

SANDWELL METROPOLITAN BOROUGH COUNCIL

APRIL 2001

CONTAMINATED LAND INSPECTION STRATEGY

ENVIRONMENTAL PROTECTION ACT 1990 - PART IIA

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EXECUTIVE SUMMARY

The new Contaminated Land Regime (Part IIA of the Environmental Protection Act 1990) came into force in April 2000 to deal with the legacy of land contaminated by past industrial activities. It requires the Council to inspect its area from time to time for the purpose of identifying contaminated land. In doing so the Council needs to adopt a strategic approach to inspection, set out in a written strategy to be published by July 2001. The following strategy document fulfills this obligation.

In adopting a strategic approach, the Council will identify the most pressing and serious problems first and concentrate resources on the areas where contaminated land is most likely to be found. The Council's main priority in implementing the strategy will be to protect human health.

It is important to note that the new legislation deals only with land contamination that is posing unacceptable risk to human health or the wider environment within the context of its current use. It does not include all land where contamination is present.

The definition of contaminated land contained in the Statutory Guidance includes the notion of "significant harm" and the "significant possibility" of such harm being caused. Before the Council can make the judgement that any land appears to be "*contaminated land*" on the basis that significant harm is being caused, or that there is a significant possibility of such harm being caused, it must identify a significant pollutant linkage. This means that each of the following must be identified:

- ' A Contaminant (Source)
- ' A relevant receptor or target and
- ' A pathway by means of which either that *Contaminant* is causing *significant harm* to that receptor, or there is a *significant possibility* of such harm being caused by that contaminant to a receptor

The Council has already gained invaluable experience on contaminated land matters, in its drive to regenerate the Borough, and bring back derelict industrial land into beneficial use. It can use this experience to provide structure to the strategy and a practical scientific approach to inspection.

Contaminated Land is recognised as a Corporate issue, relating to many areas of the Council's work. There already exists the "Trans-Thematic Working Party on Contaminated Land" which is comprised of officers from a number of Council themes who have an interest in land contamination matters. This will be the mechanism by which the Contaminated Land Inspection Strategy will be implemented, ensuring a corporate approach is maintained, and monitor progress towards inspection

The Council takes the view that dealing with contaminated land is not solely

confined to the service of remediation notices on polluters or landowners. Indeed, this is likely to happen only in a small minority of cases. The principal route through which land is reclaimed will continue to be through the planning process, when returning land to beneficial use. The new legislation will mainly deal with land which is either not suitable or scheduled for redevelopment.

The “suitable for use” approach will be adopted when contaminated land is remediated. The approach recognises that the risks presented by any given level of contamination will vary greatly according to the use of the land and a wide range of other factors, such as underlying geology. Risks will therefore be assessed on a site by site basis.

Implementation of the strategy will be supported by key procedures to promote consistency and to demonstrate transparency in decision making. Government Guidance will also be followed, wherever possible, to ensure compliance with the legislation’s primary objectives.

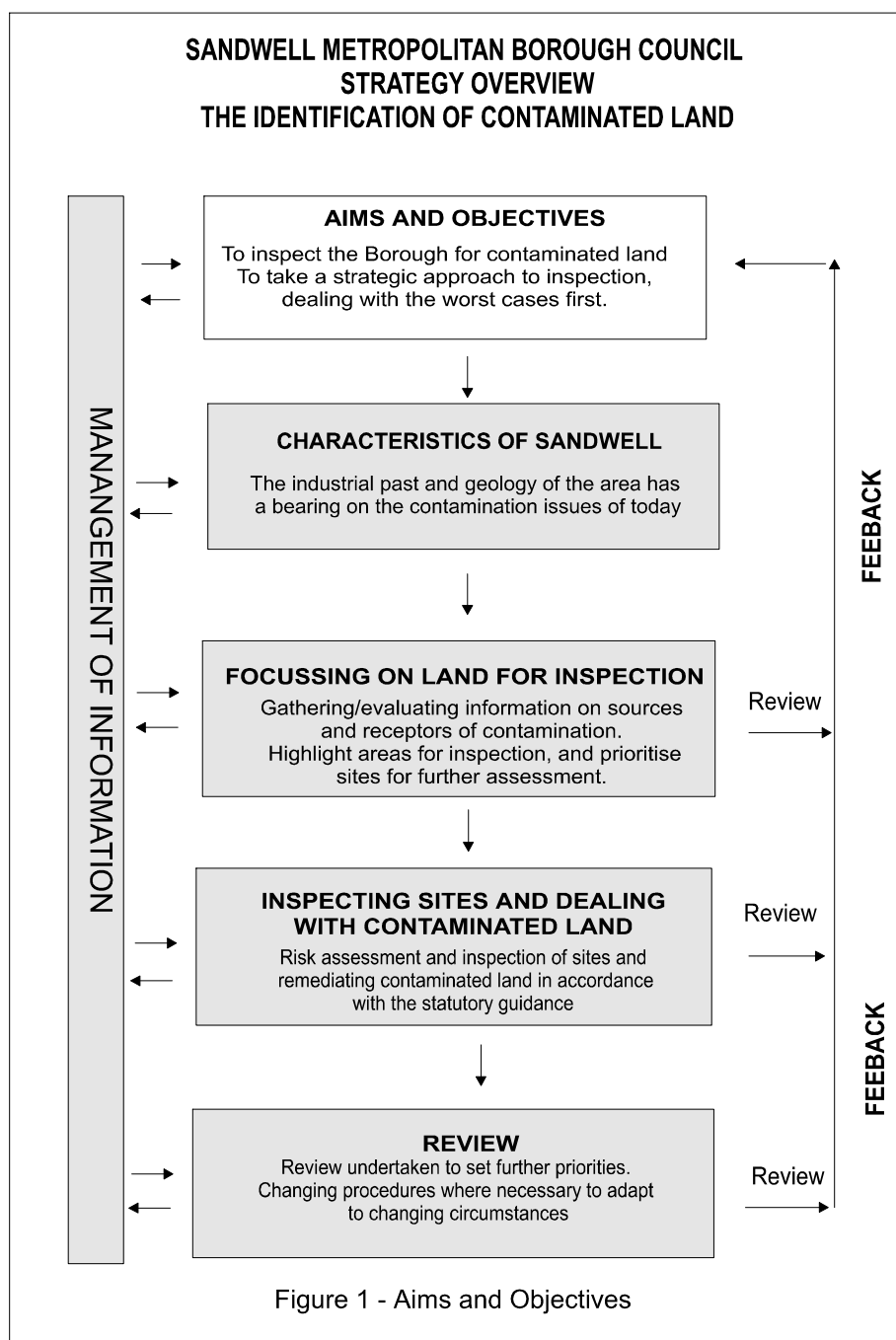
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1.0 INTRODUCTION

The strategy process is shown in Figure 1 below - The Strategy Overview. This framework shows the relationship between each stage of the strategy. Chapter 1 outlines the aims and objectives of the strategy and how the Council will ensure that it is fully implemented. Background information is also provided to explain the new legislation, and put the subject of contaminated land into context.



1.1 Background to New Legislation

The UK, in common with many other countries, has an inherited legacy of land contamination that has arisen from past industrial development and its associated operational practices. In response to this legacy of contaminated land policies and legislation have been introduced to deal with contamination in cases where it poses unacceptable risks to human health and the environment.

Part IIA of the Environmental Protection Act 1990 came into force in England on the 1st April 2000. It provides a new system for the identification and remediation of contaminated land, assessed in the context of current use and circumstances of the land. In addition to the requirements contained in the primary legislation, operation of the regime is subject to regulations and statutory guidance.

The Government's primary objectives for introducing the new regime are to improve the focus and transparency of controls, ensuring authorities take a strategic approach to problems of land contamination, and 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 the water environment. It is also meant to increase the consistency of approach taken by different authorities and to provide a more tailored regulatory mechanism, better able to reflect the complexity and range of circumstances found on individual sites.

As part of this new regime Local Authorities are required to produce a written strategy for the inspection of land within its area by the end of June 2001, and to require any land falling within the statutory definition of contaminated land to be remediated in line with the "suitable for use" approach. The regime also provides detailed rules for assigning liabilities for contaminated land, based on the "polluter pays" principle.

