



City of
Stoke-on-Trent



Stoke-on-Trent City Council

Contaminated Land Strategy 2018

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EXECUTIVE SUMMARY

This Strategy replaces the Contaminated Land Inspection Strategy of 2001. It sets out how Stoke-on-Trent City Council, through the work of the Public Protection Division, will continue to respond to the challenges posed by land within the city that may be contaminated.

The council is committed to making the city a great place to live, study and work and our plans are driven by our Stronger Together vision - working together to create a stronger city we can all be proud of.

Public Protection continue to work closely with colleagues in Place, Growth & Prosperity to promote both business and housing growth and ensure that development is suitable for its intended use.

Priority has been given to inspecting former putrescible landfill sites in close proximity to residential buildings for the potential risks of migrating explosive and asphyxiating ground gases. However, this does not override the authority's duty to deal with any other site that comes to its attention. Such sites will receive consideration appropriate to the estimated risk at that time.

There are several ways in which land contamination can be addressed. Physical remediation should only be applied where no other appropriate solution exists.

The costs of cleaning up contaminated land are not automatically covered by the public purse. The Government's policy is that the polluter pays for any problems caused by bearing the costs of remediation. A consistent and transparent approach is maintained when seeking to recover costs for remediation of 'Contaminated Land' determined under statutory powers.

It is recognised that careful judgement is required to ensure that a balance is struck between dealing with risks raised by contaminants in land, the associated benefits of remediation and the potential impacts of regulatory intervention, including financial costs to whoever will pay for remediation, health and environmental impacts of taking action, property blight, and burdens on affected people.

Public Protection will continue to maintain a public register of Contaminated Land and provide environmental information upon request. Information will be compiled in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The current inspection strategy will be reviewed accordingly as progress is made.

Land contamination is a complex issue and Stoke-on-Trent has plenty of previously developed land (brownfield land), but by applying the methodologies detailed in this Strategy any potential issues can be safely and effectively resolved.

CONTAMINATED LAND STRATEGY 2017



Introduction

Stoke-on-Trent City Council published its first Contaminated Land Inspection Strategy in 2001. This was in response to legislation that was introduced by section 57 of the Environment Act 1995, namely Part 2A of the Environmental Protection Act (EPA) 1990.

This document is a revised version of the original Strategy. It seeks to incorporate changes to national policy and the planning framework and it sets out the council's continued approach for responding to the challenges posed within the city by land that may be contaminated.

Land that is contaminated contains substances in or under it that are actually or potentially hazardous to health or the environment. "Contaminated Land" is used to mean land which meets the legal definition of contaminated land. Other terms, such as "land affected by contamination" or "land contamination" are used to describe the much broader categories of land where contaminants are present but usually not at a sufficient level of risk to be classed as Contaminated Land.

Stoke-on-Trent is a major industrialised conurbation in North Staffordshire, stretching for 12 miles (19 km), with an area of 36 square miles (93 km²). It lies midway between the metropolitan areas of the West Midlands and Greater Manchester, to the east of the M6 motorway, and on the West Coast Manchester to London rail route.

Also called The Potteries, Stoke-on-Trent is considered to be the home of the pottery industry in England, spearheaded by Josiah Wedgwood and later by other local potters such as Thomas Whieldon.

As well as the pottery industry, coal mining and steel production also provided the backbone of the city's growth. Our long history of industrial activity means we now have plenty of previously developed land (brownfield land). Such sites are available for future development and the work undertaken through this Strategy seeks to inform the balance between protecting public safety and encouraging the reuse of land.

STRONGER TOGETHER



STRONGER TOGETHER

Working together to create a stronger city we can all be proud of

Stoke-on-Trent City Council is an ambitious local authority with a clear strategy for growth and regeneration that is encouraging people and businesses to locate to the city. Plans are being driven by our Stronger Together vision - working together to create a stronger city we can all be proud of.



Work with residents to make our towns and communities great places to live

- Involve communities in making each town and neighbourhood a great, vibrant and healthy place to live and work.
- Encourage development and use of previously developed land (brownfield land) to secure investment, create jobs and provide housing.
- Identify and secure remediation of sites which present an unacceptable level of risk to human health and the environment.
- Work with partners to ensure that development is suitable for its intended use.



Support our businesses to thrive, delivering investment in our towns and communities

- Encourage development and use of previously developed land (brownfield land) to secure investment, create jobs and provide housing.
- Fulfil statutory responsibilities for the assessment and control of contaminated land.
- Encourage the voluntary remediation of contaminated land through the planning system and prevent the creation of new contaminated sites.
- Provide accurate and timely information for developers.



