South Gloucestershire Council

Contaminated Land

Inspection Strategy 2026 - 2031

October 2025

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South Gloucestershire Council

Executive Summary

In the UK there is a substantial legacy of land that is affected by contamination arising from a wide range of historic industrial activities, mining and waste disposal. Current industrial activities are regulated through various pieces of legislation to prevent contamination of land from occurring, however historic land contamination still has the potential to pose unacceptable risks to human health and the environment.

Since 2000 local authorities have been required to publish a strategy setting out how they will deal with contaminated land. South Gloucestershire Council has a duty under Part 2A of the Environmental Protection Act 1990 to identify contaminated land and take action to ensure remediation is undertaken where necessary to remove unacceptable risks to human health and the environment.

South Gloucestershire's first Contaminated Land Strategy was produced in 2001. Since then, over 2,000 potentially contaminated sites have been identified and approximately 70 high risk sites have been inspected. In recent years, constraints on resources has meant identification, investigation and remediation of sites is currently primarily undertaken through redevelopment under the planning regime. South Gloucestershire's planning policies encourage the re-use of previously developed land. Voluntary action is also strongly encouraged to deal with potentially contaminated land, either on an individual site basis or as part of wider regeneration work.

This revised Contaminated Land Strategy updates the previous 2020 to 2025 strategy and sets out the strategic approach to inspection under Part 2A of the Environmental Protection Act 1990 in line with the Department for Environment, Food & Rural Affairs (DEFRA) Contaminated Land Statutory Guidance 2012.

Regulatory action under Part 2A will only by used where no appropriate alternative regulatory solution exists. To date, no sites have formally been determined as Contaminated Land by South Gloucestershire Council.

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1. Introduction

South Gloucestershire, as with most other local authority areas, has a legacy of land contamination resulting from over 200 years of industrial development. In addition to historic industrial sites, pollution incidents such as spillages and accidents can give rise to land contamination. In a small number of cases, contamination can be serious enough to present a hazard to human health or the environment.

Local Authorities were required under Part 2A of the Environmental Protection Act 1990 to produce and periodically review a strategy to deal with contaminated land in their area. South Gloucestershire Council first published its Contaminated Land Strategy in November 2001. The strategy was last revised in 2020. This revised strategy reviews and replaces the document covering the period 2020 to 2025 taking into account changes that have occurred in legislation and relevant guidance since that time and sets out the Council's strategic approach to dealing with contaminated land.

1.1 Legislative Context and National Policy

Section 57 of the Environment Act 1995 inserted Part 2A into the Act which established a legal framework for dealing with contaminated land. This came into force on 1st April 2000.

Part 2A provides a means of dealing with unacceptable risk posed by land contamination to human health and the environment.

The Department for Environment, Food and Rural Affairs (Defra) states the following in its guidance document Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance (publishing.service.gov.uk) (2012)

1.4 The overarching objectives of the Government's policy on 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 are proportionate, manageable and compatible with the principles of sustainable development.

Section 78A(2) of Part 2A 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.

Section 78A(4) Environmental Protection Act 1990 defines harm as:

"*Harm to the health of living organisms or other interference with the ecological systems of which they form a part, and in the case of man includes harm to his property*."

The presence of a harmful substance in, on or below a piece of land does not necessarily mean that land is "contaminated land". The source of harm may be present but unless a possible route exists through which it is likely to cause harm to health, eco-systems or property, or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

Only land where an unacceptable risk has been clearly identified after a risk assessment, should be considered as meeting the Part 2A definition of contaminated land. Land should be considered as not contaminated land unless there is reason to consider it otherwise.

Within this document "Contaminated Land" means land which meets the legal definition under Part 2A. Other terms, such as "land affected by contamination" or "land contamination" are used to describe land where contaminants are present but not at a sufficient level of risk to be classified as Contaminated Land.

A site cannot be identified as contaminated land purely due to contaminative substances being present. There must be a relevant sensitive receptor, such as a human being, ecosystem, controlled waters, or property, at risk of significant harm from the source of contamination. There must also be a viable pathway of exposure linking them together. A pathway may be exposure from handling of soils, breathing in dust or vapours, consumption of produce grown in impacted soils, or other means by which a contaminant may reach the receptor. A complete source-pathway-receptor model of contamination is referred to as 'contamination linkage or pollutant linkage'.

The term *'significant contaminant linkage'* is used in the Statutory Guidance to mean a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.

Radioactive Contaminated land

Part 2A was extended in 2006 and 2007 to apply to radioactive contaminated land including radioactivity originating from nuclear licensed sites. The radioactive contaminated land regime addresses harm attributable to radioactivity under Part 2A where radioactivity is present as a result of a past activity or as a result of the after-effects of an emergency. The regulations do not apply to current practices or natural background radiation and only relate to potential effects on human health.

An amendment in 2010 removed the exclusion for radon, allowing action to be taken where land is contaminated by radon or its decay products as a result of the after-effects of a radiological emergency or past activity (for example the historic use of luminous paint containing radium). Naturally occurring radon gas remains outside the scope of Part 2A. Environmental receptors are also excluded.

The Radioactive Contaminated Land Statutory Guidance June 2018 is legally binding on local authorities and South Gloucestershire Council will act in accordance with the guidance.

Local authorities have a duty to inspect land under the Part 2A regime and have the power to determine land as Radioactive Contaminated Land. Once local authorities determine a site as Radioactive Contaminated Land it falls into the definition of a "Special Site" and the Environment Agency take over as the regulator (see below for more information on Special Sites).

Duties of the Local Authority

Under Part 2A of the Environmental Protection Act 1990 section 78B(1) the Council has a duty to inspect its area.

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

(a) of identifying contaminated land; and
(b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site

Special Sites

'Special Sites' are defined in the Contaminated Land (England) Regulations 2006. For these sites, due to the specific nature of the site, the Environment Agency take responsibility for any intrusive investigation (sampling/monitoring) of the land on behalf of the local authority.

For Special Sites, although regulation is transferred to the Environment Agency, the local authority retains the legal duty to formally determine land as contaminated land under Part 2A.

Contaminated Land Statutory Guidance

The Department for Environment, Food and Rural Affairs (DEFRA) published revised Contaminated Land Statutory Guidance in April 2012. The guidance requires the Local Authority to take a strategic approach to carrying out their inspection duty, set out in a written strategy which should be periodically reviewed.

