able to afford it. If, after taking into consideration the statutory guidance it decides that one or more of the parties could not, it will not serve a remediation notice on any of the parties. The Council will instead, consider carrying out the work itself and produce and publish a remediation statement.

## 6.3 - THE ENFORCEMENT PROCESS

Before remediation notices are served the extensive consultation process will be completed and ample encouragement given to arrive at an informal solution. The Council will do all in its power to consult the appropriate person(s), owners, occupier's etc about their views on the state of the land. This could be a difficult and most protracted process and cause delay. Where a housing estate is affected for example, it would be reasonable to expect house owners, land owners, developers, lenders, insurers, surveyors, geotechnical engineers, residents groups, etc, all to have differing views according to their position.

Remediation notices are served only as a last resort (not withstanding urgent cases), and then only after this lengthy consultation process has been exhausted. Notices will only be authorised after two tests are satisfied:

- That the remediation actions will not be carried out otherwise.
- That the Council has no power to carry out the work itself.

If these are met the Council will serve a remediation notice on each appropriate person. It can not be served less than three months after formal notification that the land is contaminated unless urgent action is deemed necessary (where there is

imminent risk of serious harm).

## 6.4 - SPECIFYING REMEDIATION

The Environmental Services Officer will specify what remediation measures are to be carried out in the remediation notice. These will be both appropriate and cost effective, employing what the statutory guidance terms, 'best practicable techniques'. The aim of the remediation will be to ensure that the land is no longer contaminated, taking the shortest and lowest cost route. This means in most cases attention will be focussed on the pathway, rather than the contaminant or receptor.

The "reasonableness" of the requirements are, however, paramount, a concept which is considered at some length in the guidance. It is determined in relation to the cost of carrying out the remediation against the cost of failing to (i.e. the costs, or potential costs, resulting from the continuing pollution).

In specifying remediation, the Council will have regard to all available expertise, in particular to that provided by specialist consultants or the Environment Agency. It is open to the Environment Agency to issue site-specific guidance to the Council with respect to the exercise and performance of the authority's powers and duties under the contaminated land provisions. Whilst the Agency is unrestricted in the nature of guidance it can provide, it is likely that the majority of advice provided will be of a technical nature, covering issues such as the type and standard of remediation to be undertaken, or the reasonableness of the remediation specified. Whatever the nature of the advice, the Council will welcome site specific guidance from the Agency and will ensure that the Agency is furnished with as much information as it requires to provide any such advice. In many cases, particularly where pollution of controlled waters is known or suspected, the Council will actively seek the advice of the Environment Agency prior to specifying the type of remediation to be undertaken

## 6.5 - REMEDIATION BY THE LOCAL AUTHORITY

Before the Council can serve a remediation notice it will first determine whether it has the power to carry out any of the remediation actions itself. There are five specified circumstances where this may be the case:

- Where urgent action is required (see below)
- Where no appropriate person can be found
- Where one or more appropriate persons are excluded (on grounds of hardship)
- Where the local authority has made an agreement with the appropriate person(s) that it should carry out the remediation
- In default of a remediation notice

Orphan sites are those where it is not possible after, 'reasonable', enquiries to find anyone responsible for them (class A or class B persons), or, where persons can be found but they are exempted from liability for specified reasons. These are described in the statutory guidance as, 'orphan linkages'.

Exemptions apply where:

> The land is contaminated by reason of pollution of controlled waters only and no class A persons can be found (this means class B persons can not be held liable for polluting water from land).
>
> The land is contaminated by reason of the escape of a pollutant from one piece of land to another and no class A persons can be found.
>
> The land is contaminated land by reason of pollution of controlled waters from an abandoned mine.
>
> The person was acting in a 'relevant capacity' (insolvency practitioner / official receiver, etc).

In such cases the enforcing authority should bear the cost of the remediation in accordance with Secretary of State's guidance.

## 6.6 - URGENT ACTION

Urgent action must be authorised where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises (see also Appendix 7).

The terms "imminent" and "serious" are unfortunately not defined. Local authorities are advised to use the normal meaning of the words. There is, however, guidance on what may constitute "seriousness" when assessing the reasonableness of remediation.

The Council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated by enforcement action. In the case of a special site the Council will declare the land contaminated land in accordance with the statutory procedure, and then notify the Environment Agency who will then be responsible for the remediation.

In appropriate cases the Council will seek to recover the costs of remediation works it has completed.

# PART 7

# DATA HANDLING AND ACCESS TO INFORMATION

The Council is required by Statute to produce this contaminated land strategy and formally publish it by the end of June 2001. Subsequently it must maintain a register of regulatory action taken under Part IIA, which must be made available for public inspection at all reasonable times (see 7.2 below).

## 7.0 - THE ENVIRONMENTAL INFORMATION REGULATIONS 1992

Implementation of the strategy will, however, also result in significant volumes of data, which will be held on computer databases and geographical information systems, as well as in paper form. There is no statutory obligation to disclose this information therefore the Council must comply with the requirements of the Environmental Information Regulations when dealing with requests for disclosure.

These Regulations require local authorities to make any environmental information they hold available upon request, subject to certain exemptions. These are complex but it seems likely that the Council will have to respond to requests for information on land it has identified as part of, for example, the inspection of the District, as outlined in Part 3 of this strategy. See also 3.3 above on complaints about information held.

Below are broadly the exemptions to the right of environmental information. In all circumstances where there is doubt, the Council's solicitor will be consulted.

- Where held for judicial purposes.
- Where disclosure would affect legal proceedings.
- Where disclosure would affect international relations, national defence or public security.
- Where disclosure would affect the confidentiality of deliberations by a relevant person, or the confidentiality of commercially sensitive matters.
- Where it would involve the supply of a document or record which is still in the course of completion.
- Where the information is not accessible.

"Information", for the purposes of the Regulations includes records, registers, reports, returns, and information on computers.

It has been suggested that information held as a result of the Council's initial inspection of the District and subsequent prioritisation for further investigation, could be classified as, 'a record which is in the course of completion', for the purposes of the Regulations, and therefore not be disclosed. Whilst this interpretation is appealing, it should be understood that sites should not be so identified unless there are sound reasons, based on scientific judgement, that a pollutant linkage may exist. Also once the preliminary inspection of the District has commenced, each assessment about each and every site, could constitute a, 'record', in itself.

More significantly, however, should a third party purchase land following a refusal on the part of this Authority to supply information requested on its condition, and the Authority had identified it at that stage as potentially contaminated land, that party may wish to seek a remedy against the Council should the site be subsequently declared contaminated land and lose value as a result.

Requests for information will therefore be dealt with promptly and no later than 21 days after they are made. A minimum charge as determined by the Council, will be made for the supply of information in accordance with the Regulations. Where the Council must refuse a request for any of the reasons stated in the Regulations it will provide details of the reasons in writing at no cost to the applicant.

## 7.1 - THE DATA PROTECTION ACT 1998

The Data Protection Act applies to all personal data that is processed automatically, it does not apply to data processed manually. The Act seeks to give some protection to persons (known as data subjects) in respect of three potential dangers:

- The use of personal information that is inaccurate, incomplete or irrelevant
- The possibility of access to personal information by unauthorised persons
- The use of personal information in a context or for a purpose other than that for which the information was collected

Personal data is defined as data consisting of information, which relates to a data subject who can be identified from the information, or from that and other information in the possession of the data user (the Council). Every individual member of the public can be considered a data subject, there is no age limit.

It should be noted that just about all information held on computers is considered as being, ‘processed automatically’, for the purposes of the Act. Therefore should the Council be unsure as to the legality of maintaining data on a computer it will keep a paper record only.

The implications of holding information relating to the condition of potentially polluted property, the persons associated with that property and pollution, could be significant. The matter will therefore be considered in detail with the Council’s Solicitor and Data Protection Administrator before records begin to be compiled.

## 7.2 - CONTENTS OF FORMAL CONTAMINATED LAND REGISTERS

The only information required to be stored on a formal register is that relating to regulatory action and remediation. The contents are specified at length in schedule 3 of the Contaminated Land (England) Regulations 2000. This formal contaminated land register will be maintained within the Environmental Services Unit located at the Civic Centre, Breck Road, Poulton-le-Fylde. Members of the public will be able to view the register free of charge during normal office hours (9:00-16:45 Monday-Friday). Requests for copies of documents must be made to the Contaminated Land Lead Officer and will be charged at the appropriate rate.

# PART 8

# QUALITY CONTROL, PERFORMANCE INDICATORS AND ARRANGEMENTS FOR REVIEW

## 8.0 - PERFORMANCE INDICATORS

The Government have stated -

> "The Department of Environment, Food and Rural Affairs will be developing performance indicators to assess overall progress in the task of identifying and remediating our inherited legacy of contaminated land".

No such performance indicators have been developed to date, but it is suggested they will include:

a) Measures of the scale of regulatory activities; and

b) Indicators of the overall progress in the task of identifying and remediating contaminated land.

It is the Government's intention in due course to establish targets for overall progress.

## 8.1 - COMPLAINTS AND INFORMATION FROM MEMBERS OF THE PUBLIC

This is also considered in 3.3 above. Procedures are in place to:

- Record information provided and record that a complaint has been received;
- Demonstrate an appropriate officer has been designated to deal with the request;
- Record the request and response; and
- Ensure appropriate records are maintained.

As part of this Council's on going commitment to improving quality of service the following performance criteria have been agreed:

- Allocation of complaint to appropriate officer – on day of receipt
- Initial response to complainant – within 5 days of receipt
- Resolution of complaint – within 6 months of receipt

Due to the fact that some complaints may result in the need for a detailed / intrusive investigation of a site, a lengthy resolution target of 6 months has been set. It should be noted however, that the status of each complaint received will be reviewed by the Contaminated Land Lead Officer on a monthly basis, and every effort will be made by that officer to ensure that all complaints are resolved as soon as possible.

The suitability of the above performance targets will be reviewed annually by the Pollution Control Manager, who will also assess the Contaminated Land Lead Officers performance in relation to those targets.

## 8.2 - REVIEW

Whilst the Council has a duty to inspect the District, 'from time to time', to identify contaminated land, the frequency of inspection is not prescribed. In practice inspection may be a continuum, balancing a systematic approach with the availability of resources. The Council has a duty to review its inspection strategy on a regular basis, and to meet its statutory responsibilities, two main aspects of review need to be built into this strategy:

- Triggers for reviewing inspection decisions, and
- Review of the inspection strategy

In addition to the routine review of inspection findings (see 3.1, 4.2 & 5.1 above) there will be situations which will trigger re-assessment including:

- Change of use of surrounding land (introduction of new receptors)
- The potential for pollutant linkages to become significant or urgent as a result of unplanned events (e.g. flooding, subsidence, spillage's etc), or a change in circumstances
- Identification of a localised effect which could be associated with the land
- Responding to new information

The strategy as a whole will be reviewed by the Contaminated Land Lead Officer at least annually and any proposed changes will be reported to the Environmental Services Officer and incorporated as necessary. Particular matters that will be kept under review include:

- The content of the strategy generally
- Priorities for further investigation of potentially contaminated sites
- The potential for the introduction of new receptors
- The potential for new contamination
- Progress on voluntary remediation
- The enforcement process generally and the identification of appropriate persons particularly
- Identification of special sites
- Progress with the implementation

# PART 9

# PROJECTED COSTS AND TIMETABLE

As outlined in i.10 above, the Government has identified that to implement this highly complex and demanding piece of legislation will involve local authorities in considerable expenditure. As a result some £95M has been made available over three years as part of the standard spending assessment (£12M each year), with the rest available through the contaminated land supplementary credit approval (SCA) programme.

As detailed in 2.1 above Wyre Borough Council has employed an additional member of staff within the Environmental Services Unit to implement the requirements of Part IIA. In doing so, the Council has been able to produce this strategy internally with the assistance of an external consultant.

The Council must now carry out a Desktop survey of the Borough, identifying potentially contaminated sites within its administrative area, and prioritising those sites for further, more detailed inspection. £25,000 was allocated by the Council in September 2000 for this purpose. The purchase of a GIS and historical mapping database is currently being investigated and is at an advanced stage. It is envisaged that this will be purchased during the financial year 2001/2002, in order that the desktop exercise can be completed. Necessary staff training will also be undertaken in this period. Any further expenditure regarding the implementation of the strategy will be kept under review.