The guidance provides an explicit statutory definition of contaminated land, focussing on risks arising in the context of the current use and circumstances of previous land uses. Contaminated Land is defined in the Environmental Protection Act 1990 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 it, on or under the land, that

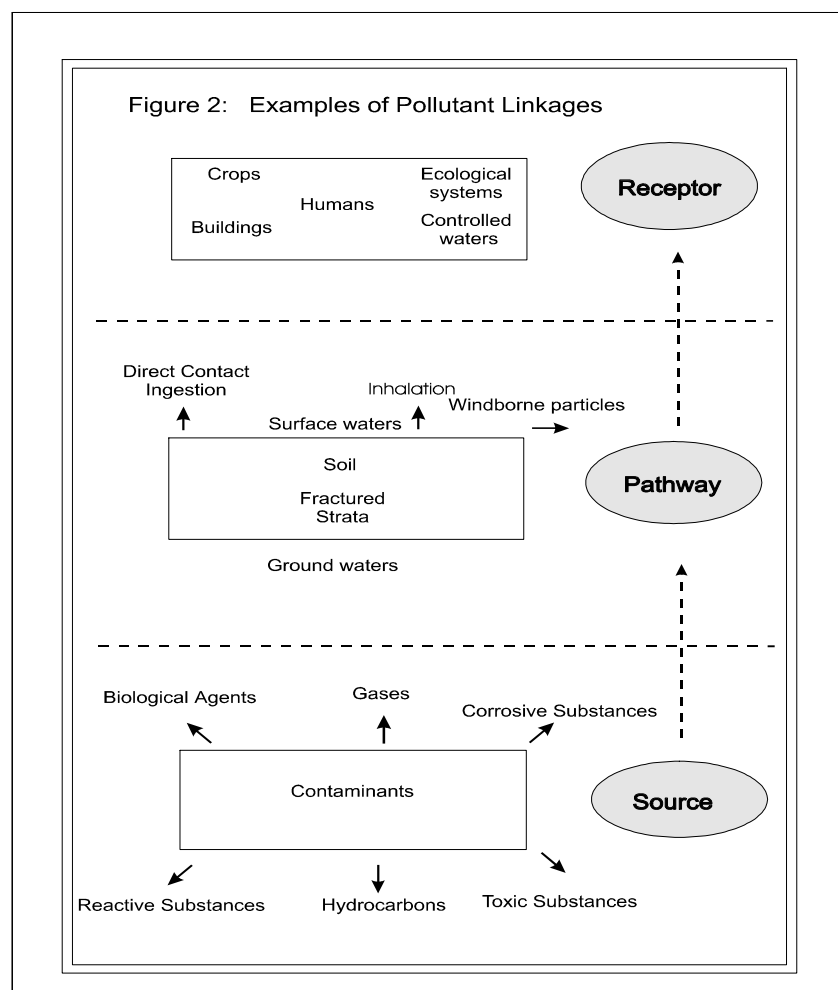
- ' significant harm is being caused or there is a significant possibility of such harm being caused: or
- ' pollution of controlled waters is being, or is likely to be caused:"

The definition of contaminated land includes the notion of “significant harm” and the “significant possibility” of such harm being caused. The statutory guidance uses the concept of the “pollutant linkage”, that is a linkage between a contaminant and a receptor by means of a pathway.

Before the Council can make the judgement that any land appears to be contaminated land on the basis that significant harm is being caused, or that there is a significant possibility of such harm being caused, it must identify a significant pollutant linkage. This means that each of the following must be identified:

- ' A Contaminant
- ' A relevant receptor or target and
- ' A pathway by means of which either that *Contaminant* is causing *significant harm* to that receptor, or there is a *significant possibility* of such harm being caused by that contaminant or receptor

An example of a pollutant linkage is given in Figure 2 below:



1.2 Aim

- ' To inspect the Borough from time to time for the purpose of identifying contaminated land as defined by the Environmental Protection Act 1990, Part IIA

1.2.1 Objectives

- ' To prepare a written strategy for the identification of contaminated land in the Borough which is to be formally adopted and published by July 2001.
- ' To adopt a strategic approach to the identification of land which merits detailed inspection, which is consistent with the principles of risk assessment.
- ' To make the protection of human health the main priority.
- ' To assist and provide information to the Environment Agency for any of its reports on Contaminated Land.
- ' To ensure consistency of approach with other relevant Corporate and functional strategies.
- ' Where at any time land is found to be contaminated in terms of the Act, it will be dealt with immediately.

1.2.2 Scope

The new legislation primarily deals with the legacy of land which is already contaminated by past industrial activities. The creation of new contamination is controlled by the Integrated Pollution Control Regime (IPPC) and Waste Management Licensing.

The legislation deals only with land that poses unacceptable risk to human health or other stated receptors in terms of its current usage. It is not meant to deal with land which may contain contaminants but is not having any deleterious effect on human health or the greater environment.

1.2.3 Priorities for Inspection

As stated in paragraph 1.21, human health will be the highest priority for inspection of land. There are however other receptors contained in Table A of the Statutory Guidance (Categories of Significant Harm) which the Council will need to address. Given the considerable size of the inspection task, it is not possible to treat all receptors equally, and therefore the following priorities for inspection will be assigned:

- ' Human Health
- ' Property
- ' Controlled Waters and Ecological Systems

1.3 Land Under Council Ownership

The Council will recognise its responsibilities as a land owner in discharging its duties under the legislation. A formal relationship will be set up between Environmental Health and Trading Standards, (responsible for enforcement of the new regime) and relevant services responsible for Council owned land. All information relating to the identification, assessment and remediation of Council owned land will be fully reported to satisfy the needs for transparency.

1.4 Principles of Enforcement

The Council has adopted the Enforcement Concordat issued by the Cabinet Office. It sets out what Businesses and others being regulated can expect from enforcement officers. The principles of good enforcement set out in this document reflect the underlying principles of the new regime, stipulating openness, proportionality and consistency of application.

1.5 Openness and Transparency

One of the Government's primary objectives for introducing the new regime is to improve the focus and transparency of controls, ensuring authorities take a strategic approach to inspection. Implementation therefore will be supported by the development of key procedures to ensure consistency of approach to the inspection. An effective and transparent information management system will be essential to record information and actions, and support justification for decisions.

The Council will be using a risk based approach to identifying and managing contaminated land. The advantages of this approach are that it is systematic, and objective, and provides a consistent and defensible basis for considering uncertainties, discussing options, and making decisions. (Scotland and Northern Ireland Forum for Environmental Research, (SNIFFER), 1999) (see paragraph 5.5).

1.6 Risk Assessment

The definition of contaminated land is based upon the principles of risk assessment. As already described in paragraph 1.1, there must be a source of potentially harmful material in sufficient concentrations to pose a significant potential risk to human health or the wider environment. There must also be a pathway linking the harmful material with the receptors at risk.

The Council will follow Government Guidance in carrying out risk assessments. At a geographic level, establishing geographic coincides between sources and receptors of contamination will indicate which areas of the Borough where pollutant linkages are likely to occur. This follows the direction of the Statutory Guidance and also the Draft Technical Guidance issued by the Department of Environment, Transport and the Regions (DETR) in March 2000.

At a site specific level, the Council is still waiting for the DETR to publish the CLEA (Contaminated Land Exposure Assessment) model, in relation to human health, including the derivation of new Guideline Values. In the absence of the CLEA model, then the Council will review the suitability of other risk assessment models that are available.

Advice will be sought from the Environment Agency on risk assessment in relation to controlled waters. The Environment Agency has already published guidance in the document "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Sources" (1999, EA R&D Publication 20). Alternative suitable risk assessment methodologies will be accepted for controlled waters.

1.7 Role of the Local Authority

The Council is the enforcing authority for the purposes of Part IIA of the Environmental Protection Act 1990, except in cases of special sites, as mentioned in paragraph 1.8. The statutory guidance contained in Annex C of the DETR Circular 02/2000 provides a detailed framework for the identification and remediation of land found to be contaminated, as described below:

- ' The definition of contaminated land
- ' The identification of contaminated land
- ' The remediation of contaminated land
- ' Exclusion from, and apportionment of liability for remediation
- ' The recovery of costs of remediation and the relief from hardship

The Council will follow the above mentioned statutory guidance when inspecting its Borough for contaminated land, and ensuring any land found to be contaminated is suitably remediated.

1.8 Role of the Environment Agency

The Act creates a particular category of contaminated land called "Special Sites". For any special site, the Environment Agency rather than the Council is the enforcing authority. The descriptions of land types which are required to be designated as special sites are set out in the Contaminated Land (England) Regulations 2000. Special sites are in effect the most seriously contaminated sites, as defined by the Regulations, and are grouped into land uses, state ownership and controlled waters.

The Environment Agency has four main roles:

- ' To assist local authorities in identifying contaminated land (particularly where water pollution is involved).
- ' To provide site specific guidance to local authorities on contaminated land where requested
- ' To act as enforcing authority for contaminated land designated a 'special site'
- ' To publish periodic reports on contaminated land

Formal arrangements will therefore be put in place to ensure effective communication and exchange of information between the Council and the Environment Agency (see paragraph 1.12 below)

1.8.1 Exchanging information with the Environment Agency

As referred to in paragraph 1.2.1, the Council will be providing the Environment Agency with information for the State of Contaminated Land Report. Standard forms supplied by the Environment Agency already exist for the exchange of information in the following circumstances.

- ' When a site is determined as "Contaminated Land"
- ' When remediation Action is taken for a site
- ' Annual summary of Local Authority Regulatory Activity

1.9 Interaction With Other Regimes

It will be necessary to liaise with other regulators when considering the applicability of other statutory regimes which may deal with land contamination. These include the following situations:

Integrated Pollution Control - There are certain processes that are subject to Integrated Pollution Control (IPC). This regime is enforced by the Environment Agency, and includes prevention of pollution to land. The Environment Agency has the power to take action to remedy harm caused by a breach of IPC controls, including land contamination. The same circumstances will apply when the new Pollution Prevention & Control regime (PPC) comes into force.

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

Pollution of Controlled Waters not arising from land - Where a pollutant is discharged directly into the body of water, and the land is no longer causing pollution, the Water Resources Act 1991 will apply.

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.

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

Risk of Harm to Employees - The Council will liaise with the Health and Safety Executive to ensure there is no duplication of controls to deal with a risk of harm to persons at work from land contamination.

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.

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 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, it will consult the Food Standards Agency and Ministry of Agriculture Fisheries and Food to establish what action is required. Remediation of the site if necessary would be carried out through the new powers in Part IIA.

Radioactivity - The new legislation 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 liaise with the Environment Agency where radioactive contamination is suspected or confirmed.

Organisms - The new legislation does not apply to contamination caused by organisms such as bacteria, viruses or protozoa, as they do not fall within the definition of substances.

