



ST HELENS
BOROUGH COUNCIL

A man wearing a white hard hat, a blue shirt, and a high-visibility yellow vest stands in a field of tall grass at sunset. He is holding and looking at a large set of rolled-up blueprints.

CONTAMINATED LAND INSPECTION STRATEGY 2025-2030



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1.0 EXECUTIVE SUMMARY

This Strategy, titled the Contaminated Land Inspection Strategy 2025-2030, replaces the Contaminated Land Inspection Strategy Review of 2017. It sets out how St Helens Borough Council, through the work of the Environmental Protection Team of the Regulatory Services Division, intends to address and deal with land throughout the borough that is affected or potentially affected by contamination. It has been prepared in accordance with the requirements of the Contaminated Land Statutory Guidance¹.

ST HELENS BOROUGH COUNCIL IS COMMITTED TO CREATING DISTINCT, ATTRACTIVE, HEALTHY, SAFE, INCLUSIVE, AND ACCESSIBLE PLACES IN WHICH TO LIVE, WORK, VISIT AND INVEST, AS SET OUT IN THE “OUR BOROUGH STRATEGY”² FOR 2021-2030. THE CONTAMINATED LAND STRATEGY THEREFORE SUPPORTS AND ALIGNS CLOSELY WITH THE COUNCIL’S BROADER VISION AND THE OUTCOMES THAT IT IS HOPED CAN BE ACHIEVED.

Land contamination is a complex issue and given its highly industrial heritage St Helens faces challenges in ensuring the effective

remediation of land affected by contamination. Although contamination can pose risks to human health and the environment, there are many brownfield sites with an associated potential for redevelopment. The work undertaken through the implementation of this strategy seeks to inform the balance between protecting public health and the environment whilst encouraging the beneficial reuse of such land.

The council will ensure, via the implementation of this strategy, that its statutory responsibilities are complied with, that the safe redevelopment of brownfield land is supported, and that human health and the wider environment are protected from the risks associated with land affected by contamination.

There are several mechanisms via which land contamination can be addressed:

- The planning process is regarded as the primary driver for the remediation of land affected by contamination. Environmental Protection therefore work closely with Planning, Housing and Strategic Growth services to ensure that land contamination is given appropriate consideration and ultimately to ensure that development is suitable for its intended use. In addition to the planning system, Building Regulations also require measures to be taken to protect new buildings, and their future occupants, from the effects of contamination³. Environmental Protection therefore also maintain close links with the council’s Building Control service.



- Part 2A of the Environmental Protection Act 1990, or “the contaminated land regime” as it is referred to, places a statutory duty on local authorities to inspect their area from time to time for the purposes of identifying and where necessary remediating contaminated land. However, in accordance with the contaminated land Statutory Guidance the use of Part 2A, and any associated enforced remediation, is regarded as a last resort. Remediation undertaken voluntarily/independently by landowners and/or potential “appropriate persons” following inspection by the council is therefore encouraged, with remediation notices to be served only where no alternative solution exists.
- Other regimes including the Environmental Damage Regulations⁴ and the Environmental Permitting Regulations⁵ contain powers to deal with land contamination resulting specifically from breaches of any permits, authorisations, and licenses. The council will use these powers, should the need arise.

As part of the planning process, Environmental Protection are consulted by the planning department on applications and pre-application enquiries for sensitive end uses and or developments where the land may be affected by contamination. Where necessary, contamination assessments are requested in support of applications and conditions are imposed requiring assessment and remediation. Environmental Protection are then further consulted when applications to discharge the relevant conditions are made, with conditions only discharged when remediation has been demonstrably completed to the agreed standard.

With regards the inspection of land under Part 2A, the first step in this process has comprised a Geographic Information System (GIS) based prioritisation of all potentially contaminated land throughout the borough. This has formed an ordered basis for further strategic, and where necessary, detailed inspection to take place with those sites considered to pose the highest potential risk inspected first. The council will therefore progress strategic inspections of high priority sites via desk-based studies, collation of available information and risk assessment. However, the ability of the council to proceed to and actively progress detailed inspections is dependent to an extent on available resources. The governments Contaminated Land Capital Grants Scheme: a central fund to cover the costs of investigation and in certain circumstances remediation, that had been in place since Part 2A came into force, was progressively withdrawn from 2014 and in its entirety in 2017. However, should a strategic inspection identify a sufficient risk, then the Environmental Protection Team will prepare a report to present the case for a more detailed inspection to be undertaken.

Notwithstanding the above, it may be that available resources need to be directed towards other sites that come to the councils attention e.g., following a specific complaint or a reported incident. Any such sites will be considered subject to the estimated risk at the time and based on the information that is available.

In making decisions around the status of land under Part 2A, and ultimately any formal requirement to remediate, the Statutory Guidance requires careful judgement 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. The council will endeavour to ensure that these principles of the guidance are complied with following any detailed inspections and will aim to ensure that remediation is undertaken voluntarily wherever possible.

