

Blackpool Borough Council

Contaminated Land Inspection Strategy  
Environmental Protection Act 1990, Part IIA

Revision

1

**Blackpool Council**  
**Part IIA Environment Protection Act, 1990**  
Contaminated Land Inspection Strategy

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Contaminated Land Inspection Strategy  
Environmental Protection Act 1990, Part IIA

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1 Introduction

1.1 Background

Under the new contaminated land legislation introduced under Part IIA of the Environmental Protection Act 1990 on the 1 April 2000, each local authority has the responsibility under Section 78B to “cause its areas to be inspected from time to time for the purpose of identifying contaminated land”. The Secretary of State has issued Statutory Guidance on the implementation of Part IIA in England to local authorities. Part B of this statutory guidance requires the local authority to take a “strategic approach” to inspecting their areas and to describe and publish this in a written strategy.

The existence of contamination and dereliction presents real threats to sustainable development by:

- Impeding social progress
- Threatening wider damage to the environment
- Inhibiting the use of land
- The cost of repairing the land prevents new uses
- Failure to repair the land can inhibit local economic regeneration (DETR 2000)

The Government's stated objectives with respect to contaminated land are:

- Identify and remove unacceptable risks to human health and the environment
- Seek to bring damaged land back into beneficial use
- Seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable. (DETR 2000)

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The Government intends that these objectives are implemented by remediating damaged land in accordance with “the suitable for use” approach. This focuses on the risk posed by an individual site in the context of its environmental setting, current and proposed use. The approach has three main elements:

- Ensuring that land is suitable for its current use.
- Ensuring that land is made suitable for any new use
- Limiting remediation works to that necessary to prevent unacceptable risks to human health or the environment, either for its current or future intended use. (DETR 2000)

It is Blackpool Borough Council's intention that this document, The Contaminated Land Inspection Strategy, will form the basis for conducting

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inspections required to implement the Part IIA legislation within the Borough of Blackpool. It is intended to provide a transparent justification for the inspection strategy and clearly set out the arrangements and procedures for land inspection within the Borough.

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## 1.2 Development of the Strategy

Babtie Group was appointed by Blackpool Borough Council to prepare a draft Contaminated Land Inspection Strategy. The strategy was developed in close consultation with the Environmental Services Division, the lead Council department in the implementation of Part IIA.

The Strategy was developed in accordance with the requirements of the Statutory Guidance and the Technical Advice Note for Local Authorities produced by the Department of the Environment, Transport and the Regions (DETR) and the Environment Agency (EA).

On completion of the draft document the Councils carried out a period of consultation to seek the comments of Statutory Consultees and other interested parties. Comments received during consultation have been incorporated as appropriate prior to publication of this Final Inspection Strategy Document.

The Council has now decided it is time to review the Strategy to reflect changes in Policy and best practice. The structure of the revised version will be kept the same as the initial document to avoid duplication of effort and wastage of Officer time; therefore it is proposed to amend only those sections that require it and to keep the majority of the document as is.

## 1.3 Objectives of the Strategy Document

The purpose of this document is:

To meet the requirement to produce a strategy,  
To demonstrate how the council meets the requirements of paragraph B9 of the Statutory Guidance (see section 1.5.5),  
To inform internal and external bodies and the general public of Blackpool Borough Council's intentions,  
To provide information to the Environment Agency for its report on contaminated land.

This document is set out in the following way;

Chapter 1 provides the background and context of the new contaminated land regime. A description of the current policy of the Council with respect to the environment, contaminated land, enforcement and access to information is provided to show how the new contaminated land regime fits with current Council policy.

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An overview of the new legislation is provided, how it interacts with other regulatory regimes and an explanation why a strategic approach is required for the identification and inspection of contaminated land.

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Chapter 2 defines the characteristics of the Borough of Blackpool including a summary of the borough history, a description of land use, the environmental setting and areas of known contamination and any remedial measures undertaken to date. The purpose of this chapter is to demonstrate how the particular characteristics of Blackpool influence the strategic approach proposed.

Chapter 3 sets out the aims and objectives that Blackpool Borough Council have set for the contaminated land inspection strategy on the basis of the context set in Chapter 1 and the characteristics of the Borough described in Chapter 2.

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Chapter 4 indicates those actions the Council believes need to be prioritised in order to meet the aims and objectives of the strategy.

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Chapter 5 comprises a set of procedural statements that set out how the Council will implement the strategy, identify contaminated sites and carry out its inspection duties. This includes:

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Who will be responsible for what.

How the Council will deal with its own land.

What information required for the inspections will be collected, from who and how it will be managed.

How information received from other parties and public will be dealt with.

How the information collected will be assessed and used to identify potentially contaminated land and then prioritise and categorise sites for inspection.

How detailed inspections of potentially contaminated land will be carried out.

The criteria that will be used, for determining contaminated land and how the Council will notify the appropriate person and others interested parties of the determination.

Chapters 6, 7 and 8 present how the Council will approach the other 3 fundamental components of the inspection strategy namely:-

Liaison and communication

Review mechanisms for the strategy and particular decisions

Information management

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It is the aim that as a whole that this document clearly sets out the Council's Strategy for Part IIA. It is also intended that the strategy document is used as a working document and referenced by the Council during the course of our duties. It is intended that this document will be reviewed and is updated in the light of practical experience and during the initial implementation of the inspection strategy.

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#### 1.4 General Policy of Blackpool Borough Council

There are a number of existing Council policies that will have a bearing on the approach that will be adopted in relation to the Contaminated Land Inspection Strategy. These are outlined below.

##### 1.4.1 Environmental Policy

The current Environmental Policy of Blackpool Borough Council is laid out in the Environmental Strategy, 1996 - 2001. This provides the framework for the Council's strategic policy for the environment which it implements through the undertaking of its statutory duties and utilisation of appropriate discretionary powers. It is based on the principles of the 'Charter for the Environment' adopted by the Council in 1995. The 15 points of the Charter were grouped and expanded under 4 areas of activity:

- Overall Strategy
- Policy Objectives
- Direct Action
- Education, Promotion and Partnership

The overall environmental strategy is to:

0. Act within the strategic policy for the environment.
0. Devote wherever reasonably practicable the required resources to secure improvements in the environment.
0. Join in partnerships inside and outside the town to act with other organisations to obtain environmental benefits.
0. Support and promote measures for change in national legislation to improve the environment.
0. Introduce audit procedures to allow for the consideration of wider environmental concepts.