Statutory Nuisance - If land is declared contaminated land by definition, it cannot be considered a statutory nuisance. This ensures there is no duplication or confusion between the two regimes. The statutory nuisance regime will continue to apply for land contamination issues in cases where an abatement notice has been served under section 80(1), or an order of the court under section 82(2)(a) has already been issued and is still in force.

The statutory nuisance regime can still be applied where the effects of deposits of substances on land give rise to offence to the human senses (such as stench), so as to constitute a nuisance. The exclusion of the statutory nuisance regime applies only to harm. (Braithwaite, 2000)

1.10 General Policy of the Local Authority

The Council has been and continues to be proactive in dealing with contaminated land issues. One of the five Corporate Priorities for the period 1995-1998 was to regenerate the Borough, stimulate the local economy, and remove dereliction and pollution associated with former industrial processes. The Council worked closely with the Black Country Development Corporation which undertook a massive operation in the 1990s, reclaiming large areas of derelict land, some of which was used to build the Black Country Spine Road and associated development sites.

Advantage West Midlands was set up after the abolition of the Black Country Development Corporation, and continues to provide funding to assist redevelopment in priority areas.

The hazards associated with landfill gas generation on closed landfill sites have been an issue for the Council since the late 1980s. The Council owns a number of former marlpits, which were infilled, and are now mainly used for recreational purposes. Many of these have been investigated, and controls installed to deal with gas generation. This work was funded mainly by Supplementary Credit Approval (SCA) from the DETR.

A Corporate Working Party on Landfill Gas and Contaminated Land has been in existence for over 10 years to co-ordinate the Council's approach to dealing primarily with landfill gas, but widening its brief in recent years to deal with contamination in general. The Council has therefore a suitable foundation from which to develop and implement the inspection strategy.

The Council takes the view that dealing with contaminated land is not confined solely to the service of remediation notices on polluters or landowners. Indeed, this is likely to happen only in a small minority of cases. The principal route through which land is reclaimed will continue to be through the planning process, when returning land to beneficial use. The Council is continuing its theme of regeneration and sustainable development in its Plan for the future. The Sandwell Plan, has been developed by the Council and its partners in the Sandwell Civic Partnership to provide the overarching framework for joint planning, based on common purpose and clear and agreed long term goals.

The Civic Partnership's Vision for Sandwell is that *The Sandwell of 2020 will be a thriving, sustainable, optimistic and forward looking community*

"Sandwell residents will live in a transformed and safe living environment, and enjoy excellent health, rewarding work, experience choice in their lives and have a positive view of life in Sandwell. Sandwell will have a positive role in a revitalised West Midlands. It will continue to be a diverse, but harmonious, mix of industrial/commercial activity and of urban living, in which traditional environmental conflicts will have been minimised and the principles of sustainable development applied".

The Council has developed a Sustainable Development Strategy. This contributes to the Local Agenda 21 Strategy by integrating sustainability issues into all Council policies and activities, thus ensuring continued improvement of its sustainable performance. It draws together a range of strategies to promote corporate working within the Council, and enable a co-ordinated approach to sustainable development.

Examples of such plans and strategies include the Environmental Policy, Unitary Development Plan, Economic Development Strategy, Regeneration, and Local Air Quality Management. The Contaminated Land General Inspection Strategy will sit within this framework.

1.11 Enforcement of the New Contaminated Land Regime

Within the Council, the responsibility of enforcing Part IIA of the Environmental Protection Act 1990 is to rest with the Environmental Health and Trading Standards service, which reports to the Executive Director for Social Inclusion and Health. The Principal Environmental Health Officer (Public Health) is the lead officer for this purpose.

The implementation of the general inspection strategy will be through the Trans-Thematic Working Party on Landfill Gas and Contaminated Land. This group is comprised of representatives from a number of disciplines within the Council which have an interest in Contaminated Land. (see Appendix 1).

1.12 Liaison With External Agencies

The Statutory Guidance requires the Council to consult with the Environment Agency and other appropriate bodies such as English Heritage and Ministry of Agriculture, Fisheries and Food (MAFF). The Council will establish formal contact with appropriate parties, making arrangements for exchange of information in terms of the general inspection strategy, and on a site specific basis, where required.

Regular meetings already take place with the Environment Agency. A formal defined relationship with the Environment Agency will be put in place to ensure the exchange of information and to co-ordinate action where required. A draft Memorandum of Understanding drawn up with the Local Government Association is in circulation and this is expected to set out the relationship between the two parties.

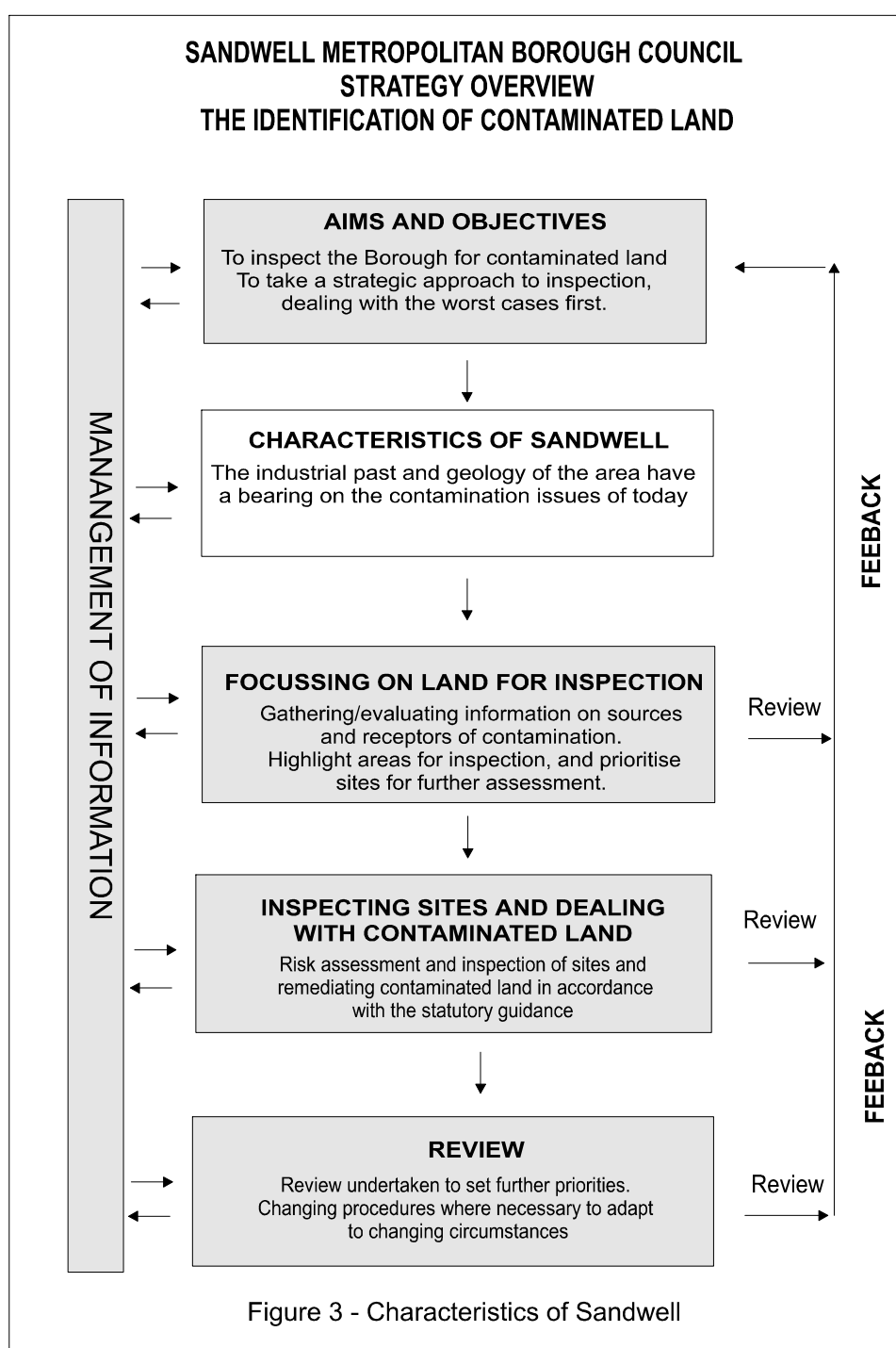
The Environment Agency has also published a process handbook for the Environmental Protection Act 1990, Part IIA. This is available on the Agency's website. The process handbook transposes the regulatory regime and the Agency's policy concerning the regime into a statement of operational requirements.

1.13 Working With Other Local Authorities

The West Midlands Contaminated Land Group meets on a regular basis to discuss issues relating to the new regime and to develop a co-ordinated approach to the strategy implementation. The group encourages sharing of expertise, and provides a platform for joint working on many aspects of the strategy.