This strategy will be reviewed as necessary but typically no less than once every 5 years.

¹“Environmental Protection Act 1990: Part 2A: Contaminated Land Statutory Guidance”, DEFRA, April 2012

²“Our Borough Strategy 2021-2030”, St. Helens Borough Council, 2021

³“Site preparation and resistance to contaminants and moisture: Approved Document C”, Ministry of Housing, Communities and Local Government, 3rd September 2013

⁴The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

⁵The Environmental Permitting (England and Wales) Regulations 2016



2.0 INTRODUCTION

St Helens Borough Council published its first Contaminated Land Inspection Strategy in 2001. This was in response to the contaminated land provisions contained within Part 2A of the Environmental Protection Act 1990 being introduced on 1st April 2000. The last review of the strategy was undertaken in 2017. This latest review sets out the council's continued approach for responding to the challenges posed within the borough by contaminated land as well as land affected or potentially affected by contamination. Part 2A of the Environmental Protection Act 1990 places a responsibility on local authorities to identify and remediate "contaminated land". Contaminated land is legally defined under Part 2A 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 significant harm (SPOSH) being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

Land that constitutes "contaminated land" must meet the above legal definition. 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 not necessarily at a sufficient level of risk to be classed as Contaminated land.

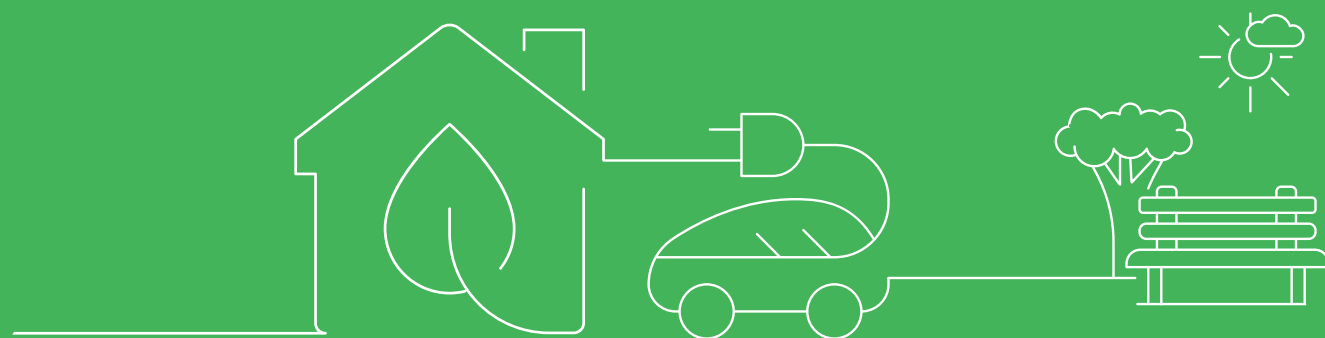
The Contaminated Land Statutory Guidance, which was last updated in April 2012, sets out how local authorities should decide whether land is contaminated land in the legal sense of the term. The Statutory Guidance also elaborates on the remediation provisions of Part 2A, such as the goals of remediation, and how regulators should ensure that remediation requirements are reasonable. In addition, the guidance sets out what information local authorities should include in their inspection strategies.

The Statutory Guidance makes it clear that Part 2A is to be used only where there is no alternative solution, and the planning process provides a separate mechanism for remediation to take place via the redevelopment of brownfield

sites. Accordingly, the National Planning Policy Framework (NPPF⁶) advises that 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.

St Helens Borough Council therefore continues to regulate the redevelopment of land affected by contamination through the imposition of planning conditions on relevant permissions. These conditions require assessment of the risks posed by land contamination followed by, where necessary, remediation and verification.



⁶National Planning Policy Framework, Department for Levelling Up Housing & Communities, December 2024

3.0 WORK COMPLETED SINCE THE PUBLICATION OF THE 2017 REVIEW

Since the 2017 review was issued the Environmental Protection Team have regulated the remediation and residential development of several significant brownfield sites through the planning process. Some examples include the former Penlake Industrial Estate and the Moss Nook redevelopments in Sutton, the former Vulcan Works in Newton le Willows and the Linkway Distribution Park and the land north of Elephant Lane, both in Thatto Heath. Remediation of a significant number of smaller scale sites affected by contamination has also been completed.

Under Part 2A the final phase of remediation associated with the Ticke Avenue project in Parr has been completed. This has involved the completion internally of a revised detailed quantitative risk assessment, the commissioning of an independent third-party review of this work and extensive liaison with the UKHSA. This resulted in the determination of a series of additional properties on O'Brien Grove and Redgate Drive. These properties were subsequently remediated by a specialist contractor on the council's behalf. The cost of these works, which were substantial, were borne by the council due to the withdrawal of government funding.