The strategy should include:

(a) The aims, objectives and priorities, taking into account the characteristics of the local authority area.
(b) A description of relevant aspects of the area.
(c) The approach to strategic inspection of the area or parts of it.
(d) The approach to the prioritisation of detailed inspection and remediation activity.
(e) *How the local authority approach under Part 2A fits with its broader approach to dealing with land contamination.*
(f) *Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals.*

2. Aims and Objectives

The Contaminated Land Inspection Strategy supports and compliments a wide range of South Gloucestershire Council's priorities and policies particularly in respect of housing, the environment, and health and well-being objectives.

2.1 Aims

The Contaminated Land Strategy aims to:
• Identify and remove unacceptable risks to human health and the environment resulting from contaminated land. • Ensure that contaminated land is remediated to remove unacceptable risk from contamination and is made suitable for its current use. • Ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development. • Fulfil the council's statutory responsibilities under Part 2A of the Environmental Protection Act 1990.

2.2 Objectives

The Objectives of the Strategy are to:
• Identify sites where historic or current land use(s) may have resulted in land contamination. • Ensure effective remediation where land contamination has been identified as an unacceptable risk to human health or the environment. • Encourage voluntary remediation of contaminated land. • Encourage development and use of previously developed land. • Ensure the contaminated land strategy meets the requirements of part 2a of the environmental protection act.

2.3 Priorities

The Priorities of the Strategy include:

- Maintain accurate information and records of potentially contaminative land uses.
- Undertake detailed inspection and risk assessment of sites where there is evidence that a site may be determined as contaminated land.
- Where land is considered to be contaminated, ensure appropriate remediation is undertaken, using Part 2A powers only when no alternative solution exists.
- Act as a consultee through the planning process, ensuring appropriate investigation and remediation of potentially contaminated land, to protect new developments from historic land contamination.
- Consult with stakeholders as necessary.
- Provide information and advice to developers.
- Provide information and advice in response to enquiries regarding property transactions.
- Adopt and publish a revised contaminated land strategy (this document) which is rational, ordered, and efficient and reflects local circumstances, in accordance with statutory guidance.
- Periodically review the contaminated land strategy, at least every 5 years.
- Maintain a public register of Contaminated Land as required by Part 2A.

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3. Characteristics of South Gloucestershire

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South Gloucestershire is a diverse area covering approximately 537 km^2 (207 square miles). Approximately 80% of the area is rural. The area comprises market towns and villages with major areas of new residential, industrial and commercial development.

Located to the north of the City of Bristol on the Severn estuary, South Gloucestershire is at the centre of the region's road and rail network and acts as a gateway to the Southwest and Wales. The M4 provides links to London and South Wales and the M5 provides similar access northwards to Birmingham and the Midlands and southwards to Exeter and the Southwest.

With a population of 306,332 (mid-year estimates 2024), 87% of the population live largely in the built-up areas immediately adjoining Bristol and the towns of Yate and Thornbury. The remaining 13% live in rural areas.

Traditionally the area has maintained a strong and diverse economy, based on both the physical resources of the area (including mining and quarrying) and on manufacturing. Long-established businesses include the aerospace and defence industries. More recently, hi-tech industries have developed at Aztec West, Cribbs Causeway, Bradley Stoke and Emersons Green.

3.1 Industrial History

Industries in South Gloucestershire have been both varied and diverse in nature including coal mining, quarrying, iron ore mining and corn milling. Industries involving the manufacturer of iron tools, hats, soap, candles and pins also existed widely across the district.

The industries mentioned are not exhaustive but include the main industrial areas of the district where heavy industry or potentially large-scale polluting operations have existed. Other smaller industries, such as smelting workings, scrap melting, and cottage-based works also operated throughout the district.

Agriculture

Farming has historically (and still is) the largest land use in South Gloucestershire. In the medieval period wool production was important and towns such as Chipping Sodbury and Wickwar became major manufacturers and markets for woollen products. Farms relied on mills located along the River Frome to grind their wheat, barley and oats into flour.

Industry

The **coal industry** has a long history in the area stretching back to the 13th century. The Kingswood Chase and Coalpit Heath coalfields had coal close to the surface and early mining was either open cast or from shallow bell pits. Bell pits are a common occurrence across Kingswood and the surrounding area, with many new housing developments coming across these now infilled workings.

The development of steam powered winding gear during the mid-1850s meant **coal mines** were able to expand in size and depth, as the engines could now pump out excess water. Mining became a major industry supplying local industries such as brass works, brickworks and blacksmiths.

From 1880 through to the early 1900s the coal mining industry declined rapidly. Deeper mines encountered greater amounts of water resulting in the remaining coal being difficult and expensive to mine. In addition, cheap coal could be imported from the nearby South Wales Coal fields. Two mines however remained open until the mid-1900s, with Coalpit Heath working until 1949 and Harry Stoke until 1963.

Quarrying for stone has always been important to the area, with the Pennant Stone being used for building houses. A large number of small quarries have historically existed across the district. These are now evident as either overgrown areas or have been infilled with various materials. The quarries in existence today are large in

comparison to earlier ones. The majority of stone now quarried is mostly used for road surfacing.

Several former clay pits and **brickworks** have existed in South Gloucestershire. The only surviving brickworks is located at Cattybrook works in Almondsbury.

Iron ore mining took place in Frampton Cotterell. Between 1862 and 1874 many thousands of tons of ore were extracted but after 1874 the pits became waterlogged, and mining stopped.

Hat making was centred around Winterbourne and Frampton Cotterell, the latter having been a centre of hatting from the seventeenth century. Manufacture was either home-based or undertaken at small purpose-built factories. The process required a good supply of clean water for felting (River Frome) and sulphuric acid, which was readily available as a by-product of Bristol's heavier industries.

Pin making was an industry that could be carried out in people's homes, although factories did exist in Downend, Soundwell, Mangotsfield and Staple Hill. Pin making was a laborious job with the pins being made from either iron or steel then coated in zinc to obtain the shiny finish.

During the industrial revolution, South Gloucestershire saw the development of industries such as the William Champion **brass-works** at Warmley and one of the earliest **railways**, the Dramway, ran through the area. From the 18th to 20th centuries, industrial development continued, especially in the Kingswood area. This included the **brass and zinc,** and **boot and shoe** industries. Later **aircraft** industries developed at Filton. This pattern of commercial activity has to date, been largely maintained (mostly on the urban fringes of Bristol), with new industries moving in to use the factory buildings of the 19th and 20th century.