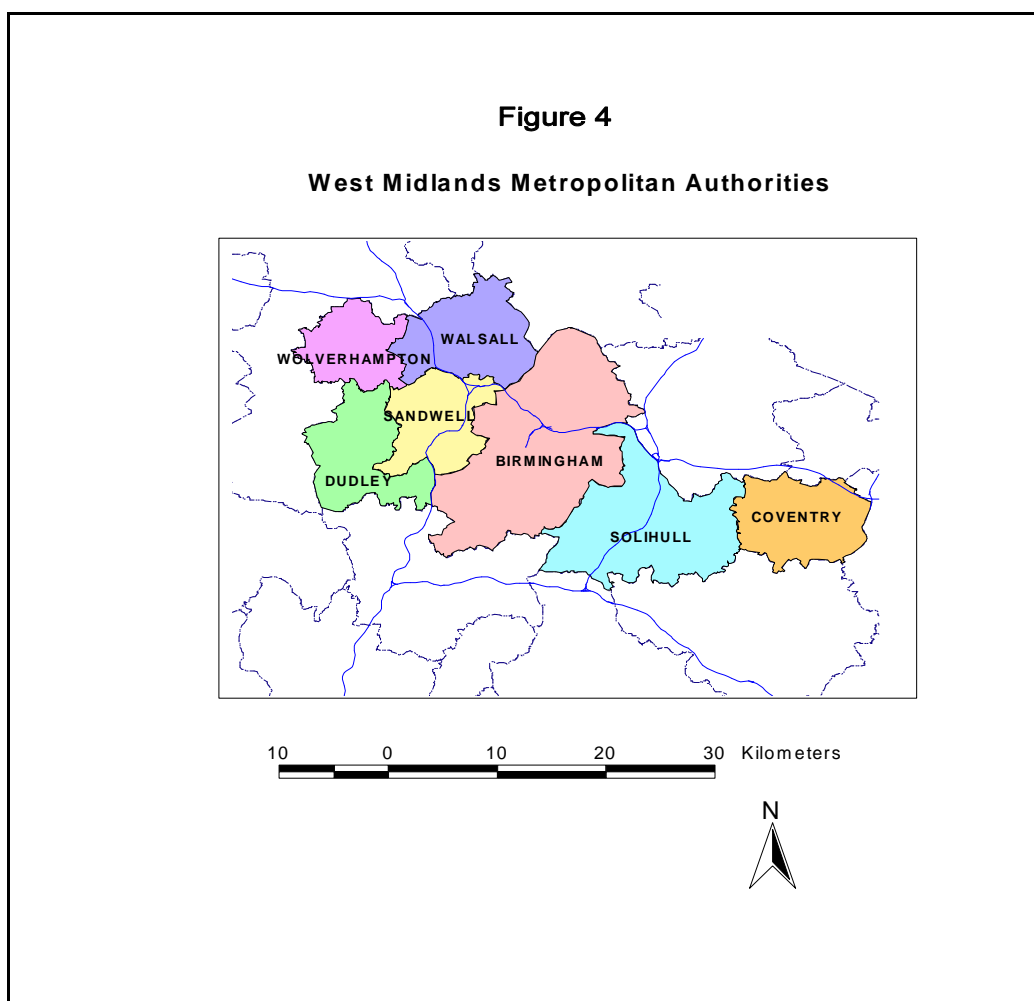
2.0 CHARACTERISTICS OF SANDWELL

It is important to consider the historical development of the Sandwell area, its previous and current land uses, and hydro-geological characteristics. These will influence the development and implementation of the general inspection strategy for contaminated land. Figure 3 below shows how Sandwell's characteristics relate to the strategy development process.



2.1 Location of Sandwell

Sandwell is situated in the Heart of the West Midlands Conurbation, and is surrounded by the Metropolitan Authorities of Dudley to the West, Wolverhampton and Walsall to the North, and the City of Birmingham to the South and East. (See Figure 4 below).



2.2 A History of Sandwell

The Borough of Sandwell was formed in 1974 on Local Government reorganisation, by the amalgamation of the Warley and West Bromwich Authorities. It consists of six Black Country Towns which are Smethwick, West Bromwich, Tipton, Wednesbury, Rowley Regis, and Oldbury.

Sandwell's present urban appearance is largely the result of industrial development since the 18th Century, although the remains of early Sandwell can still be found in the surviving buildings, earthworks, archaeological remains, objects, street patterns, maps and documents.

The first canals were built by James Brindley in 1769 to 1772 between Birmingham and Wolverhampton, and Sandwell was soon at the heart of the canal network. The years 1750 to 1850 saw a hive of industrial activity, with coal mines, iron works and furnaces around the Borough. Innovators and entrepreneurs established major new industries in the Borough such as Kenrick's, Izons and Salters in cast iron manufacture in West Bromwich, Boulton and Watt making steam engines at Soho Foundry in Smethwick, and Chance's glassworks, Smethwick.

The railways started to replace the canal network from the 1850's, and as raw materials became exhausted, they were replaced by the secondary engineering and fabricating industries. Most of Sandwell is now built up and dates to the 19th Century and Victorian periods.

2.3 Geological Characteristics and Resources

The bedrock of the Black Country comprises a variety of sedimentary rocks (derived from existing rock that has been weathered, moved and deposited) including limestone, conglomerate, sandstone, siltstone, mudstone, coal, ironstone and claystone. Igneous dolerite rock (derived from solidified molten rock) can also be found in the area of Rowley Regis.

Some parts of the Black Country is overlain by poorly consolidated drift deposits which predominantly consist of boulder clay (till), silt, sand and gravel. These deposits are the result of prehistoric river action. Large areas of the Black Country are covered by a layer of man-made deposits comprising made ground and fill materials, much of it the product of mining and heavy industries in the area.

The historical prosperity of the area has been founded on the local availability of its mineral resources. Mineral resources fall into two categories, those that are extracted from surface workings, and those that can be mined or recovered from depth. In Sandwell the former includes opencast coal mining, sand, gravel, dolerite, and brick clay. Sandwell has also witnessed extensive mining for coal, ironstone and limestone, although the last working pit, Hamstead Colliery in Great Barr, closed in 1962.

The so-called 'thick coals or the ten yard seam provided a rich and easily accessible source of fuel, occurring at or near the surface in virtually level strata over much of the Tame Valley. By 1750, the principal areas of coal extraction lay around Wednesbury, Tipton and Coseley. Apart from domestic use, the main use for coal was its extraction for industrial purposes. The second mineral staple of the area was ironstone, found in geological association with coal. The main centre of ironstone extraction was around Wednesbury during the eighteenth century. Limestone occurred as a Silurian outcrop near Dudley, and was extracted and used as a flux in the iron industry, and calcined for use as cement lime.

Etruria Marl was widely exploited for brick making and the resulting voids have been predominantly filled with domestic and industrial waste over the last 100 years or more. Similarly, the Rowley Hills have been extensively quarried for Dolerite and are subsequently the site of numerous landfill sites. The north of the borough, the Proto-Tame channel, has been quarried for sand and gravel extraction leaving pits used for waste dumping.

Sandwell has witnessed a wide variety of industrial activities including mining, iron and steel manufacture, brick works, ferrous and non-ferrous foundries, chemical works, a wide range of engineering works, forging, gas works, coal tar distilleries and glass works. These industries were served by an extensive transport infrastructure based around the rail and canal systems, many of which have now been abandoned.

2.4 Groundwater Resources

Groundwater is contained within underground strata (aquifers) of various types. Abstractions from these aquifers can provide water for potable (domestic) water suppliers and varied industrial and agricultural uses. Groundwater is usually of a high quality and often requires very little treatment prior to its use. However, groundwaters are vulnerable to contamination from both direct discharges and indirect discharges into or onto land. Remediation of polluted groundwaters is a complex, timely and costly procedure so it is therefore vital that the pollution of groundwaters is prevented. Groundwater protection zones are available from the Environmental Agency's web site. Licenced abstractions are detailed in the Environment Agency's CD Rom of general information already provided to the Council.

The Environment Agency produces a nationwide series of 53 Groundwater

Vulnerability Maps that identifies the vulnerability of groundwater to potential contamination. Map number 22 covers the area of Sandwell Metropolitan Council. The majority of Sandwell overlays Minor Aquifers of varying permeability. Minor Aquifers can consist of fractured or potentially fractured rocks that do not have a high primary permeability. Aquifers of this type seldom produce large quantities of water for abstraction, but are useful sources for local supplies, especially industrial extraction. Minor aquifers are also important in supplying base flow for river systems. Non aquifers are formations with negligible permeability that are generally regarded as not containing groundwater in exploitable quantities.

In Sandwell, 851 hectares overlay major aquifers, 7192 hectares overlay minor aquifers, and 514 hectares overlay non aquifers.

2.5 Surface Water Resources

The area of Sandwell is drained by the Rivers Stour and Tame and their numerous tributaries. Sandwell also has an extensive canal network that was, and to a lesser extent still is, widely distributed throughout this area. These waterways contributed historically to the water supply, drainage and communications of Sandwell, and therefore the industrial development of the Black Country.

2.6 Facts and Figures

The figures and statistics provided in this section are extracted from 'Sandwell Trends 1999'.

Population (mid 1999)	:	299 455
Area	:	8600 ha
Dwellings	:	122 620

2.7 Current Land Use Characteristics

The Sandwell Unitary Development Plan for the period 1998 - 2011 has recently been published. The allocation of land under the UDP and any planning approvals will influence potential uses for land being assessed under the Contaminated Land regime.

Sandwell is a densely populated area, having the highest number of residents per unit of residential land in the West Midlands County area.

Sandwell is the smallest of the West Midland Metropolitan Districts in respect of the residential land area with 14.53 square miles (1737.8 ha) currently used for residential purposes.

Sandwell has the highest proportion of its borough given over for parks and open space of any of the West Midlands Metropolitan Districts. 10.6% (1341.6 ha) of the area of Sandwell is accounted for by parks and open space compared

with a figure of 5.2% in the West Midlands county area.

Sandwell has faced a serious problem with derelict land, a legacy of the area's industrial past. However, the area of Sandwell classified as derelict has been reduced in recent years, having fallen by 56% (179 ha) in the last six years (end of 1998).

