STROUD DISTRICT COUNCIL
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Contaminated Land Inspection Strategy

2026 - 2031

Environmental Health

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Policy Review

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Document Review and Approvals

Name	Action	Date
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1 Introduction

1.1 Purpose and scope

(a) This Contaminated Land Inspection Strategy is intended to guide Stroud District Council's approach in implementing its duties under Part 2A of the Environmental Protection Act 1990.

(b) Stroud District Council, in common with other local authorities in the UK, is responsible for enacting Part 2A of the Environmental Protection Act 1990 in its locality. This specifically concerns the identification and management of contaminated land.

(c) Each local authority is required to inspect its area to identify contaminated land and to prepare and publish a strategy setting out how this will be done. The strategy describes the procedure by which potential contaminated sites are identified and assessed, including procedures for their inspection and for securing remediation, where required.

(d) Since its initial publication in 2001 the Stroud District Council's Contaminated Land Inspection Strategy (The Strategy) has been updated to record progress in implementation and to consider changes in legislation and statutory guidance. This latest version of The Strategy has been written in accordance with the 2012 DEFRA guidance and other amended legislation[1].

2.0 Terms and definitions

In this Contaminated Land Inspection Strategy:

Appropriate Person	Defined in Section 78A (9) as 'Any person who is determined in accordance with Section 78F, to bear responsibility for anything to be done by way of remediation in any particular case'.
C4SL's	Category 4 Screening Levels
Class A Person	A person who is an appropriate person because he/she has caused or knowingly permitted a pollutant to be in, on or under the ground.
Class B Person	A person who is an appropriate person because he/she is the owner or occupier of the contaminated land where no Class

[1] Environmental Protection Act 1990: Part 2A, Contaminated Land Statutory Guidance. (2012). DEFRA. Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance

	A appropriate person can be found with respect to a particular remediation action.
Contaminant Linkage	The relationship between the contaminant, a pathway, and a receptor.
Contaminated Land	Any land which appears to the Local Authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land that: significant harm is being caused or there is a significant possibility of such harm being caused; or significant pollution of controlled waters is being or is likely to be caused.
Controlled Waters	These include: Inland waters (rivers, streams, underground streams, canals, lakes, reservoirs). Groundwaters (any water contained in underground strata, wells, or boreholes). Territorial waters (the sea within 3 miles of a baseline) and Coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the freshwater limit).
Environment Agency	A non-departmental public body, sponsored by the UK government's Department for Environment, Food and Rural Affairs (DEFRA) with responsibilities relating to the protection and enhancement of the environment in England.
GAC	Generic Assessment Criteria
Geographical Information System (GIS)	A system of hardware and software used for storage, retrieval, mapping, and analysis of geographical data.

Hardship	In relation to recovery of the Council's costs, hardness of fate or circumstance or severe privation.
Harm	Harm to the health of living organisms or other interference with the ecological systems, of which they form part, and in the case of man, includes harm to his property.
Orphan Site	If no Class A or Class B persons can be found liable for a significant contaminant linkage, the local authority bears the cost of any remediation carried out.
Part 2A	Part 2A of the Environmental Protection Act 1990.
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.
Public Register	A register kept by the enforcing authority relating to contaminated land, and details contaminated land that has been remediated, as well as any enforcement action undertaken by the authority.
Radioactive	Elevated concentrations of radionuclides resulting in elevated contaminated land levels of radiation above a certain level.
Remediation Notice	Defined by section 78E (1) one of the EPA 1990 as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things specified.

Risk Assessment	The study of the probability or frequency of a hazard occurring, and the magnitude of the consequences.
Risk Summary	Will include a description of the site, a relevant conceptual model comprising text, plans, cross sections, photographs and tables as necessary on the interests of making the description understandable to the layperson; a summary of the relevant assessment of the evidence and a summary of why the authority considers that the requirements of the guidance have been satisfied.
Site Investigation	The process of undertaking investigation on land to determine the condition of that land. The staged approach usually includes a desk study including a review of historical data and a site reconnaissance, and an intrusive investigation which includes trial pitting or drilling works, soil sampling, risk assessment and remediation works.
Source of contamination	A substance in, on or under the ground, with the potential to cause harm.
Special Site	Contaminated Land which meets one of the criteria laid out in the guidance for regulation by the Environment Agency.

2 National and Local Policy Context

2.1 National Development

Contaminated land legislation has been under development since the early 1990's. Following consultation on a 1993 White Paper entitled "Paying for our Past", the Environment Act 1995 inserted a new section (Part 2A) into the Environmental Protection Act 1990[2]. This legislation came into force in April 2000 as the new statutory regime for the identification and remediation of contaminated land. This legislation introduced a legal definition of contaminated land based on the principles of risk assessment and a corresponding liability regime for remediation following the principle that 'the polluter pays'. The legislation was further extended in August 2006 (and updated in June 2018) to incorporate and address land that is contaminated by virtue of radioactivity[3].

The Statutory Guidance for implementing Part 2A has been amended several times over the years, namely in 2006 (Defra Circular 01/2006) and more recently by Defra in April 2012[1]. The 2012 guidance states that "the starting point should be that the land is not contaminated land unless there is reason to consider otherwise. Only land where unacceptable risks are clearly identified, after a risk assessment has been undertaken, should be considered as meeting the definition of contaminated land".

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

a) To identify and remove unacceptable risks to human health and the environment.

b) To seek to ensure that contaminated land is made suitable for its current use.

c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable, and compatible with the principles of sustainable development.

The 2012 guidance states "that enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists". The interaction with other regimes is outlined in Section 2.2 below.

The Local Authorities are the primary regulators for Part 2A, although the Environment Agency will assist Local Authorities when dealing with potential pollution of controlled waters. In addition, the Environment Agency will act as the enforcing authority for sites designated as Special Sites and will assist Local Authorities in the detailed inspection of these sites, where funding allows.

The main roles of the Local Authority are:

- Prepare an inspection strategy outlining how the Authority intends to inspect its area for the purposes of identifying contaminated land.
- Undertake detailed inspection and assessment of particular land.
- Prepare Risk Summaries for any land likely to be determined as contaminated land.

[2] Environmental Protection Act 1990

[3] Environmental Protection Act 1990: Part IIA Radioactive Contaminated Land Statutory Guidance (2018). Department for Business, Energy & Industrial Strategy Radioactive contaminated land: statutory guidance - June 2018

- Decide whether any contaminated land is also required to be designated as a Special Site.
- Identify and notify owners and occupiers of the land, those who may be liable.
- Undertake urgent remediation where there is imminent danger of serious harm.
- Determine who is liable to bear responsibility for the remediation and what proportion of the costs they should bear.
- Ensure appropriate remediation takes place, either by encouraging voluntary action or by serving a remediation notice (where restrictions allow).
- Take enforcement action if remediation is not carried out or is not effective.
- Maintain a public register containing details of action taken under Part 2A; and
- Provide information on contaminated land under Part 2A to the Environment Agency.

2.1.1 Radioactive Contaminated Land

The Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (SI 2005/3467), the Radioactive Contaminated Land (modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379) as amended by The Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2018 make provision for Part 2A to be extended for the purpose of identification and remediation of radioactively contaminated land where this is causing harm to human health only.

The regime for radioactive sites has changed since its implementation in 2006, with an amendment that redefines the term “substance” for radioactive contaminated land and removing the exclusion for radon and its decay products. The regime only covers land where radioactivity is present because of a past activity or as a result of the after-effects of an emergency. It does not apply to current practices and natural radiation (for example naturally occurring radon gas).

2.2 Interaction with Other Regimes

2.2.1 Planning and Development Control

Potential contamination of any land subject to redevelopment is a material planning consideration. This means that the planning authority must consider the potential implications of contamination both when developing its local plan and when considering individual planning applications. The planning process deals with land contamination for future uses, whilst Part 2A addresses contamination for the lands current use. According to the National Planning Policy Framework (NPPF, 2024)[4] planning policies and decisions should:

...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals of which should be approved unless substantial harm would be caused, and support appropriate

[4] National Planning Policy Framework - GOV.UK

opportunities to remediate despoiled, degraded, derelict, contaminated and unstable land... (Paragraph 125c)

…should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers… (Paragraph 126)

…makes as much use as possible of suitable brownfield sites and underutilised land… (Paragraph 147a)

...contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans and by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. (Paragraph 187e&f)

...ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments. (Paragraph 196).

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. (Paragraph 197).

2.2.2 Building Control

The Building Regulations 2010 (as amended), and associated approved documents, contain specific requirements regarding contamination and landfill gas issues. These require measures to be taken to avoid danger to health and safety caused by contaminants on or in the ground covered, or to be covered by the building and any land associated with the building. Approved Document C gives guidance on these requirements. The latest version can be accessed on the planning portal: https://www.planningportal.co.uk/applications/building-control-applications/building-control/approved-documents/part-c-site-preparation-and-resistance-to-contaminants-and-moisture/approved-document-c

2.2.3 Environmental Permitting

The Environmental Permitting Regulations (England and Wales) 2016[5] cover industrial processes, waste operations, water discharges, groundwater activities and radioactive

[5] The Environmental Permitting (England and Wales) Regulations 2016

substances and give the enforcing authority the ability to apply conditions to permits to control activities and discharges to land, air, and water. The regulations also require the site to be returned to the condition is was in at the start of the process.

Part 2A is not applicable when the harm is because of a breach of condition of the permit.

Remediation activities undertaken on contaminated land may fall within the definitions of 'waste disposal' or 'waste recovery' and may require permitting.

2.2.4 Statutory Nuisance (Part 3, EPA 1990)[6]

The statutory nuisance system no longer applies to land "being in a contaminated state" where it causes harm or pollution to controlled waters. The statutory nuisance regime does apply to the effects of deposits or substances where they give rise to odour or dust for example. Local authorities may serve an abatement notice for any statutory nuisances which includes any accumulation or deposit which is prejudicial to health or a nuisance.

2.2.5 Water Resources Act 1991[7]

This act gives the Environment Agency powers to prevent or remedy pollution of controlled waters using Works Notices and it is therefore possible for the two regulatory regimes to overlap. Consultation will be undertaken between the Environment Agency and the Local Authority to establish the best course of action.

2.2.6 Environmental Damage (Prevention and Remediation) (England) Regulations 2017[8]

These regulations came into force on 1st March 2009 and only apply to damage since that date, i.e., not historic damage. Environmental damage refers to; damage to land that results in a significant risk of adverse effects on human health; damage to surface or groundwater; damage to species, habitats or SSSI's; and imminent threats of the above. Liability lies with the operators of economic activities whether public or private and whether or not for profit.

2.3 Policy of Stroud District

Stroud District Council's corporate vision is:

"Leading a community that is making Stroud District a better place to live, work and visit for everyone."

Creating a 'better place' will require all of us to significantly decrease the burden our current way of life places on the global and local environments and therefore the Environment Strategy vision is:

"To lead a community that is willing and able to make the district a better place by:

[6] Environmental Protection Act 1990

[7] Water Resources Act 1991

[8] The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2017

Tackling the consequences of already unavoidable climate change; and

Reducing the stress on resources and environmental systems – water, land and air – from the way we produce, consume and waste resources"

Stroud District Council is committed to continuously improving the environment by reducing pollution and mitigating the impacts and adapting to the effects of climate change while encouraging and supporting others to do the same, for the benefit of residents, businesses, and visitors to the Stroud District.