On completion of the Desktop survey, potentially significant sums may be required to make more detailed investigation of sites and, possibly take enforcement action and carry out remediation works. It is very difficult at this stage to estimate what the full inspection of the District will reveal, and how much further work it will necessitate. No target has therefore been set for the completion of detailed investigations within the Borough. Whilst, it is likely that the investigation of individual sites will be an on-going exercise due to the potential for individual sites to change their contaminative status, it is proposed that performance targets will be set once sufficient information is available to do so.

Whilst the Council do not intend to carry out any detailed site investigations until the desktop survey of the area is complete, a small budget of £1500 has been allocated for this purpose should the need arise. In order to finance the detailed investigation of those sites identified during the desktop survey, the Environmental Services Unit propose to submit an additional expenditure bid during the next phase of budget preparations. Should however, a significant investigation and / or remediation be identified, it is anticipated that an application for SCA would be made specifically relating to that site.

It should be noted that these arrangements relate specifically to the Council's enforcement role and not that as landowner. Should land in possession of the

Council be identified as contaminated land then funding of remediation will be considered on a case by case basis. In the event of significant costs being involved it is likely that an application will also be made via the contaminated land SCA scheme.

## PROPOSED TIMETABLE FOR THE IMPLEMENTATION OF PART IIA

| Duty | Year |
|---|---|
| Production of statutory contaminated land strategy | By July 2001 |
| Publication of statutory contaminated land strategy | September 2001 |
| Inspection of the District, identification of potentially contaminated sites and prioritisation for further investigation | July 2001 – July 2002 |
| Detailed inspection and assessment of priority category 1 sites | July 2002 onwards unless deemed urgent |
| Detailed inspection and assessment of remaining potentially contaminated sites | As soon as possible following completion of Priority one sites |

# APPENDICES

# APPENDIX 1

# SPECIAL SITES

1. Once a local authority has identified land as contaminated land by definition, it must also consider whether it falls into the category of a special site. Special sites are sites where, more often than not, the Environment Agency have had, or still have, an enforcement role.

2. What exactly constitutes a special site is specified in the Contaminated Land (England) Regulations 2000. For a legal definition the Regulations must always be consulted. In simple terms, however, they include land:-

- Polluting controlled waters (in certain circumstances - see appendix 4;
- On sites subject to Integrated Pollution Control (see Environmental Protection Act 1990 Part I - Prescribed Processes and Substances Regulations 1991 schedule 1part A;
- With waste sulphuric acid tar lagoons (on sites used for refining benzole, used lubricants or petroleum);
- Used as an oil refinery;
- Used to manufacture or process explosives;
- Used to manufacture or dispose of atomic, chemical or biological weapons (non biological contamination only);
- Used for other nuclear purposes;
- Owned or occupied by a defence organisation for naval, military or air force purposes (not off base housing / NAFFI);
- Held for the benefit of Greenwich Hospital.

3. Contaminated land beyond the boundary of these premises (but contaminated by them) also forms part of the special site.

4. Procedure in relation to the investigation and declaration of special sites is covered in 4.5, 5.1 & 6.6 above.

# APPENDIX 2

# COUNTY HERITAGE SITES

# COUNTY BIOLOGICAL HERITAGE SITES (NOVEMBER, 97)

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Dinmore Avenue Swamp and Fields, Poulton-le-Fylde | SD337380 | Swamp and Fen |
| Woodhouse Farm Swamp and Adjacent Ponds, Poulton-le-Fylde | SD335393 | Swamp and Fen<br>Ponds<br>Flowering Plants & Ferns<br>Amphibians<br>Other Invertebrates |
| Garstang Road West Field Pond, Poulton-le-Fylde | SD336386 | Ponds<br>Flowering Plants & Ferns |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Fleetwood Railway Branch Line, Trunnah to Burn Naze | SD341438 | Artificial Habitats<br>Grassland |
| ICI Hillhouse Estuary Banks | SD347438 | Artificial Habitats<br>Flowering Plants & Ferns |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Rossall School Fields – Ditches and Bankings, Fleetwood | SD315453 | Artificial habitats<br>Grasshoppers & Crickets |
| Fleetwood Promenade – Coastal and Dune Grassland. (Rossall School to Marine Gardens) | SD311470 | Coastal Habitats<br>Flowering Plants & Ferns<br>Molluscs<br>Grasshoppers & Crickets |
| Fleetwood Golf Course | SD314475 | Coastal Habitats<br>Flowering Plants & Ferns<br>Molluscs |
| Fleetwood Model Yacht & Boating Pools | SD323481 | Birds |
| ICI Hillhouse International Pool | SD330455 | Ponds<br>Flowering Plants & Ferns |
| Fleetwood Marsh Industrial Lands | SD330464 | Habitat Mosaic<br>Birds<br>Flowering Plants & Ferns |
| Rossall Lane Wood & Pasture, Fleetwood | SD329450 | Invertebrates<br>Flowering Plants & Ferns |
| Jameson Road Saltmarsh, Fleetwood | SD338455 | Coastal Habitats<br>Flowering Plants & Ferns |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| ICI Salt Pools, Preesall | SD362470 | Grassland<br>Swamp and Fen<br>Artificial Habitats<br>Birds |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Carr House Green Common, Inskip | SD472372 | Habitat Mosaic<br>Lichens<br>Flowering Plants & Ferns |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| River Wyre – Upper Tidal Section – Out Rawcliffe / Little Eccleston-with-Larbeck | SD405413 | Coastal Habitats<br>Flowering Plants & Ferns |
| Tinsleys' Lane Moss, Out Rawcliffe | SD404439 | Bog |
| Fenton's Cottage Moss, Out Rawcliffe | SD404448 | Bog<br>Flowering Plants & Ferns |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Winmarliegh Moss – Woods adjoining the SSSI (Lancaster) | SD451482 | Bog<br>Woodland & Scrub |
| Shrogg's Wood, Cabus | SD495468 | Woodland & Scrub |
| Nursery Wood, Cabus | SD495480 | Woodland & Scrub |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Centre Wood, Forton | SD479526 | Birds |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Greenhalgh Castle Tarn, Barnacre-with-Bonds | SD501446 | Birds<br>Swamp & fen<br>Mammals |
| Stewart's Wood Pond, Claughton | SD510428 | Flowering Plants & Ferns |
| Poulton's Wood & Lower Brock Wood, Bilsborrow | SD527413 | Woodland & Scrub |
| Blindhurst Wood, Claughton | SD524426 | Woodland & Scrub |
| Lower House Wood, Goosnargh / Bilsborrow | SD538408 | Woodland & Scrub |
| Fisher's Wood, Claughton | SD530416 | Woodland & Scrub |
| 'Manor House Farm' Wood, Claughton | SD539419 | Woodland & Scrub |
| Sullom Wood and Curwen Wood, Barnacre with Bonds | SD531445 | Woodland & Scrub |
| Nanny's Breast Wood, Bannister Hey Wood & Brock Mill, Claughton | SD546427 | Woodland & Scrub |
| Brock Mill Wood, Claughton | SD547435 | Woodland & Scrub |
| Brock Valley East, Walmsley Bridge to Higher Brock Bridge, Bilsborrow / Goosnargh | SD548243 | Woodland 7 Scrub Habitat Mosaic |

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Taylor's Bridge Railway Cutting, Barnacre-with-Bonds | SD505453 | Artificial Habitats<br>Grassland<br>Flowering Plants & Ferns |
| Horse Coppy Wood, Barnacre-with-Bonds | SD500472 | Woodland & Scrub |
| Woodacre Great Wood, Barnacre-with-Bonds | SD504476 | Woodland and Scrub |
| Ghyll Wood, Nether Wyresdale | SD507487 | Woodland and Scrub |
| Park Wood, Nether Wyresdale | SD50794 | Woodland and Scrub |
| Holker's Gill Wood, Briggs Gill Wood and Fish Pond Wood, Barnacre-with Bonds | SD514464 | Woodland and Scrub |
| 'Grizedale Wood', Barnacre-with Bonds | SD518480 | Woodland and Scrub |
| Nicky Nook, Nether Wyresdale | SD519485 | Habitat Mosiac, Heathland<br>Swamp and Fen<br>Grasshoppers & Crickets |
| Wyresdale Lake & Woods, Scorton | SD512493 | Birds |
| Barnacre Reservoirs & Embankments, Barnacre-with-Bonds | SD526478 | Birds |
| Long House Wood & Bog House Wood, Bleasdale | SD537469 | Woodland and Scrub |
| Barnacre Moor, Barnacre-with-Bonds | SD530477 | Birds |
| Leathercote Wood & Holme Wood, Barnacre-with-Bonds | SD530485 | Woodland & Scrub<br>Birds |
| Grizedale Reservoir, | SD525483 | Flowering Plants & Ferns |

| | | |
|---|---|---|
| Barnacre-with-Bonds | | |
| **SITE NAME** | **GRID REFERENCE** | **GUIDELINES** |
| Winsnape Wood & Snape Rake Wood, Cluaghton / Bleasdale | SD555442 | Woodland & Scrub |
| The Moss, Bleasdale | SD561449 | Swamp & Fen |

| **SITE NAME** | **GRID REFERENCE** | **GUIDELINES** |
|---|---|---|
| Cleveleys Woods, Forton | SD504509 | Woodland & Scrub |
| Wyre Valley Gravel Pits | SD505507 | Artificial Habitats |
| Fox's Wood, Ellel | SD528509 | Woodland & Scrub<br>Swamp & Fen |
| Lordhouse Edge Mire, Nether Wyresdale | SD528509 | Woodland & Scrub<br>Swamp & fen |
| Weir Wood, Nether Wyresdale | SD528537 | Woodland & Scrub |

## LINEAR SITES (ie; Sites over 15km)

| **SITE NAME** | **GRID REFERENCE** | **GUIDELINES** |
|---|---|---|
| Lancaster Canal | SD527302 to SD521767 | Artificial Habitats<br>Flowering Plants & Ferns |

## WILDFOWL / WADER ROOSTING & FEEDING AREAS

| **SITE NAME** | **GRID REFERENCE** | **GUIDELINES** |
|---|---|---|
| Fleetwood Farm Fields, Fleetwood | SD325446 | Birds |
| Pilling Moss – Head Dyke | SD390470 | Birds |
| Rawcliffe Moss | SD450430 | Birds |
| Pilling Moss- Eagland Hill | SD425465 | Birds |
| Cockerham & Winmarleigh | SD445490 | Birds |

| | | |
|---|---|---|
| Moss Edge | | |

# COUNTY GEOLOGICAL HERITAGE SITES (NOVEMBER, 1996)

| SITE NAME | GRID REFERENCE | GUIDELINES |
|---|---|---|
| Barancre Brook, Nr Preston | SD511460 | River section |
| River Brock | SD545420 | River |
| River Wyre section, Knott End | SD346475 | River section |
| Wild Goose Wood, Nr. Garstang | SD 504452 | Railway Cutting |

# SCHEDULE OF ANCIENT MONUMENTS IN WYRE DISTRICT

| PARISH | COUNTY NO. & MONUMENT TITLE | GRID REFERENCE |
|---|---|---|
| Barnacre-with-Bonds | 10 Greenhalgh Castle | SD 500 451 |
| Bleasdale | 11 The Bleasdale Circle | SD 577 459 |
| Bleasdale | 12 Brooks Farm, Packhorse Bridge | SD 566 458 |
| Claughton | 27843 Claughton Hlaew | SD 512 424 |
| Garstang | 113 Market Cross | SD 492 451 |
| Great Eccleston | 159 Dovecote | SD 425 400 |

# APPENDIX 3

# LIST OF CONSULTEES AND CONTACT POINTS

COUNCILS

**1. Internal**

Wyre Borough Council
The Civic Centre
Poulton-le-Fylde
Lancashire
FY6 7PU
Tel: 01253 891000
Fax: 01253 899000


**2. County**

LA21 Renewal and Information

Lancashire County Council
County Hall
Preston

Tel: 01772 264171

**3. Town**

Preesall Town Council

Garstang Town Council

(Contact details for the above Town Councils can be obtained from the Councils Committee Secretary on 01253 891000).