To achieve these strategic aims the following policy objectives are identified:

- Implement and monitor policies and strategies within the local plan which recognise the key importance of protecting and enhancing the environment.
- Develop transport and planning policies to control the use of cars and encourage walking, cycling and the use of public transport in a manner consistent with the best interests of the town.
- Conserve and protect the landscape, seascape and foreshore and recognise the recreational value of the seaside and the town as a whole.
- Seek higher environmental qualities for housing, recreation and industry throughout the town by direct action and in negotiation with developers.

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- Recognise and conserve wildlife and natural habitats on land and sea.
- Promote strategies where reasonably practicable to minimise air, land, noise and water pollution.
- Develop and support a health strategy in conjunction with appropriate agencies which recognises the links between the environment and public health.

#### 1.4.2 General Enforcement Policy

The Council is responsible for the enforcement of specific statutory environmental controls where it will usually act under the direct influence of standards set by Central Government circular advice or practice guidance. In accordance with the principles set out in the Part IIA Statutory Guidance the Council's approach to its regulatory function with regard to contaminated land will be to encourage voluntary action where possible. Enforcement action will only be taken where agreement cannot be reached.

The general enforcement policy is a means of ensuring that third parties comply with relevant standards as set out in legislation. It is designed to ensure that a balance is met between the provision of guidance and legal proceedings, whilst ensuring that the environment and humans are sufficiently protected. The policy reflects the principles of the enforcement concordat.

When a contravention of legislation is observed the prime objective is to prevent a recurrence of the problem. In many instances advice, generally by a letter to the transgressor, is sufficient to rectify the problem. Many relevant statutes allow formal notices to be served. In particular Part IIA has provision for remediation notices to be served on identified "appropriate persons". Such action should be taken if informal action is ineffective or inappropriate. Cases where formal notices should always be issued include:

- those where injury to people or goods could result, where the transgressor has a history of non-compliance with informal action,
- where prosecutions are already being taken and the service of notices increases the chance of prosecution, and
- where Blackpool Borough Council or the enforcing officer would be brought into disrepute if informal action was attempted and failed.

For wanton disregard of the law where serious personal or community injury is likely or has occurred prosecution will be the normal course of action.

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#### 1.4.3 Policy to Contamination in the Borough

Until the introduction of Part IIA, the Council commitment to the objectives of the Environmental Strategy has framed the policy regarding contaminated land in the Borough. This includes specifically: 'Promoting strategies where reasonably practicable to minimise air, land, noise and water pollution.'

In addition one of the short-term actions of the Environmental Strategy is 'to implement the various Council statutory duties to monitor, assess, locate and control (where necessary) pollution within Blackpool'.

Part IIA provides a formal mechanism for managing contaminated land in the Borough and strengthens our commitments in the Environmental Strategy.

At a regulatory level to date the two primary mechanisms for dealing with and enforcing remediation of contaminated land have been the statutory nuisance system under Part III of the EPA 1990 and the planning regime. It is envisaged that the planning process will continue to be the primary mechanism to assess risks and set appropriate remediation requirements, on the basis of both the current and proposed land use. Part IIA now replaces the statutory nuisance regime for dealing with nuisance that consists of or is caused by land "being in a contaminated state".

On a strategic regional basis, the Council participates in the Lancashire Local Authorities Contaminated Land Offices Group (LCLOG) which meets every quarter to discuss contaminated land issues and share ideas. It is also intended to promote a common regional approach to managing contaminated land.

In accordance with the objectives of the Environmental Strategy and the Council's statutory duties, the Council is committed to the implementation of Part IIA of the EPA 1990 and the production and publication of a written contaminated land inspection strategy which clearly sets out the our policy and practice in relation to contaminated land.

#### 1.4.4 Policy on access to Information

The Council is committed to allowing access to information and acts in accordance with the requirements of the following statutes and regulations:-

- Local government (Access to Information) Act 1985
- Environmental Information Regulations 1992.
- Environmental Information (Amendment) Regulations 1998
- Data Protection Act 1998
- Human Rights Act 1998

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- Freedom of Information Act 2000

For the majority of the above legislation there are common exceptions to the right to access information including national security, legal proceedings, confidentiality (commercial or otherwise).

## 1.5 Regulatory Context

### 1.5.1 The Role of Local Authorities under Part IIA

This section sets out the regulatory regime under Part IIA of the Environmental Protection Act 1990 and Section 57 of the Environment Act 1995 that outlines the legislative framework of the new Contaminated Land Regime as enacted on the 1 April 2000.

Under Part IIA of the Environmental Protection Act 1990 the primary regulatory role for the new Contaminated Land Regime rests with the local authority. The role is designed to reflect their existing functions under the statutory nuisance regime, and also complement their responsibility as planning authorities. The local authorities have the following roles under this new regime.

- Complete a “Contaminated Land Inspection Strategy”, to be published by June 2001.
- To cause their areas to be inspected from time to time to identify any contaminated land.
- To determine whether a particular area meets the statutory definition of contaminated land.
- Establish responsibilities for remediation of the land.
- Ensure that appropriate remediation takes place:
  - i) through agreement with those responsible, or if not possible
  - i) by serving a remediation notice, or
  - i) in certain cases, carrying out the work themselves; or
  - iv) in certain cases, through other powers
- To consult the Environment Agency on Pollution of Controlled Waters.
- Keep a public register detailing the regulatory action which they have taken under the new regime

### 1.5.2 The Role of the Environment Agency Under Part IIA

The principle roles held by the Environment Agency with respect to contaminated land under Part IIA will be:

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To assist Local Authorities in identifying contaminated land, particularly in cases where water pollution is involved.

Provide consultation on Contaminated Land Inspection Strategies.

Provide site-specific guidance to local authorities on contaminated land.

To maintain a public register of special sites.

Act as the enforcing authority for any land designated as a "special site."

Publish periodic reports on contaminated land.

To continue to carry out technical research and publish scientific and technical advice in conjunction with the Department of Environment, Food and Rural Affairs (DEFRA) under its inherited role of the contaminated land research programme, previously run by the Department of Environment, Transport and the Regions (DETR) and before that the Department of Environment (DOE).

Special sites are defined in the Contaminated Land (England) Regulations 2000 and include:

Ministry of Defence owned land;

Sites where there is an Integrated Pollution Control (IPC) central control permit;

Industrial cases such as waste acid tar lagoons, oil refining explosives, nuclear sites.

Certain cases of pollution of controlled waters.

### 1.5.3 Definition of Contaminated Land Under Part IIA:

Section 78A(2) of the Environmental Protection Act 1990 gives the statutory definition of contaminated land which is relevant for the purposes of Part IIA.

"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): Pollution of controlled waters is being, or is likely to be, caused."