The Council's Climate and Nature Strategy (in prep) established new ambitions for reducing carbon emissions, adapting to the effects of climate change and the protection and recovery of nature within the district. An important element of the new strategy is the development of a new adaptation plan, to reduce the impacts from climate hazards on the most vulnerable people, habitats, areas and infrastructure. Including contaminated land sites. It also creates new strategic objectives for the reduction of surface water flood risk and the increased recognition and protection of groundwater resources and springs.

The Council has direct powers and responsibilities in planning and land use, environmental health, waste management, housing, leisure, and economic development. It is also a significant resource user and employer. It therefore recognises that its operations and service delivery have a major impact on the environment.

It is within this framework that a strategy to deal with Part 2A of the Environmental Protection Act, 1990 is implemented. The lead Department for the implementation of Part 2A is Environmental Health. Within this Department the implementation is undertaken by a dedicated qualified Contaminated Land Officer. This strategy contributes to the protection of the environment and human health, which in turn protects the population of the district and those most vulnerable from risks arising from contaminated land.

In accordance with the National Planning Policy Framework (NPPF), the Stroud District Local Plan (adopted November 2015)[9] also has policies to deal with contaminated land during the assessment of planning applications.

Strategic Objective SO5: Climate Change and environmental limits

Promoting a development strategy that mitigates global warming, adapts to climate change and respects our environmental limits by:

- Securing energy efficiency through building design
- Maximising the re-use of buildings and recycling of building materials
- Minimising the amount of waste produced and seeking to recover energy
- **Promoting the use of appropriately located brownfield land**
- Supporting a pattern of development that facilitates the use of sustainable modes of transport
- Minimising and mitigating against future flood risks, recycling water resources and **protecting and enhancing the quality of our District's surface and groundwater resources**

[9] Stroud District Local Plan

Core Policy CP14: High Quality Sustainable Development

High quality development, which protects, conserves and enhances the built and natural environment, will be supported. Development will be supported where it achieves the following:

1. Sustainable construction techniques, including facilities for the recycling of water and waste, measures to minimise energy use and maximise renewable energy production

2. **No unacceptable levels of air, noise, water, light or soil pollution or exposure to unacceptable risk from existing or potential sources of pollution. Improvements to soil and water quality will be sought through the remediation of land contamination**, the provision of SUDS and the inclusion of measures to help waterbodies to meet good ecological status

3. Adequate water supply, foul drainage and sewage capacity to serve the development and satisfactory provision of other utilities, transport and community infrastructure

4. No increased risk of flooding on or off the site, and inclusion of measures to reduce the causes and impacts of flooding as a consequence of that development

5. An appropriate design and appearance, which is respectful of the surroundings, including the local topography, built environment and heritage

6. **Re-use of previously developed land** and/or the adaptation of existing buildings that make a positive contribution to the character of the site and surroundings, unless demonstrably unviable

7. No unacceptable adverse effect on the amenities of neighbouring occupants

8. Contribute to the retention and enhancement of important landscape & geological features, biodiversity interests (including trees, hedgerows, and other natural features)

9. Contribute to a sense of place both in the buildings and spaces themselves and in the way in which they integrate with their surroundings including appropriate landscaping, biodiversity enhancement, open space and amenity space

10. A design and layout that aims to assist crime prevention and community safety, without compromising other design principles

11. Efficiency in terms of land use, achieving higher development densities in locations that are more accessible by public transport and other non-car modes and where higher densities are compatible with the character of the area and the setting of the Development

12. It is not prejudicial to the development of a larger area in a comprehensive manner

13. Safe, convenient and attractive accesses on foot and by cycle and suitable connections with existing footways, bridleway, cycleways, local facilities and public transport

14. It is at a location that is near to essential services and good transport links to services by means other than motor car.

Major development should contribute to the provision for allotments and/or community gardens where there is an identified need.

Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements and relevant technical reports. It is important that the applicant provides clear and informative plans, elevations and street scenes and, where required, Masterplans, Development Briefs, Concept Statements and Design Codes to show how these criteria have been taken into account where necessary.

Delivery Policy ES3 Maintaining Quality of Life within our Environmental Limits

Permission will not be granted to any development which would be likely to lead to, or result in an unacceptable level of:

1. Noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect

2. **Environmental pollution to water, land or air and an unacceptable risk to the quality and quantity of a water body or water bodies**

3. Noise sensitive development in locations where it would be subject to unacceptable noise levels

4. Increased risk of flooding on or off the site, and no inclusion of measures to reduce the causes and impacts of flooding

5. A detrimental impact on highway safety

6. **An adverse effect on contaminated land where there is a risk to human health or the environment.**

2.3.1 Brownfield Land Register

The Town and Country Planning (Brownfield Land Register) Regulations 2017[10] require each planning authority responsible for determining applications for housing development to prepare, maintain and publish a register of previously developed land in their area which they consider appropriate for residential development.

The register is designed to provide transparent, up to date and consistent information about suitable and available brownfield sites in the local area assessed as appropriate for housing.

Stroud's register is available at:https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/brownfield-land-register

Stroud District Council has also published a Developer's Guidance note which is available for download at development-of-potentially-contaminated-land-guidance-for-developers-consultants-and-agents-april-2015.pdf

[10] The Town and Country Planning (Brownfield Land Register) Regulations 2017

3 Contaminated Land

3.1 Definition of Contaminated Land

Section 78A(2) of Part 2A of the Environmental Protection Act, 1990 defines contaminated land 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-
>
> a) SIGNIFICANT HARM is being caused or there is a SIGNIFICANT POSSIBILITY of such harm being caused; or
>
> b) SIGNIFICANT POLLUTION OF CONTROLLED WATERS is being caused, or there is a significant possibility of such pollution being caused."

Where HARM is attributable to radioactivity, the definition of contaminated land has been modified by regulation 4(a) of the Modification Regulations 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 that land, that
>
> a) HARM is being caused, or
>
> b) There is a SIGNIFICANT POSSIBILITY of such harm being caused".

The definition includes a number of terms that require further explanation.

3.1.1 Significant Harm

"Harm" is 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 and, in the case of man, includes harm to his property".

The Statutory Guidance states that the following health effects should always be considered to constitute significant harm to human health: death; life threatening diseases (e.g. cancers); other diseases likely to impact on health; serious injury; birth defects; and impairment of reproductive functions.

Other health effects may be considered by the Council to constitute significant harm. For example, physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver and kidneys; or a wide range of other health impacts.

If the Council decides that harm is occurring, but it is not significant harm, the Council will consider whether such harm might be considered to pose a significant possibility of significant harm (SPOSH).

3.1.2 Significant Possibility of Significant Harm

In deciding whether a SPOSH exists on an area of land the council will follow the system of categorisation in Section 4 of the statutory guidance[1]. For each type of receptor (Human Health & Controlled Waters) the guidance details 4 Categories of site, Categories 1 and 2 sites being capable of being determined as contaminated land with Categories 3 and 4 not being capable of being determined as contaminated land on such grounds.

Categories for Human Health

Category 1 Sites: Land which is clearly contaminated will be a category 1 site. If the council has robust scientific evidence that significant harm would occur, then it should consider that a significant possibility of significant harm exists (SPOSH). These would include the worst sites and examples would be where similar contaminant levels are known or strongly suspected to have resulted in significant harm elsewhere.

Category 2 Sites: This would include land where there is little or no direct evidence that similar contaminant levels have resulted in significant harm elsewhere but where the council considers there is a strong case for considering the risks from the site are of sufficient concern to warrant action under Part 2A on a precautionary basis.

Category 3 Sites: This would include land where there still may be risks posed by contaminants, but a strong case as described for the previous categories does not exist, and where a positive legal test of SPOSH cannot be met therefore considers that regulatory intervention under Part 2A is not warranted. Placing land in this category would not stop others from taking action to reduce risks outside of the Part 2A regime.

Category 4 Sites: Land which is clearly not contaminated will be in category 4. This would include land where no relevant contaminant linkage exists, or that only 'normal' levels of contaminants are present, or that generic guidance criteria are not exceeded, or where land-based exposures form only a small proportion of what a receptor would be exposed to. In such cases the council would consider that SPOSH does not exist.

If the council is unable to consider, based on estimates, whether SPOSH exists, it will take account of a number of other factors when considering its decision:

1. The likely direct and indirect health consequences of determination, such as the benefits of reducing contaminant exposures during remediation, but also the possibility of increased exposures during remediation and the stress caused by disruption.

2. The council will also consider an initial estimate of the duration and cost of remediation and the extent of the benefit that would occur. If the health benefits of remediation do not outweigh the health impacts of the land it should be placed in category 3.

3.1.3 Category 4 Screening Levels

Category 4 Screening Levels (C4SLs) published in 2014 by DEFRA[11] have been developed to help decide when land is suitable for use and definitely not statutory contaminated land. Current Soil Guideline Values (SGV's) and other Generic Assessment Criteria (GAC's) are well within category 4 and represent minimal risk. The C4SL's are set at the top of category 4 and although they would still be precautionary, their purpose is to speed up the decision-making process for regulators. They are also very likely to act as a suitable remediation target for the development of brownfield land.

3.1.4 Significant Pollution of Controlled Waters

Pollution of controlled waters is defined by s. 78A(9) of the Water Resources Act 1991 as;

"the entry into controlled waters of any poisonous, noxious or pollution matter or any solid waste matter"

The term 'controlled waters' in relation to England has the same meaning as in Part 3 of the Water Resources Act 1991, except that "groundwaters" does not include waters contained in underground strata but above the saturation zone.

Part 2A seeks to identify and deal with significant pollution and as such, the Council will seek to focus on pollution which: 1) maybe harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems; 2) which may result in damage to material property; or 3) which may impair or interfere with amenities and other legitimate uses of the environment.

The following types of pollution should be considered to constitute significant pollution of controlled waters:

a) Pollution equivalent to "environmental damage" to surface water or groundwater as defined by the Environmental Damage (Prevention and Remediation) (England) Regulations 2017, but which cannot be dealt with under those Regulations.

[11] SP1010 Development of Category 4 screening levels for assessment of land affected by contamination. Final project report (revision 2), (2014) Department for Environment, Food, and Rural Affairs https://www.claire.co.uk/projects-and-initiatives/category-4-screening-levels

b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable use.

c) A breach of a statutory surface water Environmental Quality Standard, either directly or via a groundwater pathway.

d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2 (3) of the Groundwater Daughter Directive (2006/118/EC)).

In addition to the above points, there are some circumstances, as set out in the guidance, that may also be considered to constitute significant pollution of controlled waters. These are: (a) significant concentrations of hazardous substances or non-hazardous pollutants in groundwater; or (b) significant concentrations of priority hazardous substances, priority substances or other specific polluting substances in surface water; at an appropriate, risk-based compliance point. 'Significant concentrations' and 'appropriate risk-based compliance points' must be determined on a site and substance specific basis.

The Local Authority needs to be satisfied that significant pollution of controlled waters is being or is likely to occur and that a substance is continuing to enter controlled waters to make a determination of contaminated land. The Council will seek advice from the Environment Agency when considering whether pollution of controlled waters is occurring or is likely to occur.