A Part 2A assessment of Randle Brook Open Space in Rainford has been completed internally. This is the site of a historical landfill that is bordered by residential housing and a surface water course. Through the completion of a desk-based study to understand the nature of the deposited wastes, a qualitative ground gas risk assessment, hand auguring to understand near surface soil conditions, period sampling of Randle Brook and liaison with the Environment Agency it has been possible to conclude that a significant pollutant linkage does not exist. A formal written statement has been issued in accordance with section 5.2 of the Statutory Guidance.

A Part 2A assessment was completed for the Landsbury Bridge School in Parr following a concern raised by members of staff regarding the history of the site. Previous ground investigations were reviewed and a scope of works to assess the chemical quality of near surface soils was developed. Extensive sampling was completed by a third-party consultant on the councils behalf, and it was demonstrated that there was no site wide risk associated with the near surface soils.

The Environmental Protection Team has been involved for several years now in the investigation and assessment of a series of residential properties in Ewart Road in Haresfinch that are being impacted by contaminated run off/ drainage associated with a historical landfill to the south. A desk study was completed internally following which an independent third-party consultant was commissioned to complete a phase 2 detailed inspection of the land. Extensive liaison with residents, UKHSA and other stakeholders remains ongoing with a view to developing an appropriate solution.

Detailed desk-based assessments have recently been completed for The Shires in the Town Centre and Parklands in Rainford, two residential developments constructed historically at significant former industrial sites. Written statements have been prepared in draft format and are pending issue.

In addition to the above the Environmental Protection Team have also continued to provide pre-application planning advice to developers, liaise with and provide advice to the councils Strategic Growth Team on strategic development sites, process Environmental Information Requests and deal with enquiries on land contamination matters from members of the public as they arise.



4.0 BACKGROUND & CHARACTERISTICS OF THE BOROUGH

Location

St Helens is situated in Merseyside and is located 12 miles east of Liverpool and 23 miles west of Manchester. It has a population of approximately 183,000, covers an area of 136 square kilometres and is adjoined by the boroughs of Knowsley, Wigan, West Lancashire, Warrington, and Halton.

Industrial History

St Helens is a town with a significant industrial history, dominated by coal mining and glass manufacture. Coal mining in the borough dates to at least the mid sixteenth century when mining activity was initially small scale. However, the borough was transformed by rapid expansion of mining and associated industries throughout the industrial revolution. St. Helens is regarded as the home of glass manufacture in the UK with glass making in the borough thought to have begun as early as 1695. The prevalence of glass manufacture relates largely to the availability of coal and sand owing to the local geology with the first British plate glass manufacturing factory opening at Ravenhead in 1776. Other industries that were common throughout the borough included Copper Works as well as Brick Works and Alkali Chemical Works with the latter operating the Leblanc process for the synthetic manufacture of sodium carbonate. St Helens' long history of industrial activity means there is a significant amount of land that is typically affected by contamination.

Geology & Hydrogeology

The solid bedrock geology of the borough is largely comprised of Carboniferous, Permian & Triassic Strata. The Carboniferous Strata, also known as Productive Coal Measures, is comprised of mudstone and sandstones with seams of coal whereas the Permian strata is comprised solely of Sandstone and Mudstone. The Triassic Strata comprises sandstones of the Sherwood Sandstone Group. The superficial geology is comprised largely of glacial deposits of Till, Sands & Gravels and Sherdley Hill Sands. The Till is typically a sandy clay with layers of sand and gravel whereas the Sherdley Hill sand is a windblown belt of sand covering the Glacial Deposits and Bedrock over parts of the borough. More recent superficial deposits include peat which is present in localised areas and alluvium - water lain clay's, silts, sands and gravels associated with the valley floors and surrounding water courses.

The Sherwood Sandstone Group is classified as a Principal Aquifer and hosts a number of abstractions with associated source protection zones. The Carboniferous age bedrock is classified as a Secondary A aquifer, as are the more permeable superficial deposits, with the less permeable superficial deposits classified as a Secondary Undifferentiated Aquifer.

Surface Waters

Much of St. Helens is drained by two north-west to south-east flowing tributary streams: Sankey Brook and Whittle Brook. Many smaller tributaries feed Sankey Brook, the most notable being Hardshaw and Sutton Brooks, Black Brook, Rainford Brook and Newton Brook. In addition to water courses there are several significant other surface water bodies within the Borough including dams, reservoirs, and ponds.