This definition has been partly changed by S86 of the Water Act 2003. Although not yet implemented, the new definition of contaminated land will be as follows:

"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

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(b): Significant pollution of controlled waters is being caused, or there is a significant possibility of such harm being caused.”

S86 has however clarified the definition of controlled waters in the ground with regards to Part IIA of the EPA 1990; this being that groundwaters does not include waters above the saturation zone (the area of ground fully saturated with water; and defined properly as “groundwater”)

In making determinations Section 78A(5) requires the regulatory authority to act in accordance with guidance issued by the Secretary of State in determining significance and likelihood. The guidance was published as “The Implementation of Part IIA of the Environmental Protection Act, 1990, DETR circular 2/2000” (DETR 2000). This guidance defines the terms "significant harm," "significant possibility" and "pollution of controlled waters" as discussed later in this section.

The definition of contaminated land is intended to reflect the anticipated role of Part IIA thus enabling the identification and remediation of land on which contamination is causing unacceptable risk to human health or the wider environment. The definition does not necessarily include all land where contamination is present, even though the contamination may be relevant in the context of other legislation such as the Town and Country Planning Act 1990. For example land considered in the context of Part IIA 'uncontaminated' may be regarded as being 'contaminated' for a proposed change in land use.

The definition of contaminated land is based on the principles of risk assessment and incorporates the concept of a “pollutant linkage”. Within the context of the Statutory Guidance a pollution linkage means the relationship between a contaminant, a pathway and a defined receptor, and in this context a pollutant means the contaminant in a pollutant linkage. For a pollution linkage to be present a contaminant (or source), a receptor and a pathway must all be present. This recognises that harm to health and the environment arises not from the mere presence of a contaminating substance, but from movement along a pathway to a receptor where damage could be caused.

A contaminant is defined under the guidance as: "a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to controlled waters."

A receptor is defined as:

a) a living organism, a group of living organisms, an ecological system or a piece of property which:

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- i.) is in a category listed in Table A of the DETR Circular 02/2000 as a type of receptor (reproduced in Appendix 1), and
- .) is being, or could be, harmed by a contaminant; or

a) controlled waters are being, or could be, polluted by a contaminant.

A pathway is one or more routes or means by, or through, which a receptor:

- ) is being exposed to, or affected by, a contaminant, or
- ) could be so exposed or affected.

A pathway can only be identified if it is capable of exposing an identified receptor to an identified contaminant. The contaminant should similarly be capable of harming or, in the case of controlled waters, be capable of polluting that particular receptor. Pathways can be identified by assessment of likely contaminant properties, using relevant scientific knowledge, and the circumstances of the land in general. Direct observation of the pathway is not necessary. Land should only be identified as contaminated land where all three elements of a pollutant linkage are identified in respect to any piece of land. It is possible that there may be more than one pollutant linkage on any given piece of land.

The Statutory Guidance states that in order to define a piece of land as being contaminated the local authority must satisfy itself that:

- ) such a pollutant linkage exists in respect of a piece of land; and
- ) that pollutant linkage:
  - i) is resulting in significant harm being caused to the receptor in the pollution linkage,
  - ii) presents a significant possibility of significant harm being caused to that receptor,
  - iii) is resulting in the pollution of the controlled waters which constitute the receptor,
  - iv) is likely to result in such pollution.

Descriptions of significant harm are listed in Table A of the DETR Circular 02/2000, and presented in Appendix 1, and conditions for there being a significant possibility of significant harm are listed in Table B.

Consideration must also be given to the time-scale within which the harm might occur (e.g. if the current use of the land is due to change) and the vulnerability of the receptors. The regulations are aimed at dealing with the worst of the UK's sites, and only specify a 'suitable for current use' approach.

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#### 1.5.4 Interaction with Other Legislative Regimes

There are a number of other regulatory regimes, in addition to Part IIA, which are relevant in the context of the management of land contamination. The Council will liaise with the appropriate regulatory authority where there is potential overlap with the Part IIA regime.

##### *The Planning Regime and Development Control*

Under the Town and Country Planning legislation, the Council's Planning and Transportation Division already considers the potential implications of contamination when developing unitary development plans and when it is considering individual applications for planning permission. Although Part IIA will address current contamination issues, it is anticipated that the planning process will continue to be the primary mechanism to assess risks and set appropriate remediation requirements, on the basis of both the current and proposed land use.

Guidance for dealing with contaminated land through the planning process is set out in Planning Policy Statement: Planning and Pollution Control (PPS23) Annex 2 (1994), and DOE Circular 11/95 The Use of Conditions in Planning Permissions. Within current planning guidance, the term land contamination refers to the broader definition and not to the definition used within the Part IIA regime.

Under the Building Regulation 1991, the Council's Building Control Section will also specify measures to be taken during construction, to protect buildings and future occupants from the effects of contamination. Guidance on such requirements is given in Approved Document Part C (Site Preparation and Resistance to Moisture 2004 Edition).

In the case of a new development, it is the developer's responsibility to carry out the necessary remediation. In most cases, enforcement of remediation requirements will be through planning conditions and building control, rather than action taken under Part IIA.

##### *Integrated Pollution Control (IPC) and Pollution Prevention Control (PPC) – Part I Environmental Protection Act 1990*

The IPC system of authorising specific industrial processes is currently being progressively replaced by the recently introduced PPC legislation. All authorised processes will be brought under the PPC legislation over the next seven years. The new PPC regime has the same relationship to Part IIA as the IPC regime. However, under PPC the enforcing authority will require the operator of

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permitted plants to undertake a site condition survey prior to receiving a permit to operate.

PPC is designed to deal with preventing future contaminated and is complimented by Part IIA which has been developed to address historic contamination.

Sites regulated under the IPC and PPC regimes and which become contaminated will generally be regulated under those powers<sup>1</sup>. The Council is precluded from serving a remediation notice if it appears that the powers of the Environment Agency under Section 27 of the Environmental Protection Act 1990 can be used. There may, however, be situations where Part IIA powers are needed.

Land determined to be contaminated land which is subject to regulation under the IPC and PPC regimes and where prescribed processes are designated for central control (that is by the Environment Agency) are required to be designated as a Special Site.

Exceptions to the above are:

- where the Part I authorisation is obtained to carry out remediation required under Part IIA; and
- land contaminated by an activity which ceased before the application of Part I controls but would have been subject to those controls had it continued after they came into force.

*Waste Management Licensing System*

The Environment Agency currently licenses and manages waste management activities under Part II of the Environmental Protection Act 1990. There are three potential areas of interaction between the Part IIA regime and the waste management licensing regime:

- where significant harm or pollution of controlled waters occurs due to a breach of a site licence under Part II;
- where the contamination results from an illegal deposit of controlled waste; and
- where certain remediation processes on contaminated land may fall within the licensing requirements of the Part II regime.