**4. Parish**

Barnacre with Bonds
Bilsborrow
Bleasdale
Cabus
Catterall
Claughton-on-Brock
Kirkland
Myerscough
Nateby
Out Rawcliffe
Forton
Great Eccleston
Hambleton
Inskip with Sowerby
Pilling
Stalmine with Staynall
Upper Rawcliffe with Tarnacre
Winmarleigh
Nether Wyresdale

(Contact details for the above Parish Councils can be obtained from the Councils Committee Secretary on 01253 891000).

ENGLISH HERITAGE

Details of all Ancient Monuments in the area can be obtained from the Planning Officer

**Local contact:**

Land Use Planner

English Heritage
North West Region
Suites 3.3 & 3.4
Canada House
Chepstow Street
Manchester
M1 5FW

Tel: 0161 2421423

**National contact:**

Chief Scientist

23 Saville Row
London
W1X 1AB

Tel: 0207 973 3321
Enquiries: 0207 973 3000
Fax: 0207 973 3001

ENGLISH NATURE

**Local contact:**

Conservation Officer

English Nature
North West Team
Pier House
Wallgate
Wigan
Lancashire
WN3 4AL

Tel: 01942 820342
Fax: 01942 820364

**Special advisory teams:**

Environmental Impacts Team (Taunton)
English Nature
Roughmooor
Bishop's Hull
Taunton
Somerset
TA1 5AA

Tel: 01823 283211
Fax: 01823 272978

Environmental Impacts & Marine Team (Peterborough)
English Nature
Northminster House
Peterborough
Cambridgeshire
PE1 1UA

Tel: 01733 455000
Fax: 01733 568834

ENVIRONMENT AGENCY

The Council will consult and liase with the Environment Agency on matters relevant to the Agency's various functions. It will also seek site specific advice where necessary in accordance with the Environment Agency's formal role.

This process will, as far as is reasonably practicable (taking into consideration the limitations on both parties), be carried out broadly in accordance with the Memorandum of Understanding.

**Local:**

Contaminated Land Team Leader

Environment Agency
Lutra House
Dodd Way
Preston
PR5 8BX

Tel: 01772 339882
Fax: 01772 627730

FOOD STANDARDS AGENCY

Contaminants Division
Room 707c
Aviation House
125 Kingsway
London
WC2B 6NH

Tel: 020 727 68726
Fax: 020 727 68717

HEALTH & SAFETY EXECUTIVE

Victoria House
Ormskirk Road
Preston
PR1 1HH

Tel: 01772 836200
Fax: 01772 836222

HER MAJESTY'S CUSTOMS AND EXCISE OFFICE

Landfill tax is the responsibility of the Birmingham business centre:

2 Broadway
Broad Street
Five Ways
Birmingham
B15 1BG

Tel: 0121 697 4000
Fax: 0121 643 3454

DEPARTMENT FOR ENVIRONMENT, FOOD & RURAL AFFAIRS

**Local contact:**

North Mercia Regional Services Centre
Electra Way
Crewe Business Park
Crewe
Cheshire
CW1 6GJ

**National Contact:**

Department of Environment, Food & Rural Affairs
Rural & Marine Environment Division
Room 303
16 Palace Street
London
SW1E 5FF

STATUTORY REGENERATION BODIES

**English Partnerships Head Quarters**

National Environmental Policy Co-ordinator

16-18 Old Queen Street
London
SW1H 9HP

Tel: 0207 976 7070
Fax: 0207 976 7740

**English Partnerships Regional**

Senior Projects Manager

Arpley House
110 Birchwood Boulevard
Birchwood
Warrington
WA3 7QH

Tel: 01925 651144
Fax: 01925 644657

**The Countryside Agency Head Quarters**

John Dower House
Crescent Place
Cheltenham
Gloucester
GL50 3RA

Tel: 01242 521 381
Fax: 01242 584 270

# APPENDIX 4

# POLLUTION OF CONTROLLED WATERS

1.Controlled waters are defined for the purposes of Part IIA as:

- Coastal waters including docks
- Relevant territorial waters (usually to three miles)
- Inland fresh waters (relevant rivers, watercourses, lakes, ponds, reservoirs - including bottom / channel / bed, even if dry)
- Ground water
  (section 104 of the Water Resources Act 1991)

2. The pollution of controlled waters is simply defined as:

> *The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter*

3. There is no power in the Act to enable the Secretary of State to issue guidance on what degree of pollution may constitute pollution of controlled waters. This has been accepted as a potential area of conflict. When, however, considering cases where it is thought very small quantities of a contaminant are causing pollution, local authorities must consider what remediation it may be reasonable to require. This should act as a limiting factor thereby ensuring unrealistic demands are not made in relation to cases of very minor pollution.

4. Pollution of controlled waters will rarely be dealt with by the local authorities. Below is a summary of the issues relating to controlled waters.

5. Where pollution of groundwater has occurred and the source can not be identified, or the polluting substances are contained entirely within the body of water (and not in or on the land), then Part IIA does not apply and the matter would be dealt with by the Environment Agency under section Part III of the Water Resources Act 1991 (see also paragraph i.7 (c) above).

6. Where pollution has occurred from land which subsequently affects the wholesomeness of drinking water within the meaning of section 67 of the Water Industry Act 1991 (Water Supply [Water Quality] Regulations 1989 / Private Water Supplies Regulations 1991), then the land becomes a **special site**.

7. Where pollution has occurred from land which results in surface water failing to meet the criteria in Regulations[#] made under section 82 of the Water Resources Act 1991, then the land becomes a **special site**:

> The Surface Water (Dangerous Substances) (Classification) Regulations 1989
> The Bathing Waters (Classification) Regulations 1991
> The Surface Water (Dangerous Substances) (Classification) Regulations 1992

The Surface Water (River Eco System) (Classification) Regulations 1994
The Surface Water (Abstraction for Drinking Water) (Classification) Regulations 1996
The Surface Water (Fish life) (Classification) Regulations 1997
The Surface Water (Shellfish) (Classification) Regulations 1997
The Surface Water (Dangerous Substances) (Classification) Regulations 1997
The Surface Water (Dangerous Substances) (Classification) Regulations 1998

8. Where the pollution of a specified aquifer* is caused by any of the following contaminants the land becomes a **special site**:

Organohalogen compounds and substances which may form such compounds in the aquatic environment;
Organophophorus compounds;
Organotin compounds;
Substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;
Mercury and its compounds;
Cadmium and its compounds;
Mineral oil and other hydrocarbons;
Cyanides.

*Specified aquifers are those contained in the following rocks:

Pleistocene Norwich Crag;
Upper Cretaceous Chalk;
Lower Cretaceous Sandstones;
Upper Jurassic Corallian;
Middle Jurassic Limestones;
Lower Jurassic Cotteswold Sands;
Permo-Triassic Sherwood Sandstone Group;
Upper Permian Magnesian Limestone;
Lower Permian Penrith Sandstone;
Lower Permian Collyhurst Sandstone;
Lower Permian Basal Breccias, Conglomerates and Sandstones;
Lower Carboniferous Limestones.

9. This, in effect, leaves local authorities with the potential responsibility for the pollution of controlled waters where:

a) Surface or coastal waters are affected but not breaching the Regulations in paragraph 7 above.

b) Groundwater (other than a principal aquifer specified as in 8 above) is contaminated and the water is not used for drinking.

# APPENDIX 5

# LIST OF POTENTIALLY CONTAMINATIVE LAND USES

This list has been drawn up to provide a broad indication of the type of sites that are known to use, or to have used in the past, materials that could pollute the soil. It must be understood that the list is not exhaustive, also that inclusion on this list does not necessarily infer the existence of a pollutant linkage.

Abattoirs
Adhesives manufacture
Agriculture
Aircraft manufacture
Airports
Animal burial
Animal by-product processing
Anodisers
Anti-corrosion treatment
Asbestos products
Asphalt works
Automotive engineering
Battery manufacture
Bearings manufacture
Blacksmiths
Boiler makers
Bookbinding
Brass and copper tube manufacture
Brass founders
Brewing
Car manufacture
Carbon products manufacture
Cement works
Chemical manufacture and storage
Chrome plating
Ceramics manufacture
Coal carbonisation
Coal merchant
Concrete batching
Coppersmiths
Descaling contractors (chemical)
Detergent manufacture
Distilleries
Dockyards
Drum cleaning
Dry cleaners
Dye works
Dyers and finishers
Electricity generation
Electrical engineers
Electro platers
Engineering works
Explosives manufacture (including fireworks)
Farms
Fertiliser manufacture
Fellmongers
Fibre glass works
Food processing
Foundries
Fuel manufacture
Fuel storage
Garages and depots
Gas mantle manufacture
Gas works
Glass works
Glue manufacture
Gum and resin manufacture
Hatters
Hide and skin processors
Ink manufacture
Iron founder
Iron works
Knackers yards
Laquer manufacture
Laundries
Leather manufacture
Metal coating
Metal manufacture
Metal sprayers and finishers
Mining
Mirror manufacture
Motor vehicle manufacture
Oil fuel distributors and suppliers
Oil merchants
Oil refineries
Oil storage
Paint and varnish manufacture
Paper works
Pesticides manufacture
Petrol stations
Photographic film works
Photographic processing
Paper manufacture
Plastics works
Plating works
Power stations
Print works
Printed circuit board manufacture
Radioactive materials processing
Railway land
Railway locomotive manufacture
Refiners of nickel and antimony
Resin manufacture
Rubber manufacture
Scrap metal dealers
Sealing compound manufacture
Sewage works
Sewage sludge disposal areas
Sheet metal merchants and works
Ship breakers
Ship builders
Shooting Grounds
Skein silk dyers
Small arms manufacture
Smokeless fuel manufacture
Soap manufacture
Solvent manufacture
Solvent recovery
Steel manufacture

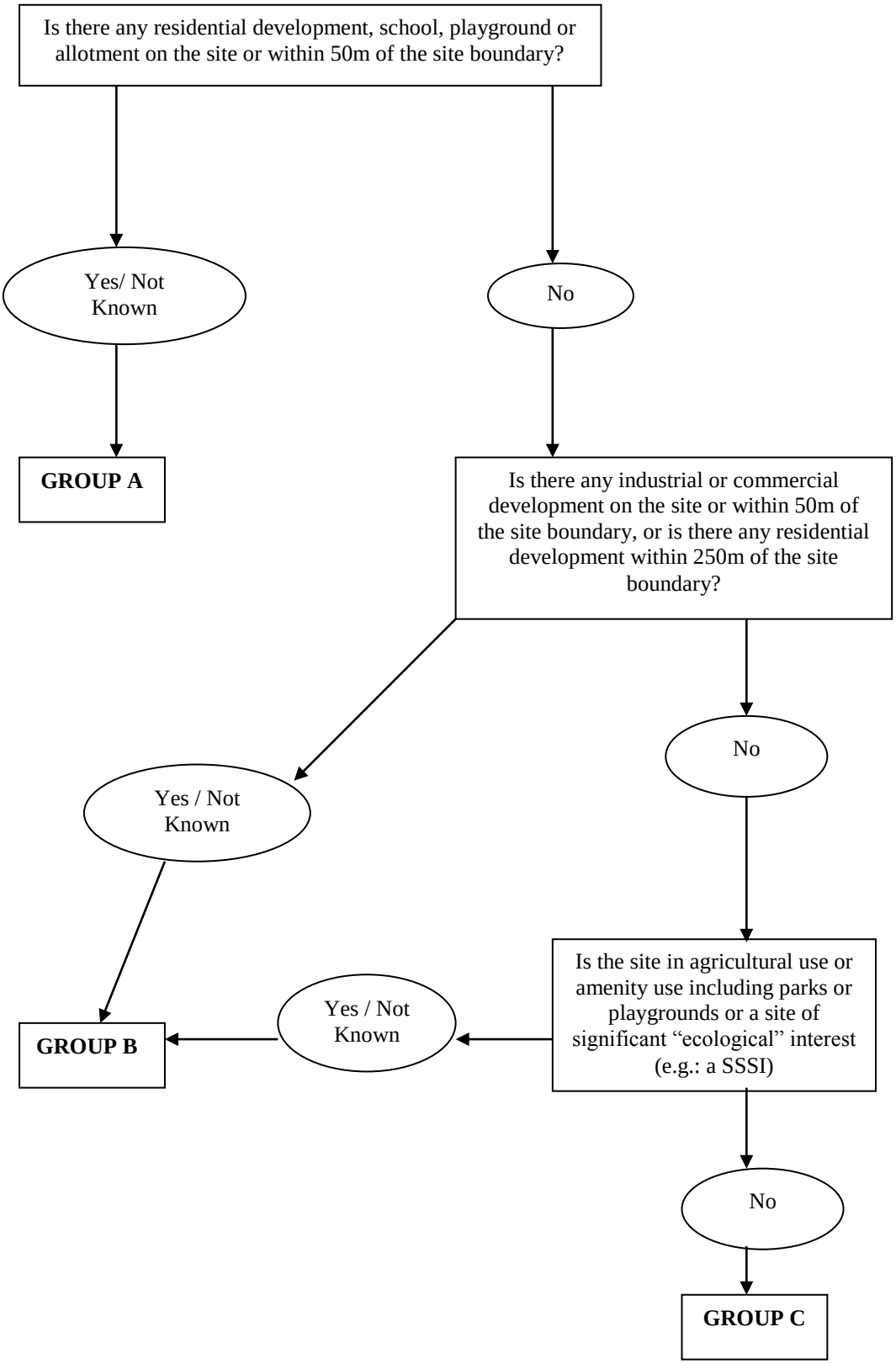
Stove enamellers
Synthetic fibre manufacture
Tank cleaning
Tanneries
Tar and pitch distillers
Textile manufacture
Thermometer makers
Timber treatment
Timber preservatives manufacture
Tin plate works
Transport depots
Tyre manufacture and retreading
Vehicle manufacture
Vulcanite manufacture
Vulcanisers
Waste disposal
Waste recycling
Waste treatment
Zinc works

