

**CONTAMINATED LAND**  
**INSPECTION STRATEGY**

**ENVIRONMENTAL PROTECTION ACT 1990, PART II A**

**MAY 2001**

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## **CHAPTER 3**

### **THE MHDC STRATEGY: OVERALL AIMS**

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3.0 The objectives of the strategy were set out in Section 1.3.

This Chapter provides a detailed breakdown of the specific aims of the strategy for MHDC; how the Council will meet its objectives and prioritise its actions.

#### **3.1 AIMS OF THE STRATEGY**

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Each site identified as contaminated land throughout the whole process of inspecting the District will have unique characteristics. Each site will have its own blend of complex issues to consider according to:

- the type and concentration of pollutants present
- the location of pollutants on the site
- the hydrogeological characteristics of the site
- the soil strata conditions on site
- the degree of mobility of pollutants from the site
- the current use of the site or known intended use of the site
- the current use and/or known intended use of neighbouring sites
- the practicalities of remediation techniques
- the local sensitivity of the site
- the wildlife value of the site

Many other variables will form a part of the overall assessment by the Council in its determination of how to deal with the land.

For each site the importance of the particular site characteristics must be balanced using a risk assessment process. Further guidance from the DETR is expected on risk assessment procedures, however the Council will take account of the guide; “Communicating Understanding of Contaminated Land Risks”, known as the SNIFFER (Scotland & Northern Ireland Forum for Environmental Research) guide. The strategy therefore is designed to provide for an approach following the recommended principles of the DETR; so that it is:-

- i) Rational, ordered and efficient
- ii) Proportional to the seriousness of any or actual potential risk
- iii) Seeking to ensure that the most pressing and serious problems are located first
- iv) Able to ensure that resources are concentrated on investigation in areas where the Council is more likely to identify contaminated land; and
- v) Able to ensure that the Council efficiently identifies requirements for the detailed inspection of particular areas of land

#### **3.2 THE COUNCIL’S PRIORITIES**

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

- 1) To protect human health
- 2) To protect controlled waters
- 3) To protect designated ecosystems and other sites of wildlife importance
- 4) To prevent damage to crops and property

- 5) To prevent further land contamination
- 6) To encourage voluntary remediation
- 7) To encourage the re-use of brownfield land
- 8) To protect sensitive sites and buildings including sites of historic significance

In all cases of land inspection and assessment the Council will have regard to “harm”, significant risk of harm”, likelihood of transference of harm off the site, in line with statutory guidance.

The programme of inspection will be scheduled to look at the sites with the highest potential to adversely affect human health first. Investigations will be both:

- a) Reactive (as and when they occur including past recorded events)
  - Responding to notifications of incidents or known problems
  - Known areas of pollution incidents (from Council records and Environment Agency data)
  - Sites known or suspected to be causing pollution to controlled water (again from Council and Environment Agency records)
  - Areas highlighted by consultation with “interested parties”, e.g. Parish Councils and others with local knowledge as potentially contaminated.
  - Areas undergoing redevelopment (through the planning process). These investigations are referred to as “urgent sites” in Appendix III which provides a summary of the inspection timetable.
  
- b) Proactive (ongoing planned review process)
  - An assessment of all land in Council ownership. The Council will “lead by example”. The Council will work purposefully with other land owners and occupiers to achieve voluntary remediation. It is important therefore to demonstrate an “even handed” approach by ensuring that its own land has been properly assessed and dealt with.
  - A programme of assessment of known brownfield sites starting where outline proposals for redevelopment are held on record.
  - Areas of highest density population and (usually) therefore highest levels of associated potentially polluting land uses.
  - Areas of controlled waters and areas of sensitive groundwater
  - Individual “pockets” of historical and current industrial uses, e.g. out of town industrial estates

These areas will be categorised according to a risk level ranking assigned following a detailed assessment of digital historical land use maps.

### 3.3 PROGRAMME OF ACTIONS

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The various states of the MHDC inspection strategy are summarised in the Inspection Timetable shown at Appendix III

Stage 1 – Information Gathering and First Draft of Inspection Strategy  
(November 2000 – January 2001)

Lead officers from Environmental Health Services have met with colleagues from the neighbouring local authorities in Herefordshire and Worcestershire to discuss strategy guidance and preparation. This period has also involved attendance at many training

events held across the Country by The Environment Agency, Large Legal Concerns, Specialist Consultants, NSCA (National Society for Clean Air & Environmental Protection), Statutory Water Undertakers and others.

The first draft of the strategy was completed at the end of January 2001 and was issued internally through other Council Departments and through the Committee process.

#### Stage 2 - Consultation on the strategy (March 2001)

The Council has very little existing information on actual known contamination. For example, only 23 former landfill sites are known for the whole District and none whatsoever in the area of Tenbury Wells and the surrounding parishes (formerly under the administration of Leominster D.C.)

Also due to the fact that digital mapping and historical land use data has yet to be purchased, this first draft strategy has been written from limited data on which to make assumptions and base a programme of action.

It is therefore anticipated that much valuable local knowledge will be gained from responses by Parish Councils, elected members and other agencies in supplementing the information held. Consultation on site specific issues will be dealt with later in the programme.

It is anticipated in particular that the location of a large number of additional landfill sites in particular and also other comparatively small scale “hot-spot” sites will emerge following this period of consultation.

It is proposed that the local press will be involved in the consultation process.

Members of the general public will also be encouraged to contribute suggestions and knowledge via displays placed in libraries, Council offices and other public gathering places.

Elements of the strategy concerning geological data and mapping, hydrogeological data and mapping and naturally occurring metals in the District are currently very sketchy. These will be finalised during this consultation stage.