3.1.5 Significant Possibility of Pollution of Controlled Waters Is Being Caused

The term "possibility of significant pollution of controlled waters" means the estimated likelihood that significant pollution of controlled waters might occur. In assessing the possibility of significant pollution of controlled waters the council will consider the system of categorisation in Section 4.46 of the statutory guidance.

3.1.6 Harm Attributable to Radioactivity

Section 78A(4) defines harm as:

"Lasting exposure to any person resulting from the after-effects of a radiological emergency, past practice or past work activity".

The Council will regard harm as being caused where lasting exposure gives rise to doses that exceed one or more of the following:

a) an effective dose of 3 millisieverts per annum.

b) an equivalent dose to the lens of the eye of 15 millisieverts per annum; or

c) an equivalent dose to the skin of 50 millisieverts per annum.

The estimation of an effective or equivalent annual dose should not include the local background level of radiation from the natural environment.

The Term "possibility of harm" should be taken as referring to a measure of the probability, or frequency, of the occurrence of circumstances which would lead to lasting exposure being caused where:

a) the potential annual effective dose is below or equal to 50 millisieverts per annum; and

b) b) the potential annual equivalent dose to the lens of the eye and to the skin are below or equal to 15 millisieverts and 50 millisieverts respectively.

The Council will regard the possibility of harm as significant if, having regard to any uncertainties, the potential annual effective dose from any lasting exposure multiplied by the probability of the dose being received is greater than 3 millisieverts.

The Council will seek advice from the Environment Agency when considering whether harm is occurring or is likely to occur.

3.1.7 Significant Harm and Significant Possibility of Such Harm to Non-Human Receptors

In considering non-human receptors, the Council will only regard receptors described in Tables 1 and 2 of section 4.3 of the Statutory Guidance (see Appendix B), as being relevant for the purposes of Part 2A. Similarly, in considering whether significant harm is being caused or there is a significant possibility of such harm, the Council will only regard the forms of harm described in Tables 1 and 2 as being relevant.

3.2 How Contaminated Land is Identified

Since the introduction of the contaminated land legislation, there has been significant progress regarding many technical areas of assessment and remediation of contaminated land.

For a specific site to meet the above definition of contaminated land it is first necessary to establish the existence of a “pollutant linkage”. A pollutant linkage may only exist in cases where the three constituent elements of such a linkage are present, namely:

a) A **source** of contamination in, on or under the ground.

b) A **receptor** of a type specified in the guidance accompanying the Part 2A regime.

c) A **pathway** linking the source of contamination to the specified receptor

Figure 1 – Contaminant Linkage

Where these three components of a pollutant linkage exist, a risk assessment must be undertaken to determine the likelihood of significant harm being caused via that linkage and

the likely nature and extent of the harm that would be caused. Land may only be designated as contaminated where such an assessment proves that the pollutant linkage either:

a) is resulting in significant harm being caused to the receptor in the pollutant linkage,

b) presents a significant possibility of significant harm being caused to that receptor,

c) is resulting in the significant pollution of the controlled waters which constitute the receptor, or

d) is likely to result in such pollution.

Where a risk assessment proves that the pollutant linkage in question meets one of the above four criteria the land could be designated as contaminated land, and the pollutant linkage is referred to as a **significant pollutant linkage.**

The question of whether risk is unacceptable involves not only the scientific and technical assessments of the individual circumstances, but also a decision by an appropriate decision-maker concerning the risk.

The local authority has the sole responsibility of determining whether any land appears to be contaminated land within its area.

3.3 'Normal' Presence of Contamination

The statutory guidance states that normal levels of contaminants should not be considered to cause land to be determined as contaminated land unless there is a particular reason to consider otherwise. Normal levels of contaminants in soil may be the result of the natural presence of contaminants or the presence of contaminants caused by low level diffuse pollution, and common human activities other than past industrial uses.

In October 2012, Defra published a report and technical guidance sheets produced by the British Geological Survey (BGS) on normal background concentrations for several contaminants in English soils[12]. The normal background concentrations, if necessary, will be used by the Contaminated Land Officer as a guide as to what are reasonable levels to support the decision of whether land within Stroud District Council's area is contaminated land under Part 2A.

[12] Normal background concentrations (NBCs) of contaminants in English soils: Final project report. (2012). British Geological Survey Commissioned Report, CR/12/035. Johnson, CC, Ander, EL, Cave, MR, and Palumba-Roe, B. Normal background concentrations (NBCs) of contaminants in English soils : final project report - NERC Open Research Archive

4 Characteristics of Stroud District

4.1 Location

Stroud District covers an area of around 177 square miles (approximately 460 square kilometres) in the county of Gloucestershire, Southwest England. The district is predominantly rural in character and consists of the Cotswolds to the east and the flat fertile valley of the River Severn to the west.

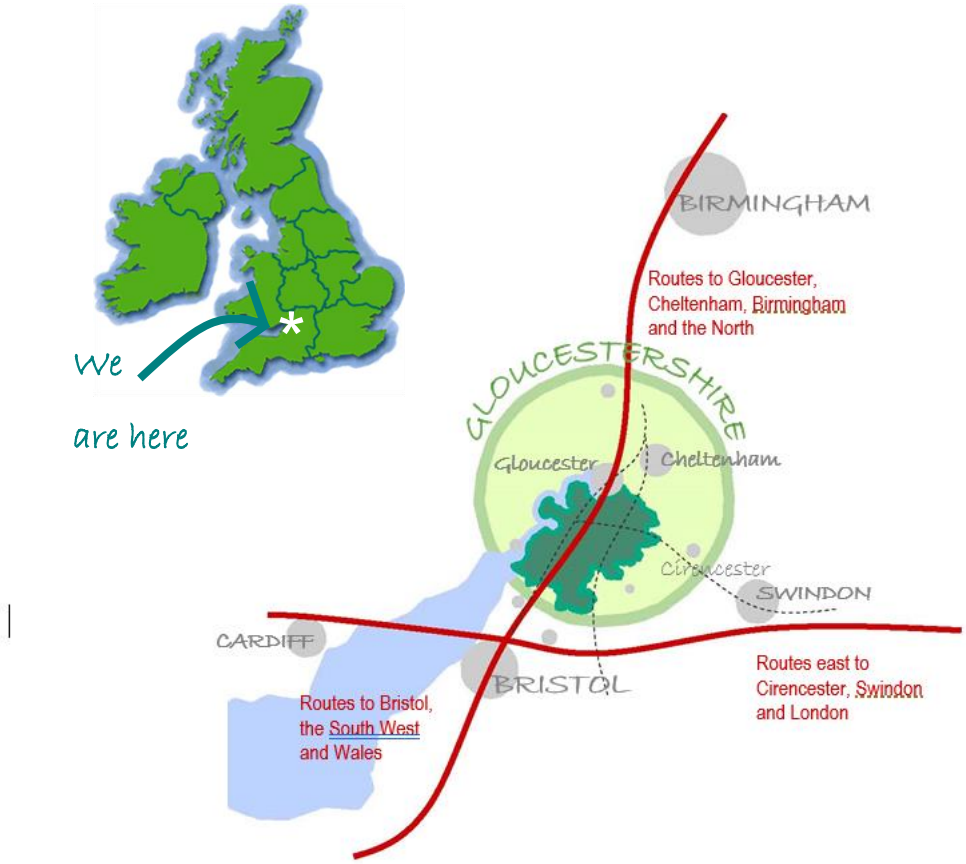

Figure 2 – Location Plan

4.2 Population/Built Environment

The population of the district was 120,903 in 2020 (ONS), with the settlements of the Stroud Valleys and those of Cam, Dursley and Wotton-under-Edge containing approximately three-quarters of that total.

The town of Stroud is the main commercial centre serving the district while Dursley and Cam provide the main focus for industrial and commercial activities in the southern part of the district. The towns of Painswick, Minchinhampton, Nailsworth, Stonehouse, Wotton-under-Edge and Berkeley provide facilities and services for wider local needs, whilst a number of villages provide a range of local facilities to serve community needs.

4.3 Natural Environment

The eastern half of the district is part of the Cotswold Hills which is designated as an Area of Outstanding Natural Beauty (AONB). Land covering over 2800 hectares is designated as Sites of Special Scientific Interest (SSSI), some of which are Special Areas of Conservation (SAC) and National Nature Reserves (NNR). These sites, protected for their nature conservation and geological value and designated by Natural England under the Wildlife and Countryside Act, 1981, represent a wide range of habitat types from beech woodlands to semi natural limestone grasslands. Some of them are common land, the largest of which are Rodborough, Minchinhampton and Selsley Commons. In the western half of the district, the Seven Estuary and much of its foreshore are designated as a SSSI as well as being a protected wildlife habitat under the Ramsar convention and a Special Area of Conservation (SAC). Additionally, the district also contains a network of Key Wildlife Sites, these being locally important sites identified by Gloucestershire Wildlife Trust.

Water also plays an important role in the natural environment of the district. With the Severn Estuary to the west, the district contains approximately 42 kilometres of coastline and is accessible to the open sea via Sharpness Docks. The Vale formed by the River Severn is very low lying and there are extensive areas susceptible to flooding. The catchment of the Severn includes the Rivers Frome, Cam and Little Avon within the district.

4.4 Basic Geology, Hydrogeology and Hydrology

Stroud district comprises two main areas of relief – the Cotswold Escarpment (in the eastern half) and the flood plain of the River Severn (in the western half). The Cotswold Escarpment is composed largely of Lower and Middle Jurassic limestones of the Inferior Oolite Group, Great Oolite Group and the Lias Group, interbedded with mudstones and sandstones while the flood plain is dominated by softer clays and mudstones from the Charmouth Mudstone Formation overlying Triassic mudstones of the Mercia Mudstone Group.

This underlying geology results in two distinct areas in the district with respect to groundwater resources. In the area of the Cotswold escarpment, groundwater-fed springs issue from the base of the Jurassic limestone and sands. These strata are designated as Principal Aquifers. These are layers of rock or drift deposits that have high intergranular and/or fracture permeability - meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. In most cases, Principal Aquifers are aquifers previously designated as Major Aquifers.

In the flood plain, however, the low permeability of the clays and mudstones has led largely to the classification of Secondary Undifferentiated. In most cases, this means that the layer in question has previously been designated as both Minor and Non-aquifer in different locations due to the variable characteristics of the rock type.

Also, within the district there are areas of protected groundwater classified by the Environment Agency as Groundwater Source Protection Zones (SPZs). Three sub-categories of Source Protection Zone are defined – Inner Zones, Outer Zones and Total Catchment Zones. Within Stroud District there are four Inner Source Protection Zones, four Outer Source Protection Zones and two Total Catchment Source Protection Zones. All these Zones are in the southern half of the district.

Severn Trent Water supply most of the district's drinking water. Additionally, Stroud District Council regularly inspects the quality of 163 private water supplies in the area. As stated previously, the catchment of the Severn Estuary includes the Rivers Frome, Cam and Little Avon within the District.

The Severn Vale is susceptible to flooding. Extensive flood defence structures exist along the Estuary shoreline within the district. Additionally, flood defence embankments exist on some reaches of the Rivers Frome, Cam and Little Avon. The Cam and Wicksters Brook pumping station at Ryall's Lane in Cam returns flood waters from the triangular storage area bounded by the River Cam, Wicksters Brook and the A38 to the River Cam when the river level has receded. In addition, the Stroud Valleys Natural Flood Management project is working to reduce flood risk, improve water quality and recover nature throughout the catchment of the River Frome and all its tributaries, including Slad Brook, Painswick Stream, Nailsworth Stream, Ruscombe Brook and all their named and unnamed tributaries.