# APPENDIX 6i

# PART I ASSESSMENT – DEVELOPMENT

Type of development on or around the site

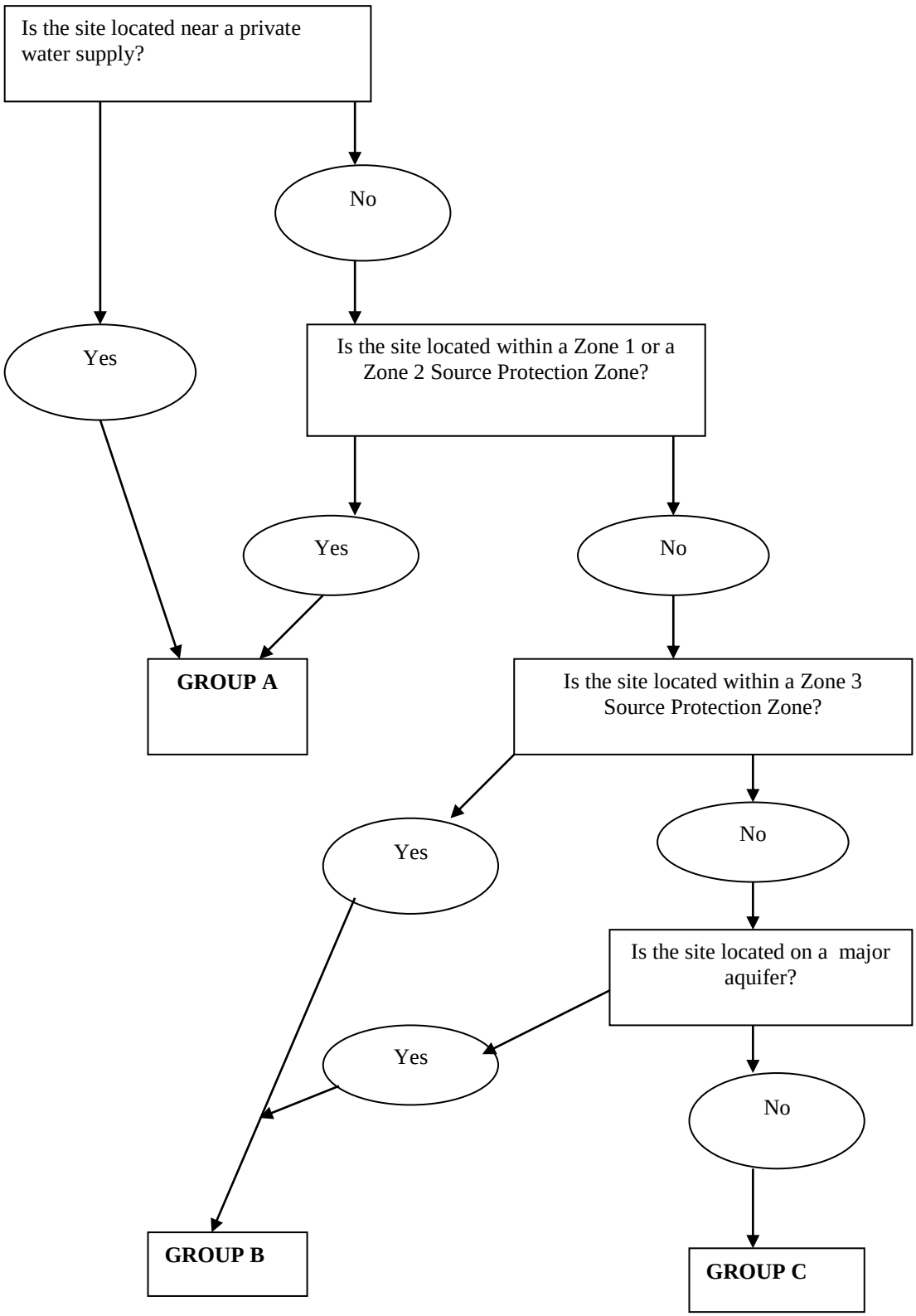
(See Chapter 3)



# APPENDIX 6ii

## PART I ASSESSMENT – GROUND WATER

(See Chapter 3)

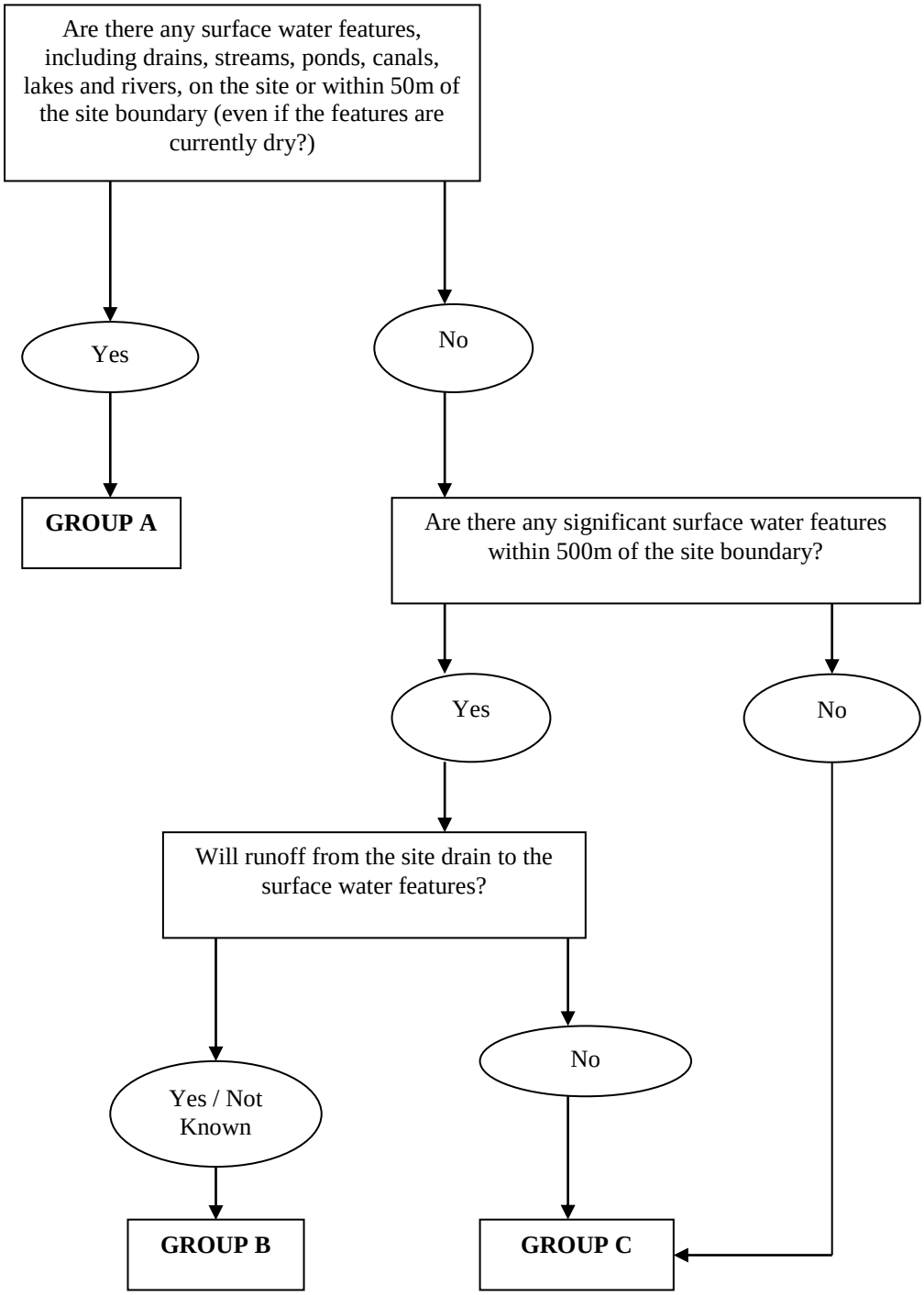


# APPENDIX 6iii

# PART I ASSESSMENT – SURFACE WATER

Surface Water features on or around the site

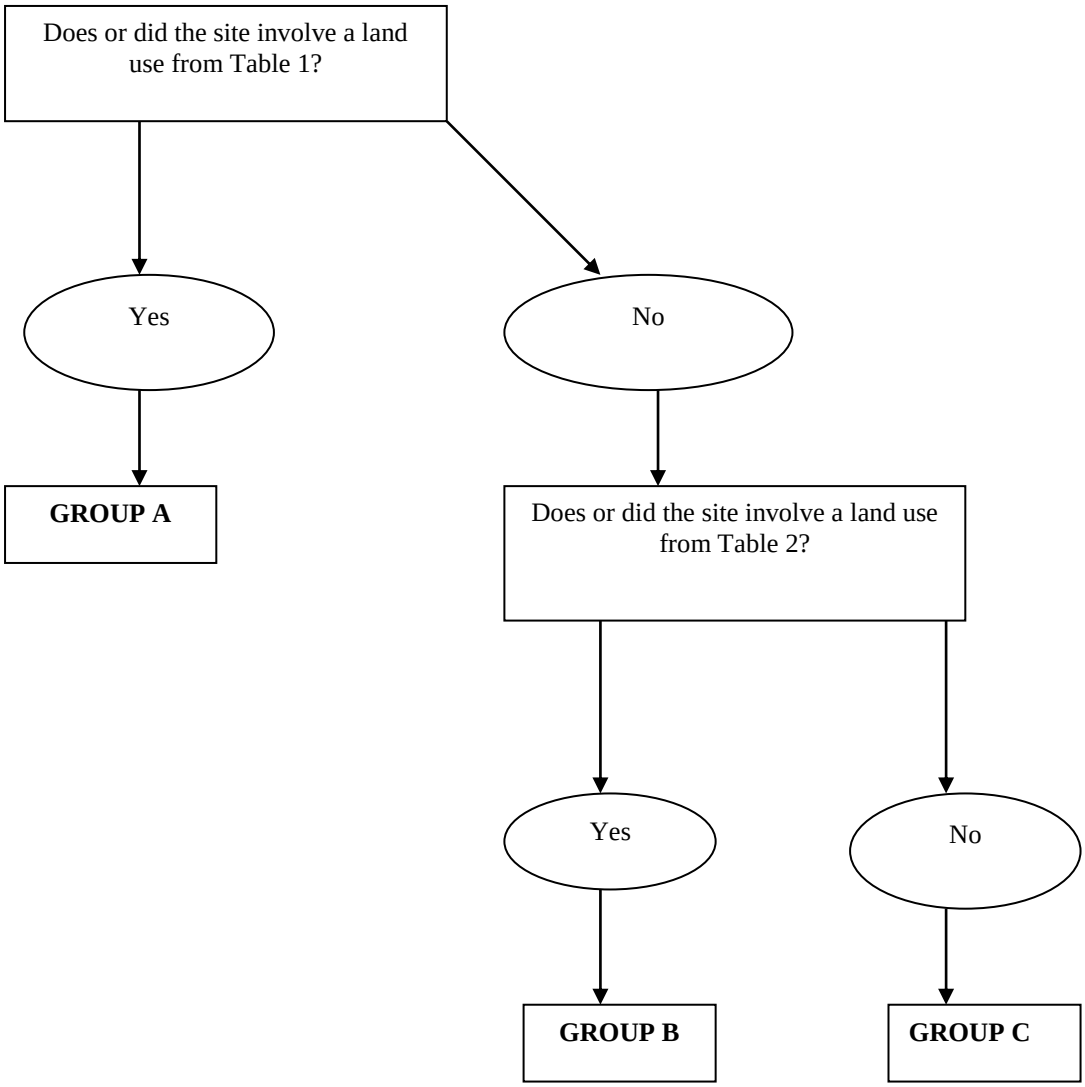
(See Chapter 3)



# APPENDIX 6iv

## PART I ASSESSMENT – LAND USE

(See Chapter 3)




NB: Please refer to Land use tables 1 & 2 over page.