#### Stage 3 - Purchase of Digital Information (Spring 2001)

The Council has contacted several specialist companies who supply historical digital data produced specifically for local authorities embarked on the process of contaminated land assessment.

It is proposed that the following information will be purchased:-

- i) Information from Landmark Information Group Ltd.  
Historical Mapping Date (O.S. County Series)  
Epoch 1      1883 – 1889      }

Epoch 2	1902 – 1905	} all scale 1:2,500
Epoch 3	1923 – 1928	
Epoch 4	1932 – 1940	

- ii) National Grid Mapping (Provided by Ordnance Survey to MHDC)  
 Epoch 5 1954 – 1984  
 Epoch 6 1984 – 1991

- iii) Historical Land Use Data (from Landmark)
- |                |                     |   |   |
|----------------|---------------------|---|---|
| Epoch 1        | 401 uses identified |   |   |
| Epoch 2        | 235                 | " | " |
| Epoch 3        | 123                 | " | " |
| Epoch 4        | 76                  | " | " |
| Epoch 5        | 218                 | " | " |
| Epoch 6        | 137                 | " | " |
| Land Use Layer | 1133                | " | " |

- iv) Environment Agency / Data (from Landmark)

DATA	NO. OF FEATURES WITHIN MHDC
Abstraction Licences	342
Discharge Consents	497
Pollution Incidents	224
Prescribed Processes	32
Enforcements	2
R.S.A.	7
IPC Waste	1
IPC	1

- v) Geological and Hydrogeological data from British Geological Survey

It is proposed that the Arc View G.I.S. (Geographical Information System) currently used in the Council's Planning Services Department will be used to access the data sets. The Environment Team Manager and specialist Technical Officer taking the lead on contaminated land issues will receive specialist training on the operation of this system.

#### Stage 4 – Publish Final Inspection Strategy (June – July 2001)

Following the consultation process and review by the Council's Community & Environment, Executive Board, and Full Council Committees all recommended alterations and additions will be considered. The finalised and completed inspection strategy will then be sent to the DETR and copies to the Environment Agency by 1<sup>st</sup> July 2001.

#### Stage 5 – Dealing with Urgent Sites (January 2001 – April 2002)

Any site brought to the attention of the Council or discovered during the inspection process which poses an immediate risk to health or significant risk of an imminent risk to health will be dealt with as "urgent" at the earliest possible opportunity. This will be irrespective of the rolling programme and systematic approach outlined in the rest of the Inspection Timetable.

Inspection, risk assessment and the follow on process of identifying responsible persons, liability and voluntary remediation will proceed with any such site irrespective of the Council's position regarding the publication of its strategy.

This stage may involve the declaration of "special sites" where the lead regulatory role passes to the Environment Agency.

#### Stage 6 – General Approach to Inspection (January 2001 – September 2004)

This will be primarily to protect human health using a robust method of risk assessment (as set out previously). Areas of highest population density are therefore targeted earlier in the inspection timetable as these will be areas where the highest risk of a significant Pollution Linkage (S.P.L.) exists, i.e. Source – Pathway – Receptor. The three main concentrations of population, Malvern, Upton-upon-Severn, and Tenbury Wells, will therefore be inspected first followed by satellite communities and villages and then smaller hamlets and other areas.

#### Stage 7 – Council Owned Land (May 2001 – July 2003)

MHDC is a small land owner particularly since the sale of Council owned housing in 1998. There are other areas of land where the Council or a predecessor authority was the owner of the land where contaminative or potentially contaminative uses (e.g. landfill) may have occurred.

Council owned land and land where the Council may have been responsible for creating pollution will be subjected to early investigation and if necessary remediation. It is also possible that the Council will inherit some so called "orphan" sites where no owner or other responsible person can be found. No such sites are currently known of, however if discovered they will be assessed with the same priority as land owned by the Council. The Council will be responsible for the costs of remediation as they are for Council owned land.

#### Stage 8 – Known Brownfield Sites & Land Identified in the Local Plan. (July 2001 – July 2003)

A total of 14 known brownfield sites have been identified within the District and are under review for re-use as housing or employment regeneration.

Where the Council has made recommendations regarding land use in the Malvern Hills District Local Plan (adopted January 1998) and the Leominster District Local Plan (Tenbury Area), (currently in working draft form only – March 1999), this will also be assessed. This land will be specifically considered following the principle of the population based approach.

#### Stage 9 – Threats to Controlled Waters, Protected Areas of the Environment and Buildings. (October 2004 – December 2004)

Following the assessment of all urgent sites, Council owned or implicated land, populated areas, and known brownfield and Local Plan land; any remaining land will be considered. Other than human beings the other 'receptors' defined in the statutory guidance to be considered are:-

- i) buildings
- ii) commercial crops
- iii) commercial livestock and
- iv) defined ecosystems

Therefore any land which has not already been assessed in the previous stages and which involves one of these potential receptors will then be investigated. It is anticipated that this stage will be concerned only with areas of low population density.

#### Stage 10 – Prioritisation of Any Remaining Sites (Jan. 2005 – June 2005)

This is a final “mopping up” phase where sites which are of the lowest risk using the risk assessment protocols selected are dealt with. It is anticipated that very few if any sites which fall into the definition of contaminated land will be remaining at this part of the timetable. It is however likely that there will be many sites which have levels of pollution on, in or under them but which remain as brownfield sites and not contaminated land sites as there is no linkage of source – pathway – receptor. A list of all such sites will be kept for consideration when new uses are proposed so that suitable advice can be given at the planning stage.

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