Aerospace - Filton aerodrome and aircraft factory expanded over time to become a vast complex of factories, offices, laboratories, hangers, test beds and other factory facilities. Diversification into engine building enhanced the reputation of the area as the centre of the British aero-engine industry and by the beginning of the Second World War, Filton could claim to have the largest single aviation manufacturing unit in the world. Today the industry continues in Filton however due to advances in technology, the aviation industry has now slimmed down its operations and this has resulted in a considerable amount of land at Filton being sold for housing and mixed-use developments. The airfield closed in 2012 and is undergoing a strategic regeneration, now known as Brabazon including thousands of new homes, substantial commercial floorspace and a new railway station.

Chemical and petrochemical industries have had long-established sites at Severnside. The area developed rapidly after the war, benefiting from good road links to the M4 and M5, and sea links due to the expansion of Avonmouth docks.

A **Nuclear Power Station** located at Oldbury-on-Severn occupies extensive land adjacent to the river Severn. The power station had been in operation since 1967 but ceased power production in February 2012. The land around the former Power Station at Oldbury has been recognised as a site of national importance alongside

Berkeley Power Station (within the administrative area of Stroud) for the West of England to lead the UK in 'first-of-a-kind' energy production, research & development skills, and training.

Landfill - Large excavated areas have historically played an important role in waste disposal, with over 80 records of waste disposal sites recorded across the District on the Council's database.

The **railway** junction at Stoke Gifford has historically been used for train holdings, maintenance and storage of materials associated with the railways. The recently completed Hitachi Depot maintains the importance of this industry in the area.

The areas of Aztec West, Cribbs Causeway and Bradley Stoke are occupied by **modern industries** such as computer companies, banking houses, insurance companies and distribution centres.

3.2 Geology

As the contaminated land regime is concerned with contaminants in, on or under the land it is important to understand the geology of the area as this affects the background chemistry, the history of land use, and ability of pollutants to move through the ground.

The majority of the rocks within South Gloucestershire are sedimentary, comprising mudstone, sandstones and limestones. The region is one of the most geologically varied parts of the country, with almost every geological time period represented. The landscape includes upland ridges and hills which are generally formed of older sedimentary bedrock, surrounded by low-lying areas of softer younger sedimentary bedrock. The geology in the east of South Gloucestershire is dominated by the Cotswold escarpment.

Basement Rock

There is a small area of rock older than 415 million years in South Gloucestershire. These rocks are encountered at the surface around Tortworth, and comprise tilted, strongly folded and faulted sedimentary rocks (mainly mudstone with layers of sandstone) with layers of volcanic lavas.

Older Sedimentary bedrock

Older sedimentary bedrock was deposited 415-305 million years ago as sandstone, limestones and coal bearing mudstones. During a mountain building event around 280 million years ago, these older rocks were uplifted, folded and faulted to form a series of folds. In South Gloucestershire a down fold (syncline) formed with younger rocks in the middle.

Carboniferous Limestone is present in two ridges between Cromhall and Chipping Sodbury and from Tytherington to Almondsbury with younger rocks in the syncline basin in between. The Carboniferous Limestone is important for commercial purposes due to its hardness and accessibility and it has been extensively quarried.

Coal Measures are the youngest of the older sedimentary rock and are present in the basin of the syncline. The rock alternates between limestone, sandstone, mudstone, shale and coal. The North Bristol Coalfield extends across the area between Coalpit Heath and Cromhall in the north. The coal measures formed a valuable resource and have been mined particularly where these rocks occur at or near the surface.

The southern area of South Gloucestershire is underlain by Pennant Sandstone. This has been extensively utilised for buildings around Bristol and exported around the world.

Younger sedimentary rock

Younger sedimentary bedrock of limestone, sandstone and mudstones were formed between 250 to 145 million years ago. Due to uplift and erosion younger sedimentary bedrock was deposited in the low-lying areas over the older sedimentary rocks. The thickness and type of rocks laid down is highly variable.

The Cotswold Escarpment in the east of South Gloucestershire is formed of Jurassic Oolitic limestones and mudstones. Being strong and resistant to erosion these limestones cap the Cotswold Hills.

Superficial Geology

There are no extensive glacial sediments in South Gloucestershire. The main geological processes have been uplift followed by erosion. Sand and gravel has been deposited on the valley floors of the rivers and extensive clay deposits have been laid along the Severn Estuary.

3.3 Hydrogeology

The action of water passage through geological strata is significant in influencing the impact of contamination within the ground. Water bodies within bedrock and soil are also identified as relevant receptors under the contaminated land regime.

The Environment Agency provide aquifer designation data based on geological mapping provided by the British Geological Survey. Aquifers are designated based on their importance in terms of groundwater as a resource (drinking water supply) and in their role in supporting surface water flows and wetland ecosystems.

Within South Gloucestershire the Carboniferous Limestone and the Jurassic Oolitic Limestone are designated as Principal Aquifers. The remaining sedimentary rocks are designated as Secondary Aquifers ranging from Secondary A for the Coal Measures to Secondary B for the Mercia Mudstone and Secondary Undifferentiated for the Lias Clay.

The superficial deposits are designated as Secondary A Aquifers or Secondary Undifferentiated aquifers.

Source protection Zones

The Environment Agency has defined Source Protection Zones (SPZs) for groundwater sources such as wells, boreholes and springs used for public drinking water supply. Within South Gloucestershire there are three Source Protection Zones, all within the Jurassic limestones in the east.

- Area of limestone northeast of Chipping Sodbury, (the Zone 1 Inner is outside the South Gloucestershire area)
- Dodington Ash,
- Around Cold Ashton in the southeast of the district,

Groundwater abstractions

There is a natural mineral water bottling plant at Dodington extracting water from the Jurassic Limestone. Private water supplies also exist throughout the district with water being extracted directly from boreholes, springs and wells. More than 70 private supplies provide water to single dwellings or small groups of dwellings/farms.

3.4 Hydrology

The River Severn forms the western boundary of South Gloucestershire. The estuary has one of the highest tidal ranges in the world – about 15 meters. As a consequence, the area has one of the largest intertidal zones in the UK.

The main river running through the district is the River Frome which has its origin in the southern part of the Cotswold Hills near Tormarton. The Frome meanders down the hillside through Chipping Sodbury, Yate, Frampton Cotterell, Hambrook and Frenchay and eventually joins the Avon across the boundary with Bristol City. Draining into the River Frome are the water courses of Bradley Brook and Ladden Brook.

The southern boundary of the district is skirted by the River Avon. Draining into the Avon are the water courses of the River Boyd and Siston Brook. Other surface water features include an extensive network of drains, rhines, ponds and lakes.

3.5 Ecology

The contaminated land regime specifies particular ecological designations as relevant receptors.