# PART I ASSESSMENT – LANDUSE TABLES

Table 1

| | |
|---|---|
| 1 | Asbestos manufacture |
| 2 | Chemical Works (organic and inorganic) |
| 3 | Gas Works, coke works, coal carbonisation and similar sites |
| 4 | Waste disposal sites, including hazardous wastes, incinerators, sanitary depots, drum and tank, cleaning, solvent recovery |
| 5 | Oil refining and bulk storage of oil |
| 6 | Animal and animal products processing |
| 7 | Engineering (heavy and general) |
| 8 | Metal smelting and refining, including furnaces and forges, electroplating, galvanising and anodising |
| 9 | Pulp and paper manufacture |
| 10 | LANDFILL SITE – KNOWN TO BE ACTIVELY PRODUCING GAS |
| 11 | UNDERGROUND STORAGE TANKS ON SITE |
| 12 | LANDFILL SITE – STRONGLY SUSPECTED TO BE PRODUCING GAS, based on available information on age on content of fill |

Table 2

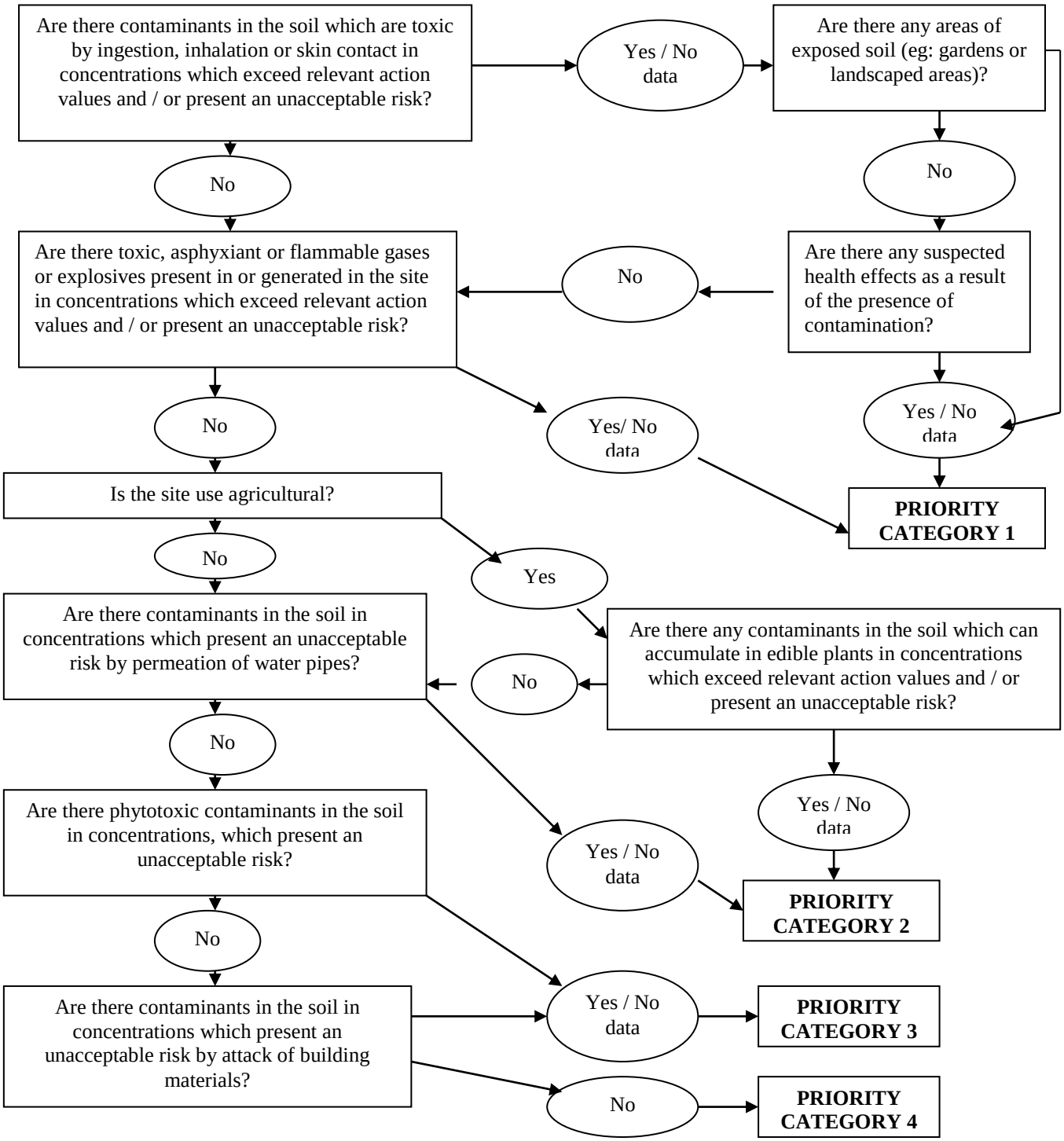
| | |
|---|---|
| 13 | Airports and similar |
| 14 | Concrete, ceramics, cement and plaster works |
| 15 | Dry-cleaning and laundries (larger scale, not usually “High Street”) |
| 16 | Glass manufacture |
| 17 | Photographic processing |
| 18 | Power stations (excluding nuclear power stations) |
| 19 | Printing works and bookbinding (usually excludes “High Street” printers) |
| 20 | Railway land, including yards and tracks |
| 21 | Road vehicle fuelling, transport depots, road haulage and commercial vehicle fuelling, local authority yard and depots |
| 22 | Sewage treatment works |
| 23 | Textiles manufacturing and dye works |
| 24 | Timber treatment works and manufacturing |
| 25 | Plastic products manufacture, moulding and extrusion; building materials; fibre glass, fibreglass resins and products |
| 26 | Dockyards and wharves |
| 27 | LANDFILL SITE – GAS PRODUCTION IS POSSIBLE, based on historical map evidence of infilled quarry, water body or other void |
| 28 | LANDFILL SITE – GAS PRODUCTION UNLIKLEY, based on available information on age and content of fill |

# APPENDIX 6v

# PART II ASSESSMENT – DEVELOPMENT

RESIDENTIAL, ALLOTMENTS, AGRICULTURAL LAND, COMMERCIAL OR INDUSTRIAL USE, PUBLIC OPEN SPACE OR AMENITY

PLEASE SEE NEXT PAGE FOR UNOCCUPIED / UNDEVELOPED LAND

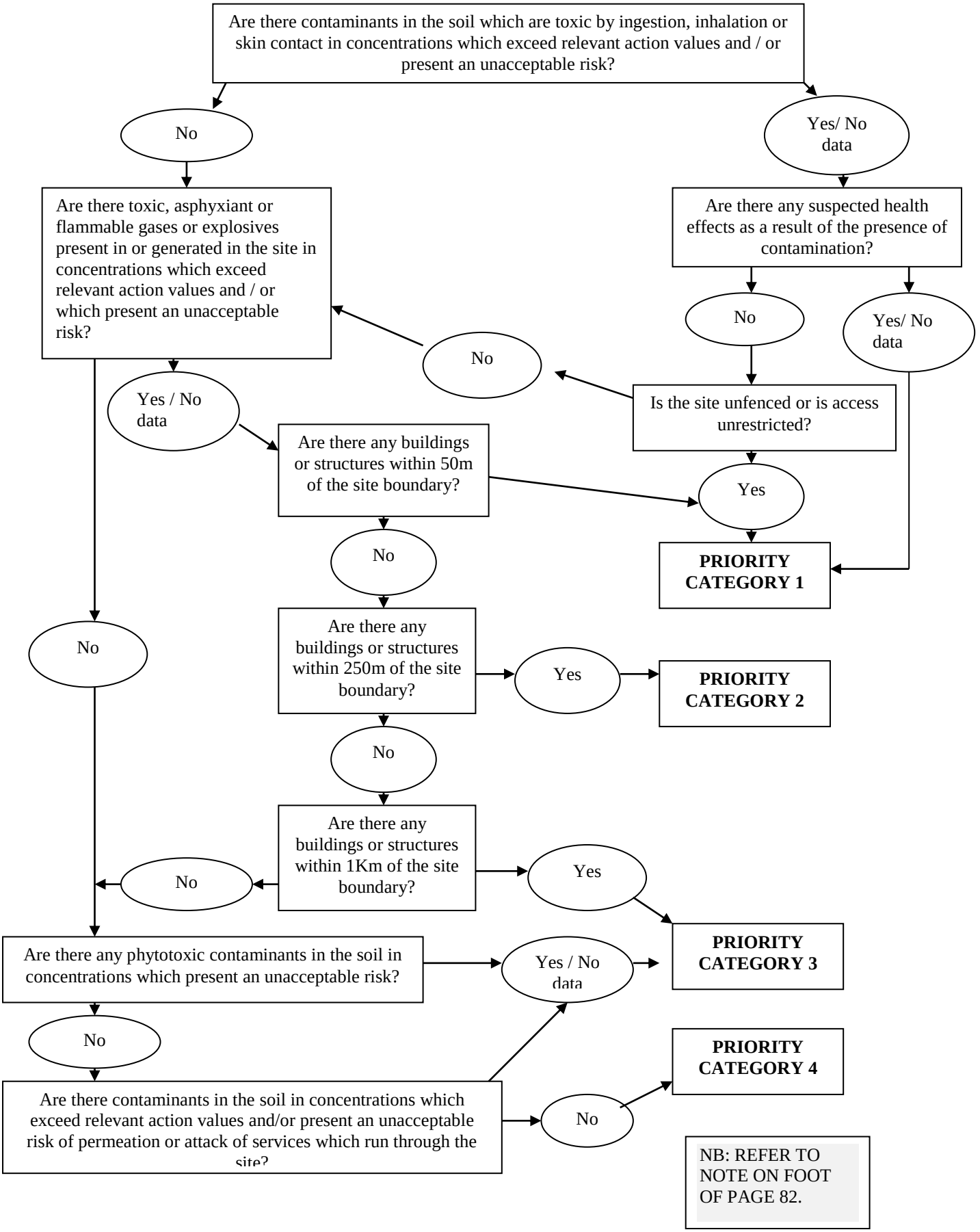



**NOTE:** the answer NO only applies where the data on contamination has been compared with a checklist for the contaminants expected on this site relevant to the particular target and has been evaluated to determine the statistical validity. Eg: if a contaminant is expected to be present and has not been included in the testing programme or otherwise discounted the answer must be NO DATA.