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<sup>1</sup> Section 27, Part I, Environmental Protection Act 1990

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In the above circumstances, the Council is precluded from serving a remediation notice under Part IIA to remedy the harm or pollution of controlled waters; the Environment Agency has power to act in these cases.

*Statutory Nuisance*

Prior to the implementation of the Part IIA contaminated land regime, the statutory nuisance system under Part III of the EPA 90 was the main regulatory mechanism for enforcing for the remediation of contaminated land.

The Part IIA regime now replaces the statutory nuisance regime for dealing with nuisance that consists of, or is caused by land “being in a contaminated state”. The definition of “land in a contaminated state” covers all land where there are substances in, on or under the land which are causing harm or where there is a significant possibility of such harm being caused.

The statutory nuisance regime will continue to apply to the effects of deposits of substances on land which gives rise to offence to human senses, for example odours.

*Water Resources Act 1991*

Under the Water Resources Act (WRA) 1991, the EA has powers to take action to prevent or remedy the pollution of controlled waters.

There is a significant potential for overlap between these powers and the Part IIA regime. The Environment Agency has published a policy statement setting out how the Agency intends to use powers under the WRA in cases where there is an overlap with the Part IIA regime. This has been agreed with DEFRA. In order to ensure that the most appropriate regime is applied, the Council will:

- consult the EA prior to determining that land is contaminated land in respect of pollution of controlled waters;
- take into account any comments the EA makes regarding remediation requirements on contaminated land potentially affecting controlled waters;
- formally identify contaminated land where the EA has identified actual or potential water pollution caused by land contamination;
- normally use Part IIA enforcement mechanisms for land identified as “contaminated land”, rather than the works notice system under WRA 1991.

*Radioactivity*

A regulatory regime aimed at radioactively contaminated land has been proposed by the former DETR (DETR, 1998). The regime is intended to specify remediation of historically contaminated sites posing unacceptable risks. It is

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anticipated that this regime will mirror the chemically contaminated land regime, from which radioactive contamination is specifically excluded.

Radioactive contaminated land for Part IIA was brought into effect on the 1<sup>st</sup> April 2006, although it currently only relates to human health as a Receptor. As such it is treated exactly the same as chemical contamination with all respects.

*Other Regimes*

There are a number of other regimes which may have implications for land contamination or which may overlap with Part IIA, these include:

- Food Safety (Part I of the Food and Environment Protection Act 1985)
- Health and Safety (Health and Safety at Work Act 1974 and the Construction (Design and Management) Regulations 1994)
- Landfill Tax (The Finance Act 1996)
- Major Accident Hazards (The Control of Major Accident Hazards Regulations 1999)

In all cases, the Council will liaise with the appropriate regulatory authority where there is potential overlap of interests with the Part IIA regime.

1.5.5 Requirements for a Strategic Approach

The Government's primary objectives for introducing the new contaminated land regime are set out in Annex 1 of the DETR Circular 2/2000 and are:

- Improve the focus and transparency of the controls, ensuring authorities take a strategic approach to the problems of land contamination.
- Enable all problems resulting from contamination to be handled as part of the same process; where previously separate regulatory action was needed to protect human health and to protect the water environment.
- Increase the consistency of approach taken by different authorities.
- Provide a more tailored regulatory mechanism, including liability rules, better able to reflect the complexity and range of circumstances found on individual sites.

In addition to providing a more secure basis for direct regulatory action an important secondary objective of the Government for the implementation of Part IIA regime is encouraging voluntary remediation.

The legislation states that the local authority needs to take a strategic approach to the inspection of its area and it must set out this approach in a written strategy. Guidance on undertaking the inspection strategy is given in the Contaminated Land Inspection Strategies, Technical Advice for Local

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Authorities, DETR, Draft for Comment, April 2000 which was finalised in May 2001.

The requirement for a strategic approach is set out in paragraph B9 of the Statutory Guidance. This states the approach should:

- e) be rational, ordered and efficient;
- e) be proportionate to the seriousness of any actual or potential risk;
- e) seek to ensure that the most pressing and serious problems are located first;
- e) ensure that resources concentrated on investigating areas where the authority is most likely to identify contaminated land; and
- e) ensure that the local authority efficiently identifies the requirements for the detailed inspection of particular areas of land.

It is our intention that the approach for producing a contaminated land inspection strategy whilst being tailored to the characteristics of the Borough and aims and priorities of the Council will comply with requirements.

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## 2 Characteristics of the Borough of Blackpool

### 2.1 Outline Description

The Borough of Blackpool is situated in central Lancashire on the Fylde coast as shown on Figure 1.

Blackpool, a major tourist resort, has grown up mainly along the sea front and forms a relatively narrow band that extends inland by between 1 and 3 miles. The borough area at 3498 Ha is relatively small but is mostly very urbanised.

The 1991 census indicated that the borough population was 145,175 persons. A report produced by the Council estimates the figure for the borough to be 142,400. This population has been skewed by the status of the town as a resort. In 1991 24.3% of persons were of retirement age. The borough has by far the highest population density of any Shire Council in the North of England.

The town is heavily reliant on the service sector for employment with 80% of persons employed in this sector. Key areas of service employment are tourism and retail. The town is also a major conference centre. Only 12% of employment is in manufacturing and much of this is outside the borough.

### 2.2 Summary of Borough History

#### 2.2.1 Growth of town

The growth of Blackpool is almost entirely due to tourism. Blackpool began to expand from a village in the 18th century when it became a resort for the gentry. However, major expansion did not begin until the 19th century, particularly after the railway reached the town in the 1840s. Between 1801 and 1901 the population of the town grew from 473 to 47,348 persons. This expansion was due to Blackpool's transformation into a major resort for the working classes. In the late 19th and early 20th century most of the infrastructure and attractions in the town were constructed. The population of the town continued to grow until 1951 it had reached 147,332 persons.

From the 1950's onwards the population of the town remained relatively stable, and the importance of rail transport declined as road transport increased. Consequently much derelict rail land was used for new roads or car parking.

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### 2.2.2 Development of Transport Links and Industry

The importance of tourism to Blackpool has meant that larger transport infrastructure has been developed than is typical of a town this size. Up until the 1960s this was mainly focussed on the railway. However, road links have become more important in the recent past. In addition to land transport, Blackpool Airport has also grown up to the south of the town although it should be noted that Blackpool Airport is wholly located within Fylde Borough and not Blackpool.