2.8 Protected Locations and Key Property Types

There are currently 176 listed buildings in Sandwell, which is a relatively small number for a Borough of this size.

There are 5 Scheduled Ancient Monuments in the Borough, which include the following:

- ' Cobb's Engine House
- ' Smeaton's Summit Bridge
- ' Engine Arm Aqueduct
- ' Remains of Sandwell Priory and Sandwell Hall Sandwell Valley
- ' Smethwick Engine House, Bridge Street

There are no Sites of Special Scientific Importance in the Borough (SSSI)

There are 36 sites of local importance for nature conservation (SLINCS)

There are 10 sites of importance for nature conservation (SINCS).

2.9 Links with Planning

As already stated the Council takes the view that dealing with contaminated land is not confined to the service of remediation notices on polluters or landowners. Indeed, this is likely to happen only in a small minority of cases. The principal route through which land is reclaimed will continue to be through the planning process, when returning land to beneficial use.

The Development Control section of Urban Form already has a formal consultation process for consulting various parties on planning applications. The Environmental Health and Trading Standards Service is part of this consultation process, and will make comments on various environmental issues, including land contamination.

The Council will consider to what extent suitable precautions to deal with potential contamination would have been included in redevelopment. The extent to which contamination was understood and dealt with at the time of the work will affect the degree of confidence in the remediation.

The Town and Country Planning Act 1947 introduced a comprehensive town planning system in England and Wales involving the preparation of Development Plans to guide development and the Development Control requirement to obtain planning permission to carry out development including change of use of land

or buildings.

Until 1971, the only significant concerns about land quality related to building on unstable land and in areas of previous mining activity. These matters were material considerations in determining planning applications. In 1971, the issues around derelict land were introduced through Circular 4/71. In Sandwell, the amount of dereliction involving contamination from previous industrial and waste disposal activity was a significant issue affecting development applications under the Building Regulations but not directly for planning Development Control.

It was not until 1987 with the Town and Country Planning General Development Order requiring consideration of the impact of landfill gas from previous waste disposal activity and the issue of Circular 21/87 - Development and Contaminated Land, that all the issues around contaminated land became material considerations in determining planning applications. The guidance has since been updated in Planning Policy Guidance Note 23 (1994) and Circular 2/00 - Contaminated Land.

In considering whether land quality issues will have been dealt with in post war developments, the following assumptions can be made:

Prior to 1971 Issues around Contaminated Land are unlikely to have been considered.

1971 - 1987	The impact of contamination will have been taken into account in determining applications under the Building Regulations but not directly in planning applications
Since 1987	Contaminated land will have been a material consideration in determining all applications for development and the ground will have been considered fit for purpose according to the criteria being applied at the time of approving development.

2.10 Summary of Action Already Taken by the Local Authority to deal with Contamination

The Council has been very active over the last 15 years in reclaiming derelict land in partnership with other agencies. One of the main projects during this time was the construction of the Black Country Spine Road from Great Bridge to Tipton, which opened up a significant amount of derelict industrial land for redevelopment.

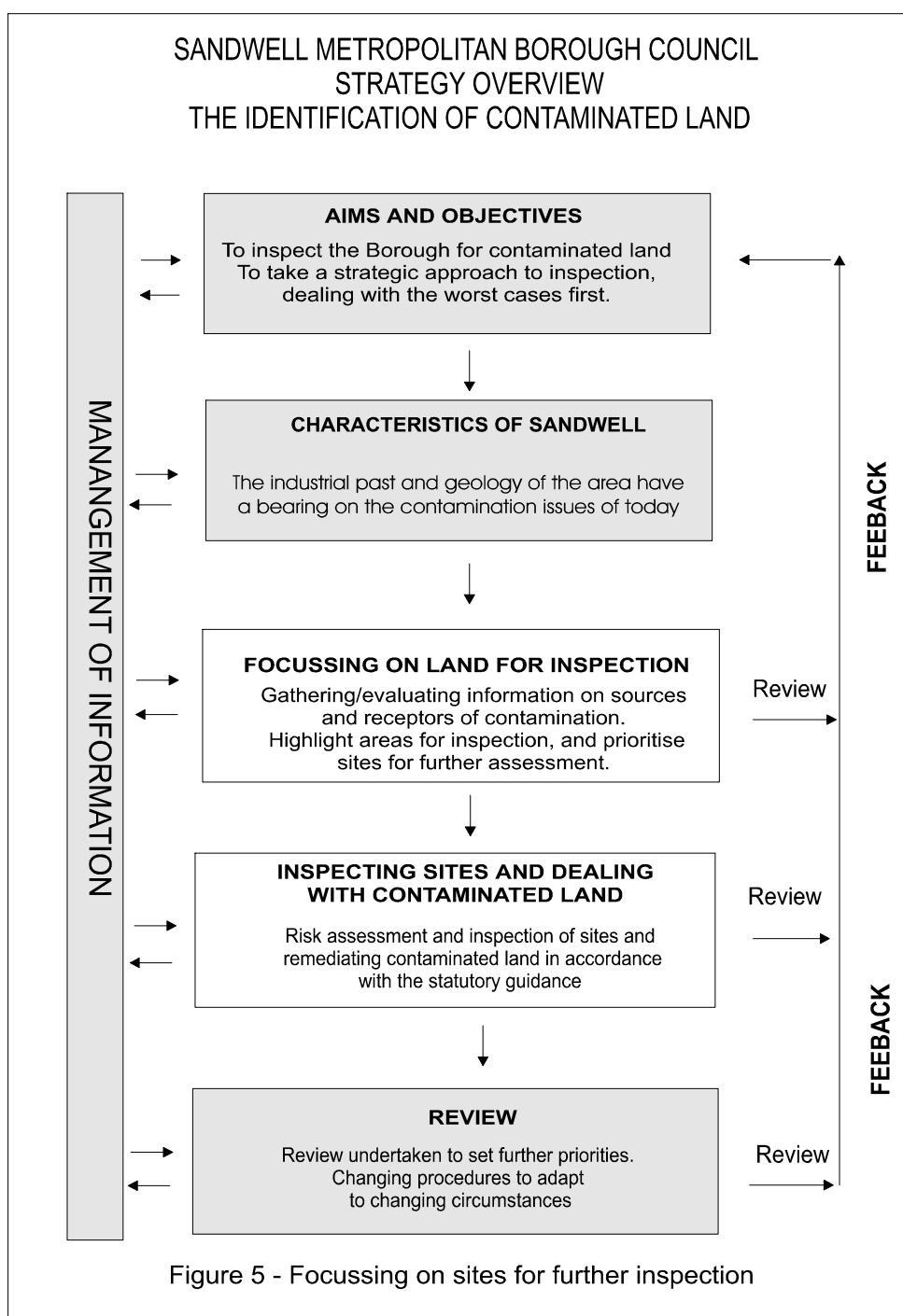
Since 1989, the Council has made extensive use of the Supplementary Credit Approval Programme (SCA) run by the DETR, to deal with mainly Council owned gassing landfills.

The planning process has adapted to take account of risk based assessment of land contamination, and is well used to dealing with planning applications for the redevelopment of brownfield sites.

The Council has amassed a large amount of information in relation to land quality. Most of this information is kept by the Building Consultancy, with a certain amount of information already in geographic form. This will obviously need to be reassessed in terms of the new legislation, but nevertheless it is very good reference material.

3.0 FOCUSING ON LAND FOR INSPECTION

The identification of areas for inspection, and the procedures for the detailed inspection of sites are considered together in this document. (See Figure 5 below). As already stated, the Council needs to adopt a strategic approach to inspecting the Borough for contaminated land. This will require the collection of information on the local characteristics of the area, and considering ways to prioritise sub areas of the Borough which requires more detailed work.



3.1 Environmental Information held by the Council

An audit of all available and relevant information will be undertaken within the Council. This audit will include the source, and location of information. A summary of existing information held by the Council is summarised in Table 1 below. This is not necessarily an exhaustive list, and will need to be reviewed on a regular basis.

TABLE 1 INFORMATION HELD BY THE COUNCIL		
Source	Information Available	Location
Building Consultancy	Site Investigations Library Mining records Limestone working records Geological Surveys Landfill records Johnson Poole and Bloomer survey (c1991) Building Regulation Records	Development House Lombard Street West Bromwich
Environmental Health and Trading Standards	Authorised processes under Part I of the Environmental Protection Act 1990 (refer also to IPPC) Private Water Supplies Site investigations relating to SCA programme Industry profiles	Environment House, Lombard Street West Bromwich
Planning	Development Control Records, UDP Land Use Planning and Archeological information Ordnance Survey Maps County Series Maps, Parish Maps	Development House
Borough Archivist and Central Library	Ordnance survey and parish maps, Kelly Directories, Newspaper cuttings and books by local historians	Smethwick Library
Leisure Direct	Information gathered in capacity as land owner.	Environment House
Environment Direct	Watercourse and Public Sewer records	Environment House
Corporate Property	Property records	Development House
Corporate Core	Sandwell Trends Information	Civic Centre

Please note the availability of any information is subject to the provisions of the Environmental Information Regulations 1992, as amended

3.2 External Agencies

There are external bodies with whom the Council will need to exchange information in the course of carrying out its duties under the Act. These are listed below:

- ' Environment Agency
- ' English Nature
- ' English Heritage
- ' Countryside Agency
- ' Black Country Archeologist
- ' Ministry of Agriculture, Fisheries and Food (MAFF)
- ' Food Standards Agency
- ' Health and Safety Executive

The addresses for the above organisations are provided in Appendix 2.