4.0 RELATED CORPORATE STRATEGIES, OBJECTIVES & POLICIES

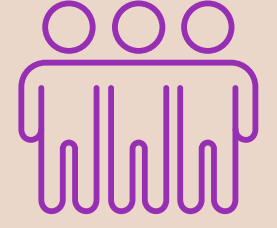
ST HELENS IS A LARGE AND SIGNIFICANT BOROUGH AT THE HEART OF THE NORTHWEST OF ENGLAND WHICH CAME TO PROMINENCE DURING THE INDUSTRIAL REVOLUTION. WITH A PROUD HERITAGE OF COAL MINING, AND WORLD-FAMOUS GLASS AND CHEMICAL INDUSTRIES, THE DECLINE OF THESE INDUSTRIES LED TO SIGNIFICANT ECONOMIC RESTRUCTURING AND A RESULTANT REDUCTION IN JOBS AND BUSINESS OPPORTUNITIES, THE LEGACY OF WHICH IS STILL SEEN TODAY. HOWEVER, THERE IS A REFRESHED SENSE OF AMBITION AND DIRECTION, DRIVEN BY THE "OUR BOROUGH STRATEGY" WHICH SETS OUT THE COUNCIL'S SIX KEY STRATEGIC PRIORITIES AND HOW WE CAN ACHIEVE BETTER OUTCOMES FOR OUR COMMUNITIES BY WORKING TOGETHER AND SUPPORTING EACH OTHER.



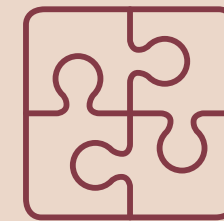
ENSURE CHILDREN
AND YOUNG PEOPLE
HAVE A POSITIVE
START IN LIFE



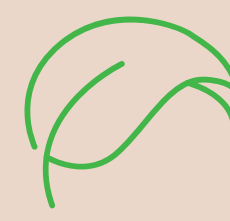
PROMOTE GOOD
HEALTH, INDEPENDENCE
AND CARE ACROSS
OUR COMMUNITIES



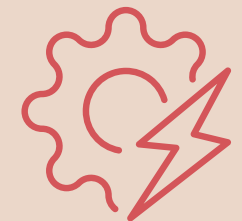
CREATE SAFE
AND STRONG
COMMUNITIES AND
NEIGHBOURHOODS
FOR ALL



SUPPORT A STRONG,
THRIVING, INCLUSIVE
AND WELL-CONNECTED
LOCAL ECONOMY



CREATE GREEN
AND VIBRANT PLACES
THAT REFLECT OUR
HERITAGE AND CULTURE



BE A
RESPONSIBLE
COUNCIL

Our Borough Strategy strives to achieve a series of outcomes associated with each priority and it is considered that the contaminated land inspection strategy can contribute to and help achieve the following specific outcomes:

- Children and young people are healthy, resilient, confident, involved and achieve their potential.
- Peoples physical and mental wellbeing improves.
- Our neighbourhoods provide the right homes for all.
- Our local economy recovers and grows and peoples skills and access to jobs improves.
- Our town and neighbourhood centres are vibrant places for all to use, value and enjoy.
- Our environment is protected for the future.
- Our green and open spaces are enjoyed and looked after by us all.
- Communicate, listen, engage, and work in partnership well with our residents, communities, local organisations, and partners recognising the strengths and skills in our community.
- Meet our community’s needs by delivering accessible and responsive services.

St Helens Borough Local Plan

St Helens Borough Council’s Local Plan⁷ was adopted in 2022 and will run up until 2037. The Local Plan sets out the framework for the growth and development of the Borough. It identifies how and where new development and regeneration should take place and thereby promotes and manages the future development of the Borough, shaping the investment plans of the council, other public and voluntary organisations, and the private sector. More specifically the Local Plan seeks to:

- Deliver sustainable communities;
- Strengthen and diversify the local economy;
- Deliver sustainable development;
- Meet local housing needs;
- Meet employment needs;
- Protect and where possible enhance the town, district and local centres;
- Manage the rural economy;
- Improve health;
- Maximise accessibility and social inclusion;
- Sustain population recovery;
- Reduce crime;
- Encourage the use of sustainable transport;
- Manage and enhance the environment;
- Recognise and support community and cultural facilities; and
- Manage river catchments and enhance biodiversity.

This contaminated land strategy therefore also aligns closely with the key issues the local plan is seeking to address, by supporting and promoting the redevelopment of the borough in a safe and effective manner and without undue risk to human health or the environment.

St Helens Borough Housing Strategy 2022-2027

The St Helens Borough Housing Strategy⁸ for 2022-2027 sets out the vision and priorities for housing in St Helens up until 2027 and the actions to be taken to meet local need. The Strategy has the overarching vision of ‘Quality and Accessible Homes for All’. It highlights the funding that the council has secured to redevelop brownfield land to date and the intention to secure further such funding to support the construction of new build housing on brownfield sites. The Contaminated Land Strategy therefore supports the Housing Strategy, and the Environmental Protection Department maintains close links with the council’s Housing & Communities Division.

St Helens People’s Plan 2021-2026

The St Helens Peoples Plan⁹ for 2021-2026, details the Public Health departments strategic approach to improving the health and wellbeing outcomes of the residents of the borough. The strategy, which considers a broad range of factors that impact upon the health of residents, highlights that from the late 1970’s, St. Helens suffered a decline in the coal mining and glass industries which employed many local residents and left a legacy of issues including poor health. Dealing with the legacy of contamination associated with historic industries and overseeing the safe regeneration and redevelopment of brownfield land therefore contributes to the council’s priorities for improving the health and wellbeing of residents.