There is no tradition of heavy industry in Blackpool and the recession in the 1970's and early 1980's led to a reduction within the small manufacturing sector. Important local specialisms however are in vehicles, food and drink and plastics. Industry is situated throughout the urban area but the principal industrial areas have been established on industrial estates on the outskirts of town.

### 2.2.3 Redevelopment History and Controls

In the last 20 years there has been high investment in the redevelopment of the town centre and promenade areas to update the Victorian infrastructure and visitor attractions. This redevelopment is continuing to the present day. This has been driven by the need to provide employment in the borough. Redevelopment is constrained by the high population of the area, particularly during the extended tourist season when more than 12,000,000 people visit and the limited amount of open space available for development.

## 2.3 Landuse

### 2.3.1 General

The distribution of present and future landuse in the borough is shown on the Blackpool Borough Local Plan Proposals Map (1996). This can be viewed at the Planning and Transportation Division of the council. The town centre is an intermixture of accommodation, residential, commercial and industrial land uses. However, much of the surrounding town is residential in character. There are few open spaces away from the promenade. There are 8 council owned allotment spread across the Borough. Most industry is focussed in industrial estates on the eastern edge of the town. The only undeveloped land also lies along the eastern edge of the borough and comprises good agricultural area around Marton Moss and an important conservation area at Marton Mere. Marton Mere was once much larger than it is today having been drained and subjected to waste disposal development during the late 1960's, early 1970's

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Large areas of former dune habitat in the southern most part of the Borough were built upon during the expansion of the town only leaving vestigial remnants of dune habitat at South Shore and Squires Gate.

### 2.3.2 Protected Areas

The Local Plan makes reference to a number of areas that have sufficient ecological importance to receive protection, and these are all shown on the Blackpool Borough Local Plan Proposals Map (1996). The most important of these is Marton Mere that is a Site of Special Scientific Interest (SSSI) and also a Local Nature Reserve. There are also 14 County Biological Sites (as identified at Nov. 1999) in the area and 3 sites of Local Nature Conservation Interest.

### 2.3.3 Listed Buildings

Many of the listed Buildings are visitor attractions and public buildings and have been listed because they have historical and architectural interest. A full list is provided in the Borough Local Plan but include for example:

- Tower Buildings (Grade I)
- Winter Gardens (Grade II)
- Grand Theatre (Grade II)
- Imperial hotel (Grade II)

## 2.4 Environment

### 2.4.1 Geology

The geology of the Borough is shown on the British Geological Survey (BGS) 1:50,000 Solid and Drift Geology Plans No. 66 and 76 and reported in detail in the Memoirs for these maps. These indicate that Blackpool is underlain by a complex series of recent superficial and glacial deposits (Upper and Lower Boulder Clay, Middle Sands and other fluvial, lacustrine and storm beach deposits) above a rock head of Mercia Mudstone. The drift geology of the area is shown on the Plan of Drift Geology, Figure 2.

The most recent deposits are blown sands, and more minor marine and river alluvium deposits. The blown sands were deposited as coastal dunes and cover a wide area around the southwest Fylde coast from just south of Blackpool Tower at depths up to around 8m. The alluvial soils are mainly cohesive except when they comprise of storm beach deposits that are generally found close to the coast.

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Previous to this a combination of peat and marine alluvium was deposited across the whole borough up to an elevation of about 7mAOD. These deposits underlie the blown sand where it is present but are present at the surface in the north of the borough. The peat is mainly present as a widespread blanket above the top of the marine alluvium but in places it is also present as bands within the alluvium. The marine alluvium generally comprises silts and clays except where storm beach deposits are present. These marine deposits were deposited on a seabed at the end of the previous glaciation.

The glacial deposits comprise glacial till with sand and gravel bands. The upper unit of glacial till comprises brown or blue grey sandy clay that is apparently up to 15m thick. This till is generally underlain by a sand and gravel band that is over 40m thick in the town centre area but thins to the north and south. The basal glacial till is described as a purple grey stiff clay which can be more than 10m thick, and is generally laid directly onto rock head

Marion Mere is an important glacial feature known as a "kettle hole" which formed towards the end of the last ice age but has been modified during more recent times.

Rock head under the whole borough area comprises the Mercia Mudstone Formation. This is typically described as a gypsiferous mudstone and in places salt bands are present, although it is suspected some of the bands may have been dissolved by groundwaters leaving cavities.

#### 2.4.2 Hydrogeology

The hydrogeological status of the borough geology is described by the Groundwater Vulnerability Plan, Figure 3. This indicates that the Environment Agency classify the blown sand deposits and glacial sand and gravels as 'minor aquifers' with a high vulnerability to pollution where they occur at the surface. A minor aquifer seldom has large scale water resource potential but it may nevertheless be important for local supplies and supplying baseflow to watercourses. The high vulnerability classification is due either to the soils being located in urban areas where there are insufficient observations on which to base a correct classification, or where soils have high leaching potential and are consequently likely to allow migration of contaminants.

The glacial till, marine alluvium and Mercia Mudstone Formation are classified as non aquifer. They are therefore likely to have no significant water resource potential.

#### 2.4.3 Areas of known contamination and remediation measures undertaken

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There are a number of sites that have been remediated within the borough. This work has been driven mainly through redevelopment and planning control. The Council also has information on closed landfill sites within the borough. Hazards associated with landfill sites include landfill gas and leachate. This information will be included and assessed as part of the Inspection process.

#### 2.4.4 Local Influences on Strategic Approach

The causes and impacts of land contamination vary from region to region reflecting different histories development, local industries, and use and environmental setting. An understanding of the nature and likely extent of contamination within the Borough and the parts of the environment most susceptible to impact allow the strategic approach and available resources to be focussed in the right direction.

From the overview of the Borough described in the proceeding sections the key local influences on the strategy are considered to be:-

1. The Borough is highly urbanised with a large residential population with tourism being central to the local economy. Protection of human health is therefore paramount.
2. Historically there has not been a large amount of heavy industry within the Borough and therefore potentially contaminative uses are likely to comprise smaller areas spread throughout the Borough or concentrated around historic and present day transport links. Present day, industry is largely centred on the eastern edge of the town
3. Protection of the foreshore and central tourist attractions is considered important.
4. There are no major aquifers or source protection zones for groundwater within the Borough. Therefore, whilst an important receptor that will be considered, protection of groundwater relative to other receptors is not considered to be a key factor that warrants a concentration of resources. Groundwater movement within the Middle Sands is towards the coast with discharge occurring to designated bathing waters. There is a potential therefore for discharge of pollutants to bathing waters – protection of the foreshore and bathing waters is important and has been identified in 3 above.
5. There are few open spaces within the Borough and it is considered important to ensure protection of Marton Mere (a SSSI and therefore a listed Receptor in Table A of the Statutory Guidance) together with the designated County Biological Sites and Sites of Local Nature Conservation

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from the affects of contamination. During consultation of the strategy, English Nature stressed the importance that Marton Mere continues to receive appropriate levels of protection.