4.5 Industry, Past and Present

The basis of the industrial heritage of the Stroud district was the wool and textile industry, along with associated processes, for example the manufacture and use of dyes. The Gloucestershire woollen industry was organised on an essentially capitalist basis from the later Middle Ages until its decline in the nineteenth century.

The scope of the wool and textile industry within Gloucestershire as a whole is relatively well documented from approximately 1550, when the industry was predominantly a rural one. Many woollen mills were built in the district, most following the course of the Stroud Valleys. By 1840, the wool and textile industry had begun to decline and of the approximately 140 mills still in use at that time, only about 80 were still used for textile manufacture. Many mill owners had diversified into the manufacture of sticks and pins and in succeeding years this process of diversification continued into many other areas of industry, particularly the general engineering sector.

In addition to the woollen and textile industries the district was host to a wide variety of other industrial uses including brickworks, gasworks, lime burning, quarrying, wire manufacture, fellmongery and tanning, board manufacture and even the manufacture of such diverse products as fireworks and artificial manure.

Today, the Stroud economy shares many of the key features of the wider area of Gloucestershire. The manufacturing sector remains the backbone of the local economy, well supported by the public administration, distribution, hotels and banking and finance sectors. These sectors account for over 80% of employment in the district. The Stroud Valleys remain the "engine room" of the district's economy, with most of the main manufacturing and service sector businesses located there. There is also a strong industrial presence in the south of the district with major employers at Dursley, Wotton-under-Edge and Berkeley.

With regard to current industry within the district there are a number of sites subject to regulation via Environmental Permits issued under The Environmental Permitting Regulations.

4.6 Archaeological Sites of National Importance

At present, some 68 Archaeological Sites of National Importance within Stroud district are scheduled as Ancient Monuments under the terms of the Ancient Monuments and Archaeological Areas Act, 1979, as amended by the National Heritage Act, 1983.

4.7 Land Owned by Stroud District Council

Stroud District Council does have some land holdings within its district. All such land holdings are detailed in "terrier records" held by the Council. Additionally, the Council currently owns over 5000 residential properties and 40 shared ownership residential

properties and their associated communal land as well as several workplaces, including the main Council Office, itself situated in a renovated woollen mill.

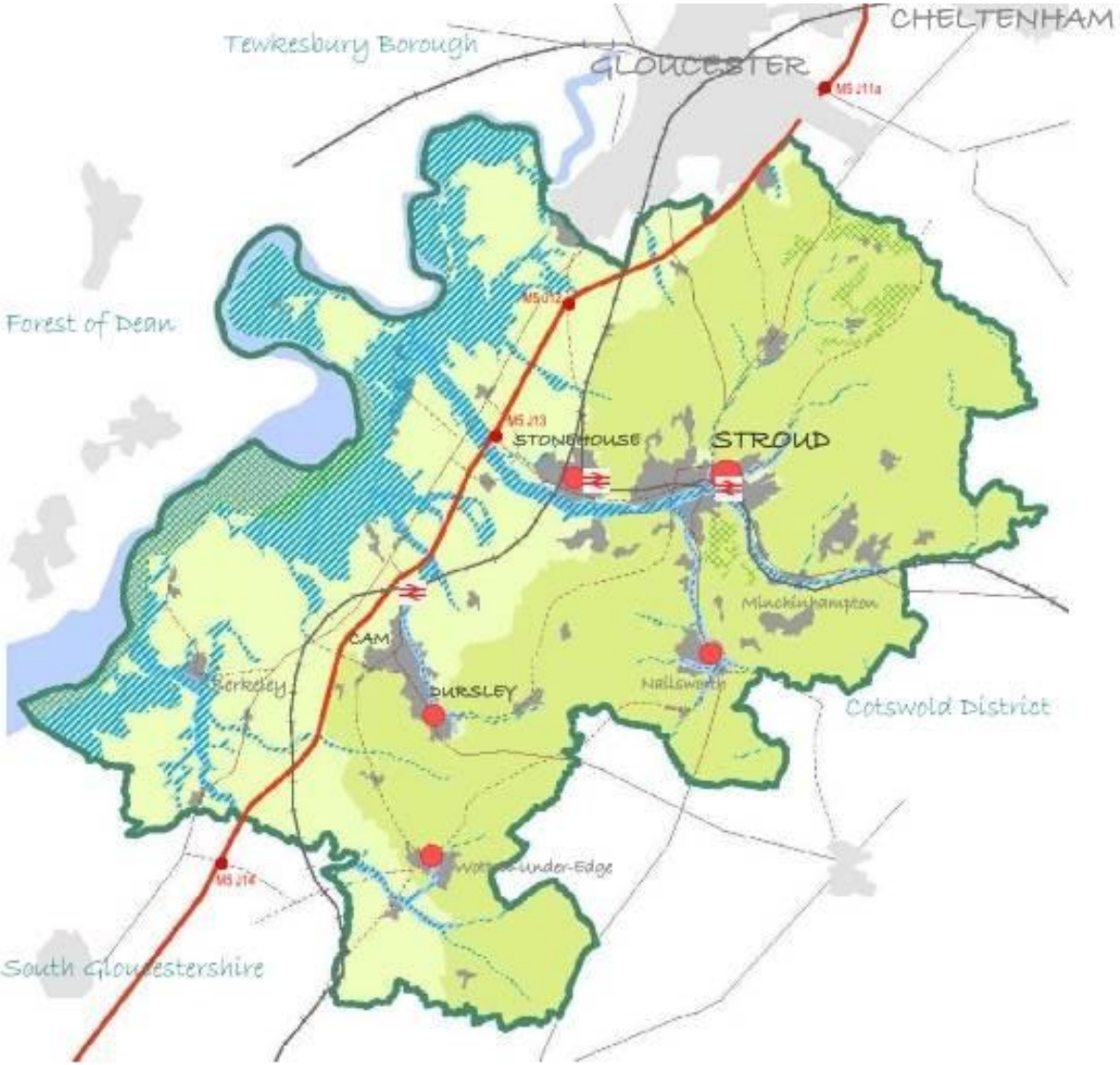

Fig. 3: (Map) Stroud District's geographic context and landscape constraints

- Stroud District
- The Cotswolds Area of Outstanding Natural Beauty (AONB)
- Internationally designated wildlife sites
- The River Severn estuary
- Estuarine and river floodplain (indicative)
- Settlements and urban areas
- Main line rail stations
- A roads
- B roads
- Main town centres

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4.8 Known Information on Contamination

Stroud District Council holds some information regarding contamination within the district. Such information has usually been submitted as part of the development control process in the form of site investigations, which have been requested as part of a planning permission. Where development has proceeded on such sites, remedial works will often have been carried out. Consequently, planning records will form a valuable resource during the investigation process.

Historically most site investigation reports, and remediation reports were submitted in hardcopy form only. In recent years, most reports submitted are in electronic form and can be viewed on the Council's planning pages on its website.

Most of the information relating to the location of suspected contamination is stored on a dedicated database that is linked to the Councils mapping system. All planning applications are now screened against this database and any issues are addressed through the planning process in accordance with the NPPF.

A Public Register of Contaminated Land has been kept since April 2000 and is available for inspection at the District Council Offices. Alternatively, a copy of the register is available on the Stroud District Council Website Contaminated Land Public Register

4.9 Additional Local Features

From the mid-1940s to the early 1970s the village of Chalford was home to a company called Fibrecrete Ltd, which manufactured asbestos cement products. The process produced a great deal of waste asbestos cement material and the primary disposal route for this waste was to use it as in-fill material or hardcore. It is therefore common to find that, in the parishes surrounding Chalford, a great deal of made ground comprises asbestos cement waste, often overlain with a surfacing material.

There are added difficulties with assessing these sites as there are no current exposure levels for asbestos in an environmental setting. However, recent guidance has been issued to assist with appropriate investigation techniques and risk assessment[13].

4.10 Previous Control of Contaminated Land

Prior to the introduction of Part 2A of the Environmental Protection Act, 1990, contaminated land issues have been dealt with in two main ways:

a) Where contaminated land has previously come to the attention of Stroud District Council, the issue has been dealt with by the Environmental Health Department. Contaminated land has largely been dealt with using the statutory nuisance provisions of the Environmental Protection Act, 1990 or, prior to that date, the Public Health Act, 1936.

b) Through the planning process as discussed in section 2.2.

[13] Asbestos in soil and made ground: a guide to understanding and managing risks. (2014). CIRIA C733. P Nathanail, A Jones, R Ogden, A Robertson.

5 Aims and Objectives of the Strategy

5.1 Introduction

Part 2A Places a duty of inspection on Local Authorities to inspect their areas, and where contaminated land is identified, enforce satisfactory remediation.

The main objectives of the Local Authority are outlined below. A detailed breakdown of how the Council will meet these objectives will be discussed in the remaining chapters.

5.2 Objectives

- Identify any land with potential, or actual, contamination by concentrating on the Priority Investigation Areas (see Paragraph 5.3).
- Inspect any land which may be contaminated (in accordance with prioritisation) having due regard to current best practice.
- Notify any affected person, the Environment Agency, and other relevant stakeholders if contaminated land is identified.
- Decide whether any land is a Special Site in consultation with the Environment Agency.
- Apply the 'Polluter Pays' approach by identifying who is the legally appropriate person, responsible for the remediation of the land.
- Secure the remediation of all contaminated land including taking appropriate enforcement action, if necessary, in accordance with the legislation.
- Exercise its power to carry out remediation and recover the costs of doing so, if necessary.
- Maintain a Public Register in relation to contaminated land.
- Prevent the creation of new contaminated land sites, by ensuring that they are appropriately investigated and sustainably remediated through the planning process.

5.3 Priority Investigation Areas

In the 2001 strategy, it identified several Priority Investigation Areas (PIAs), to ensure that the resources are concentrated efficiently on those areas where contaminated land is most likely to be located. It was noted that these areas would, by necessity, be evolutionary in nature as investigations produce additional information. The six original PIAs are listed below.

1. The major commercial and industrial areas of the district (past and Present):
    - The Parishes of:

Berkeley	Nailsworth
Cam	Painswick
Chalford	Stonehouse
Dursley	Stroud

Kingswood Thrupp
Minchinhampton Wotton Under Edge

- The 5 major industrial valleys:

  Golden Valley (Stroud to Chalford)
  Nailsworth Valley (Stroud to Nailsworth via Woodchester)
  Painswick Valley (Stroud to Painswick)
  Slad Valley (Stroud to Slad)
  Stroud Valley (Stroud to Ryeford)

- Authorised Process sites, both IPPC and Part 1 Environmental Protection Act 1990.

- Sharpness Docks

- Mill sites (past and present).

2. Landfills, waste transfer and waste disposal sites (past and present).

3. Public rights of way in parishes of Chalford, Bisley, Minchinhampton and Thrupp.

4. Land for which Stroud District Council may be the 'appropriate person'.

5. Land within Zone 1 (inner) Groundwater Source Protection Zones.

6. Sites brought to the attention of Stroud District Council by external persons or organisations.

In 2006, the introduction of the Radioactive Contaminated Land Regulations led to the identification of a further Priority Investigation Area:

7. Former MOD sites and sites which were commandeered for works during World War 2.

In 2022, the issues regarding the emerging contaminants of PFAS (Per – and polyfluoroalkyl substances) and Climate Change has led to the introduction of two further PIAs.