The Severn Estuary and the Levels surrounding it are designated “Sites of Special Scientific Interest” (SSSI’s). The estuary itself is a “Ramsar Site” (Wetland of international importance) and European Special Protection Area (SPA) and Special Area of Conservation (SAC).

In addition to the Severn Estuary, South Gloucestershire has 20 SSSI's, with 8 sites designated for ecological, 12 designated for geological, and 1 designated for both ecological and geological protection.

The Cotswold Hills extend through from Hawkesbury Upton in the northeast to Bitton and Marshfield in the southeast and fall within the wider area of the Cotswolds Area of Outstanding Natural Beauty (AONB). The primary purpose of the AONB is to conserve and enhance the natural beauty of the landscape.

4. Approach to Strategic Inspection

To enable a broad assessment of land contamination within South Gloucestershire under Part 2A a strategic approach to inspection and data collection has been taken.

For a risk to exist under Part 2A there must be **contaminants** present, in on or under the land (in a form and quantity that could pose a hazard), and one or more **pathways** by which they might significantly harm a **receptor** (people, the environment or property), or significantly pollute controlled waters.

All three elements of a contaminant linkage, **source-pathway-receptor** must exist before any land can be considered potentially Contaminated Land under Part 2A.

4.1 Identification

To identify sites which may have a contaminant linkage, initially a desk-based study of the South Gloucestershire area was undertaken, to identify sites where there could be potential for contaminants to exist, based on historic or current land use(s). Over 2,000 potentially contaminated sites in South Gloucestershire have been identified on this basis.

It should be noted that the list of potentially contaminated sites is based on information the council holds and does not necessarily mean there is evidence of the actual presence of contaminants. Similarly, absence from the list does not mean a site is necessarily free from potential contamination.

4.2 Prioritisation

In order to prioritise the 2,000 plus potential sites of concern based on the potential for risk, a methodology based on scoring the potential for harmful contaminants to be present; and the likely presence of sensitive receptors was undertaken. Protection of human health was given the highest priority.

An indicative score was produced for each site, enabling sites to be classified as "high", "medium" or "low" potential risk. Resources could then be focused on land which may pose a higher risk. Approximately 500 sites were categorised as

potentially “high risk”. These 500 sites became the basis of a prioritised list and inspection programme.

Between 2004 and 2010, a programme of desk studies and (on some sites) intrusive investigations (sampling/monitoring) was carried out. This resulted in approximately 80 of the highest risk sites being assigned a lower risk, or removed from the Part 2A regime based on their current land use.

Since 2010, redevelopment of sites through the planning process, has been the primary method of investigating and remediating land.

4.3 Land Contamination Data

Information collated in the process of identifying potentially contaminated sites, is held electronically and mapped on the GIS database. Information held also includes sites investigated by others for example investigations and remediation undertaken under planning.

Information is updated as new potentially contaminated sites are identified, for example through complaints or when a site’s history comes to light. In addition, where new information on known sites is available this is also added to the database.

Maintaining accurate and up to date records is key. Continuous ongoing works to the database include:

- Ensuring all potentially contaminated sites have been coded with the risk bands low/medium/high.
- Ensuring any sites identified as potentially contaminated through the planning system are recorded on the database and spatially in GIS.
- Ensuring GIS information is up to date in terms of potential sources (e.g. Industrial sites holding a permit) and sensitive receptors (e.g. known private water supplies).
- Ensuring the status of sites once inspected is updated.
- Ensuring inspection program spreadsheets are up to date with regard to progress with inspection and whether further works are required.

4.4 Current approach

Due to constraints on resources, the identification, investigation and remediation of sites will mainly continue via redevelopment through the planning regime.

If previously unidentified sites are brought to the Council’s attention the sites will be recorded and ranked to ensure priority is given to land that poses the greatest risk to human health or the environment.

5. Detailed Inspections

To date, around 80 potentially contaminated sites have been inspected. When sufficient resources become available the inspection program will recommence based on the prioritised list.

For each site, where there is considered a reasonable possibility of a significant contamination linkage (source-pathway-receptor), the land will be inspected to obtain sufficient information to decide whether it is Contaminated Land.

If at any stage of the detailed inspection, on the basis of the information obtained, there is no longer a reasonable possibility of a significant contaminant linkage, no further inspection in relation to that linkage will be carried out.

If it is identified that any land was to be determined as contaminated land and would likely meet the description of a special site as set out by Contaminated Land (England) Regulations 2006, the Environment Agency will be consulted. Subject to the Environment Agency's advice and agreement, arrangements will be made for the Environment Agency to carry out a detailed inspection of the land on behalf of the Council. The duty for inspection and decision as to whether land is Contaminated Land however remains the responsibility of South Gloucestershire Council.

5.1 Risk Assessment

Risk is assessed from a combination of the likelihood that harm, or pollution of water will occur as a result of contamination in, on or under land; and the scale and seriousness of such harm or pollution if it did occur.

The Council will ensure risk assessments undertaken will be:

a) Scientifically based.
b) Authoritative.
c) Relevant to the assessment of risk arising from the presence of contaminants.
d) Appropriate to inform regulatory decisions in accordance with Part 2A and the Statutory Guidance.

Under Part 2A, risks are considered only in relation to the current use of the land. The Statutory Guidance defines "current use".

Current Land Use
(a) The use which is being made of the land currently. (b) Reasonable likely future uses of the land that would not require a new or amended grant of planning permission. (c) Any temporary use to which the land is put, or is likely to be put, from time to time within the bounds of current planning permission. (d) Likely informal use of the land, for example children playing on the land, whether authorised by the owners or occupiers, or not. (e) In the case of agricultural land, the current agricultural use should not be taken to extend beyond the growing of the crops or rearing of animals which are habitually grown or reared on the land.

Risk assessment process and staged approach

A staged approach to risk assessments will be undertaken and a 'conceptual model' will be developed to understand the nature and circumstances of the site. To proceed to the next stage of risk assessment, evidence that an unacceptable risk could reasonably exist will be required. If there is little reason to consider land might pose a significant risk, then assessment activities will stop.

A preliminary risk assessment

Initially, a preliminary risk assessment, often referred to as a Phase I desk study and site walkover, will be carried out. This would include the identification of previous site uses; potential contaminants that might reasonably be expected given those uses; and any other relevant information. Preliminary risk assessment reports are required to contain a diagrammatical representation (conceptual model) of potential sources, pathways and receptors and assesses their likely significance.

Site investigation and generic qualitative risk assessment

Where a potentially unacceptable risk is identified in the preliminary risk assessment, a scheme for site investigation will be undertaken. A scheme will be designed to assess the nature and extent of any contamination and will be led by the findings of the preliminary risk assessment and potentially significant contaminant linkages.