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### 3 Aims and Objectives

#### 3.1 Aims

The key aims of the contaminated land inspection strategy are:-

- comply with statutory requirements of Part IIA of the Environmental Protection Act and supporting Statutory Guidance, notably the DETR circular 2/2000, 30 March 2000.
- to develop the Council's existing commitment to environmental improvement and protection within the Borough.
- to ensure that wherever possible the "polluter pays" principle is upheld for land remediation.
- to encourage voluntary approach to detailed inspections, investigations and remediation. The Council will pursue its enforcement powers as a last resort.
- to deal with contaminated land under the Council's ownership in an ordered and responsible manner.

#### 3.2 Objectives of Strategy Document

##### 3.2.1 Strategic Review of Borough

The Council objectives in preparing this strategy is to set out the procedure that will be adopted for strategically reviewing the Borough to identify contaminated land which will involve:-

- identification of: ~ potential sources of contamination  
~ pathways  
~ defined receptors

preparation of prioritisation procedures based on the proximity of potential sources and defined receptors.

preparation of categorisation and risk ranking procedures based on the potential pollutant linkage (sources, pathways and receptors)

This procedure will enable the authority to assess the number and location of potentially contaminated area requiring detailed inspection. The categorisation

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and ranking of sites will enable the most pressing and serious problems to be addressed first. Finally, the procedures allow the Council to concentrate resources to areas where contaminated land is most likely to be found.

### 3.2.2 Detailed Inspection

Following the strategic review of the Borough detailed inspections will be undertaken comprising all or some of the following:-

- desk study
- reconnaissance
- ground investigation and monitoring
- risk assessment

These actions will ensure that detailed inspections are carried out in an ordered and efficient basis.

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4 Council Priority Actions and Timescales

The following actions need to be undertaken as a matter of priority in order for the strategy to be fully realised and implemented.

1. Ensure all internal Council Departments are fully appraised of these responsibilities under Part II A.
2. Establish key contacts internally and externally for the purposes of information collection and consultation.
3. Develop an information management system.
4. Collate relevant information on sources, pathways and receptors
5. Adopt a prioritisation and categorisation methodology and carry out initial identification to allow future planning of resources.

The timetable for inspection that includes these elements is included in Appendix 2. It is intended that these priority actions are carried out commencing employment of a Contaminated Land Officer

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## 5 Inspection Procedures

### 5.1 Introduction

The following sections represent procedural statements which describe how the inspection of the Borough for contaminated land will be undertaken and who will carry it out. A summary of the Proposed Inspection Strategy is included as Figure 4.

### 5.2 Internal Management Arrangements for Inspection and Identification

A corporate approach is considered fundamental to the successful implementation of this strategy. It is anticipated that most of the Council Departments will be involved to some degree during the process of identification and determination of contaminated land.

The purpose of this section is to outline departmental responsibilities for inspection and identification.

The lead Council Department in ensuring the duties under the Part IIA regime are fulfilled is the Environmental Services Division. The main contact at this time is the Contaminated Land Officer. Further details on the general responsibilities of this Division are set out below. The anticipated functions and responsibilities of other council departments are also outlined below. These functions will be refined as the contaminated land inspection process is implemented and roles will be redefined where necessary in the revised strategy document.

Detailed procedures have been developed setting out how the Council's inspection duties will be fulfilled; these are presented in the latter part of this Section and in subsequent Sections of the Strategy document.

#### Environmental Services Division

Lead role in the implementation of the Contaminated Land Inspection Strategy.

In co-operation with other Council Departments and external agencies as appropriate, responsible for all aspects of the implementation of the Contaminated Land Inspection Strategy, to include:

- Information collection and evaluation and management
- Liaison and communication
- Carrying out detailed inspections
- Making determinations
- Reviewing decisions and the Strategy document itself
- Carrying out any necessary enforcement actions

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- Responsible for bidding for funds for inspection and remediation
- Project management
- Producing and maintaining a Public Register

#### Planning and Transportation Division

The Planning and Transportation Division has a number of related functions that are relevant to the management of land contamination, including the development of plans for future environmental, physical and economic regeneration of the Borough.

The Division also deals with planning applications for development where issues of land contamination must be considered. The vast majority of contaminated land issues are currently addressed through the planning regime, where contamination is a material planning consideration. Whilst the introduction of Part IIA will undoubtedly lead to additional sites being addressed, it is anticipated that redevelopment of brownfield sites, and the associated planning controls, will remain the primary mechanism for dealing with land contamination. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part IIA.

Close co-operation between the Planning and Transportation Division and the Environmental Services Division throughout the process of implementation of the Inspection Strategy is considered essential.

#### Legal and Democratic Services Including Land Charges Section

Responsible for legal enquiries and searches enquiries.

#### Leisure Services, Estates, Parks, Education, Social Services

Management and action needed in respect of land that may be contaminated under their responsibility.

#### Building Control

- Collation and recording of site investigation information
- Information management in line with agreed procedures (to be developed)
- Provision of technical advice

### 5.3 Consideration of Borough Interests in Land

As the Council has responsibility for enforcing the provisions of Part IIA, it is important that its conduct in respect of its own land is beyond reproach. To this

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end, in considering its own land, the Council will scrupulously follow the statutory provisions and guidance.

It is imperative that the duties of the local authority as a regulator are kept clearly separate from responsibilities as a landowner or polluter. Where possible, the Council will separate the role of dealing with enforcement from dealing with the authority's own liabilities, and allocate these responsibilities to different Departments. The Environmental Services Division and the Legal Services have a joint lead role in enforcement of the statutory provisions but responsibility for remediation will lie with the Department owning the land.

Council Departments with responsibility for land will, at an early stage, consider the likelihood of current and former land holdings being contaminated and include potential liabilities in the budget planning process. There are three general areas to consider (i) land currently owned or leased by the authority (ii) land formerly owned or leased by the authority (iii) other areas where the enforcement of Part IIA leads to the authority taking responsibility for land not in its ownership.

The Council will seek to identify land for which it may have particular responsibilities through current and former ownership as soon as practicable. In keeping with the strategic approach, such sites will be dealt with in an order of priority appropriate to the apparent seriousness of the potential harm or pollution.

Officers responsible for the implementation of the Contaminated Land Inspection Strategy will ensure that all sites, whether publicly owned or in private ownership, are inspected in accordance with the strategy.