A commercial council, well governed and fit for purpose, driving efficiency in everything we do

- Maintain a customer focused approach, promoting transparency and accessibility.
- Recognise the need for continuous improvement, ensuring whenever possible that best available techniques are used.
- Deliver rational, ordered and efficient investigations of potentially contaminated sites.
- Retain accurate information and records.

Our contaminated land regime aligns closely with the Stronger Together principles and corporate values. It fully supports the transformation of the city and directly contributes to providing a better quality of life for all those that live, work in or visit the area.

OUR VISION, AIMS & PRIORITIES

Working closely with colleagues in Place, Growth and Prosperity we actively acknowledge our 'one council, one vision, one team' approach. There is a clear relationship in the sustainable redevelopment of previously developed land (brownfield land) for business use or to meet housing needs. Involving others and having respect for the wider priorities allows us to ensure that both business and housing growth will be promoted by the planning regime while contaminated land assessments continue to safeguard that development is suitable for its intended use.

The overarching aim of this Strategy is to protect human health and the environment by identifying potentially 'Contaminated Land' within the city. This is facilitated by rational, ordered and efficient investigation of potentially contaminated sites and the assessment of new development proposals to remove unacceptable risk to human health and the environment and to prevent the creation of new contaminated sites.

Objectives:

- **Ensure the safety and wellbeing of residents and visitors;**
- **Protect the local environment;**
- **Encourage development and use of previously developed land (brownfield land);**
- **Fulfil statutory responsibilities for the assessment and control of contaminated land.**

Priorities:

- Identify and secure remediation of sites, including land in the ownership of the council, where an unacceptable level of risk is being caused to human health and the environment;
- Encourage the voluntary remediation of contaminated land through the planning system;
- Provide accurate and timely information for developers;
- Promote the sustainable development of previously developed land (brownfield land);
- Maintain accurate information and records.

Outcomes:

- Consult with partners and stakeholders as required;
- Consider all options available before making recommendations;
- Use both regulatory and non-regulatory powers to effect improvement;
- Consider the wider economic, social and environmental impacts of our actions.
- Periodically review the Contaminated Land Strategy to ensure we retain a rational, timely and efficient approach to dealing with potentially contaminated sites in the area.

METHODOLOGY FOR ASSESSMENT

Our contaminated land regime is implemented in accordance with the Contaminated Land Statutory Guidance (Defra 2012). This Guidance is legally binding on enforcing authorities and establishes a legal framework for dealing with contaminated land in England.

Other guidance is also considered such as the Model Procedures for the Management of Contamination (CLR 11) (EA 2004), Contaminated land risk assessment: A guide to good practice (C552) (CIRIA 2001) and the National Planning Policy Framework (DCLG 2012).