8. Fire Stations & Fire Training Facilities, private airports, wastewater treatment plants and the application of biosolids to land (land spreading).

9. Reassessment of previous remediation schemes (climate change can lead to their failure).

6 Contaminated Land Activity in Stroud District

6.1 Progress

Significant progress has been made within Stroud district since 2001. The original 6 PIAs have been investigated, as well as PIA 7 and 1746 potential contaminated land sites have been identified to date, strategically inspected, and prioritised for detailed inspection.

At the time of publication there are two entries on the register. Several other sites have been investigated to establish whether they can formally be determined as Contaminated Land in accordance with the Statutory Guidance. Several sites have been voluntarily remediated by the current landowners and numerous other sites have been investigated and remediated through the planning process (see 6.4 below).

6.2 Changes to Technology/Systems in Place

Initially the site data was collected and recorded on an in-house designed Access database. As the amount of data increased and as current best practice on risk assessment techniques improved, it became apparent that the current system in use was not fit for purpose. As such, several systems were purchased including the Contaminated Land unit for Uniform (database storage with inbuilt programmable risk assessment and prioritisation as well as cross links to sites in planning) and ArcView a geographical information system, which allowed the sites to be spatially plotted and compared with other information, including historical mapping and other receptor datasets. Uniform was purchased in July 2004, with data transfer complete by May 2006.

One of the major changes from that proposed within the 2001 Strategy was the prioritisation system to rank the sites in order of priority for further detailed inspection. The 2001 Strategy proposed a prioritised system based upon a simple scoring system with an assigned number HIGH = 3, MEDIUM = 2 and LOW = 1 for perceived risk (Hazard Score) multiplied by the receptor susceptibility (receptor score).

	Receptor Susceptibility Category			
Perceived Risk Category		HIGH	MEDIUM	LOW
	HIGH	9	6	3
	MEDIUM	6	4	2
	LOW	3	2	1

Figure 4 – 2001 Risk Matrix

Each site would receive a priority rating from 1 (low priority) to 9 (High priority). Unfortunately, in practice, this resulted in hundreds of sites with the same priority score, which did not assist in identifying the most pressing and serious sites to be investigated first.

The Uniform database purchased in 2004, has a facility to program a purpose-built risk assessment resulting in the site being allocated a priority score. The higher the score the higher the priority for detailed inspection. The system was designed to reflect the initial ranking system, in that there is still a Hazard Score x Receptor Score. However, more receptors were identified to reflect the full list of receptors identified in Table 1 and 2 of the

Statutory Guidance[2] (Ecological System Effects and Property Effects, Appendix B) as well as risks to Human Health and Controlled Waters. The scoring was allocated on a 'distance from potential source of contamination' basis. Giving rise to a wider range of allocated scores. In addition, the system was written to consider the accumulated score for all types of receptors present at a site, rather than just taking the highest score from one receptor. It was felt that this was more representative of a site, given that there is often more than one type of receptor present. The list of hazard scores used in the 2001 strategy was also split from the three categories High = 3, Medium = 2 and Low = 1 to High = 20, Medium High = 15, Medium = 9, Medium Low = 7, Low = 5 and Very Low = 1 (Appendix C). This resulted in a wider range of scores and has provided the Council with a prioritised list for detailed inspection with scores ranging from 2080 to 30.

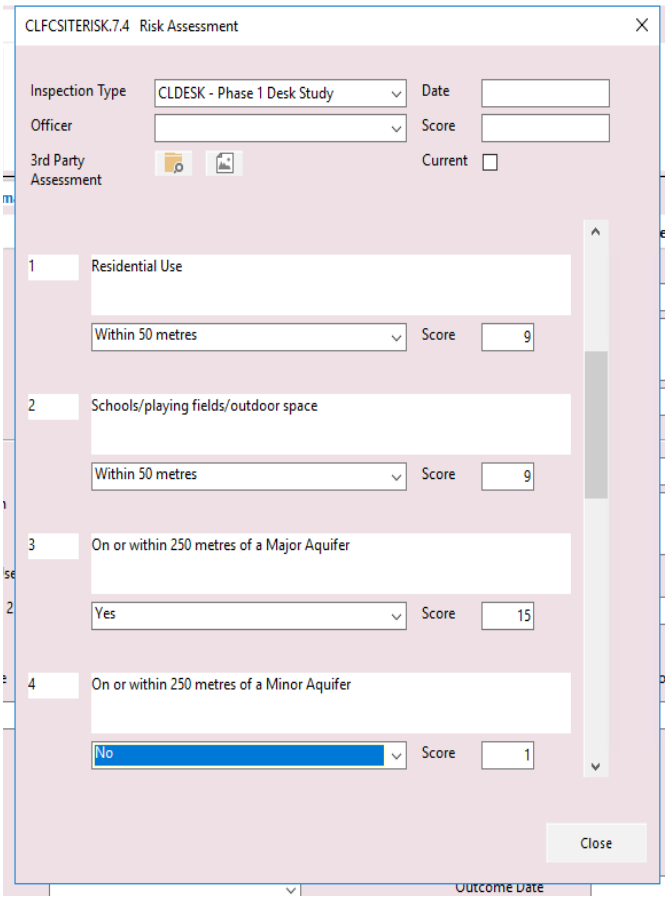

Figure 5 – Current Risk Assessment

6.3 Progress to Detailed Inspection

Prioritisation was complete by the end of May 2006. Since then, the Council has made significant progress with undertaking detailed inspection on several high-risk sites across the district. Between 2002 and 2017 DEFRA made money available through the contaminated land capital projects scheme. Each authority could bid for money to undertake detailed site investigation and/or remediation. The Council was successful in securing approximately £300,000 through this scheme and was able to investigate the following sites:

- Capel Mill Landfill (leaching into River Frome. Remediated through Canal Project)
- Ebley Tip Landfill (leaching into River Frome. No further work required)
- Painswick Gasworks (Residential properties built on site without remediation. One property required remediating via funding)
- Berkeley Gasworks (Residential properties built on site without remediation. One garden area required remediating (voluntary by current owner) one area of public open space required remediating (voluntary by previous developers)
- Wotton-Under-Edge Gasworks (Residential properties built on site – remediation through land raise. No further work required)
- Cainscross Gravel Pits (School & Associated playing fields built upon former landfill. Risks managed via pitch maintenance)
- Brimscombe Tip (Leaching into River Frome. Assisted Gloucestershire County Council (as landowners) with securing funding and advising on investigation.

In addition, the Council has funded approximately £100,000 of detailed site investigation, and where required, remediation at the following sites:

- Accommodation Lane (Road Used as Public Path (RUPP) surfaced with asbestos – investigated and remediated)
- Bubblewell Public Right of Way (PROW) (surfaced with asbestos. Voluntary remediation via current landowner)
- Bowbridge Lock (Housing estate built on former Mill site & filled land. No further work required)
- Synwell Playing Field (Playing field on former landfill, surrounded by housing. Suitable for use, no further work required)
- The Track at The Cleeves (surfaced with asbestos. Partial remediation and partial closure).

6.4 Progress via the Planning System

A substantial number of sites have been investigated, and where required, remediated as part of the planning process. Notable sites include:

- Littlecombe – 35Ha site formerly the Lister Petter Engineering Works and Dursley Gasworks.
- Far Hill Landfill (Homebase, Stroud)
- Standish Hospital
- Cashes Green Hospital
- Timms Garage, Stroud
- Bymacks, Dursley
- Mawdesley, Dursley
- Smaller factories in Nailsworth (Hiliers Bacon Factory)
- Small garage sites – Frampton, Slimbridge, Kings Stanley, Woodmancote, Cashes Green, Bowbridge, Whiteway, Wotton Motor Centre etc.
- Millend Mill, Eagle Mill, Lewiston Mill, Wades Mill, Rooksmoor Mill, Wimberley Mill, Longford Mill, Iron Mill, Seville's Mill
- Aston Down
- Restoration of canal
- Avocet
- Aldi, Bath Road
- Gloucester Road, Stonehouse
- BP Depot, Hardwick
- Javelin Park

- Former RAF sites in Hardwick/Quedgeley
- Ebley Wharf, Stonehouse Wharf
- Coop Nursery, Cainscross
- Stroud College
- Numerous household extensions and new builds.

It is estimated that 450 of the 1746 sites currently identified have been investigated, remediated or deemed suitable for use.

6.5 2001 Timetable for Inspection

The programme of inspection highlighted in the 2001 strategy was over ambitious. It was new legislation, with guidance continuing to be updated and evolved and until the process began, no one knew how time consuming it would be. It took longer to employ a dedicated officer and to establish the correct tools (database, GIS, datasets etc.) to enable the identification of sites within the PIAs. Once this was established, it became clear that each site that underwent detailed inspection took an average of two years to complete, with funding only being available from DEFRA on an annual basis.

In December 2013, DEFRA decided to decrease funding year on year and end the scheme by March 2017. Progress declined with the lack of funding and as the Councils annual budgets have been cut year on year. In recent years, emphasis has been placed on investigating and remediating sites through the planning system and great progress has been made however, this has not been the sole focus. The Council has continued to work with owners that wish to undertake work on a voluntary basis and has continued to investigate and remediate sites that are urgent or orphan sites. See Chapter 7 for proposed work programme.

On a more positive note, the Council's 5-year Plan (2025-2029) has identified Contaminated Land as a priority area. See Section 7 for further details.

7 Work Programme

7.1 Timescale for Inspection

Identification of land for which Stroud District Council is owner	**Complete**	
Identification of potential contaminated sites within PIAs 1-7	**Complete**	
Identification of 'other' potential contaminated sites outside of the PIAs	**Complete**	Other sites may be brought to SDCs attention, and these will be added to the database and prioritised for inspection.
Identification of potential contaminated sites within PIA 8	Ongoing	Regulation and guidance on PFAS are emerging within the UK. Work on identifying potential sites affected by PFAS will commence whilst awaiting further information.
Identification of potential sites within PIA 9	Ongoing	This is an emerging issue, and guidance is anticipated in the coming years. Work identifying potential sites affected by climate change will commence whilst awaiting further information.
Prioritisation of sites for detailed inspection	**Complete**	Any new sites will be prioritised as they come forward and are added to the database.
Detailed inspection	On going	Sites will be inspected in accordance with priority when funds allow.

Sites will continue to be assessed and dealt with via the planning process and landowners will be encouraged to clean up sites on a voluntary basis. New sites brought to the attention of the Council, will be prioritised for inspection, and investigated in accordance with the prioritised list.

In addition, the Council's 5-year Plan (2025-2029)[14] has identified Contaminated Land as a priority area. A budget has been secured for at least 2 years to undertake further investigations, and additional resource has been put into staffing.

[14] council-plan-2025-2029.pdf

8 Management and Information Procedures

8.1 Responsibility for Regulation

The Part 2A legislation makes Stroud District Council the primary enforcing authority for Contaminated Land within the District.

Within the District Council, Environmental Health has the responsibility of implementing Part 2A of Environmental Protection Act 1990.

The Council has employed a Contaminated Land Officer (CLO), who sits within the Environmental Protection Team. The CLO is responsible for the day-to-day management and implementation of the strategy. The CLO is responsible for the collation of information, the identification of potential sites, assessment of risk and determining investigation and remediation requirements. The CLO will also be responsible for preparing 'Risk Summaries', the service of Remediation Notices and the maintenance of the Public Register.