Care will be taken to maintain appropriate records and to give clear reasons for decisions. So far as possible, a consistent approach will be taken between significant pollutant linkages<sup>2</sup> for which the Council is liable and linkages for which others are liable.

It is anticipated that potential disputes may particularly arise where the authority is called upon to apportion the costs of remediation between itself and other appropriate persons. The authority cannot delegate this responsibility. However, where appropriate the Council may seek advice from an independent party and publish that advice.

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<sup>2</sup> A pollutant linkage which forms the basis for a determination that a piece of land is contaminated land.

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## 5.4 Information Collection and Data Acquisition

### 5.4.1 Background

The purpose of the information collection procedure is to ensure that sources of relevant information are identified and that such information may be accessed and, where necessary, updated at appropriate times.

Local authorities are required under paragraph B.15 of the Statutory Guidance to have in place arrangements and procedures for obtaining information on the following:

- i) Information on actual harm or pollution of controlled waters;
- ii) Information on receptors;
- iii) Information on the possible presence of contaminants and their effects

Information requirements and sources have been identified with reference to the Statutory Guidance<sup>3</sup>, the Draft Technical Advice Note and other good practice publications regarding information collection for this purpose<sup>4</sup>.

Table 1 identifies information required for the identification and inspection process and the appropriate sources of this information. The identification of further sources of information is an on-going process; further datasets and information sources may, therefore, be identified in the future.

The Environmental Services Division will co-ordinate obtaining information from identified sources that includes internal Departments, other regulatory bodies and organisations.

### 5.4.2 Blackpool Borough Council Held Information

During the development of this document, information has been provided and/or identified which will be useful for the identification and inspection process. To ensure all relevant information is gathered however the following will be established:

- Key contact points within relevant Council Departments and Sections;
- Nature of information held;
- Format of information (wherever possible, data will be obtained in digital format suitable for incorporation into the Information Management System)

<sup>3</sup> In particular, paragraphs B.10 and B.16

<sup>4</sup> Such publications include (a) Documentary Research on Industrial Sites, DETR, 1994 (CLR3); (b) Some Guidance on the use of Digital Environmental Data, BGS/EA, 2000 and (c) Industry Profiles, DOE, 1995.

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into a system for marking and storing such that it may be readily accessed in the future.

- For each data set, whether the information is to be updated and at what frequency and the post with responsibility for updating. Where information will/or is likely to be updated, arrangements will be put in place to ensure that up-dated information is received at appropriate times;
- Resources available to collate and catalogue information held;
- Agreement to retain identified relevant information and consult with the Contaminated Land Officer prior to disposal;
- Consultation with the Contaminated Land Officer with respect to any new information to ascertain relevance with respect to the inspection process;

A number of Council Departments hold a significant amount of relevant information in a variety of formats. In many cases the information has not been collated or catalogued; this will be a very time-consuming process and the rate of progress highly dependent on the resources available.

#### 5.4.3 External Information Sources

Statutory Guidance requires that specific arrangements be made for obtaining information from other regulatory bodies. There are also a number of other bodies and organisations that may hold valuable information relevant to the identification of contaminated land within the Borough.

The following external bodies and organisations will be approached regarding the provision of information:

- Statutory bodies and others as identified in Appendix 3.
- The British Geological Survey and other non-statutory bodies.
- Others as identified including commercial organisations where necessary e.g. Landmark

Mechanisms to be adopted for general liaison and communication are set out in Section 6.0.

More detailed information collection procedures will be developed once the nature and format of available information has been established and following discussions with the individual organisations involved.

The Council will, however, aim to obtain/agree the following as a minimum:

- Key contact point
- Nature and format of information held (wherever possible, data will be obtained in digital format suitable for incorporation into the Information Management System);

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- For each data set, whether the information is to be updated and at what frequency;
- Agreement to provide relevant information and updates;
- Consultation with the Contaminated Land Officer with respect to new information obtained to ascertain relevance with respect to the inspection process;
- Issues of confidentiality.

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Table 1: Sources of Information  
Information on Receptors

Receptor	Land Use Type	Sources of Information include:
Human Beings	Allotments Residential with gardens Residential without gardens Schools or nurseries Recreational/Parks, Playing Fields, Open Space Commercial or Industrial	UDP OS maps Internal Departments
Ecological systems or living organisms forming part of a system within protected locations	SSSIs National Nature Reserves Marine Nature Reserves Areas of special protection for birds European sites SAC, SPAs Candidate SACs and SPAs Ramsar Sites Local Nature Reserves	UDP English Nature The wildlife Trust (Lancashire, Manchester, North Merseyside) Lancashire County Council
Property in the form of buildings	Ancient Monuments Buildings	English Heritage UDP
Property in other forms (crops, livestock, home grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights)	Agricultural land Allotments Forestry areas Other open spaces, rivers lakes etc	DEFRA Food Standards Agency Agricultural Land Classification maps Forestry Commission
Controlled Waters	Surface waters Drinking Water Abstractions Source Protection Zones Groundwaters- Private Abstractions Groundwaters – Major Aquifers	OS map data (except culverts) Environment Agency Environmental Services Division

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Information on Sources of Contamination

Information Type	Sources of Information include:
Historical Mapping	Ordnance Survey/Landmark/ESD
Potentially Contaminative Land Uses (digitised)	ESD
Site Investigation Reports	ESD/Planning/other Council Departments/NHBC
Previous Planning History	Planning
Part A and Part B processes	Internal Departments/Environment Agency/Landmark
Petrol Stations	Fire Brigade/Internal departments/Landmark
Pre-licensing Landfill Sites	Environment Agency/Planning/ESD/Landmark
Waste Management Licences	Environment Agency/Landmark
Quarrying Records	Planning
Natural Contamination	British Geological Survey/Soil Survey and Land Research Group/Imperial College, London
Aerial Photographs	Public Record Office
Trade Directories	Public Record Office and Local Libraries

Information on Pathways

Information Type	Sources of Information include:
Geology	British Geological Survey
Mining Data	British Geological Survey/Coal Authority/Mineral, Valuer/County Record Offices/
Hydrology	Environment Agency/ Ordnance Survey

Note: A number of the data sources fit more than one category, for example geological information may provide information on both “pathways” and “sources”.

5.5 Procedures for Dealing with Complaints and Information from Non Government Organisations and the Public

5.5.1 Background

It is recognised that the Council may receive complaints regarding land contamination from members of the public, businesses and voluntary

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organisations. Members of the community may also provide information relating to land contamination.

Complaints and information may be received by the Council in a number of forms including telephone calls, letters, personal visits, electronically or via a third party.