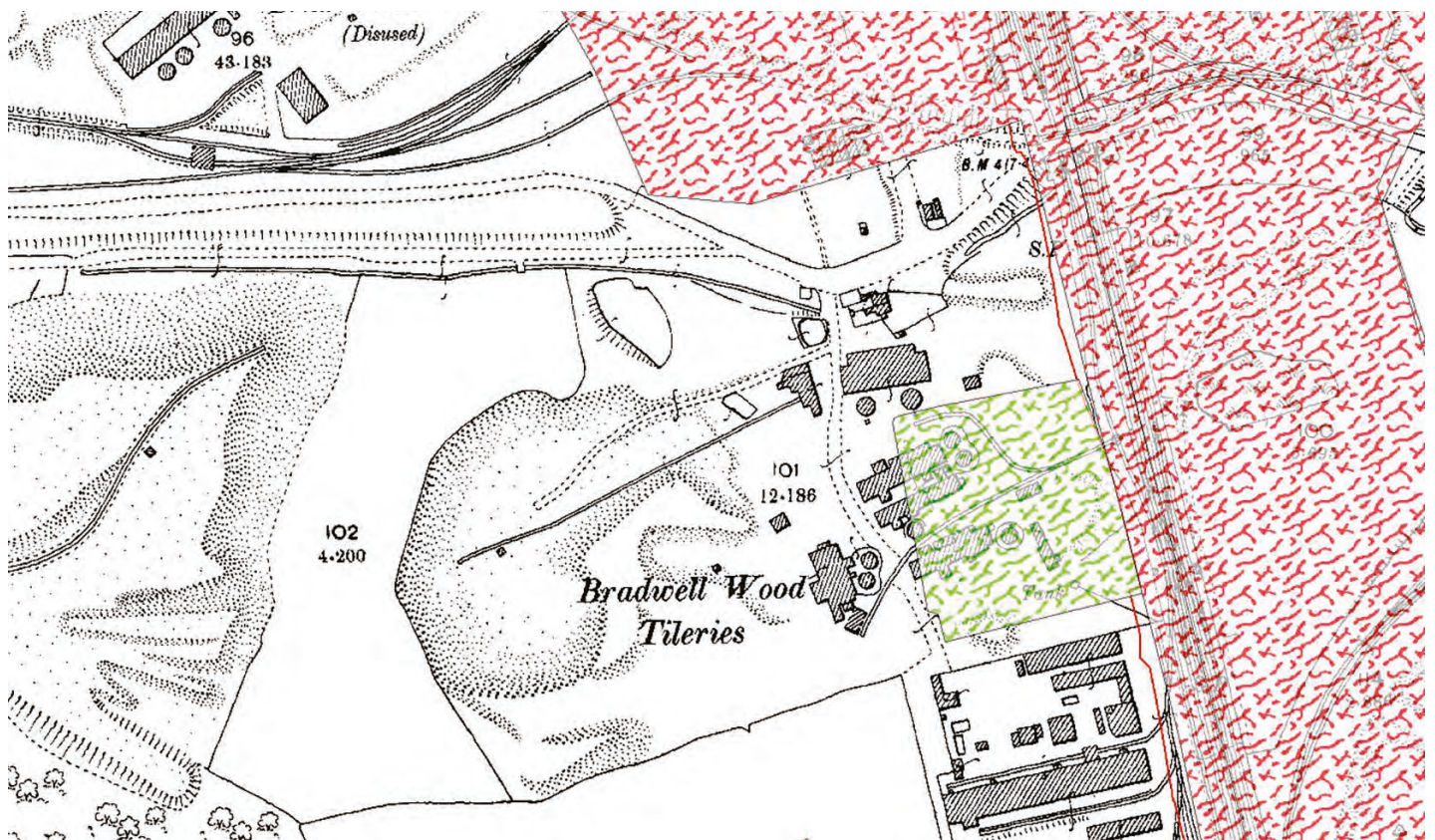
Use of the GeoEnviron Contaminated Land Management System has also enabled the creation of detailed records of sites already investigated as part of our Contaminated Land Strategy and sites to be inspected. Inspection may be a combination of desk study and intrusive works or desk study only.

We have established a database of 200+ historic landfill sites from all available in-house and Environment Agency records. In doing so we have had to correlate a variety of information from various sources and add in, where appropriate, information from written and anecdotal sources.

Over 200+ identified former landfill sites across the city have been provisionally screened using an empirical screening mechanism. To date, 129 former landfill sites which require further investigation have been identified by examining a conceptual model of each site and desk studies based on historical, anecdotal and geographical information and any other suitable criteria.

When compiling information, the council will act in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 but will not release information on sites identified as 'potentially contaminated' (under the Strategic Inspection) as part of the Contaminated Land Strategy. Any list of potentially contaminated land is information which is considered to be 'a record which is in the course of completion' and therefore exempt from disclosure under Regulation 12(4) of the Environmental Information Regulations 2004. This is also in keeping with the aim of the Contaminated Land Statutory Guidance which seeks to avoid potential property blight.

Changes to the Contaminated Land Capital Grants Scheme and budgetary constraints limit our capacity to investigate and remediate contamination and setting timescales is considered impractical



OUR APPROACH TO LAND CONTAMINATION

UK legislation aims to help address the problem of historic contamination of land and the risks it can pose to people's health, controlled water and the environment by determining if a contaminant linkage exists. This requires the three elements of receptor, pathway and source (hazard) to be present.

The Contaminated Land Officer is a statutory consultee for all planning applications received by the Council. The planning system is used to ensure land is made suitable for use when it is redeveloped, where wider regeneration provides an opportunity and where problems are identified which if dealt with will enable development to occur.

There are several ways in which land contamination can be addressed. Physical remediation in accordance with the Environmental Protection Act 1990 Part 2A should only be applied where no other appropriate solution exists. Other options may include voluntary action taken independently by landowners, or when land is developed (or redeveloped) under the planning system or during the building control process when changes are made subject to building regulations.