Consultation will take place at all stages with the Environmental Protection Manager and the Head of Environmental Health and where necessary the Strategic Directors, Finance and Legal Services.

The CLO will maintain strong working relationships with Development Control, Building Control and Estates within SDC, as well as appropriate external stakeholders, such as the Environment Agency and the UK Health Security Agency.

Elected Members will be informed at the earliest opportunity of any plans to determine any land in their ward, any Council owned land, or in circumstances where there are "Orphan Sites", or sites where the Council might be considered as the "Appropriate Person" and may become liable for remediation costs.

8.2 Data Storage & Accessibility

While implementing this strategy, the authority will obtain a great deal of information in a wide range of formats and from many different sources. This information which may take the form of documents, reports, correspondence, maps, or electronic records needs to be collated and managed efficiently.

From 2004, The Council has used CAPS Uniform contaminated land module and Arcview geographical information system for this purpose. All data is digitised and stored under a unique reference number. This significantly improved the storage and management of information, allows bespoke risk assessment and prioritisation, and allows information sharing across the relevant areas, as this system is corporate and not only used by Environmental Health, but by Planning and Building Control as well.

For ease of reference, current and on-going sites may also have a paper-based filing system running in parallel to the digital database. The paper-based system will use the sites unique reference number and will contain the same documentation. Once a site has been closed, all documents will be cross-referenced with the digital system and the paper copies will be destroyed.

Reports prepared on behalf of SDC by consultants or contractors will be digitised and/or available in paper format. The paper copies of the reports will be kept for the foreseeable future.

8.3 Public Register of Contaminated Land

The District Council will prepare and maintain a Public Register of contaminated land. The register is available to view on the SDC website at Contaminated Land Public Register or alternatively a paper copy can be viewed, upon request in reception, between the hours of 9.00am to 4.00pm Monday to Friday.

The Public Register will include details of Remediation Notices served and other information as prescribed in Regulation 15 of, and Schedule 3 to, the Contaminated Land (England) Regulations 2000.

No other additional information will be included on the public register, although additional information held by the Council is likely to be available for inspection. Interested persons should contact the CLO for further information.

It must be stressed that the Public Register is not a register of all sites affected by contamination and will only contain details about sites which have been formerly determined as contaminated land, and the remediation action carried out to ensure the land is suitable for use.

8.4 Requests for Information

The District Council is subject to the requirements of the Environmental Information Regulations 2004, the Freedom of Information Act 2000, the Data Protection Act 2018, GDPR and several other pieces of legislation governing the storing and provision of information, such as the Town and Country Planning Act.

The Council aims to make available, as much information as possible. This is done via informal enquiries over the telephone, email or written, which will require a full written response. The enquirer will receive a response within 10 working days (or unless otherwise agreed). The response will contain factual information only, no interpretation will be provided. There may be a charge for the provision of the information to be agreed prior to the commencement of the search.

8.5 Provision of Information to the Environment Agency

The Environment Agency is required to prepare periodic reports for the government on the state of contaminated land in England and Wales. This report will include a summary of local authority inspection strategies including progress against the strategy and its effectiveness, the amount of contaminated land, and the nature of its contamination and the measures taken to remediate contaminated land.

Such reports will clearly require an input of information from local authorities, the lead regulators on contaminated land. The Land Contamination Protocol (2001) has been agreed between the Environment Agency and the Local Government Association to assist in this exchange of information. Stroud District Council undertakes to provide information to the Environment Agency following the guidelines agreed within this protocol.

A local authority must also provide information to the Environment Agency whenever a site is designated as contaminated land and whenever a remediation notice, statement or declaration is issued or agreed.

8.6 Complaints and Confidentiality

8.6.1 Complaints

Any complaint received regarding contaminated or potentially contaminated land will be dealt with following the same procedure as any other complaint received by environmental health. The Complaints and Feedback Policy can be found at the following link: 2025-04_complaints-and-feedback-policy_v22.pdf

8.6.2 Confidentiality

The release of information on potentially or actually contaminated land is a sensitive issue as it may give rise to undue anxiety and property blight if handled in an inappropriate or uncontrolled manner.

The council will only release information on a site-by-site basis to an appropriate person for a proper use. Incomplete data and reports including conclusions based on preliminary or incomplete data particularly sites that are considered potentially contaminated will be treated as confidential. While respecting legal rights of access of information the process for information gathering will be made classified as work in progress until such a time when a decision can be made as to whether land is contaminated land under Part 2A or otherwise. As such the council will not release its prioritised list for detailed inspection.

Information given to the council by a third party during an inspection will be classified as confidential and will only be disclosed for public inspection with the prior agreement of the information provider.

8.6.3 Confidentiality of Public Register Information

Before including any information on the public register this authority must consider whether that information should be excluded on the basis that:

- its inclusion would be against the interests of national security or
- the information is commercially confidential

Where this authority considers that inclusion may act contrary to the interests of national security it shall notify the Secretary of State. The information shall not be placed on the public register until such time as the Secretary of State has communicated a decision on the matter.

With regards to matters of commercial confidentiality this authority must not without the relevant persons permission include any information on the public register which:

a) relates to the affairs of any individual or business and

b) is commercially confidential to that individual or the person carrying on that business.

For these purposes commercial interests relating to the value of the contaminated land or to its ownership or occupation are to be disregarded. This ensures that information may not be excluded solely on the basis that its inclusion might provide information to a prospective buyer of the land thus affecting the sale or sale price.

Where Stroud District Council considers the information which would normally be placed on the public register could be commercially confidential then it will notify the

appropriate person in writing. The person shall be given an opportunity to make representations requesting exclusion of the information and the basis for the request. This authority will then consider these representations to determine whether the information is in fact commercially confidential.

When the information is deemed to be commercially confidential it will be excluded from the public register. However, a statement indicating the existence of the excluded information will be placed on the public register.

When the information is not deemed to be commercially confidential the appropriate person will be notified in writing. That person then has 21 days to appeal to the Secretary of State. While any appeal is pending the information will not be placed on the public register. Should the Secretary of State decide that the information is not commercially confidential then this authority will include it on the public register within seven days of receipt of that decision.

Any exclusion from the public register on the grounds of commercial confidentiality will lapse four years after the date on which it was originally excluded. At that time this authority will contact the appropriate person and implement the same system as was used to make the original determination.

9 Carrying Out Detailed Inspection

9.1 Detailed Inspection

The Council, when carrying out detailed inspection of the land, in accordance with Part 2A, will seek to give priority to areas of land that it considers most likely to pose the greatest risk to human health or the environment.

The Council will apply the prioritisation scheme, as outlined in Chapter 6 to prepare a list of sites, in order of prioritisation, for detailed inspection. In undertaking the detailed inspection, the Council will follow the guidance laid out the in the Environment Agency's Land Contamination Risk Management document[15].

In some cases, the identification of sites for detailed inspection, may give rise to property blight. For this reason, the Council will not release its list of prioritised sites to the public. The release of information on potentially or actual contaminated land is a sensitive issue, as it may give rise to undue anxiety as well as property blight if handled in an inappropriate or uncontrolled manner.

The Council will only release information on a site-by-site basis to an appropriate person for a proper use, for example, to the purchasers or sellers of land.

The Council will seek to minimise or reduce such potential blight as far as it considers reasonable. The Council will encourage the landowner (or other interested party) to help resolve the status of the land themselves. The Council may decide that the land is, or is not, contaminated land based on information provided by the landowner, or other interested party, provided the Council is satisfied with the robustness of the information.

9.1.1 Detailed Inspection of Land

If the Council identifies land where it considers there is a reasonable possibility that a significant contaminant linkage exists, it will inspect the land to obtain sufficient information to decide whether it is contaminated land.

At this stage, the Council will consult the landowner before inspecting unless there is a particular reason why this is not possible (for example, it has not been possible to identify or locate the owner). The purpose of this contact is to establish whether the landowners have any information that may be pertinent to the inspection, and/or to gain access to inspect the site. Where the owner refuses access, or the landowner cannot be found, the Council will consider using statutory powers of entry.

If the Council intends to carry out an inspection using statutory powers of entry under Section 108 of the Environment Act 1995 it should first be satisfied that there is a reasonable possibility that a significant contaminant linkage may exist on the land. The Council will not use statutory powers of entry to undertake intrusive investigations, including the taking of sub-surface samples if:

a) It has already been provided with appropriate, detailed information on the condition of the land (e.g., by the Environment Agency or some other person such as the

[15] Land contamination: risk management (LCRM) How to assess and manage the risks from land contamination, updated (2023). Environment Agency Land contamination risk management (LCRM) - GOV.UK

owner of the land) which provides sufficient information for the Council to decide whether or not the land is contaminated land; or

b) A relevant person (e.g., the owner of the land, or a person who may be liable for the contamination) offers to provide such information within a reasonable and specified time and provides such information within that time.

The Council will carry out any intrusive investigation in accordance with current best practice.

9.1.2 Arrangements for Land that Maybe a Special Site

If at any stage the Council considers, based on the information obtained from the inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, the Council will not carry out any further inspection in relation to that linkage.

If the Council identifies land which it considers (if the land were to be determined as Contaminated Land) would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006, it will consult the Environment Agency and subject to the Agency's advice and agreement, will arrange for the EA to carry out any intrusive inspection of the land on the Councils behalf. If the EA is to carry out the inspection, the Council will, where necessary, authorise a person nominated by the EA to exercise the powers of entry conferred by section 108 of the Environment Act 1995.

Where the Environment Agency carries out an inspection on behalf of the Council, the Council's regulatory functions under section 78B and 78C of the 1990 Act (including the inspection duty and the decision as to whether land is contaminated land) and the need to comply with the Statutory Guidance will remain the sole responsibility of the Council. The Environment Agency will advise the Council of its findings in order to enable the Council to undertake these functions.

10 Determination

10.1 Determining that Land is Contaminated Land

Before determining a site as contaminated, the Council will undertake detailed inspection in accordance with the procedures laid out in Chapter 8. The Council will also consider how climate change might impact a site. For example, more frequent extreme rainfall could mobilise contaminants or create new pathways. The Council has the sole responsibility of determining whether any piece of land appears to be contaminated. In making that decision, the Council may rely on information provided by other bodies, such as the Environment Agency or a suitably qualified experienced practitioner appointed for that purpose.

There are four possible grounds for the determination (regarding non-radioactive contamination):

- Significant harm is being caused to a human or relevant non-human, receptor.
- There is significant possibility of significant harm being caused to a human or relevant non-human, receptor.
- Significant pollution of controlled waters is being caused.
- There is a significant possibility of significant pollution of controlled waters being caused.

10.1.1 Special Sites

The Council must designate certain types of contaminated land as ‘Special Sites’. If the Council considers the land to be a Special Site (as outlined in the Contaminated Land Regulations 2006, Appendix D), the Council will consult the Environment Agency before deciding whether or not to determine the land. The Council will take the Agency’s views into consideration and will strive to ensure that it has the Agency’s agreement in respect to its decision. Once designated, the Environment Agency becomes the enforcing authority (rather than the Council) and assumes responsibility for requiring remediation to be carried out.