3.3 Types of Information Collected

Information will be gathered on sources and receptors of contamination, in keeping with the underlying principles of the new regime. The types of information collected are outlined below. Receptors are taken from Table A of the Statutory Guidance.

3.3.1 Sources may include:

Industrial history, current industry, processes authorised under the Environmental Protection Act 1990 Part I (now IPPC), Hazardous substances, COMAH sites (Control of Major Accident Hazard Regulations 1999), Explosives, Current landfill and Waste Processing Sites (under Part II of the Environmental Protection Act 1990), closed landfill sites, sewage works and land used for the disposal of sewage sludge, mines and mineral extraction, ministry of defence land, and brownfield sites.

3.3.2 Receptors may include:

Human beings, property (buildings), property (ancient monuments), property, (Agricultural and horticultural crops, including timber, property (home grown produce, or on allotments for consumption, property (agricultural livestock, game, and other animals), ecological receptors and controlled waters

3.3.3 Validation of information

Information collected in the course of inspecting the Borough will be validated and recorded. This is to ensure that decisions made about land contamination are made on the most accurate and reliable information available.

3.4 Requests for Service from The Public

The Council may on occasion receive enquiries regarding land contamination from members of the Public or other interested parties. These will be recorded and dealt with in accordance with existing service request standards within Environmental Health and Trading Standards. An initial response will be made within 5 working days and the person(s) will be kept informed of progress and outcome of the investigation.

Information will need to be substantiated before taking any further action. Pursuing unsubstantiated information may adversely affect the priorities and timetable for inspection.

3.4.1 Confidentiality

All persons providing information or making a request for service will be asked to supply their names and addresses. Their identity will remain confidential unless it is required to be released in the event of any legal action being taken by the Council.

3.4.2 Anonymously Supplied Information and Enquires

Investigation based upon anonymously supplied information will not normally be undertaken, except where an initial visual assessment can be made of land, and where permission to enter onto that land or property is not required. The investigating officer will decide whether any further action is necessary, given the circumstances of each case.

3.4.3 Anecdotal Information

Individuals may have extensive knowledge of previous contaminative uses of sites in the Borough. Such information will be considered and recorded where encountered.

3.5 Identifying Areas for Inspection

Information gathered on sources, and receptors of contamination will be captured in geographical form, to show where geographical coincidences of sources and receptors of pollution are occurring within the Borough, and where pollutant linkages are more likely to exist. A pilot exercise has recently begun on information gathering to give a better idea of how this will work in practice.

As stated in paragraph 1.10, the Council has played a major role in regeneration of the Borough, working in partnership with other agencies in the 1980s and 1990s to clean up large areas of derelict land. It has also investigated and installed gas venting measures on Council owned landfill sites, thereby already dealing with landfill gas issues in the majority of instances. This information will be useful when prioritising areas for inspection.

The Council will also consider to what extent suitable precautions to deal with potential contamination would have been included in redevelopment. The extent

to which contamination was understood and dealt with at the time of the work will affect the degree of confidence in the remediation carried out.

Once this task has been completed, the results will be evaluated. Further factors may need to be applied to provide manageable sub-areas for inspection.

3.6 Site Prioritisation

The Council is presently reviewing the suitability of the document “Prioritisation and Categorisation Procedure for sites which may be contaminated” (CLR 6, DETR, 1995), as a method of site prioritisation within a sub-area. There are other prioritisation tools in the process of being developed by various other bodies, and their capabilities will also be assessed before a decision is made on which prioritisation procedure will be adopted.

3.7 Site Inspection

The Council will only carry out intrusive site inspection where it feels the available information does not provide sufficient basis on which it can determine whether land is contaminated, and there is a reasonable possibility that a pollutant linkage exists. When carrying out an inspection, the Council will refer to the most recent Government technical Guidance, British Standards and other recognised documents.

Powers of Entry on land are contained in section 108 of the Environment Act 1995, and the Acting Head of Service of Environmental Health and Trading Standards has already been authorised for this purpose. The Council will authorise in due course officers of the Environment Agency as suitable persons to enable joint investigations to be undertaken, in the case of potential special sites.

The Environmental Health and Trading Standards Service already has a client/consultant relationship with engineers in Urban Form and Highways Direct to carry out investigations and monitoring of sites in the SCA programme.

All site investigations and monitoring contracts are subject to the official tender process, to ensure value for money and compliance with Council policies and procedures, such as health and safety. This relationship will be revised in the context of the new legislation and a new service level agreement will be made between the parties involved. Land owning services within the Council will also have regard to the new regime when investigating its land for whatever reason.

3.8 Remediation of Sites

The Council will notify all potential appropriate persons and the owner of the land, once it has been determined that land is contaminated. This notification commences the process of consultation on what remediation is required, and for notified parties to consider their liabilities in the matter.

The objective of any remediation is to ensure that the circumstances of the land are such that in its current use, it is no longer contaminated land and that the effects of any significant harm or pollution of controlled waters which have occurred are remedied.

Remediation should proceed by agreement rather than formal action by the Council, however where the appropriate remediation is not being carried out, or where agreement cannot be reached on what remediation actions are required, the Council has a duty to serve a remediation notice, subject to limitations as set out in the Statutory Guidance.

The Council will also need to consider whether it has the power to carry out the remediation itself. This would include situations where urgent action is required, or no appropriate person could be found. Any remediation actions specified will employ best practicable techniques for each significant pollutant linkage identified, and may include measures to verify the effectiveness of any remediation actions.

3.9 Inspection and Remediation of Special Sites

It is appropriate for detailed investigation of any potential special site to be carried out by the Environment Agency, acting on behalf of the Council. The Head of Environmental Health and Trading Standards will be authorising nominated officers of the Environment Agency for this purpose (reference to paragraph 3.7).

If the Council considers land is required to be designated a special site, it must give notice in writing to the Environment Agency, the owner, occupier, and each person who appears to be an appropriate person. The actual designation of a special site cannot take place until the land has been formally identified as contaminated land by the Council.

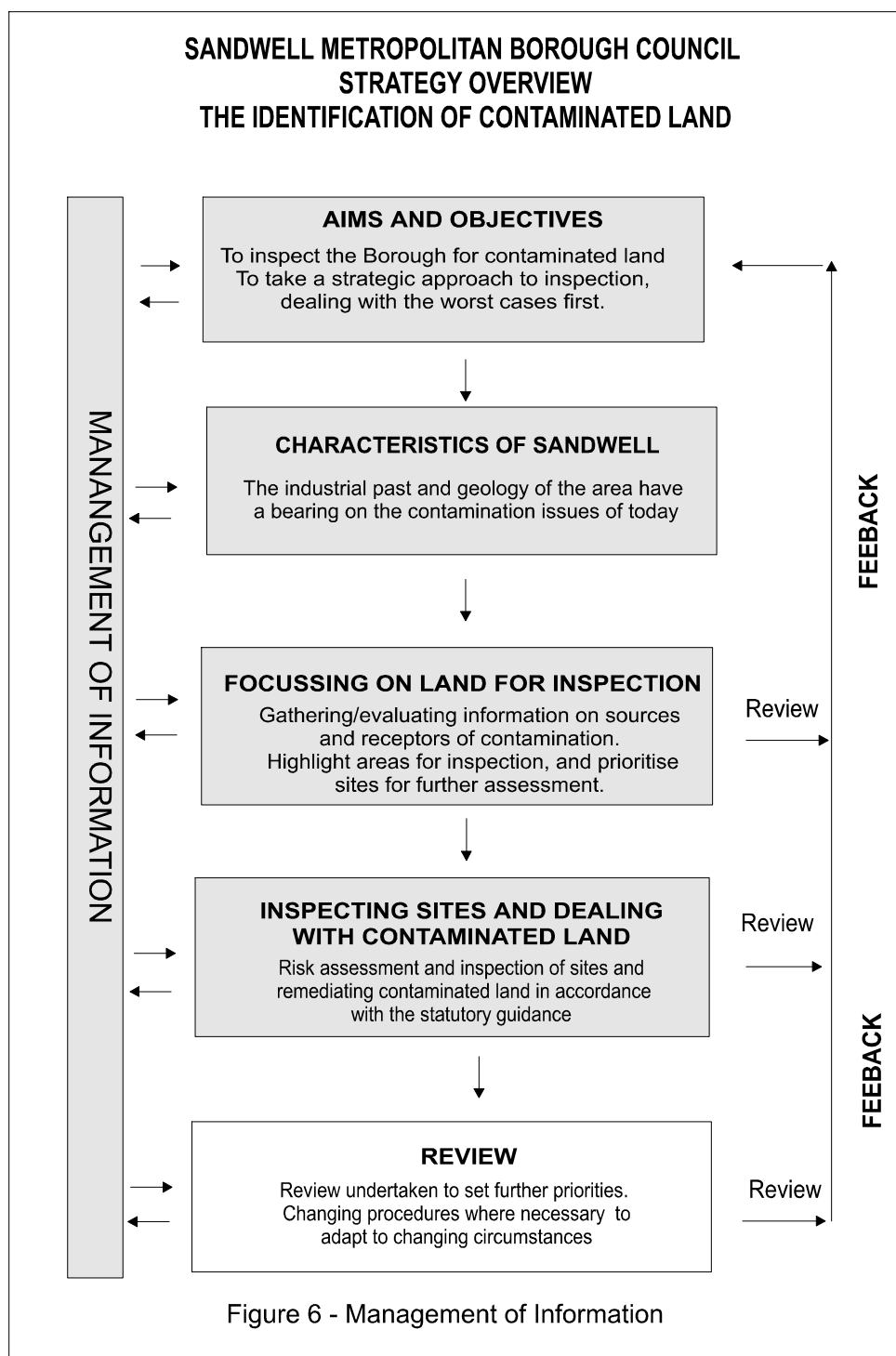
In general, procedures relating to the remediation of a special site are the same as for any other contaminated land, with the exception that the Environment Agency is the enforcing authority, rather than the Council.