Other legislative regimes may provide a means of dealing with land contamination issues, such as those for waste, water, environmental permitting and environmental damage. In addition, the law of statutory nuisance may result in contaminants being unacceptable to third parties whilst not attracting action under Part 2A or other environmental legislation.

Public Protection maintain a close working relationship with the Environment Agency to ensure key principles of water safety are considered, protecting and enhancing the quality of surface freshwater and ground waters.

The costs of cleaning up contaminated land are not automatically covered by the public purse. The accepted approach is that the polluter pays for problems caused by bearing the costs of remediation. Our approach to recovering costs for remediation of Contaminated Land determined under Part 2A is consistent and measured.

Contaminated Land Statutory Guidance (Defra 2012) recognises that the nature of soil contamination means it is never possible to know the exact contamination status of any land with absolute certainty, but when considering land and potential for contamination, local authorities should decide which one of four categories land falls into. Categories one and two comprise cases where the authority considers that a significant possibility of significant pollution of controlled waters exists. Categories three and four would comprise cases where the authority considers that a significant possibility of such pollution does not exist.

Decisions may also be needed on how to act where circumstances are not straightforward. The Contaminated Land Statutory Guidance (Defra 2012) suggests that in doing so an authority should "...use its judgement to strike a reasonable balance between: (a) dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and (b) the potential impacts of regulatory intervention including financial costs to whoever will pay for remediation, health and environmental impacts of taking action, property blight, and burdens on affected people."

We take a precautionary approach to the risks raised by contamination and consider the circumstances of each case to avoid a disproportionate response. This requires careful judgement and the aim is to evaluate the implications and costs of taking action, with a view to ensuring that the regime produces net benefits, taking account of all the circumstances.

OUR APPROACH TO INSPECTION AND RISK ASSESSMENT

Shortly after the publication of our original Strategy in 2001 a local event occurred involving the migration of gas from a former landfill site to residential properties. The landfill in question was subsequently determined as 'Contaminated Land' and appropriate remediation works were undertaken. This significantly influenced and steered our approach to inspection.

With the presence of over 200 former landfill sites within the city, the priority became to inspect former putrescible landfill sites in close proximity to residential buildings, for the potential risks of migrating explosive and asphyxiating ground gases.

To date, around 34 of the priority former landfill sites have been investigated comprising an area of over 102 hectares which equates to over 143 football pitches. Other former landfill sites have been investigated voluntarily by owners or developers through the planning process. None of the sites inspected so far have been found to require any further action.

In addition to the focus on former landfill sites, prioritisation tools within the GeoEnviron Contaminated Land Management System are used to identify other targets for assessment. This system has been fundamental in revising the Contaminated Land Strategy, reflecting a more risk based approach to the identification and assessment of contaminated land rather than relying on site inspection alone.

The database currently holds information of 14,000 potentially contaminated sites within the city. By comparison, a recent Environment Agency estimate suggests up to 325,000 sites exist across Great Britain. It should be noted that it may not be necessary to physically inspect each site.

The GeoEnviron prioritisation system uses the Source-Pathway-Receptor concept to assess risks. The assessment includes hazard ranking sites based on their historical industrial uses and their proximity to sensitive receptors.

Consideration is also given to securing appropriate inspection, monitoring and maintenance programmes for those sites determined as 'Contaminated Land' in accordance with statutory guidance.

From time to time the authority may become aware of sites which require urgent attention. Our Contaminated Land Strategy does not override our duty to deal with such sites and they will receive consideration appropriate to the assessed risk at that time.

Contingencies for sites not within the current prioritised list are in place if evidence suggests further investigation is required. The current inspection strategy will be reviewed accordingly as progress is made.

We will continue to maintain a public register of Contaminated Land and provide environmental information upon request.

CONCLUSION

Land contamination is a complex issue which presents a number of challenges and constraints for local authorities. It is essential that a balance is struck between protecting residents and the environment, supporting businesses and encouraging development, whilst bearing in mind the implications and costs of taking action. By adopting a measured approach, any potential issues can be safely and effectively resolved.

Stoke-on-Trent has large areas of previously developed land (brownfield land) which offer future development opportunities.

This can be advantageous and used as a mechanism for the remediation of potentially contaminated land whilst also providing the basis of long term economic success for the city.

This Strategy supports our Stronger Together corporate priorities as well as demonstrating how the authority is fulfilling its statutory function, whilst having regard to appropriate guidance and adopting a proactive stance in respect of its inspection and risk assessment approaches.



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Useful documents

Contaminated land statutory guidance

www.gov.uk

The National Planning Policy Framework

www.gov.uk



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