10.1.2 Physical Extent of Land to be Determined

The Council will determine the physical extent of the determination based on the results of the detailed inspection. The Council will review its decision on the physical extent of the land to be determined, if at a later date it becomes aware of relevant further information. For example, if during remediation, it becomes clear that the extent of contamination is significantly greater or less than was originally thought.

10.1.3 Making determinations in Urgent Cases

If the Council considers there is an urgent need to determine a particular piece of land, it will make a determination in a timescale it considers appropriate to the urgency of the situation.

10.1.4 Informing Interested Parties

Before making a determination, the Council will inform the owners and occupiers of the land and any other person who appears to be liable for the remediation, of its intention to determine the land (to the extent that the Council is aware of these parties at the time). The Council will also consider:

Whether to give such persons' time to make representations (for example to seek clarification on the grounds for determination, or to propose a solution that might avoid the need for formal determination) taking into account: the broad aims of the regime; the urgency of the situation; any need to avoid unwarranted delay; and any other factor the authority considers to be appropriate.

Whether to inform other interested parties as it considers necessary, for example owners/occupiers of neighbouring land.

When the Council determines land as contaminated land it will give notice to:

- the Environment Agency.
- the owner of the land.
- any person who appears to be in occupation of any part of the land; and
- each person who appears to be an appropriate person(s) at the time that the determination is made.

10.1.5 Postponing Determination

The Council may postpone determination of the land if the landowner or some other person undertakes voluntary remediation without determination, and the Council is satisfied that the remediation will happen to an appropriate standard and timescale. This will not preclude the Council from determining the land at a later stage if the person(s) fails to carry out the appropriate remediation.

10.1.6 Record of Determination

The Council will prepare a written record of any determination. The record will clearly and accurately identify the location, boundaries, and area of land in question, include a 'Risk Summary' and will explain why the determination has been made. A copy of the determination will be placed on the Public Register.

10.1.7 Reconsideration, Revocation and Variation of Determinations

The Council will reconsider any determination that land is contaminated land if it becomes aware of further information which it considers significantly alters the basis for its original decision. The Council will decide whether to retain, vary or revoke the determination and will record its reasons for doing so alongside the original determination. Relevant person(s) will be notified accordingly.

11 Remediation and Liability

11.1 Remediation

Once the land has been determined as contaminated land, the Council must consider how it should be remediated, and where appropriate, it must issue a Remediation Notice to require such remediation.

The broad aim of remediation should be a) to remove identified significant contaminant linkages or permanently disrupt them to ensure they are no longer significant and that the risks are reduced to below unacceptable level; and/or b) to take reasonable measures to remedy harm or pollution that has been caused by a significant contaminant linkage.

Remediation may involve a range of treatment, assessment and monitoring actions and may involve one or more of the following:

a) reducing or treating the contaminant part of the linkage (e.g., by physically removing contaminants or contaminated soil or water, or by treating the soil or water to reduce levels of contaminants, or by altering the chemical or physical form of the contaminants).

b) Breaking, removing, or disrupting the pathway parts of the linkage (e.g., a pathway could be disrupted by removing or reducing the chance that receptors may be exposed to contaminants, for example installing gas membranes in a property, or by sealing land with a material such as clay or concrete).

c) Protecting or removing the receptor for example, by changing the land use or restricting access to land it may be possible to reduce risks to below an unacceptable level.

11.1.1 Securing Remediation Without a Remediation Notice

The Council will not serve a Remediation Notice if it is satisfied that appropriate measures are being taken by way of remediation. The Council will assume that appropriate measures are being taken if a) it is satisfied that steps are being taken that are likely to achieve a standard of remediation equal to, or better than, what the Council would otherwise specify in a remediation notice; and b) the Council is satisfied that the timescale in which remediation is planned to take place is appropriate.

11.1.2 Verification

Any remedial treatment action should include an appropriate verification measure. The Council will ensure that the person(s) responsible for verification is a suitably qualified experienced practitioner.

11.2 Health and Environmental Impacts of Remediation

In considering the costs of remediation and the seriousness of harm or pollution, the council will consider other costs and impacts that may, directly or indirectly, result from remediation. This should include consideration of: (a) potential health impacts of remediation; and (b) environmental impacts of remediation. In considering such impacts it is for council to decide whether or not to describe such costs in terms of monetary value or whether to make a qualitative consideration.

The council's consideration of potential health impacts of remediation should include: (a) direct health effects (e.g. resulting from contaminants being mobilised during remediation, and worker safety); and (b) indirect health effects such as stress-related effects that may be experienced by affected people, particularly local residents. In making this consideration the council will also be mindful of the health benefits of remediation and the potential health impacts of not remediating the land.

With regard to environmental impacts of remediation, the council will consider whether remediation can be carried out without disproportionate damage to the environment, and in particular: (a) without significant risk to water, air, soil and plants and animals; (b) without causing a nuisance through noise or odours; (c) without adversely affecting the countryside or places of special interest; and (d) without adversely affecting a building of special architectural or historic interest.

The council will strive to minimise impacts of remediation on health and the environment (and comply with any relevant regimes that might require this, for example the health and safety, planning and environmental permitting regimes). If the council considers that health or environmental impacts of a particular remediation approach are likely to outweigh the likely benefits of dealing with the risk posed by the contamination, it will consider whether an alternative approach to remediation is preferable, even if it may deliver a lower standard of remediation than other techniques. The Council will expect a Remedial Options Appraisal to be produced (in accordance with the LCRM[15]), as well as consideration of climate change and extreme weather events and the principles of sustainability.

11.3 Identifying Liability

Where Remediation Notices are to be issued, or where the Council is required to determine liability, they will do so in accordance with the legislation and statutory guidance.

The procedures for undertaking such an assessment are:

- Identify appropriate persons and liability groups
- Identify remedial actions required
- Attribute responsibility to liability groups
- Exclude members of liability groups based on exclusion tests
- Apportion liability between the remaining members of each liability group

There are two liability groups, "Class A" or "Class B".

Class A – are persons who caused or knowingly permitted each pollutant linkage.

Class B – Where no Class A person can be found, liability reverts to the current owner or occupier of the land. These are known as Class B persons.

The Council will make all reasonable enquiries to identify the Class A persons before liability reverts to owner occupiers.

11.4 The Council's Cost Recovery & Hardship Provisions

The Statutory Guidance requires that after apportioning liability, but before serving a Remediation Notice, the Council must consider whether there are any reasons why any of the liable parties should not meet in full their share of the costs apportioned to them. In addition, where the Council has undertaken remediation on behalf of the liable parties (e.g., urgent remediation), the Council is entitled to seek recovery of these costs.

In making any cost recovery decision, the Council will have regard to the following principles:

The Council will aim for an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers.

The “polluter pays” principle will be applied with a view that, where possible, the costs of remediating pollution should be borne by the polluter.

In deciding how much of its costs it should recover, or whether a Remediation Notice can be served, the Council will have regard to the circumstances of each individual case, avoiding any undue hardship which may be caused to the appropriate person.

Hardship is not specifically defined in the Part 2A legislation or guidance, so therefore it carries its ordinary meaning: ‘hardness of fate of circumstances, severe suffering or privation’.

The Council will consider deferring recovery and securing them by placing a charge on the land under Section 78P. Such deferral may lead to payment from the appropriate person either in instalments or when the land is next sold.

11.4.1 Information for making decisions

The Council will expect anyone who is seeking a waiver or reduction in the recovery of remediation costs to present any information needed to support such a request.

In making any cost recovery decision the Council will consider any relevant information provided by the appropriate person(s). The Council will also seek to obtain such information as is reasonable, having regard to:

- The accessibility of the information.
- The cost, for all parties involved, of obtaining the information; and
- The likely significance of the information for any decision.

The Council will in all cases, inform the appropriate person(s) of any cost recovery decisions taken, explaining the reasons for those decisions.

The information that the Council may need to be provided with in order to make a decision is listed below. This is not an exhaustive list and the extent to which any or all of the information will be required will depend on the circumstances of the case, the cost involved in obtaining/providing the information and the information that the Council already has on the cost of remediation and land values from other sources.

- The value of the land on the open market (the Council would expect at least three valuations to be obtained from estate agents/surveyors).

- The value of the land disregarding the fact that it has been identified as contaminated by the Council.

- The amount of debt secured on the land; a recent mortgage statement will be required.

- Whether the land is held for investment.

- Whether the land is held for business or purely residential purposes.

- Where the land is owned by a company the profit and loss accounts and balance sheets for a period of 5 years.

- Where the land is used for business purposes details of the income generated through the use of the land and the costs involved.

- Where the land is owned by an individual, details of the person's other assets/savings.

- Where the land is owned by an individual, details of the person's debts and income.

- Where the land is owned and occupied by an individual, details of the person's incomings and outgoings.

- Where the land is owned by a company details of any insurance policies in place which cover the costs of remediation of land.

- The amount of capital available to the person and whether there is sufficient capital to meet the cost.

- The personal needs of the individual – health and age of the individual and the existence of dependants.

- The assets of the person and the ability of the person to raise finance against the assets.

- Whether the person is running a business on the land (i.e. gaining an income from the use of it by another person or carrying out a business activity on the land).

- Where the person(s) owns the contaminated land, whether the remediation is likely to increase the value of the land by more than the cost of the remediation such that the person should be able to borrow against the land to raise the necessary finance.

- The amount the person paid for the land and whether when they bought the land the price reflected the state of contamination; or

- Any other relevant information which is applicable to the person, and which may indicate that hardship would be caused.

In addition to the general issue of the "hardship" which the cost recovery may cause to the appropriate person, the Council will also take into account the following considerations, irrespective of whether the appropriate person is a Class A person or a Class B person (summarised below but refer to Section 8(b) of the Statutory Guidance for full descriptions).

- **For Commercial Enterprises** - the threat of business closure or insolvency and the cost to the local economy of such a closure.

- **For Trusts** - the extent to which costs can be recovered from the trustees.

- **For Charities** – the extent to which cost recovery would detrimentally impact the charities activities.

- **For Social Housing Landlords** – the extent to which the provision or upkeep of the social housing would be jeopardised significantly.

- **For all Class A Persons** – the extent to which the Class A persons is likely to have profited financially from the activity that led to the land being determined; and/or the extent to which another Class A person who cannot be found was also responsible for the contamination.

- **For all Class B Persons (current owners or occupiers)** – the extent to which remediation costs might exceed land value; and the extent to which reasonable steps were undertaken to establish the condition of the land prior to obtaining the freehold or a leasehold interest.

- **For all Class B Persons (owner-occupiers of dwellings)** – the extent to which the Class B person, at the time they purchased the property, might reasonably have been expected to have known, that the land was adversely affected by the presence of the contaminant(s) in question.

11.4.2 Who Will Make Decisions on Hardship & Cost Recovery

For each case the Contaminated Land Officer, with the assistance of external consultants, where necessary, will produce a factual report on its own circumstances and merits and having regard to these provisions and the Statutory Guidance. However, the final decision will be taken by a panel consisting of:

- Chair of Environment Committee

- Strategic Director of Resources/S.151 Officer

- Strategic Director of Place

- Head of Environmental Health

In addition, the panel can receive technical advice from the Environmental Protection Team.

The panel will aim to make decisions within 4 weeks of receipt of all the relevant information. The decision of the Panel will be sent to the persons concerned within 1 week of the decision being made.

If the person is aggrieved by the decision of the Panel, the person may appeal the decision by informing the Council in writing within 21 days of the date of the decision document.