3.10 Cross Boundary Issues

A protocol will need to be agreed with adjoining Councils when dealing with sites on the Borough boundary. As stated in paragraph 1.12 the West Midlands Contaminated Land Group will be the forum for this discussion.

4.0 REVIEW OF STRATEGY AND MEASUREMENT OF PROGRESS

4.0 REVIEW OF STRATEGY AND MEASUREMENT OF PROGRESS Review is essential to m enables the Council to assess how well the strategy is working, and make any necessary changes at the earliest opportunity. Figure 6 below shows how the review process links to the overall framework.



4.1 Review Timetable

The review process consists of a series of time related actions which have been set out in Table 2 below, and in the form of a Gantt Chart (see Appendix 3). These time related actions which will be reviewed during meetings of the Trans - thematic working party.

TABLE 2: REVIEW TIMETABLE	
ACTION	TARGET DATE FOR COMPLETION
Publishing strategy for inspecting the Borough for contaminated land	30 th June 2001
Collecting and reviewing information on sources, and receptors	End of June 2002
STAGE 1 REVIEW (including procedures, and liaison arrangements)	Review progress against targets and make changes where appropriate
Inspection of the first geographical area, and assessment of sites in accordance with priority ratings	End of June 2003
STAGE 2 REVIEW (including procedures, and liaison arrangements)	Review progress against targets and make changes where appropriate
Inspection of the rest of the area and assessment of sites in accordance with priority ratings	End of June 2005
STAGE 3 REVIEW (all embracing)	Recommendations for the future

Table 2 shows that the first year is concerned with the collection of information. The inspection of the first geographical area will follow during the following 2 years. The rest of the Borough will be completed by 2005. The review will include procedures and liaison arrangements, which assist in the implementation process. The proposed timetable is set within the context of existing resources, and does not take account of any enforcement action that may arise.

4.2 Changing Circumstances

In addition to the above review framework there will be situations which will trigger re-assessment of sites. These may include the following:

- ' Change of use of surrounding land (introduction of new receptors or targets). The Environmental Protection section is informed about all relevant planning applications. At this point a reassessment of a site can be undertaken, in light of changing circumstances, and comments made.
- ' Urgent unplanned events eg flooding, subsidence, spillages
- ' Responding to new information.

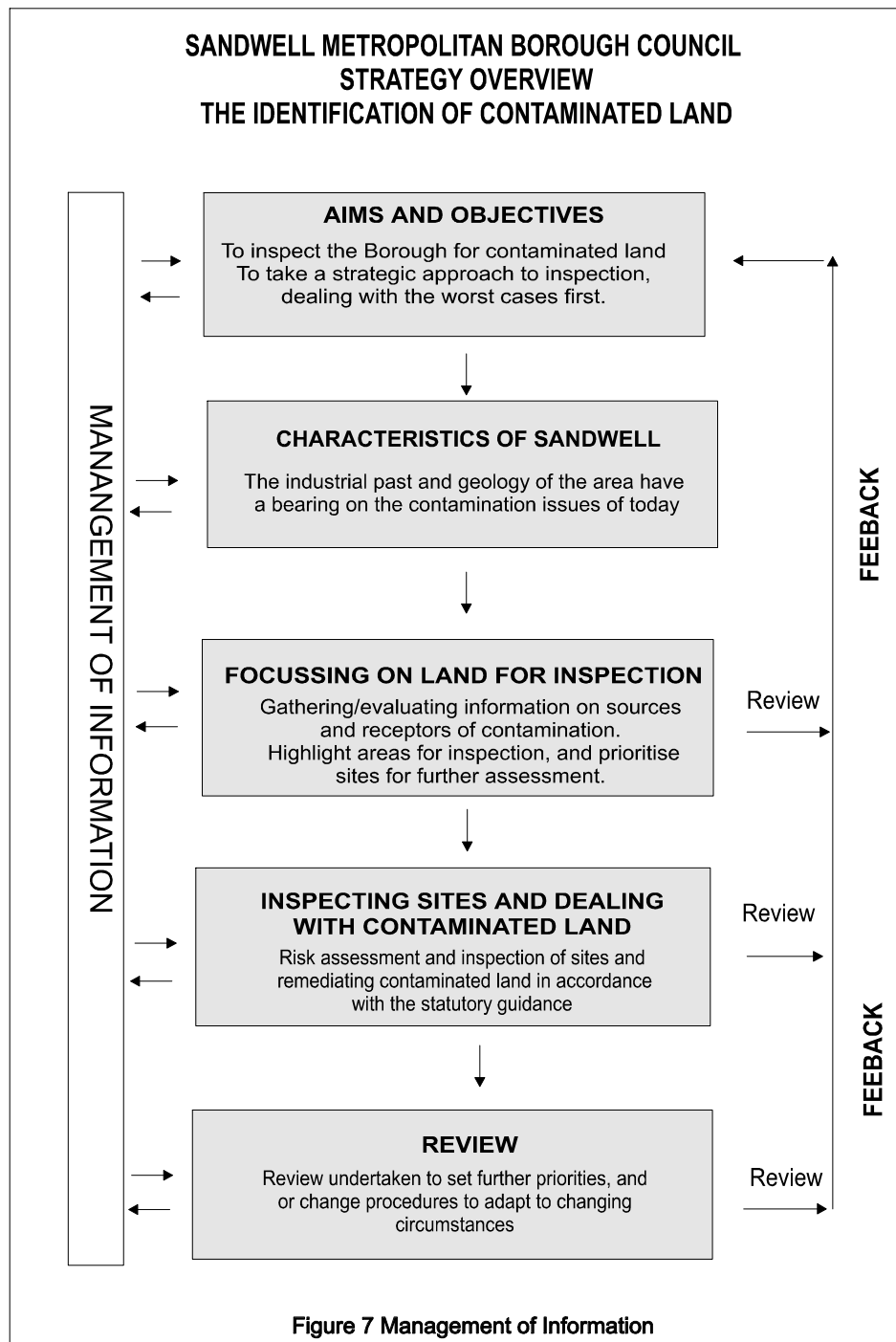
The Council will have liaison arrangements in place for sharing information with both internal and external parties to ensure that triggers for site review are not overlooked.

4.3 Timetable for dealing with Contaminated Land

As soon as the Council is satisfied that any land is “Contaminated Land” under the Act, it will notify the appropriate persons and the owner of the land in accordance with the requirements of the Statutory Guidance. Remediation of land is dependent on a number of factors as referred to in paragraph 3.8.

5.0 MANAGEMENT OF INFORMATION

Management of information impinges upon all aspects of the strategy implementation, as outlined in Figure 6 below. The Environmental Health and Trading Standards Division has yet to decide what information management system it will be using to store and handle information, therefore for the purposes of this strategy document, reference is made to system requirements only.



5.1 Management Responsibilities

The Environmental Health and Trading Standards Service is responsible for developing and maintaining the management information system required for the implementation of the strategy. A computerised database system will be required to capture relevant information in an accessible form. Any database system that is to be used will have to be compatible with existing database and GIS systems. Only identified officers in the Environmental Health and Trading Standards Service will have editing rights for the system. Other services will be able to access the information in read only format.

5.2 Information Requirements

A computerised database should provide and summarise information with regard to the parameters are described below:

5.2.1 Site Referencing System

- ' Geographical location (e.g. area, postcode, street)
- ' Unique site identification number
- ' National Grid Reference - the database should contain the national grid reference for the approximate centre of the site.
- ' Site Name - refers to the name, or alias, of the site or area under inspection.
- ' Site Address - should include the street, area and town.
- ' Site Owner/Occupier - the name of the current owner or occupier should be provided, if applicable or possible to identify.
- ' Current Land Use - a brief summary of the current land use should be provided.
- ' Proposed Land Use - a brief summary, based upon the UDP, should be provided. Provision of this information will assist in determining if a site is likely to fall within the remit of existing development control provisions, or will require action under the Part IIA regime.
- ' Priority Category - Sites are given priority ratings or placed in sensitivity groupings

- ' Available Data Sources - All available data sources for a particular site are identified and recorded and a brief summary/assessment of this data will be made where possible. Data sources should be assessed for accuracy, reliability, content and relevance for the purpose and objectives of the Part IIA regime. Any database used should have the ability to link directly to Word processor and spreadsheet applications. These documents will expand upon the summaries provided in this section, if required.
- ' Actions/Conclusions - Sites will have been grouped in terms of sensitivity and it will be necessary to consider the need and priority for further inspection. Where site investigations are carried out, this will generate further information that needs to be assessed. It is important not to go into excessive detail within this database, all summaries should be concise and as brief as possible. Any database used should have the ability to link directly to other word processing or spreadsheet documents. These documents will provide additional site investigation and assessment data if required.
- ' Database Last Updated - Information should be reviewed on a regular basis to ensure that this objective is achieved. The date of any modifications made to any of the stated parameters should be recorded.

5.3 Access to Information

The Council already responds to requests for Environmental Information from the Public, and in doing so makes reference to the Environmental Information Regulations 1992, as amended by The Environmental Information (Amendment) Regulations 1998. This approach will continue for the strategy implementation. The Council will also charge for environmental information. Charges are reviewed on a yearly basis, and agreed by the Council.