# PART II ASSESSMENT

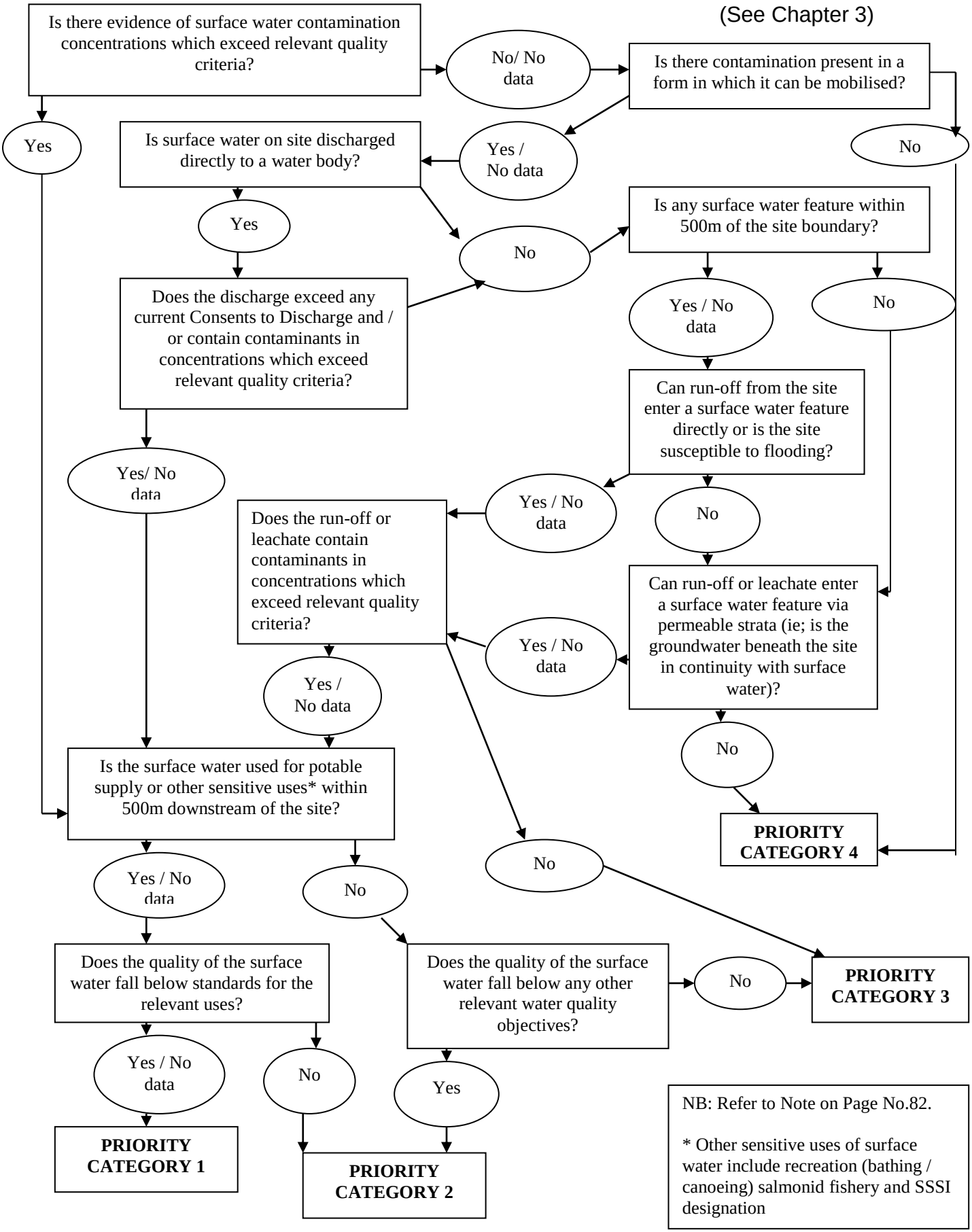
Development – Unoccupied Land

(See Chapter 3)



# APPENDIX 6vi

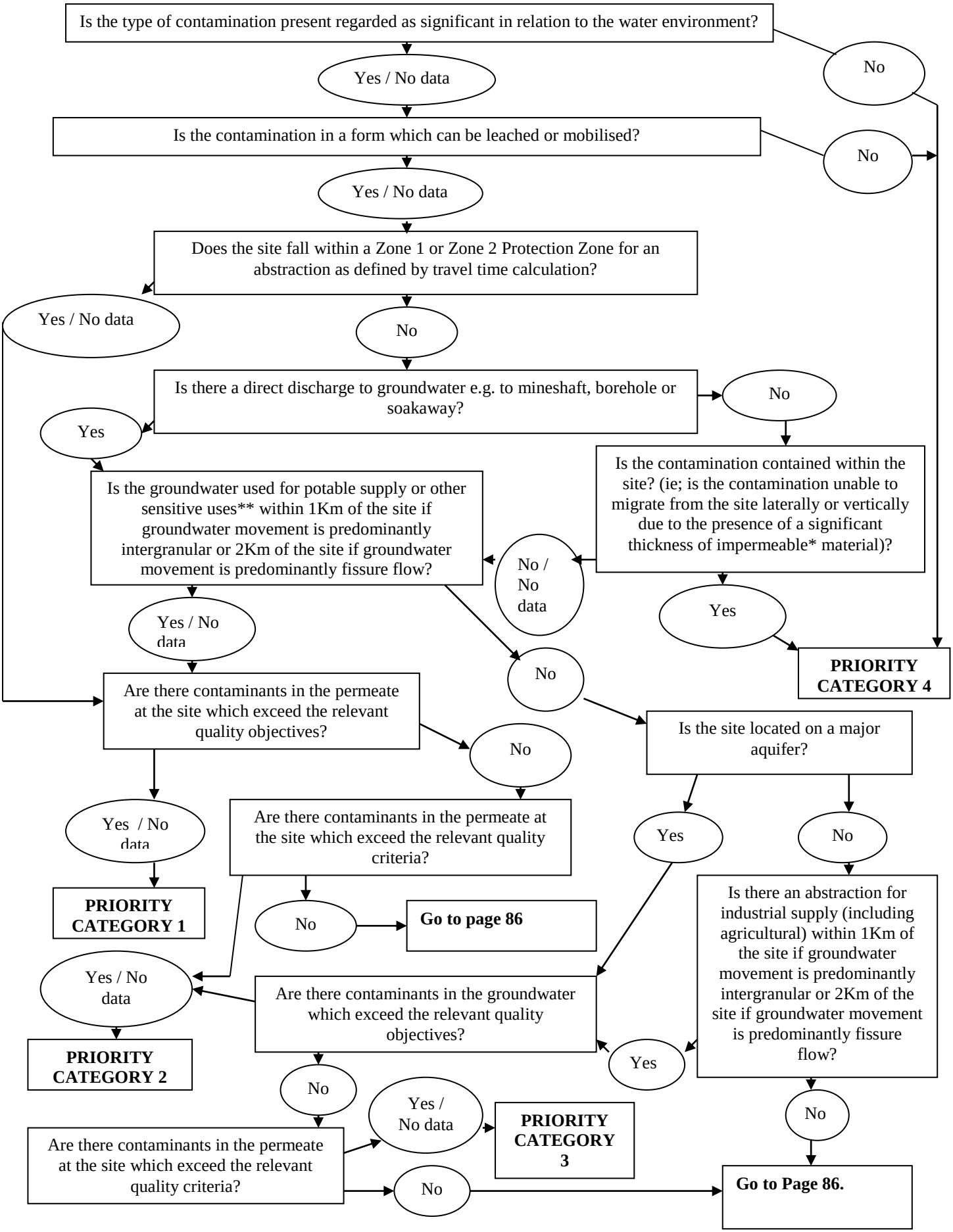
## PART II ASSESSMENT – SURFACE WATER



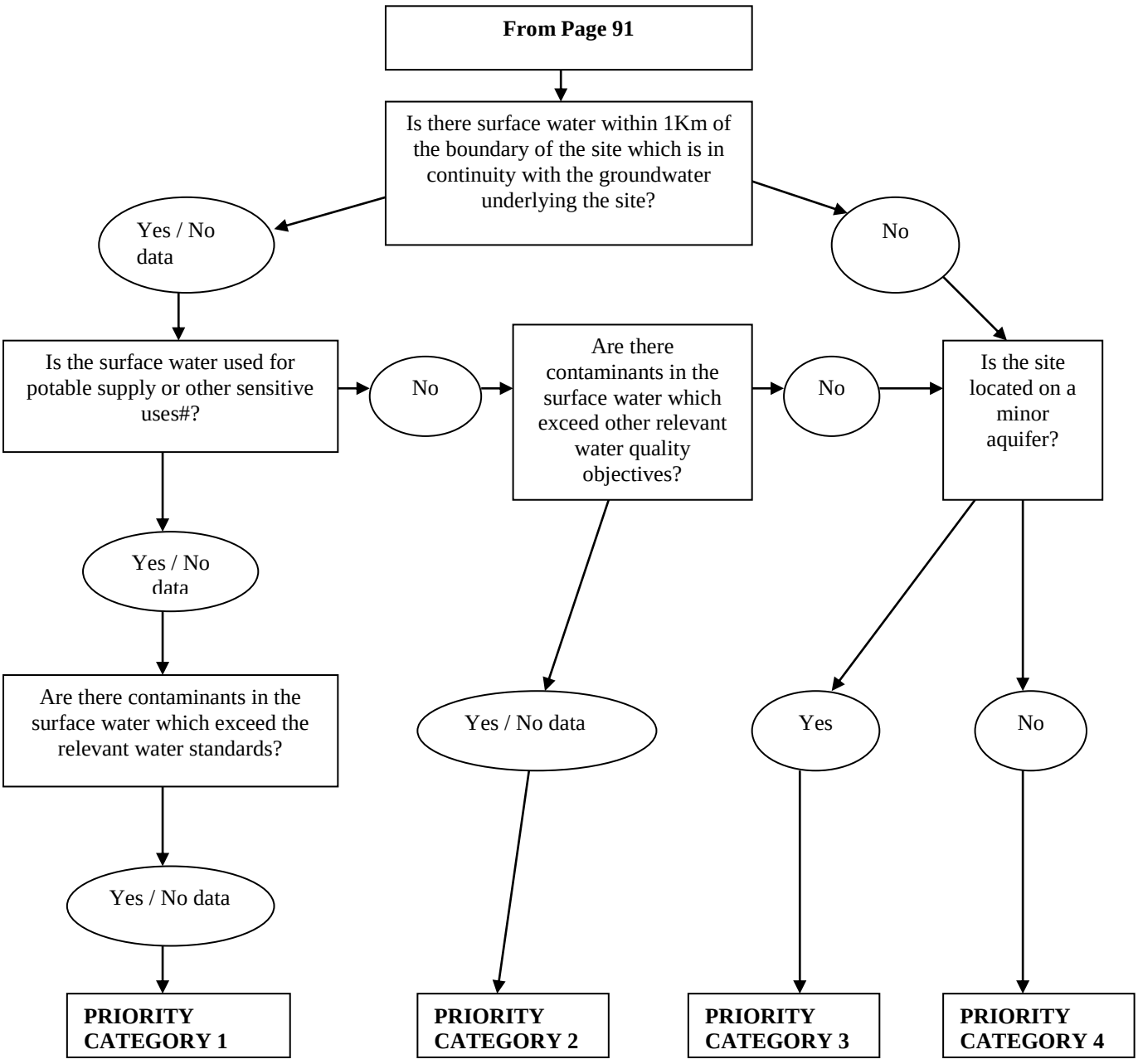

NB: Refer to Note on Page No.82.

* Other sensitive uses of surface water include recreation (bathing / canoeing) salmonid fishery and SSSI designation

# APPENDIX 6vii
# PART II ASSESSMENT – GROUNDWATER



# PART II ASSESSMENT – GROUNDWATER




Note: The answer NO only applies where the data on contamination has been compared with a checklist fro the contaminants expected on this site relevant to the particular target and has been evaluated to determine the statistical validity. For example, if a contaminant is expected to be present but has not been included in the testing programme or otherwise discounted the answer must be NO DATA.

- For the purposes of this assessment material is defined as permeable if it has a vertical coefficient of permeability equal to or greater than 5mm/day

** Other sensitive uses of groundwater include use in food manufacture, mineral water bottling and brewing

# Other sensitive uses of surface water include recreation (bathing / canoeing), salmonid fishery and SSSI designation.

# APPENDIX 6viii
# PART II ASSESSMENT – RISK CATEGORISATION EXAMPLES

(See Chapter 3)

**EXAMPLE 1**

Closed landfill site recently developed as a housing estate. The site is located within a Zone 3 Source Protection Zone, with several ponds located nearby. The surface water from the site is used for potable water supply and the site is also prone to flooding. Very little information is available regarding soil / water contamination but the site does have the potential to be heavily contaminated and to be producing gas.