An intrusive site investigation may involve taking soil and/or water samples to assess actual concentrations of contaminants. On some sites ground gas monitoring may be required. The results of the investigation will be used to update the conceptual model and reassess the contaminant linkages.

Detailed quantitative risk assessment

Where a significant contaminant linkage requires further investigation an additional detailed risk assessment will be undertaken to provide evidence of the likelihood of significant pollutant linkage existing. The investigation process will continue until there is sufficient information to decide:

a) if there is insufficient evidence to justify further inspection and assessment that the land might be contaminated land; and/or

b) whether or not the land is Contaminated Land (as defined under Part 2A).

South Gloucestershire Council will have regard to Section 3 of the Statutory Guidance when undertaking and assessing the risks posed by potentially contaminated land.

5.2 Risk Summaries

Where land is considered likely to be determined as contaminated land, the Council is required to produce a document referred to as a risk summary. This explains the Councils understanding of the risk and other relevant factors. As a minimum, a risk summary should include:

Risk Summaries
(a) A summary of the risks, including a description of the contaminants involved; the identified contaminant linkage(s) (pathways); the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest. (b) A description of the uncertainties behind the assessment. (c) A description of the risks in context. (d) A description of possible remediation including broadly what the remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to the risks posed by the land; and an initial assessment of whether remediation would be likely to produce a net benefit.

5.3 Site Categorisation

In accordance with Section 4 of the Statutory Guidance, the Council will identify categories of harm that are considered to be significant. The following summarises how local authorities should determine which land is contaminated and which is not.

Significant harm to human health

Where harm to human health is concerned, the Statutory Guidance sets out the level of harm that should be considered significant harm to human health. The harm should be directly attributable to the effect of contaminants in, on or under the land on the body of the person(s) concerned.

Land could be defined as Contaminated Land on the basis that significant harm to human health is being caused where:

a) An appropriate, scientific and technical assessment of all the relevant and available evidence has been carried out; and

b) On the balance of probability that significant harm is being caused.

Significant possibility of significant harm to human health

In deciding whether or not land is Contaminated Land on grounds of *significant possibility* of significant harm to human health, land will be categorised in accordance with Statutory Guidance.

- Categories 1 and 2 - land capable of being determined as Contaminated Land on grounds of significant possibility of significant harm to human health.

- Categories 3 and 4 - land not capable of being determined on such grounds.

Categories of Contaminated Land: Human Health
Category 1: Human Health – it should be assumed a significant possibility of significant harm exists where there is an unacceptably high probability, supported by robust science-based evidence, that significant harm would occur if no action is taken to stop it. **Category 2: Human Health** – risks from the land are of sufficient concern that the land poses a significant possibility of significant harm, however the strength of evidence to put the land into Category 1 Human Health does not exist. **Category 3: Human Health** - risks from the land are not of sufficient concern that the land poses a significant possibility of significant harm, this may include land where the risks are not low, but regulatory intervention under Part 2A is not warranted. **Category 4: Human Health** - land does not pose a significant possibility of significant harm. It is considered there is no risk or that the level of risk posed is low.

Significant harm and significant possibility of such to non-human receptors

When considering whether significant harm is being caused, or there is a significant possibility of such harm being caused to non-human receptors, regard will be made to Table 1 Ecological System Effects, and Table 2 Property Effects as described in the Statutory Guidance.

Significant pollution of controlled waters

Significant pollution of controlled waters can only be considered when the Council is satisfied that the substances in question are continuing to enter controlled waters or that they have already entered the waters and are likely to do so again in such a manner that past and likely future entry in effect constitutes ongoing pollution.

Land should not be determined as contaminated land on grounds that significant pollution of controlled waters is being caused where:

a) the relevant substance(s) are already present in controlled waters;

b) entry into controlled waters of the substance(s) from land has ceased; and

c) it is not likely that further entry will take place.

Significant possibility of significant pollution of controlled waters

In deciding whether or not land is contaminated land on grounds of significant possibility of significant pollution of controlled waters, the categorisation method in accordance with the Statutory Guidance will be used.

Categories 1 and 2 – it is considered that a significant possibility of significant pollution of controlled waters exists.

Categories 3 and 4 - significant possibility of such pollution does not exist.

Categories of Contaminated Land: Water

Category 1: Water – where there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. Where there is robust science based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.

Category 2: Water - the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis. However the strength of evidence to put the land into Category 1 Water does not exist. This might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.

Category 3: Water - the risks from land are such that the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not warranted. This category includes land where it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.

Category 4 Water - land where there is no risk or that the level of risk posed is low. In particular, this is the case where:

(a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or

(b) the possibility only relates to types of pollution that should not be considered to be significant pollution; or

(c) the possibility of water pollution similar to that which might be caused by “background” contamination.

6. Determination and Remediation

Section 78A(2) of the 1990 Act states that in determining whether any land appears to be contaminated land, a local authority shall, "…act in accordance with guidance issued by the Secretary of State. Regard will therefore be given to Section 5 of the Statutory Guidance in determining land as contaminated.

6.1 Deciding that land is not Contaminated Land

Where the inspection and assessment of land has ceased due to little or no evidence to suggest that it is contaminated land, it will be considered not Contaminated Land.

A written statement will be produced, to explain that on the basis of the assessment undertaken the land does not meet the definition of Contaminated Land under Part 2A based on the current use of the land.

6.2 Determining that land is Contaminated Land

The council has sole responsibility for determining contaminated land. It cannot delegate this responsibility (except in accordance with section 101 of the Local Government Act 1972). However, in making such decisions, the council may rely on information or advice provided by another body such as the Environment Agency, or a suitably qualified experienced practitioner appointed for that purpose.

There are four possible grounds for determining land as Contaminated Land (with regard to non-radioactive contamination).

Grounds for Determining Land as Contaminated Land
(a) Significant harm is being caused to a human or relevant non-human, receptor. (b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor. (c) Significant pollution of controlled waters is being caused. (d) There is a significant possibility of significant pollution of controlled waters being caused.

The Statutory Guidance provides details on the determination process and actions to be taken. The Council will follow this guidance. A written record of the determination will be produced which will include:

- Precise location
- Boundaries and area of land in question
- Risk summary
- Summary of how the Statutory Guidance has been satisfied

6.3 Remediation of Contaminated Land

After determining an area of land as contaminated land, South Gloucestershire Council will commence regulatory action including formal notification, consultation, agreement on voluntary remediation and serving remediation notices.