There is already a service standard for responding to requests for environmental information. The Environmental Health and Trading Standards service plan for 2000/01 refers to a 10 working day response time to such requests. In cases where research is required, this period may be extended to 21 working days, depending on the complexity of the enquiry.

5.4 The Public Register

The only information required to be stored in the Public Register is that relating to regulatory action and remediation. The Public Register will be maintained at the following address:

Environmental Health and Trading Standards,
Environment House,
PO Box 42,
Lombard Street,
West Bromwich,
West Midlands B70 8RU.

Members of the public are able to view the register free of charge during normal office hours. A charge will be made for document copies.

5.5 Risk Communication

Decisions about contaminated land can be complex, involving a variety of commercial, financial, and societal factors. Poor communication with stakeholders about contaminated land risks may result in lack of confidence in the regulatory process and unnecessary property blight. As a result, the Council will need to have a communication plan that will convey clearly and objectively the issues surrounding contaminated land risks, which will be an integral part of the strategy implementation.

In formulating this plan the Council will have regard to the recommendations as outlined in the publication "Communicating Understanding of Contaminated Land Risks (Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) 1999).

In general terms, communication will be based upon the following:

- ' Two way communication
 - ' Transparency to create trust in the regulatory role
 - ' Openness to enhance the legitimacy of the overall process to stakeholders.
- (SNIFFER, 1999).

The Council will be using a risk based approach to identifying and managing contaminated land. This aids the process of dialogue with interested parties because it is systematic, objective, and provides a consistent and defensible basis for considering uncertainties, discussing options and making decisions.

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Petts J, Cairney, Smith M (1997), Risk-Based Contaminated Land Investigation & Assessment. Wiley

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Cairney T (1995), The Re-use of Contaminated Land: A Handbook of Risk Assessment. Wiley

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GLOSSARY OF TERMS

Appropriate person: defined in section 78(9) as:

“Any person who is an appropriate person, determined in accordance with section 78F..., to bear responsibility for any thing which is to be done by way of remediation in any particular case”

CLEA: Contaminated Land Exposure Assessment, a risk assessment model for determining the risk to human health for a range of chemicals.

CLR: Contaminated Land Research Document - Guidance documents issued by the DETR.

Contaminant: A substance which is in, on, or under the land and which has the potential to cause harm or to cause pollution of controlled waters (Paragraph A12 of the Statutory Guidance).

Contaminated Land: defined in section 78(2) 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, or under the land, that -

“(a) significant harm is being caused or there is a significant possibility of such harm being caused, or;

“(b) pollution of controlled waters is being, or is likely to be caused”.

Controlled Waters: Defined under section 78A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters.

Council Theme: Realignment of Departmental Services into Themes, resulting from the Councils Strategic Choices Review. Themes include Life Long Learning, Urban Form, Social Inclusion and Health, Corporate Core, and Sandwell Direct.

Current Use: Any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;
- (b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission;
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and
- (d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land (paragraph A.26 of the Statutory Guidance).

Enforcing Authority: defined in section 78A (9) as:

- (a) in relation to a special site, the Environment Agency
- (b) in relation to Contaminated Land other than a special site, the Local Authority in whose area the land is situated.

Harm: Defined in section 78A(4) as:

“Harm to the health of living organisms or other interference with the ecological systems of which they form part, in the case of man, includes harm to his property”

Intrusive Investigation: An investigation of land (for example by exploratory excavations) which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information (Paragraph B.20(c) of the Statutory Guidance).

Local Authority: Defined in section 78A(9) as meaning any unitary authority, district council, the Common Council of the City of London, the Sub-Treasurer of the Middle Temple and the Under-Treasurer of the Middle Temple.

Owner: Defined in section 78A(9) as:

“a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let”.

Pathway: One or more routes or means by, or through, which a receptor:

- (a) is being exposed to, or affected by, a contaminant, or
- (b) could be so exposed or affected (Paragraph A.14 of the Statutory Guidance)

Pollutant: A contaminant which forms part of a pollutant linkage (Paragraph A.17)

Pollutant Linkage: The relationship between a contaminant, a pathway and a receptor, (Paragraph A. 17)

Pollution of Controlled Waters: Defined in section 78(9) as:

“the entry into controlled waters of any poisonous, noxious, or polluting matter or any solid waste matter”

Possibility of Significant harm: A measure of the probability, or frequency, of the occurrence of circumstances which would lead to significant harm being caused (Paragraph A.27)

Receptor: Either:

- (a) a living organism, a group of living organisms, an ecological system or a piece of property which:
 - (i) is in a category listed in Table A in Chapter A as a type of receptor, and
 - (ii) is being, or could be, harmed, by a contaminant; or
- (b) controlled waters which are being, or could be, polluted by a contaminant (Paragraph A.13)

Register: The public register maintained by the enforcing authority under section 78R of the particulars relating to contaminated land.

Remediation: Defined in section 78(7) as

- “(a) the doing of anything for the purpose for assessing the condition of
 - “(I) the contaminated land in question;
 - “(ii) any controlled waters affected by that land; or
 - “(iii) any land adjoining or adjacent to that land;
- “(b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose
 - “(I) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or
 - “(ii) of restoring the land or waters to their former state; or
- “(c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters”

Request for service: Request from a member of the Public, Elected Member, or any other organisation to investigate, and or act on any environmental matter within the jurisdiction of Environmental Health and Trading Standards.

Risk: The combination of:

- (a) the probability, or frequency , of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- (b) the magnitude (including the seriousness) of the consequences. (Paragraph A.9)

Significant harm: Defined in section 78(5). It means any harm which is determined to be significant in accordance with the statutory guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that Chapter)

Significant pollutant: A pollutant which forms part of a significant pollutant linkage. (Paragraph A.20)

Significant pollutant linkage: A pollutant linkage which forms part of significant pollutant linkage (Paragraph A.20)

Significant possibility of significant harm: A possibility of significant harm being caused which, by virtue of section 78(5), is determined to be significant in accordance with the statutory guidance in Chapter A.

Special Site: Defined in section 78(3) as:

“Any contaminated land -

“(a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...; and

“(b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4)..”.

The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

Substance: Defined in section 78(90) as:

“any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.”

APPENDIX I

TABLE1 : TRANS-THEMATIC WORKING PARTY ON CONTAMINATED LAND AND LANDFILL GAS		
Representative	Theme	Functions
Environmental Protection Manager	Social Inclusion and Health	Enforcement of Environmental Protection Act 1990, Part IIA, rests with Environmental Health and Trading Standards.
Principal Environmental Health Officer (Public Health)	Social Inclusion and Health	Lead Officer for Part IIA. Overseeing SCA programme for inspecting and remediating sites
Development Control	Urban Form	Ensuring land is suitable for proposed use/development.
Planning Policy	Urban Form	Categorising land use (UDP) Local Planning Strategies
Planning Development	Urban Form	Bring forward land for development, and planning and development briefs
Regeneration and Community Planning	Corporate Core	Regeneration programmes, resource procurement, and media management.
Building Consultancy	Urban Form	Consultancy work on land quality and data handling. Assessing remediation for land undergoing development
Building Services and Highways Direct	Urban Form and Sandwell Direct	Consultant to Environmental Health regarding SCA programme. Advice on remediation, design methodology
Housing Direct	Sandwell Direct	Managing Housing Stock
Housing Strategy	Urban Form	Strategies for Housing Land and property.
Leisure Direct	Sandwell Direct	Management of recreational land may have been subject to previous contaminated use
Corporate Property	Urban Form	Estate Management
Legal Services	Corporate Core	Advice on strategy formulation, remediation/enforcement.

APPENDIX II CONTACT NAMES AND ADDRESSES

Consultees

Environment Agency
Wrens Court
15-17 Lower Queens Street
Sutton Coldfield
West Midlands B72 1RT

Food Standards Agency
Room 238, Egron House
PO Box 31037
London SE1P 3WG

English Nature,
Northminster House
Peterborough
PE1 1UA

English Heritage,
West Midlands Region
112 Colmore Row
Birmingham B3 3AG

MAFF
The Divisional Veterinary Manager
State Veterinary Service
Saffron House
Tigers Road
South Wigston
Leicester LE18 4UY

HSE
Mc Claren Building
35 Dale End
Birmingham
B4 7NP

Other Agencies

Countryside Agency
John Dower House,
Crescent Place
Cheltenham
Gloucestershire
GL50 3RA

Advantage West Midlands
Business and Innovation Centre
9 Aston Science Park
Love Lane
Birmingham

Sandwell Investment Bureau
Black Country House
Rounds Green Road
Oldbury
West Midlands
B69 2DG

Dudley and Sandwell Chamber of
Commerce
Chamber House
Churchill Precinct
Dudley
DY2 7BL

Area Health Authority
Kingston House
438 High Street
West Bromwich
B70 9LD

Internal Council Contacts

Acting Head of Environmental Health and Trading Standards
Environment House
P.O. Box 42
Lombard Street
West Bromwich
(Lead officer for enforcement of Part IIA of the Environmental Protection Act 1990, Part IIA)

Development Control, Planning Policy, Building Consultancy, and Planning Development:
Development House
P.O. Box 42
Lombard Street
West Bromwich B70 8RU

Legal and Democratic Services, and Regeneration and Policy
Council House
Freeth Street
Oldbury
Warley B69 3DE

APPENDIX III: TIMETABLE FOR IMPLEMENTING STRATEGY - CONTAMINATED LAND