Assessment I:

Development – (Residential development) – Group A
Surface Water – (Ponds nearby) – Group A
Ground Water – (Zone 3 protection zone) – Group C
Land Use – (Landfill site – Gas production possible) – Group B

Highest Group = Group A (Highest Priority Group)

Assessment II:

Development – (No data on contaminants, residential gardens present) – Priority Category 1
Surface Water – (No data on water quality but potable supply) – Priority Category 1
Ground Water – (No data on ground water quality but Protection Zone 1) – Priority Category 1

Total Sum = 3
No. of Priority Category 1's = 3
3 ÷ 3 = 1 (High Risk Site)

**EXAMPLE 2**

Closed land raise in the countryside. Site currently has no use and there are no houses or property receptors nearby, but watercourses on both sides of the site with leachate staining. The site is also located within a Zone 1 Protection Zone.

Assessment I:

Development – (No human / building receptors, non agricultural) – Group C
Surface Water – (Water courses on either side) – Group A
Ground water – (No private water supply but Protection Zone 1) – Group A
Land use – (Landfill – gas production likely) – Group B

Highest Group = Group A

Assessment II:

Development (unoccupied) – No data – Priority Category 1
Surface Water – (leachate staining but limited data) – Priority Category 1
Ground Water – (leachate, Zone 1 Protection) – Priority Category 1

Total Sum = 3
No. of Priority category 1's = 3
3 ÷ 3 = 1 (High Risk Site)

**EXAMPLE 3**

Old power station site. Now derelict and unoccupied. No structures nearby. Used primarily by children for motorcross scrambling. No surface water features nearby or Source Protection Zones.

Assessment I:

Development – (No human / building receptors) – Group C
Groundwater – (No private water supplies or Source Protection Zones) – Group C
Surface Water – (No surface water features) – Group C
Land Use – (Power Station) – Group B

Highest Group = Group B

Assessment II:

Development (unoccupied) – (Limited info. On contaminants, exposed soil) –Priority Category 1
Surface Water – (No evidence of surface water contaminants) – Priority Group 4
Ground Water – (No evidence of ground water contamination, no protection zones, Minor aquifer) – Priority Group 3

Sum = 8
No. of Priority category 1's = 1
8 ÷ 1 = 8 (Medium Risk Site)

**EXAMPLE 4**

Old derelict gas works site. No structures and no access to the public. No significant aquifers in the locality and underlying geology clay. Recent sample results satisfactory.

Assessment I:

Development – (No human / building receptors, non-agricultural) – Group C
Ground Water – (No Protection Zones, major aquifers, etc) – Group C
Surface Water – (No surface water features) – Group C
Land Use – (Gas works site) – Group A

Highest Group = Group A

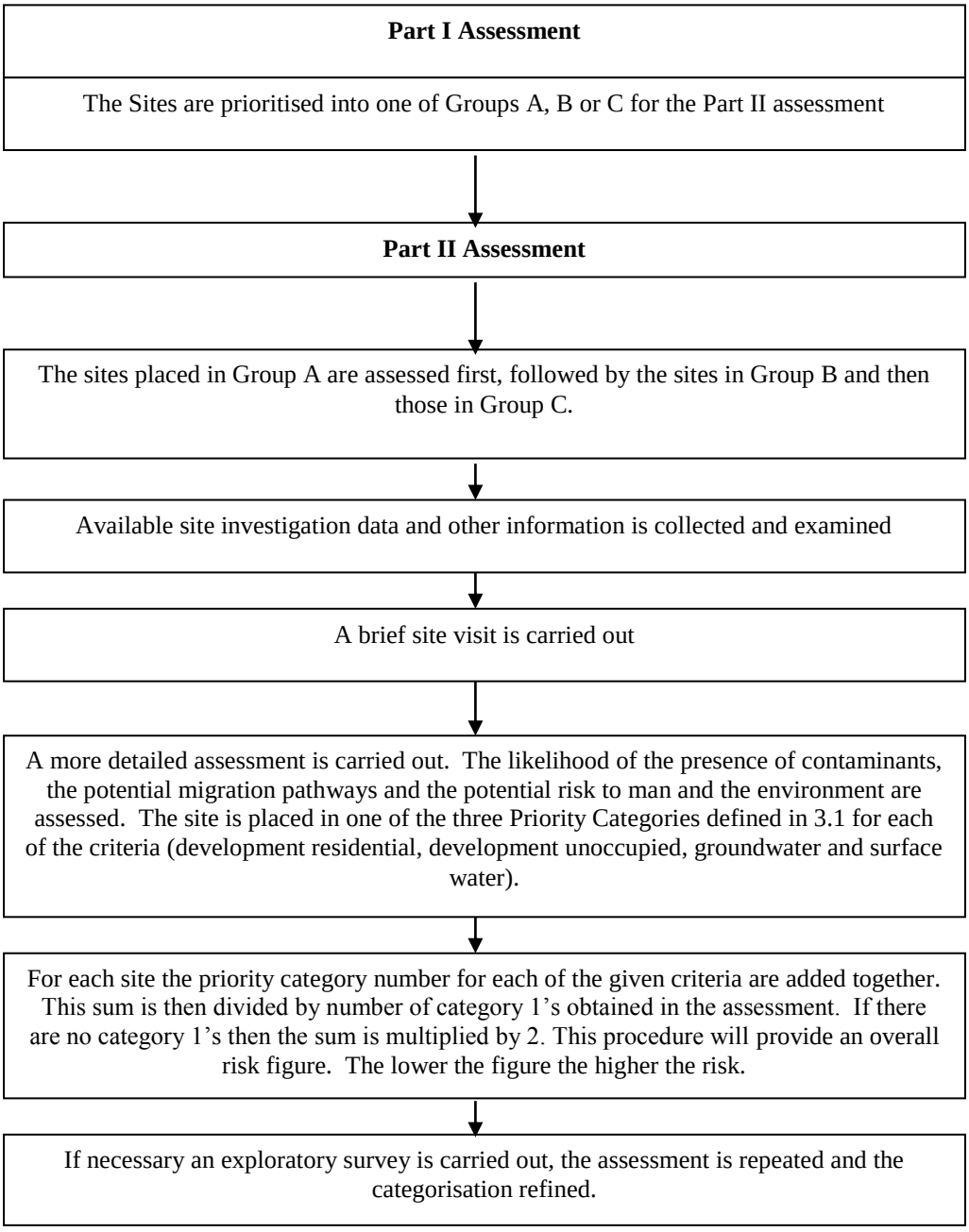
Assessment II –

Development (unoccupied) – (contaminant concentrations low, non-agricultural) – Priority Category 4
Surface Water – (Contaminant concentrations low, no surface water features, clay base so poor migration) – Priority Category 4
Ground Water – (Contaminant concentrations low) – Priority Category 4

Total Sum = 12
No. of Priority Category 1's = 0
12 X 2 = 24 (Low Risk Site)

# APPENDIX 6ix
# THE PRIORITISATION AND CATEGORISATION PROCEDURE

(See Chapter 3)



# APPENDIX 7

# POWERS OF ENTRY AND THE APPOINTMENT OF "SUITABLE PERSONS"

1. Section 108 of the Environment Act 1995 gives the local authority power to authorise, in writing, "suitable persons", to investigate potentially contaminated land. These powers are extensive and will be considered in detail with the Council's Solicitor prior to any resisted entry being attempted. It should be noted that these powers are not available to the Environment Agency. The powers which a person may be authorised to exercise include:

- To enter at any reasonable time (or in urgent cases, at any time, if need be by force) any premises / land to make such examination and investigations necessary.
- To take samples, photographs, carry out tests, install monitoring equipment etc.

2. At least seven days notice must be given to residential occupiers and to occupiers of land where heavy plant is to be used. Consent must be obtained to enter from the occupier, or failing that, a warrant obtained under Schedule 18 of the Act.

3. It should be noted that there are no circumstances in which the Council will use these powers to obtain information about the condition of land, where:

- It can obtain the information from third parties without the need for entering the site; or
- A person offers to provide the information within a reasonable and specified time, and does so.

URGENT ACTION

4. Urgent action must be authorised where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises.

5. The terms "imminent" and "serious" are unfortunately not defined, local authorities are advised to use the normal meaning of the words. There is, however, guidance on what may constitute "seriousness" when assessing the reasonableness of remediation.

6. The Council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated by enforcement action. In the case of a special site the Council will declare the land contaminated land in accordance with the statutory procedure, and then notify the Environment Agency who will then be responsible for the remediation.

7. In appropriate cases the Council will seek to recover costs of remediation works it has completed.

8. All intrusive investigations will be carried out in accordance with appropriate technical procedures to ensure:

a) They are effective
b) They do not cause any unnecessary damage or harm
c) They do not cause pollution of controlled waters

COMPENSATION

9. Schedule 18 of the Environment Act 1995 makes clear the circumstances when a local authority must pay compensation for loss or damage as a result of the use of these powers. The Environmental Services Officer will therefore ensure that only appropriate technical procedures are deployed, the utmost care is taken at all times, and the conditions carefully recorded before, during and after completion of the necessary works.

“SUITABLE PERSONS”

10. The science and associated technical procedures relating to the investigation and assessment of contaminated land are extremely complex. Knowledge of several specialised disciplines is required together with an ability to interpret significant volumes of data and make a reasoned judgement, often in difficult circumstances.

11. The consequences of, ‘getting it wrong’, could, in many cases, have a major impact on the District and on people’s lives. On the one hand, an entire area could be unnecessarily blighted and homes rendered worthless over night, whilst on the other, a generation of children could be left at risk from an unidentified pathogen.

12. Neither the Act nor the guidance considers what may constitute a, “suitable person”, for the purposes of the investigation and assessment of contaminated land. There is no list of approved consultants or any professional organisation, which oversees the training of contaminated land specialists. There is no minimum qualification and no recognised qualification. Consultants come from a range of backgrounds including:

Environmental health
Other environmental science disciplines (several)
Surveyors
Engineers
Geologists
Hydrologists
Soil scientists
Chemists
etc

13. Ultimately, the responsibility for determining what land may and may not be declared contaminated, by definition, lies with the Environmental Services Officer. That person will however, often need to rely on the advice of appointed, “suitable persons”. Under these circumstances criteria have been developed to assist in their selection.

PROCEDURE FOR THE APPOINTMENT OF “SUITABLE PERSONS” FOR THE PURPOSES OF PART IIA

14. There are two prerequisites to commencing the process of appointing suitable external consultant / contractors, firstly:

- Adequate funding to support the process; and secondly
- A well qualified person, ‘in house’, to act in the Client role

15. Such a person, as well as having sufficient knowledge and experience to specify the contract, must have sufficient time to monitor it also.

A dedicated officer within the Environmental Services Unit has been identified for this purpose.

16. Additional training will be required to provide an adequate foundation of knowledge upon which to carry out the role. This will be obtained as and when it becomes available and will be funded by the existing contaminated land budget.

17. The Client officer will produce a comprehensive, unambiguous but succinct draft specification for each contract which clearly identifies the work to be carried out, its purpose, timetable and Client / Contractor responsibilities. The officer will also produce a list of appropriate companies, taking care to seek out those most

prominent and successful in the field, rather than only those who promote themselves to the Council. Each of these will then be contacted in turn for an informal discussion as to their capability, expertise and experience. Prior to commencing this process the Client officer will produce a selection of questions relevant to the contract to ask each company. This should then hopefully result in a short list of six or so companies who will be asked to quote / tender for the work based on a final specification.