The aim of the remediation will be to ensure that the land no longer qualifies as Contaminated Land under Part 2A. Remediation should remove or permanently disrupt significant contaminant linkages to ensure risks are below an unacceptable level, or remedy the harm or pollution that has been caused by a significant pollutant linkage. This can be done by a combination of:

- reducing or treating the contaminant(s);
- breaking, removing or disrupting the pathway;
- or protecting or removing the receptor;

6.4 Voluntary Remediation

Where appropriate, regulatory powers will be used to require remediation by the liable party, typically the original polluter or the current landowner.

Enforcement can be complex, resource intensive and costly. Wherever possible voluntary remediation will be secured through constructive dialogue with the relevant stakeholders. Any voluntary remediation will be required to be of equivalent standard (or better) and undertaken within an appropriate timescale as would otherwise be specified in a remediation notice.

6.5 Remediation Notice

Only actions which are reasonable with regard to cost and seriousness of the pollution or harm can be required by a remediation notice. The remediation should ensure the land no longer poses sufficient risk to qualify as Contaminated Land.

Remediation to a standard higher than required may be carried out to increase the value of land, however South Gloucestershire Council will not require a higher standard under Part 2A.

If it is not practicable or reasonable to remediate land to a standard where it ceases to be contaminated land, remediation to a lesser standard may be considered in order to manage or remediate land in such a way that risks are minimised as far as reasonably practicable.

Where remediation is necessary to remedy harm or pollution which has already been caused it may be reasonable to return land or water to their former state, or it may not be practicable or reasonable to do this, in which case remediation to a lesser standard will be considered.

6.6 Reasonableness of remediation

Remediation requirements must be reasonable and the Statutory Guidance details how factors should be considered in assessing what is reasonable. A remediation action can be considered reasonable if the benefits of remediation are likely to outweigh the costs.

South Gloucestershire will have regard to the Statutory Guidance and consider:

- Practicability, effectiveness and durability or remediation
- Financial cost of remediation
- Benefits of remediation
- Health and environmental impacts of remediation

A remediation notice can be revised where appropriate, for example as new information becomes available. Some remediation may no longer be necessary, or additional or alternative actions may be required. If the liable person proposes an alternative remediation scheme, the Council will consider the proposal and may revoke/amend the remediation notice as appropriate.

6.7 Verification

Verification of any remedial works will be required to demonstrate that the significant pollutant linkage(s) has been broken and/or harm or pollution remedied, and the site no longer poses an unacceptable risk and is therefore no longer considered Contaminated Land under Part 2A.

7. Liability and Costs

7.1 Liability

Where necessary South Gloucestershire Council will apportion liability for the costs of remediation under Part 2A in compliance with Statutory Guidance.

When establishing liability and apportioning costs, each significant contaminant linkage has to be considered separately. The process involves:

1. Identifying potential "appropriate persons" and liability groups.
2. Characterising remediation actions.
3. Attributing responsibility between liability groups.
4. Excluding members of a liability group.
5. Apportioning liability between members of a liability group.

There are two classes of liability group:

Classes of Liability Group
Class A – person who caused or knowingly permitted each pollutant linkage. **Class B** – Where no liable Class A person can be found, liability reverts to the current owner or occupier of the land.

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

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

If no Class A or Class B person can be found for a significant contaminant linkage that linkage becomes an **orphan linkage**. In such cases, in accordance with the Statutory Guidance, the enforcing authority would bear the cost of the remediation.

The Council may undertake remediation in urgent cases (where it is the enforcing authority) if it is of the opinion that the risk would not be mitigated by enforcement action. Where remedial actions are undertaken in default of a notice the council has the power to recover costs in certain circumstances.

7.2 Costs recovery & Minimising Unnecessary Burdens

South Gloucestershire will seek to minimise unnecessary burdens by adopting a proportionate approach to local taxpayers, businesses and individuals.

In making any cost recovery decision, regard to the following principles will be made:

- To aim for an overall result which is as fair and as equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers; and

- The ‘polluter pays’ principle, by virtue of which the costs of remediating pollution are to be borne by the polluter.

South Gloucestershire Council will seek to recover all of its reasonable costs however where it is considered appropriate the cost recovery could be reduced or waived to:

a) Avoid any undue hardship which recovery may cause to an appropriate person.

b) Reflect specific considerations set out in the statutory guidance.

8. Alternatives to Part 2A

Part 2A should only be used to secure remediation where no appropriate alternative solution exists. Other regulatory mechanisms can be utilised in management of land contamination including planning, building control and Environmental Damage.

8.1 Planning

Unlike Part 2A, planning considers the future use of a site. The local planning authority are required to consider the implications of contamination for a new development to ensure a site is suitable for its new use.

Land contamination is a material consideration for development control and needs to be considered both when preparing development plans and when considering individual planning applications. In some cases, carrying out remediation work may require a separate planning permission. Responsibility for securing a safe development ultimately lies with the developer and/or landowner.

In accordance with the National Planning Policy Framework (NPPF) (December 2024, as amended 7th February 2025)

196.Planning policies and decisions should 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 2A of the Environmental Protection Act 1990; and*

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

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

The NPPF encourages the redevelopment of suitable brownfield land (previously developed land) in paragraph 125 stating:

Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

Brownfield land is not necessarily affected by contamination, but as part of the planning process, suitable assessments should be undertaken to determine the nature and extent of any contamination and ensure appropriate remediation where necessary.

The Environmental Protection Team are a consultee for planning, providing advice on assessments and recommending planning conditions where appropriate to ensure land is suitable for use on completion of a development.

8.2 Building Control

Building Regulations require measures to protect new buildings and the future occupants. Ground covered by any buildings and associated ground is required to be reasonably free of materials that might damage it or affect its stability. Reasonable precautions are required to avoid health and safety risks resulting from contamination. Guidance has previously been issued in Approved Document Part C Site Preparation and Resistance to Contaminants and Moisture (2004 Edition incorporating 2010 and 2013 amendments). A consolidated version of the individual Approved Documents has been published by the government, entitled "*The Building Regulations 2010 - The Merged Approved Documents - October 2024 compilation of individual approved documents*"

8.3 Water Resources Act 1991

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.

8.4 Environmental Damage Regulations

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 impose obligations and liabilities on certain commercial operations to prevent and remediate environmental damage caused by their activities based on the polluter pays principal.

The Environmental Damage Regulations were updated in July 2015 replacing the 2009 version. The term "Environmental Damage" has a specific meaning under the regulations and is damage that adversely affects land, surface or groundwater, marine waters, protected species or natural habitats or a site of special scientific interest (SSSI). The Local Authority has enforcement responsibilities in relation to damage to land where this results in a "significant risk of adverse effects on human health". In relation to damage to water and natural habitats/protected species, the

Environment Agency and Natural England are the enforcement authorities respectively.