⁷St Helens Borough Council, St Helens Borough Local Plan Up To 2037, July 2022
⁸St Helens Borough Council, St Helens Borough Housing Strategy 2022-27, 2022
⁹St Helens Borough Council, St Helens Peoples Plan, 2021-2026

6.0 CONTAMINATED LAND STRATEGY: AIMS, OBJECTIVES & PRIORITIES

As has already been acknowledged, in addition to completing the strategic and where necessary detailed assessment of potentially contaminated land under Part 2A, Environmental Protection are cognisant of the council's wider priorities. This allows the council to ensure that both business and housing growth are promoted by the planning regime whilst regulation of land contamination, via the requirement for and review of contaminated land assessments and associated reports, continues to safeguard that development is suitable for its intended use.

The specific aims, objectives and priorities with regards land contamination are discussed hereunder.

Aims

The aim of this strategy is to ensure the council fulfils its statutory duties under Part 2A of the Environmental Protection Act 1990 and acts in accordance with the Statutory Guidance. This strategy has the following specific aims.

1. To protect human health
2. To protect the wider environment.
3. To bring land back into beneficial use by voluntary remediation and partnership working wherever possible.
4. To effectively communicate information on land contamination to interested parties.

Objectives

To achieve the above aims, Environmental Protection Services will:

- Prioritise sites for inspection.
- Carry out strategic inspections (see section 8.0) of priority sites.
- Carry out detailed inspections (see section 8.0) of priority sites as resources allow if, following strategic inspection, there is considered a reasonable possibility that a significant contaminant linkage could exist.
- Carry out a risk assessment to determine if a significant contaminant linkage exists.
- Communicate the findings and inform interested parties of the outcome of any inspections through written statements and risk summaries as appropriate.
- Determine whether land is contaminated land as defined by Part 2A EPA 1990.
- Consider how contaminated land should be remediated, the cost and benefits of remediation, establish who is liable to pay for remediation and where no appropriate alternative solution exists, issue a remediation notice.
- Recover the costs of remediation where possible.

- Provide accurate and timely responses to consultation requests received from the planning department.
- Encourage and support the voluntary remediation of land via the planning process through liaison with planning case officers, developers, and their appointed agents/consultants.
- In conjunction with planning officers, planning enforcement officers and officers from the housing team, regularly review the status of planning applications with contaminated land conditions imposed to ensure, insofar as possible, that any such conditions are appropriately discharged.

Priorities

Our priorities are to ensure that.

- All planning application consultation requests are responded to in a timely fashion.
- Appropriate planning conditions with respect to land contamination are recommended to planning case officers.
- Where planning application consultations are supported by contamination assessments they are critically reviewed and assessed to ensure, insofar as possible, that they are compliant with key guidance.
- Any sites for which planning conditions with respect to land contamination remain outstanding are actively pursued in conjunction with the planning department.
- Risks to human health and the wider environment are actively investigated through the completion of strategic and where necessary detailed inspections of priority sites.
- Remediation is undertaken voluntarily wherever possible, with remediation notices served only where no appropriate alternative solution exists.
- Any land search enquiries which request information regarding the condition of sites and the surrounding area are responded to in a timely fashion.

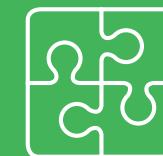
7.0 APPROACH TO DEALING WITH CONTAMINATION VIA THE PLANNING PROCESS

The NPPF advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. The NPPF further advises that planning policies and decisions should ensure, by requiring adequate site investigation information to be submitted, that sites are suitable for their proposed use and that 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.

In addition to national policy as set out in the NPPF the St Helens Borough Council's Local Plan includes a number of local policies that require appropriate consideration of land contamination. Policy LPA02 (Development Principles) requires new development to contribute to a high quality built and natural environment by making effective use of land,

buildings, and existing infrastructure including through the remediation of contaminated land. Policy LPD01 (Ensuring Quality Development) expects proposals for development to minimise and mitigate to acceptable levels any effects that the development may have on land and / or water pollution, including contamination of soil, surface water and groundwater resources. LDP01 further requires that any contamination or ground stability issues that exist on the site of the proposed development be remediated to an appropriate standard, taking into account its intended use and making use of sustainable remediation technologies.

The NPPF advises that all investigations of land potentially affected by contamination should be carried out by a competent person in accordance with established procedures such as BS10175¹⁰. The NPPF defines a competent person as a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation. The government have published guiding principles¹¹ on how planning departments can deal with land affected by contamination and the Environment Agency have published Land Contamination Risk Management (LCRM)¹² which provides



detailed guidance on the staged process to the assessment and management of risks from land contamination¹³.