18. A check list of information requirements is included at the end of this section.

19. Once appointed the Client officer will be responsible for monitoring the contract to ensure:

The contractors are kept fully aware of their responsibilities at all times
Quality control requirements are met
Amendments are quickly agreed and documented
The timetable is strictly adhered to
The aim of the contract is achieved

# CHECKLIST OF INFORMATION REQUIREMENTS

| CLIENT'S INFORMATION REQUIREMENTS | REQUIREMENTS OF THE CONSULTANT |
|---|---|
| 1. **GENERAL** | |
| 1.1 Background on company capability | How long has company been operating?<br>What kind of work were they originally set up to do - is this an add on?<br>Who traditionally are their clients? |
| 1.2 Numbers and qualifications of staff<br><br>1.3 CV and availability of key staff | If a large company, what are the interests / sympathies of those in control. Do they consider local authorities as a serious market?<br>How many staff are available for this type of work, will they need to subcontract?<br>Who will actually be doing the job, what are their qualifications and experience? Practical experience is KEY.<br>Do they really understand Part IIA?<br>Knowledge of environmental law & local government systems an important requirement. |
| 1.4 Details of QA systems including:<br>Allocation of responsibilities<br>Project Management<br>Technical Procedures<br>Technical review<br>Training<br>Assessment of external suppliers | Where appropriate, need details of quality management systems indicating whether accredited by a third party.<br>What technical procedures to be used.<br>Which staff responsible, which will undertake technical review.<br>How will quality of subcontractors is to be ensured. |
| 1.5 Management of Health & Safety | Identify H&S management procedures where appropriate. Do they understand the fundamental requirements of H&S legislation? |
| 1.6 Track record on similar projects | Ever done similar work or is this a new departure? |
| 1.7 Client references | Need several telephone numbers to enable rapid verification of statements made at interview. |
| 1.8 Financial status | May not always be necessary but on large contracts where considerable financial outlay required need to demonstrate solvency. Bond may be required on large remediation contracts. |
| 1.9 Details of insurance cover | Need to demonstrate insurance available 3rd party liability and professional indemnity. Identify limitations / exclusions |
| 1.10 Membership of professional and trade associations | May be necessary to make checks, Corporate membership of professional organisations, meeting CPD requirements? |
| 1.11 Compliance with codes of practice | Can they demonstrate knowledge of the appropriate guidance, codes of practice etc relevant to the job? |
| 2. **PROJECT SPECIFIC** | |

| | |
|---|---|
| 2.1 Technical proposal | The proposal must make it absolutely clear that work will be carried out to comply with the requirements of the specification, what the results will be, and when they will be achieved. |
| 2.2 Project management plan / working plan | A clear timetable must be available which states what stage will be reached by when and who will be responsible to deliver. |
| 2.3 Details of sub contractors | Subcontractors will be necessary on large technical projects. Must state who they are, contact points and lines of responsibility. |
| 2.4 Details of technical procedures | Again, the working plan must clarify all procedures and lines of responsibility. |
| 2.5 Reporting | Reporting procedures must be made absolutely clear. It is essential not to have masses of reports landing on the desk of the client officer which puts the responsibility back on him / her. The responsibility for doing what has been agreed to the agreed standard must lie with the contractor. |
| 2.6 Programme &<br>2.7 Financial proposal | It may be that the Contractor will want to provide a guide price or include large contingency sums. The programme of work and the quotation must not be ambiguous. A lot depends on the quality of the original specification. Stage payments and timetables must be firm and with perhaps penalty clauses if fail to deliver on time. |
| 2.8 Conditions of engagement | Contracts w4 need not be long and wordy, should define responsibilities of both parties, liabilities etc succinctly. |

# APPENDIX 8

# INFORMATION EXCHANGE FORMS

**SOCL/LA/FORM 1- Standard Form For Exchange Of Information Between Local Authorities And Environment Agency When A Site Is Determined As Contaminated Land**

Please attach this summary to the written record of determination the local authority sends to the Agency (under Section 78C(3)). This summary form does not replace that Section 78C(3) written record. It is part of the local authority duty (under Section 78U) to provide information for the state of contaminated land report.

| | | | |
|---|---|---|---|
| Local authority Name: | | Part IIA Contact Name: | |
| Site Name and Address: | | Local Authority Unique Reference (if relevant): | |
| | | Grid Reference: | |
| What date was the determination notice issued? | | Does the local authority consider this site a potential special site? | Y/N |

| What is the approximate Area of Site? (Tick appropriate box) | 0-5 ha | 5-10ha | 10-15ha | 15-20ha | >20ha |
|---|---|---|---|---|---|
| | | | | | |

| Which contaminants was the determination based on? (See Note 1 on the reverse of this form). Use more than one if appropriate. | Metals and metalloids | Inorganic compounds | Organic compounds | Gas/vapours | Other |
|---|---|---|---|---|---|
| | Y/N | Y/N | Y/N | Y/N | Y/N |
| | If Other, please specify: | | | | |

| Which industry caused the contamination, if known? (See Note 2 on the reverse of this form) Use more than one if appropriate. | Energy Industry | Metal Industry | Mineral Industry | Chemical Industry | Paper Industry |
|---|---|---|---|---|---|
| | Y/N | Y/N | Y/N | Y/N | Y/N |
| | Textiles, printing and coating industry | Waste management Industry | Timber processing industry activities | Food and animal processing industry | Other |
| | Y/N | Y/N | Y/N | Y/N | Y/N |
| | If Other, please specify: | | | | |

| Which receptor(s) at risk was the determination based on? Use more than one if appropriate. | Human Beings | Controlled waters | Ecological systems | Property in the form of buildings | Other property |
|---|---|---|---|---|---|
| | Y/N | Y/N | Y/N | Y/N | Y/N |

| What is the current land use? | Derelict | Housing | Commercial Premises | Industrial Premises | Agriculture | Forestry | Park and recreational | Other |
|---|---|---|---|---|---|---|---|---|
| | Y/N | Y/N | Y/N | Y/N | Y/N | Y/N | Y/N | Y/N |
| | If Other, please specify: | | | | | | | |

| | |
|---|---|
| Please add any other information about the site that you think might be useful for reporting purposes | |

**Note 1 – Key to Contaminant Groupings**

Metals and metalloids

| | | | | |
|---|---|---|---|---|
| Arsenic | Cadmium | Chromium | Copper | |
| Lead | Mercury | Nickel | Zinc | |
| Selenium | Beryllium | Silver | Thallium | Vanadium |

Inorganic compounds

| | | |
|---|---|---|
| Ammonium | Chloride | Cyanide |
| Sulphate | Sulphide | Sulphur |

Organic compounds

| | | |
|---|---|---|
| Fuel/hydrocarbons | PAH | Phenols |
| Aromatic hydrocarbons | Aliphatic hydrocarbons | Aromatic halocarbons |
| Chlorinated phenols | Dioxins and Furans | Organometallics |
| PCBs | Propanone | |

Others

| | | |
|---|---|---|
| Asbestos | Carbon dioxide | Methane |
| Loss on ignition/C | pH | Soil organic matter |
| Explosives | Pesticides | Radon |

**Note 2 – Key to Industry Groupings**

Energy Industry

Combustion Activities; Gasification, liquefaction and refining activities.

Metal Processing Industry

Ferrous metals; Non Ferrous metals; Surface treating metals and plastic materials.

Mineral Industry

Production of cement and lime; Production of other mineral fibres; Manufacturing glass and glass fibre;
Ceramic production; Activities involving asbestos; Other mineral activities eg crushing & grinding

Chemical Industry

Organic chemicals (see Note 1); Inorganic chemicals (see Note 1); Explosives production;
Chemical fertiliser production; Plant health products and biocides; Pharmaceutical production;
Manufacturing activities involving carbon disulphide or ammonia; Storage of chemicals in bulk

Waste management industry

Disposal of waste by incineration; Disposal of waste by landfill; Production of fuel from waste;
Disposal of waste other than by incineration or landfill; Recovery of waste

Paper industry

Any activity associated with making paper, paper pulp or board from wood, grass, straw and similar materials

Textiles, printing and textile industry

Applying or removing a coating material; Treating or dyeing fibres and textiles;
Manufacture of Dyestuffs, Printing Ink and Coating Materials

Timber processing industry

Curing or chemically treating timber or wood; Manufacturing products made wholly or mainly of wood

Food and animal processing industry

Tanning of hides and skins; Processing, storing and drying animal or vegetable matter;
Slaughtering animals; Treating and processing materials for the production of food

Other

This will include, but not be limited to:
Agriculture; Forestry; Construction; Transport; Wholesale & Retail Distribution;
Rubber processing; Carbon Production; Tar and bitumen production and processing

**SOCL/LA/FORM 2- Standard Form For Exchange Of Information Between Local Authorities And Environment Agency When Remediation Action is Taken for a Site**

This summary form does is a part of the local authority duty (under Section 78U) to provide information for the state of contaminated land report.

| | | | |
|---|---|---|---|
| **Local Authority Name** | | **Part IIA Contact name** | |
| **Site Name and Address** | | **Local Authority Unique Reference (if relevant)** | |
| | | **Grid Reference** | |

| **What date was the: (complete appropriate box)** | **Remediation Notice Served?** | **Remediation Statement published?** | **Remediation Declaration published?** |
|---|---|---|---|
| | | | |

| **Have previous notices, statements or declarations been produced for this site?** | **Y/N** | **If Yes, please give date(s) of issue or publication for** | | |
|---|---|---|---|---|
| | | **Notice:** | **Statement:** | **Declaration:** |

| | | | |
|---|---|---|---|
| **Is remediation being done, or was it done, under a voluntary agreement?** | **Y/N** | **Is it an orphan site? (i.e. no appropriate person can be found)** | **Y/N** |

| **How many appropriate persons have been identified?** | **In Total** | **Group A** | **Group B** |
|---|---|---|---|
| | | | |

| | | | |
|---|---|---|---|
| **Is the local authority the appropriate person?** | **Y/N** | **If yes, is that solely or with others?** | |

| **When is remediation expected to start?** | **<1 year post determination** | **1-3 years post determination** | **> 3 years post determination** |
|---|---|---|---|
| | | | |

| **How long is the remediation expected to take?** | **<6 months** | **6months -1 year** | **1-2 years** | **>2 years** |
|---|---|---|---|---|
| | | | | |

| **What action does the notice, statement or declaration referred to in this form cover?** | **Assessment Action** | **Remediation Action** | **Monitoring Action** |
|---|---|---|---|
| | **Y/N** | **Y/N** | **Y/N** |

| **Is a change in Land Use intended at the site as part of the remediation process?** | | | | | | | | **Y/N** |
|---|---|---|---|---|---|---|---|---|
| **If YES, what is the intended new land Use?** | **Derelict** | **Housing** | **Commercial Premises** | **Industrial Premises** | **Agriculture** | **Forestry** | **Park and recreational** | **Other** |
| | **Y/N** | **Y/N** | **Y/N** | **Y/N** | **Y/N** | **Y/N** | **Y/N** | **Y/N** |
| | **If Other, please specify:** | | | | | | | |

| **What type of remediation action is proposed? (See Note 3 on the reverse of this form) Use more than one if appropriate.** | |
|---|---|

**For Agency Use Only**

| **Environment Agency Reference Number** | |
|---|---|

**SOCL/LA/FORM 3 - Standard Form For Exchange Of Information Between Local Authorities And Environment Agency for Annual Summary of Local Authority Regulatory Activity**

This summary form does is a part of the local authority duty (under Section 78U) to provide information for the state of contaminated land report.

| Local authority Name | | Part IIA Contact Name | |
|---|---|---|---|

| | |
|---|---|
| Which financial year does this form relate to? | |
| How many remediation notices were served in that year? | |

| How many remediation statements were issued in that year? | Total | Prepared by Local Authority | Prepared by Appropriate Person |
|---|---|---|---|
| | | | |

| | |
|---|---|
| How many remediation declarations were published in that year? | |
| How many sites required urgent action in that year? | |
| How many sites required emergency action in that year? | |
| At how many sites was cost recovery employed in that year? | |

| At how many sites was hardship applied in that year? | To all appropriate persons | To some appropriate persons |
|---|---|---|
| | | |

| No. of Appeals | Upheld in full | Upheld in Part | Not Upheld | Not Yet Determined |
|---|---|---|---|---|
| Referral of special site decision to Secretary of State (78D) | | | | |
| Appeal against a remediation notice (78L) | | | | |
| Appeal against a charging notice (78P(8)) | | | | |
| Appeal against local authority decision on commercial confidentiality (78T(3)) | | | | |

| No. of Prosecutions for failure to comply with a remediation notice (Section 78M) | Successful | Unsuccessful | Pending |
|---|---|---|---|
| | | | |