There can be some overlap of Environmental Damage and Part 2A and sites may be investigated under both regimes. In general Part 2A covers historic contamination whereas the Environmental Damage Regulations are to provide a quicker response in relation to pollution incidents.

8.5 Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 provides a regime for the regulation of prescribed industrial and waste management activities. Environmental Permitting is a preventative environmental regime regulated by Local Authorities and the Environment Agency who have powers to deal with breaches of permits which result in contamination of land, water and air. The regulations cover certain prescribed industrial processes, waste operations, water discharges and radioactive substances.

Site protection is a principal component of certain Environmental Permits. If pollution incidents occur, operators are required to take all practical steps to address any contamination at the time of the incident.

Operators holding an environmental permit are also specifically liable for the prevention and remediation of environmental damage under the Environmental Damage Regulations.

On cessation of certain sites holding environmental permits, operators are required to restore land used in connection with the site to its original condition, this includes removing as far as practical, any contamination.

Where significant harm or pollution of controlled waters comes from a process regulated under the above regimes, a remediation notice under Part 2A of the Act cannot be served if the powers are available under the relevant Environmental Permitting regime to address the harm or pollution of controlled waters.

8.6 Brownfield Registers

All councils are required by the Brownfield Land Register Regulations (2017) to publish a register of previously developed sites in the district which are capable of being redeveloped or converted to provide housing-led development.

Brownfield land registers are required to be in two parts.

Part 1 of the register contains brownfield sites of at least 0.25 hectares, or capable of supporting at least 5 dwellings and considered appropriate for residential development.

Part 2 of the register contains those sites in Part 1 which would be suitable for a grant of "permission in principle" (PiP) for residential development. Permission in Principle is limited to the location, land use and amount of development and can only be granted for housing-led developments. Planning permission is not granted until Technical Details Consent is applied for and approved.

All sites on the register must meet the definition of 'previously developed land' contained in the National Planning Policy Framework. All sites on the register must also meet the following criteria:

Suitable for residential development: this means the land has planning permission for housing or housing-led development; or has been allocated for such development in a Local Plan; or is considered appropriate for such development by the council.

Available for residential development: this means that there is no impediment to development in terms of either ownership issues or legal constraints on the land.

Residential development of the land is achievable: the land is likely to be developed within 15 years of being entered on the register.

Other legislative regimes

Other legislative regimes may provide a means of dealing with land contamination such as issues around waste and water pollution. These are primarily enforced by the Environment Agency.

Statutory nuisance cannot be applied to contaminated land or land in a contaminated state (Environment Act 1995, sch.22, para. 89). Where land is outside these exclusions but is causing a nuisance, for example from odour, it could be considered a statutory nuisance, as the exclusion applies only to possible or actual harm to human health or pollution of controlled waters.

Remediation activities addressing contamination may give rise to noise, dust etc which can be statutory nuisance.

8.7 Independent action by landowners

Voluntary remediation will always be considered as the first option in managing Contaminated Land.

Voluntary Remediation
Voluntary agreements to remediate land will be considered in all cases before enforcement action. Voluntary action will be strongly encouraged to deal with potentially problematic land, either on an individual site basis or as part of wider regeneration work.

9. South Gloucestershire Policies

9.1 South Gloucestershire Community Strategy

The Council Plan 2024-2028 is an overarching strategy for the council. It sets out the key actions they aim to take over the 4 years to achieve the best outcomes for residents and communities.

The plan has 5 core goals.

1. Respond to the climate and nature emergency
2. Help reduce inequalities
3. Support children and young people to thrive
4. Support wellbeing and independence in our communities
5. Build better places with secure affordable housing and good sustainable transport links

The contaminated land strategy aligns with a number of the council's priorities particularly in respect of suitable housing and health and well-being objectives.

The Council Plan 2024-2028 can be accessed via the following link Council Plan 2024-2028 .

9.2 South Gloucestershire Planning polices

The development plan for South Gloucestershire comprises the following documents:

- South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013)
- South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017)
- West of England Joint Waste Core Strategy (adopted March 2011)

South Gloucestershire Local Core Strategy 2006-2027

The Core Strategy sets out the general location of development including its type and scale as well as protecting what is valued about the area. One of its objectives, Managing the Environment and Heritage, includes protecting land, air, aqueous environments, buildings and people from pollution. Policy CS9 is relevant to this Contaminated Land Strategy and includes the following in relation to land contamination.

Policy CS9 - Managing the Environment and Heritage
The natural and historic environment is a finite and irreplaceable resource. In order to protect and manage South Gloucestershire's environment and its resources in a sustainable way, new development will be expected to: ***…*** ***10. promote the re-use of contaminated land with appropriate remediation*** ***11. protect land, air and aqueous environments, buildings and people from pollution and*** ***12. avoid unstable land unless appropriate mitigation or remediation measures can be taken***.

South Gloucestershire Local Plan: Policies, Sites and Places Plan

The South Gloucestershire Policies, Sites and Places Plan forms part of the South Gloucestershire Local Plan, together with the South Gloucestershire Core Strategy and West of England Joint Waste Core Strategy.

Policy PSP21 is relevant to this contaminated land strategy and includes the following in relation to land contamination.

Policy PSP21 – Environmental Pollution and Impacts
… ***<u>Contaminated Land</u>*** ***Proposals for development on land, which may be affected by contamination, will be acceptable where adequate remedial measures are taken, to ensure that the site is suitable for the proposed use and will remain so.*** ***New development proposals should demonstrate that:*** ***1) any existing contamination of the land will be addressed by appropriate mitigation measures, to ensure that the site is suitable for the proposed use and that there is no unacceptable risk from contamination within the site or the surrounding area; and*** ***2) the proposed development will not cause:*** ***a) the land, or land in the vicinity of the development;***

b) water resources within the influence of the land (groundwater and surface water); ***c) ecological systems;*** ***to become contaminated, to the detriment of future use.***

Additionally, Policy PSP25 – Hydrocarbon Extraction (Inc Fracking) manages adverse impacts, including groundwater contamination, from such development proposals.

West of England Joint Waste Core Strategy

The Joint Waste Core Strategy guides decisions about where waste management facilities should be located within the West of England. Policy 12 is relevant for contamination impacts arising from waste related development.