IN ADDITION, ST HELENS BOROUGH COUNCIL HAVE HELPED IN THE PRODUCTION OF AND SUBSEQUENTLY ADOPTED A DEVELOPERS GUIDE THAT IS INTENDED TO PROMOTE CONSISTENCY AND GOOD PRACTICE FOR DEVELOPMENT ON LAND AFFECTED BY CONTAMINATION .

Environmental Protection are consulted by the planning department on applications and pre-application enquiries for sensitive end uses and/ or developments where the land may be affected by contamination. Where necessary, contamination assessments are requested in support of applications prior to determination, and conditions are imposed if permission is granted requiring assessment and remediation. Environmental Protection are then further consulted when applications to discharge the



relevant conditions are made, with conditions only discharged when remediation has been demonstrably completed to the agreed standard. During this process a range of documents will typically be submitted, consistent with the staged process for the assessment of land contamination, as set out in LCRM. This may include Phase 1 desk studies (or preliminary risk assessments as they are often termed), Phase 2 site investigations (to include generic quantitative risk assessment & where necessary detailed quantitative risk assessment), Remedial Options Appraisals, Remediation Strategies & Verification Plans and Verification/ Completion Reports. Environmental Protection review and critically evaluate these reports to ensure they are compliant with best practice and guidance. Any comments and recommendations take the form of a written consultation response, issued to the planning case officer, within the 21-day consultation period.

Planning conditions are discharged only when Environmental Protection are satisfied that the requirements for remediation, as set out in the agreed remediation strategy, have been met and that verification has been completed in accordance with the approved verification plan. Environmental Protection and Planning maintain a record of planning applications for which contaminated land planning conditions remain outstanding following a discharge application. This allows progress on condition discharge applications to be tracked and monitored with a view to ensuring that conditions can be successfully discharged with the intention of avoiding situations whereby developments become occupied without contamination

conditions having been successfully discharged. Where necessary, sites can then be prioritised for planning enforcement intervention.

The Levelling Up and Regeneration Act 2023 introduces a requirement to serve a “commencement notice” under the Town and Country Planning Act 1990 (TCPA), with the new section 93G requiring persons to notify local authorities of the date they intend to commence development under a planning permission. This should enable more effective monitoring of contamination conditions being discharged prior to development commencing on site.

¹⁰British Standards Institution, BS10175(2011)+A2(2017) Investigation of potentially contaminated sites. Code of practice

¹¹Department for Levelling Up, Housing & Communities, Land Affected by Contamination, June 2014 (Updated July 2019)

¹²Environment Agency, Land Contamination Risk Management, October 2020 (Updated July 2023)

¹³YALPG, Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants. 12.2 July 2023



8.0 APPROACH TO INSPECTION & REMEDIATION UNDER PART 2A

Prioritisation

As noted in section 1, a GIS based prioritisation of all potentially contaminated land throughout the borough has been completed. This is based on three separate algorithms to estimate the risk to three different receptors groups: development, groundwater and surface water.

Development considers the proximity of sites to different types of sensitive development where human receptors may be present - residential, schools, nurseries, playgrounds, allotments, parks, playing fields and recreation areas in the first instance before considering proximity to commercial/ industrial, agriculture, sites of special scientific interest (or locally designated sites) and lastly any other property in the form of buildings. Surface water considers the proximity of sites to surface water features including drains, streams, canals, surface water abstractions, lakes and rivers. Groundwater considers the proximity of sites to Source Protection Zones, drinking water abstractions, any other groundwater abstractions and whether sites are located on a Principal Aquifer.

Application of the prioritisation model has placed sites in one of three priority groups; A, B or C in accordance with the highest grouping from each of the algorithms (Development, Surface Water and Groundwater). Sites placed in Group A are classed as the highest priority followed by sites in Group B, and then those in Group C (the lowest priority sites). Within each group the GIS system allocates a 'Hazard Ranking' number of 1 to 48 based on the perceived risk associated with the historical land use. This further prioritises sites for more detailed assessment.

With regard to classification of receptors, the highest priority is given to the assessment of risks to human health. Risks to all receptors required by the Statutory Guidance will, however, be addressed in an order appropriate to the apparent seriousness of the potential harm or pollution. The methodology adopted thus allows resources to initially be concentrated on the sites that pose the greatest risk to human receptors.

Strategic Inspection

The council will aim to complete strategic inspections by collating sufficient information so as to be able to make a broad assessment of the status of land. This strategic inspection will comprise:

- Completion of internal desk-based studies for Group A high priority sites. The desk studies will include site walkover surveys where practical and the development of an initial conceptual model.
- For certain sites, limited sampling may be completed where possible.
- Identification of any potentially unacceptable risks.
- Written report including any recommendations for further action.

Assessments will be undertaken in accordance with relevant government guidance and British Standards, most notably LCRM and BS10175:2011+A2:2017.