11.5 Arrangements for the Issue of Remediation Notices

The Council will undertake consultation with the appropriate person(s), owners, occupiers, and other relevant parties to seek their views about the land in question and to encourage voluntary remediation.

Remediation Notices will only be issued where it has not been possible to agree voluntary remediation. Following the determination of a site, a three-month consultation period will take place, unless urgent remediation is required. On completion of this 3-month period, a Remediation Notice will be served if voluntary works are not forthcoming.

The Remediation Notice will be served on each identified Appropriate Person, detailing the actions that are to be undertaken and an appropriate time scale in which to carry out the required actions. Under the EPA 1990, it is an offence to fail to comply with a Remediation Notice.

Copies of Remediation Notices served will be placed on the Contaminated Land Public Register. If voluntary remediation is undertaken (following determination), a Remediation Statement will be required from the person undertaking the remediation. Copies of Remediation Statements will also be placed on the Public Register of Contaminated Land.

11.6 Statutory Grounds for Appeal against a Remediation Notice

The legislation contains no provision for legal appeal against determination of a site being Contaminated Land, though grounds of appeal do exist against the terms of a Remediation Notice.

Any person who receives a Remediation Notice has twenty-one days within which they may appeal against the notice. This appeal is to be made to the Secretary of State (as amended by Section 104 of the Clean Neighbourhoods and Environment Act 2005). If an appeal is made, the Remediation Notice is suspended until final determination or abandonment of the appeal.

An appeal against a Remediation Notice can only be made on the following grounds:

1. Whether land is Contaminated Land as defined; this may arise either because of failure to act in accordance with the statutory guidance, or because the identification is otherwise unreasonable.

2. What is being required by way of remediation; this may arise either because of failure to have regard to the statutory guidance, or because the requirements are otherwise unreasonable.

3. Whether the appellant is an appropriate person to bear responsibility for a remediation action.

4. Whether someone else should also be considered an appropriate person to share responsibility. Under this ground, the appellant must claim either to have found someone else who has caused or knowingly permitted the pollution or that someone else is also an owner occupier of all or part of the land.

5. Whether the appellant should have been excluded from responsibility according to the statutory guidance.

6. Whether the proportion of costs to be borne by the appellant does not comply with the statutory guidance or the determination of the appellant's share is otherwise unreasonable.

7. Whether the Notice complies with the restrictions of the Act on serving notices.

8. Whether there is imminent danger of serious harm from the contaminated land.

9. Whether remediation is already taking, or will take place, without a Remediation Notice.

10. Whether remediation requirements breach restrictions of liability for pollution of controlled waters.

11. Whether remediation requirements breach restrictions on liability relating to escaping substances.

12. Whether the Council has agreed to carry out the remediation itself at the cost of the person served with the remediation notice.

13. Whether the Council should have decided that the recipient of the remediation notice would benefit from waiver or reduction of cost recovery on grounds of hardship or in line with statutory guidance, that it therefore had power itself to carry out the remediation and that it was precluded from serving a remediation notice.

14. Whether the Council's powers to remediate were exercisable because this was a case where hardship provisions, a waiver or reduction in cost recovery should apply.

15. Whether regard was taken by the Council of site-specific guidance from the Environment Agency.

16. Whether enough time was allowed for remediation.

17. Whether the Remediation Notice would make an insolvency practitioner, official receiver or other receiver or manager personally liable in breach of the limits on such liability.

18. Whether other powers under Waste Management Licensing or Integrated Pollution Control were available to the Council.

19. Whether there is material informality, defect or error concerning the notice not covered by the grounds above.

12 Reviewing the Strategy

12.1 Review Programme and Triggering Events

The inspection strategy will be reviewed every 5 years (in accordance with the Statutory Guidance) unless there is a reason to undertake a review earlier. The next review will therefore take place in 2031.

An earlier review will be conducted if:

- There is any significant change in the legislation
- There is any significant change in the statutory guidance issued by the Secretary of State
- There is establishment of significant case law or other precedent
- There is significant revision of guidelines for risk assessment and/or inspection
- Reports of localised health effects which appear to relate to a particular area of land
- Information is received from internal or external sources (e.g., other statutory bodies)
- There are significant changes in land use planning
- There are significant changes in the local development plan

The aim will be to conclude reviews within 6 months of any such change occurring.

Reviews will be approved by the Head of Environmental Health.

13 Roles and Responsibilities

- The Senior Contaminated Land Officer (CLO) will be responsible for providing consultation responses on Planning Applications.
- The CLO will be responsible for keeping the CL database up to date.
- The CLO will be responsible for implementing the day to day Part 2A work as and when funds are available.
- The CLO will project manage Part 2A sites as and when funds are available.
- The CLO will report to the Head of Environmental Protection.

14 Related Documents

- Contaminated Land Inspection Strategy 2001.

15 Appendices

A. Consultees

Head of Environmental Health at Stroud District Council

Contaminated Land Officers on GCLOG (Gloucestershire Contaminated Land Officers Group.

Environment Agency

United Kingdom Health Security Agency (UKHSA)

Public Health – Gloucestershire County Council

B. Definitions of Harm

Table 1 Ecological System Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Any ecological system, or living organism forming part of such a system, within a location which is:- • a Site of Special Scientific Interest (under Section 28 of the Wildlife and Countryside Act 1981); • a National Nature Reserve (under s.35 of the 1981 Act); • a Marine Nature Reserve (under s.36 of the 1981 Act); • an area of special protection for birds (under s.3 of the 1981 Act); • a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010; • any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e., candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar Sites); or • any nature reserve established under s.21 of the National Parks and Access to the Countryside Act 1949.	The following types of harm should be considered to be significant harm:- • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Special Regulations 2010.	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that:- • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.

Table 2 Property Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Property in the form of:- • crops, including timber; • produce grown domestically, or on allotments, for consumption: • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights.	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In this section, this description of significant harm is referred to as an "animal or crop effect".	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant
Property in the form of buildings. For this purpose "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.	Structural failure, substantial damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. In the case of a Scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled In this section, this description of significant harm is referred to as a "building affect".	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a Scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.

Table 3 Human Health Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Human beings Arising from:- • the intake of a contaminant; or • other direct bodily contact with a contaminant (exposure).	Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions. For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned. This description of significant harm is referred to as a "human health effect".	If the amount of the pollutant in the pollutant linkage in question: • which a human receptor in that linkage might take in, or • to which such a human might otherwise be exposed, as a result of the pathway in that linkage, would represent an unacceptable intake or exposure, assessed on the basis of relevant information on the toxicological properties of that pollutant. Such an assessment should take into account:- • the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; • the relevant contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and • the duration of intake or exposure resulting from the pollutant linkage in question. The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine disrupting and other similar properties.

C. Hazard Risk Scores

Hazard Rank	Land Use	Perceived Risk Category/Score
1	Asbestos manufacture, use and disposal of waste	High 20
2	Organic and inorganic chemicals production not included elsewhere	
3	Radioactive materials processing and disposal	
4	Gasworks, coke works, coal carbonization and similar sites	
5	Waste disposal sites, including hazardous wastes, landfills, incinerators, sanitary depots, drum and tank cleaning and solvent recovery	
6	Former MOD Land	
7	Fire stations/fire training sites	
8	Sewage treatment works, wastewater treatment works & land spreading	
9	Airports	
10	Oil refining, petrochemicals production and storage	
11	Manufacture of pesticides	
12	Fine chemicals, dyestuffs and pigments manufacturing	
13	Paint, varnishes and ink manufacture	
14	Electroplating	
15	Film & photographic processing	
16	Paper & printing works, including newsprint (usually excluding High Street printers)	
17	Pharmaceutical industries, including cosmetics and toiletries	Medium High 15
18	Animal slaughtering and by-products, including soap, candle and bone works. Detergent manufacture	
19	Tanning and leather works	
20	Metal smelting and refining, including furnaces and forges, electroplating, galvanising and anodising	
21	Explosives industry, including fireworks manufacture	
22	Iron and steel works	
23	Timber treatment works	
24	Scrap yards	
25	Inert landfills, land raise & unknown filled land	Medium 9
26	Engineering (heavy and general)	
27	Rubber products and processing	
28	Tar, bitumen, linoleum, vinyl, and asphalt works	
29	Concrete, ceramics, cement, and plaster works	
30	Mining and extractive industries	
31	Electricity generating (excluding nuclear power stations)	
32	Manufacture of disinfectants	
33	Glass manufacture	
34	Fertiliser manufacture	
35	Garages, including sell of automotive fuel and repair of cars and bikes	Medium Low 7
36	Transport depots, road haulage, commercial vehicle fuelling, local authority yards and depots	
37	Railway land, including yards and tracks	
38	Electrical and electronics manufacture, including semi-conductor manufacturing plants	
39	Textiles manufacture and dyeing	
40	Laundries and dry cleaning (not usually High Street)	
41	Plastic products manufacture, moulding and extrusion Building materials manufacture Manufacture of fibreglass, fibreglass resins and products	
42	Dockyards and wharves	
43	Food processing, including brewing, malting, and spirit distillation	Low 5
44	Greenfield / none	Very Low 1

Adapted from Desk Reference Guide to Potentially Contaminative Land Use, Paul Syms.

D. Special Site Criteria

Land required to be designated as a special site

2.(1) Contaminated land of the following descriptions is prescribed for the purposes of section 78C (8) as land required to be designated as a special site—

(a)land affecting controlled waters in the circumstances specified in regulation 3.

(b)land which is contaminated land by reason of waste acid tars in, on or under the land.

(c)land on which any of the following activities have been carried on at any time—

(i)the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or

(ii)the manufacture or processing of explosives.

(d)land on which a prescribed process designated for central control has been or is being carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation.

(e)land on which an activity has been or is being carried on in a Part A(1) installation ...under a permit, where the activity does not solely consist of things being done which are required by way of remediation;

(f)land within a nuclear site.

(g)land owned or occupied by or on behalf of—

(i)the Secretary of State for Defence.

(ii)the Defence Council,

(iii)an international headquarters or defence organisation, or

(iv)the service authority of a visiting force,

being land used for naval, military or air force purposes.

(h)land on which the manufacture, production or disposal of—

(i)chemical weapons,

(ii)any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974 (restriction on development of biological agents and toxins), or

(iii)any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons),

has been carried on at any time.

(i)land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991 (arrangements for development etc of nuclear devices).

(j)land to which section 30 of the Armed Forces Act 1996 (land held for the benefit of Greenwich Hospital) applies.

(k)land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and

(l)land which—

(i)is adjoining or adjacent to land of a description specified in any of sub–paragraphs (b) to (k); and

(ii)is contaminated land by virtue of substances which appear to have escaped from land of such a description.

2.(2) For the purposes of paragraph (1)(b), "waste acid tars" are tars which—

(a)contain sulphuric acid.

(b)were produced as a result of the refining of benzole, used lubricants or petroleum; and

(c)are or were stored on land used as a retention basin for the disposal of such tars.

SCHEDULE 1 SPECIAL SITES

1. The families and groups of substances relevant for the purposes of regulation 3(c)(i) are—

- organohalogen compounds and substances which may form such compounds in the aquatic environment;
- organophosphorus 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.

2. The formations of rocks relevant for the purposes of regulation 3(c)(ii) are—

- 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.

16 References

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