Policy 12 – General Considerations
… ***Information supporting a planning application must include, as appropriate to the development proposal, assessment of the following matters:*** ***…*** ***6. the contamination of groundwater and surface water;*** ***…*** ***25. any required remediation of contamination of land.*** ***…***

South Gloucestershire New Local Plan

A New Local Plan for South Gloucestershire is currently being prepared. This provides the opportunity for the council to set out its blueprint up to 2041 for how it intends to deliver on its goals of achieving carbon net zero, supporting nature's recovery, and reducing cost of living inequalities, while also setting out how the council intends to support the delivery of the homes and jobs people need. The new Local Plan also sets out planning policies to guide new developments so they are designed and delivered in a way that will have a positive impact on delivering homes that are genuinely affordable, the climate emergency, ecological crisis, cost of living pressures, and help to close inequalities gaps within South Gloucestershire.

The new Local Plan will replace the spatial strategy, strategic policies and key local level policies in the South Gloucestershire Core Strategy and Policies, Sites and Places Plan. However, the requirements relating to contaminated land in Core Strategy Policy CS9, and in Policy PSP21 of the Policies, Sites and Places Plan, as detailed above, are proposed to be saved and would continue to apply to assessment of development proposals after adoption of the new Local Plan.

10. Liaison and communication

10.1 Internal communication

During any investigation where it is likely a site may be determined contaminated land, relevant departments will be consulted.

10.2 External communication

The local authority has primary responsibility for implementation of Part 2A. The Environment Agency (EA) also have responsibilities with regard to controlled waters. The EA is required to provide advice and information to local authorities when requested and in the case of a suspected special site, carry out inspections.

The EA will be informed of any determination, remediation notice and remediation statement issued.

The Council is required to provide information to the EA when requested to enable reporting to the Secretary of State on the state of contaminated land.

In addition, when a site may be determined as Contaminated Land, the following bodies which may have an interest in the site in question may be consulted for their expertise and opinion.

- Natural England
- DEFRA
- Public Health England
- Health and Safety Executive
- Food Standards Agency
- English Heritage

10.3 Cross Boundary Issues

Where a pollution source outside the South Gloucestershire boundary may affect land within South Gloucestershire and the land appears to meet the statutory definition of contaminated Land under Part 2A, action can be taken as if the source is within South Gloucestershire, but without prejudice to the functions of the neighbouring local authority.

Environmental Protection Officers at South Gloucestershire Council work closely with their counterparts in all neighbouring local authorities. In practice, should such circumstances arise, the approach will be joint, with enforcement action being taken by the most appropriate authority depending on the circumstances. In most cases, this is likely to be the authority where the pollution “source” is located.

10.4 Stakeholders

The Council aim to have a proactive, open and transparent approach to the investigation of potentially contaminated sites. Interested parties will be kept informed and updated with regard to site inspections and investigations.

10.5 Risk Communication

Implementation of this strategy will involve the assessment of risks associated with contaminated land to ensure that unacceptable risks from contamination are appropriately managed. It will therefore be necessary to carefully assess how to anticipate and respond to the concerns, anxieties and expectations of individuals which may arise in response to land contamination.

It will not always be possible or practical to eliminate each and every risk. It may not be practical or financially viable to remove all risks from contamination and in some cases it may not be technically possible to do so. Public perception and concerns however are very real and will need to be addressed seriously and with sensitivity as part of the risk management process.

Managing potential conflict around risk communication requires attention to the content of risk information and to the appropriate procedures at relevant stages in the decision-making process. Procedures should address the following:

- The need for two-way communication;
- Transparency to create trust in the regulatory role; and
- Openness to enhance the legitimacy of the overall process to the stakeholder.

In communicating risk, the overall rationale and methods behind the assessment and management process will need to be explained, be flexible in terms of procedures and reflect the context and history around the site.

Where necessary a risk and communication procedure will be prepared for a specific site. Reference will be made to the publication "*Communicating Understanding of Contaminated Land Risks" - SNIFFER (May 2010).*

11. Contaminated Land Strategy Review

Statutory guidance recommends local authorities review their Contaminated Land Strategies every 5 years. This strategy will be reviewed in 2031 unless changes in legislation, statutory guidance or other factors require that the strategy to be updated at an earlier date.

This Contaminated Land Strategy is available on the Council's website, www.southglos.gov.uk .

12. Information

12.1 Public Register

The Council is required under section 78R of Part 2A to maintain a register of sites formally determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Information to be kept on the register includes:

a) remediation notices;

b) details of appeals against any remediation notices;

c) remediation statements or remediation declarations and notifications of what remediation is claimed to have been done;

d) details of appeals against charging notices;

e) details of designation of any land as a special site;

f) details of relevant convictions.

Certain information can be excluded from the public register due to national security or commercial confidentially.

The public register only includes sites where a remediation notice (or remediation statement produced after voluntary remediation) have been served. Remediation undertaken as part of development under planning will not be entered on the Register.

At the time of writing, there are no sites that have been formally determined as contaminated land in South Gloucestershire. One site has been voluntarily remediated and details of entries on the public register can be provided on request. Email environmental.protection@southglos.gov.uk

12.2 Environmental Searches

Information on whether a piece of land might be contaminated can be provided on request. There may be a charge for this service. Where available we can provide data on historical land use and say whether a piece of land has been identified as potentially contaminated. Information can also be provided on whether there is any potentially contaminated land nearby.

Although most searches are for potentially contaminated land, we can also provide information on other data we hold such as private water supplies and sites holding environmental permits.

Requests for searches must;

- be made in writing to environmental.protection@southglos.gov.uk
- be accompanied by a local map clearly marking the boundary of the land
- be reasonable and specific - for instance they must ask questions like 'is the council aware of any land within 250 meters of the site which has been used for waste disposal to landfill?'

Only factual information can be provided. If you need help in interpreting this information, you should seek the assistance of a specialist environmental consultant.

What we cannot cover;

Environmental searches are based on our Contaminated Land Inspection Strategy, which has identified areas of land that are potentially contaminated. We cannot guarantee that other areas of land are free from contamination. We may not always have sufficient information to answer enquiries fully.

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Contact Us

For further information on contaminated land and the Contaminated Land Strategy contact:

Postal Address

Environmental Protection Team
South Gloucestershire Council
Department for Environment and Community Services
Environmental Health
PO Box 1954
Bristol
BS37 0DD

Telephone: 01454 868001

e-mail: environmental.protection@southglos.gov.uk

www.southglos.gov.uk

This information can be made available in other languages, in large print, Braille or on audio tape. Please phone 01454 868009 if you need any of these or any other help to access council services.

Written by Worcestershire Regulatory Services on behalf of and in conjunction with South Gloucestershire Council Environmental Protection Team.