If it is considered, from the strategic assessment alone, that there is little or no evidence to suggest that the land in question constitutes contaminated land then the inspection will cease at this point and a written statement will be issued. Alternatively, should the strategic inspection conclude that there are potential risks warranting further assessment then the land will be prioritised for more detailed inspection where possible.

Detailed Inspection

Having completed a strategic inspection, the aim of detailed inspection is to obtain sufficient information to decide whether the land in question constitutes statutory contaminated land. In accordance with the Statutory Guidance, detailed inspection is only required where it is considered that there is a reasonable possibility that a 'significant contaminant linkage' exists. This possibility will have been assessed and the requirement for detailed inspection will be either as a result of a strategic inspection or following information or complaints that have been received.

Detailed inspection is likely to require, for example, the drilling of boreholes and/ or excavation of trial pits, collection of samples, environmental monitoring and a subsequent generic or detailed quantitative risk assessment (GQRA or DQRA). As such, detailed inspections typically wouldn't be undertaken in house and the council would usually seek external expertise in accordance with the Statutory Guidance (sections 3.18-3.20). A detailed inspection will be undertaken internally only where it is considered that this can be completed safely, where the necessary expertise exists and where resources allow.

Site owners and any other relevant stakeholders will be contacted before a detailed inspection takes place. The Environment Agency will also be consulted regarding groundwater protection and to obtain their view as to whether the site may meet the definition of a Special Site.

Following detailed assessment, the council will decide as to whether or not a site constitutes contaminated land. In so doing, the council will adhere to section 4 of the Statutory Guidance which requires sites to be placed into one of four categories. These categories range from Category 1, where the risks are considered to be unacceptably high, to Category 4, where there is no risk or where the risks are acceptably low. If it is considered that the site falls into Category 4 then the inspection will cease, and a written statement will be issued. Alternatively, if it is considered likely that the land may constitute contaminated land (Categories 1 or 2) then a risk summary will be prepared in accordance with sections 3.33-3.35 of the Statutory Guidance. The council will not proceed to a formal determination until a risk summary has been prepared. Upon completing a risk summary, the council will make a final decision as to which category the land falls into and will proceed to formal determination where the site falls into Categories 1 or 2. A written statement will be prepared, and the risk summary will be discarded should it ultimately be decided that the land falls into Category 3.

Should a site be determined as statutory contaminated land the council will give notice of that fact to (a) the Environment Agency; (b) the owner of the land; (c) any person who appears to the authority to be in occupation of the whole or any part of the land; and (d) each person who appears to the council to be an appropriate person.

Remediation

The council is required, in accordance with section 6(d) of the Statutory Guidance, to decide if remediation actions are reasonable with regard to:

- The practicability, effectiveness, and durability of remediation;
- The health and environmental impacts of the chosen remedial options;
- The financial costs which are likely to be involved;
- The benefits of remediation with regard to the seriousness of the harm or pollution of controlled waters in question.

An assessment of the above factors will take the form of a written remedial options appraisal, undertaken in accordance with LCRM, to ensure that any remediation adopts the best practicable technique. This will be followed by the development of a remediation strategy and verification plan. Remediation options appraisals, along with remediation strategies and verification plans will typically need to be undertaken using external expertise.

The council will then liaise with potential appropriate persons and other relevant stakeholders to agree the completion of remedial works on a voluntary basis. Should a voluntary agreement not be possible then the council will proceed to serving a remediation notice on the appropriate person or persons.



9.0 MINIMISING UNNECESSARY BURDENS ON TAXPAYERS, BUSINESSES & INDIVIDUALS

As noted in earlier sections of this strategy, the withdrawal of the contaminated land capital grants scheme has, to an extent, limited the ability of the council to actively progress inspection and remediation under Part 2A. The council is now required to fund any inspections under Part 2A internally which ultimately puts an added burden on the taxpayer. Notwithstanding this, the progress outlined in section 3, the associated expenditure of which has been significant, demonstrates the council's commitment to fulfilling our statutory obligations under Part 2A.

Going forwards the Environmental Protection Service has an internal budget which may, in certain circumstances, fund limited sampling works associated with strategic inspections and potentially small-scale detailed inspections. Where there is considered to be a significant risk to public health (established following either information/ complaints received or strategic inspection) that warrants progressing to detailed inspection, a report for Directorate Management Team will be prepared to support any further action.



The council will seek to recover in full reasonable costs incurred when performing its duties in relation to remediation of contaminated land. Wherever possible the 'polluter pays' principle, whereby the costs of remediating pollution are borne by the polluter will be applied. Where cost recovery is not possible, any sources of external finance to support the costs of remediation e.g. insurance policies, government grants etc (albeit at the time of writing this report none are known to be available) will be sought. The council will seek to avoid, insofar as possible, any hardship that the recovery of costs may cause. The council's overarching aim will be to achieve an overall result which is as fair and equitable as possible to all who may have to meet the costs of remediation, including local and national taxpayers.

The Statutory Guidance sets out in detail in section 8 the considerations for which the enforcing authority should have regard when making cost recovery decisions. The council will endeavour to ensure that these considerations are adhered to. In addition, subject to the circumstances of the land in question, the council will consider whether it may be possible to recover more of its costs by deferring recovery and placing a charge on the land/ property in question.



10.0 CONCLUSIONS

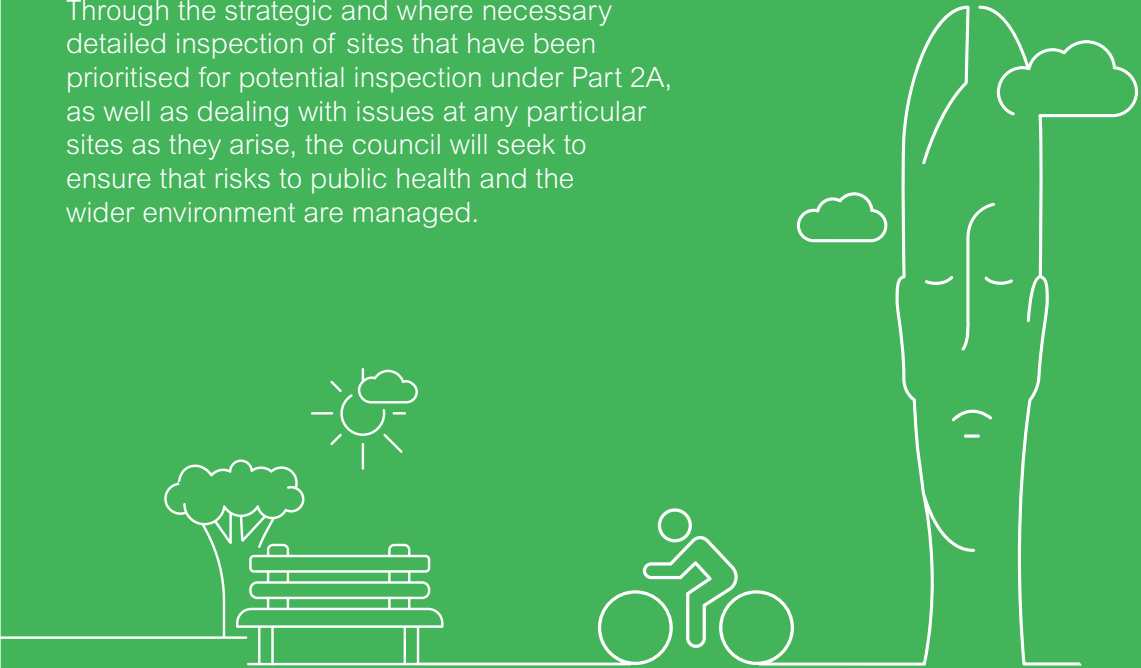
With a proud industrial heritage dominated by coal mining, the chemical industry and glass manufacture, land contamination presents several specific challenges and constraints for the council.

By ensuring the effective regulation of the redevelopment of land affected by contamination, in accordance with both government and local policy and guidance, the planning process represents the key driver for the potential remediation of such land. However, the planning process cannot be relied upon in isolation as a means of managing risks and securing remediation.

Through the strategic and where necessary detailed inspection of sites that have been prioritised for potential inspection under Part 2A, as well as dealing with issues at any particular sites as they arise, the council will seek to ensure that risks to public health and the wider environment are managed.

Remediation undertaken voluntary/ independently by landowners and/ or potential “appropriate persons” following inspection by the council will be encouraged, with remediation notices to be served only where no alternative solution exists.

This strategy aligns with the council's wider priorities, as set out within the Our Borough Strategy, as well as other relevant departmental strategies. The strategy demonstrates how the council is fulfilling and will continue to fulfil its statutory function, having regard to appropriate guidance and adopting a proactive stance in respect of its inspection and risk assessment approaches.



GLOSSARY

Contaminated Land	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 significant harm (SPOSH) being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.
Appropriate Persons	The term given to those legally responsible for remediation should formal action be taken under part 2A.
Significant Contaminant Linkage	A contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.
Written Statement	A statement, prepared in accordance with section 5.2 of the Statutory Guidance in instances where an inspection has concluded that the land in question does not meet the definition of contaminated land under Part 2A.
Risk Summary	A summary, prepared in accordance with sections 3.33-3.36 of the Statutory Guidance for any land where, on the basis of its risk assessment, the authority considers it likely that the land in question may be determined as contaminated land.
Generic Quantitative Risk Assessment	A comparison of measured concentrations to published screening criteria that have been derived using generic assumptions to estimate risk.
Detailed Quantitative Risk Assessment	A comparison of measured concentrations to screening criteria that have been derived using site specific data and assumptions to estimate risk.
Special Site	Land that meets certain criteria, as detailed in Regulation 2 of the Contaminated Land (England) Regulations 2006, and for which the Environment Agency would be the enforcing authority.

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