### 5.5.2 Complaints

Complaints regarding contaminated land will be dealt with through the Council's existing procedures.

In this context, a complaint means the receipt by the Council of a request to address any matter that is alleged to be a hazard to health or the environment which relates to land contamination.

Such complaints will be:

- Logged and recorded;
- Allocated to a competent investigating officer;

Complainants will be:

- advised of the manner in which their complaint will be progressed and provided with a point of contact for further enquiries;
- kept informed of progress;

Investigating officers will undertake appropriate actions and enquiries considered necessary to resolve any complaint having regard to departmental procedures, statutory requirements and professional judgement.

The appropriate level and nature of further investigation will be determined on a case by case basis and will be dependent on a number of factors including; the nature of the complaint, the initial findings and the amount of information already available.

Where detailed inspection of sites is considered necessary, such inspections will be undertaken in an order consistent with the level of risk, assessed in the context of the overall inspection programme. It may be that complaints can be dealt with within the strategic timescale and no immediate action is required to be taken or it may trigger a review of the priority given to a particular site.

The Council will make every effort to resolve complaints quickly and efficiently. The Part IIA legislative framework does, however, impose specific requirements

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and periods of consultation which may influence the speed of resolution of complaints.

In the context of this Inspection Strategy resolution means:

- no further local authority action is possible or necessary and appropriate advice has been provided; or
- prescribed formal action has been taken; or
- that the policy and procedure adopted by the local authority for dealing with contaminated land complaints has been followed through to completion or reference has been made to another regulatory body.

### 5.5.3 Emergency Plan

Blackpool Borough Council have an Emergency Plan in place. The Emergency Plan designates responsibilities for each department within the Council if a major incident occurs.

Should an imminent risk to persons or property or the environment from contaminated land be perceived, the Emergency Plan will trigger the appropriate emergency responses by the Council. The Emergency Plan will apply to incidents which relate to contaminated land as well as those explicitly described within it.

### 5.5.4 Confidentiality

All complainants will be asked to provide details of their name and address which will remain confidential. There are circumstances where certain information may be required to be made public, for example, during the course of formal legal action. This issue would be discussed in detail prior to taking any such formal action.

### 5.5.5 Voluntary Provision of Information

If a person or organisation voluntarily provides information relating to contaminated land that is not directly affecting themselves, their families or their property, this will not be treated as a complaint. The information provided will be recorded and if appropriate allocated to an investigating Officer. Investigating Officers will take whatever actions and enquiries they consider necessary to follow up such information having regard to departmental procedures, statutory requirements and professional judgement.

The appropriate level and nature of further investigation will be determined on a case by case basis and will be dependent on a number of factors including; the

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nature of the complaint, the initial findings and the amount of information already available.

In such circumstances, there will be no obligation on the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as a matter of good practice.

#### 5.5.6 Anonymous Information and Complaints

Anonymous complaints or information provided anonymously will be evaluated by an investigating officer. Appropriate action will be taken on the basis of the merits of the information received.

### 5.6 Information Evaluation

Following information collection and where necessary the receipt of information provided by other bodies and the public this information will need to be evaluated to determine the quality, type of information and whether additional information is required to allow the council to move to the next stage of prioritisation and categorisation of areas.

#### 5.6.1 Known Actual Harm or Pollution

For land to be contaminated because it is causing actual harm or pollution actual data must be available which demonstrates the effect of a source on a receptor. This data must include:

- the presence of a harmful or polluting substance at a receptor;
- evidence of harm or pollution;
- the presence of an active source pathway receptor linkage.

If data is provided or collected which demonstrates actual harm or pollution is occurring the site or area affected will be prioritised and action taken as necessary in accordance with the Statutory Guidance to remediated and deal with the contamination.

#### 5.6.2 Sources, Pathways and Receptors

The information on sources will be reviewed to ensure all relevant available information has been obtained that will allow initial prioritisation. The preparation of data for prioritisation is described in Section 5.7.

Receptors will be assessed mainly from land use information provided by the Council but also the data source identified in Table 1. Receptors to be considered include:

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- allotments, homes, accommodation, the foreshore, commercial premises, schools, nurseries, open space, conservation areas, monuments, listed buildings, agricultural land and controlled waters.

To allow rapid prioritisation of site inspections the coincidence of a source and receptor will be assessed as described in Section 5.7. It is only following this when sufficient information has been established to demonstrate that there is a source-pathway-receptor linkage that the pathway will be determined.

### 5.6.3 Effectiveness of Previous Remediation Actions

The information collected and evaluated may indicate a potential contaminated land site. However, such land may have already undergone remediation for instance during redevelopment. Where information is available or made available by the Appropriate Person for the Site regarding remediation work already carried out this information will be reviewed to determine whether it has been effective in breaking the potential linkage.

For any known past and present contaminated land sites remediation will be considered to be effective where:

- it was appropriate and has mitigated risks sufficiently that the land can be considered as not being contaminated under Part IIA;
- it can be demonstrated by suitable monitoring, that land is not contaminated under Part IIA.

If all these criteria are met then land will no longer be contaminated.

### 5.6.4 Gaps in Information

Further information will be required where there is insufficient data to progress prioritisation and categorisation and/or establish whether land is contaminated. Therefore, more data collection will be undertaken in these situations in accordance with the Information Collection Procedures.

## 5.7 Prioritisation and Categorisation

### 5.7.1 Introduction

Following data/information collection and evaluation, the next step of the strategy is to prioritise and categorise sites for detailed inspections.

The Statutory Guidance requires that the approach taken by local authorities in implementing the inspection strategy should be “*rational, ordered and efficient*”

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and one that attaches the greatest priority to those potentially contaminated areas of land considered to have the greatest potential to cause “*significant harm*” or “*pollution to controlled waters*”

The Technical Advice Note states that local authorities should employ a methodology which begins “by comparing the location of areas of potential contamination with areas where there are sensitive receptors...” and having established their geographical coincidence and therefore two parts of a potential pollutant linkage this will allow the authority to define “inspection areas or sub-areas”.

As part of the strategy therefore a methodology is required that is aligned to these fundamental principles to enable the Council to move efficiently from consideration of the whole borough to a situation where smaller sub-areas of land and ultimately individual sites within these sub-areas can be appraised and inspected where necessary by the Council.

It is our intention to adopt a system that prioritises individual potentially contaminated sites to allow the Council to address them in an order related to the apparent seriousness of the potential harm or pollution.

To enable the Council to implement this part of the Strategy, a software database tool called GeoEnviron was published. This database holds all the identified sites of potentially contaminated land as identified through inspection and assigns a score to them that is associated with their previous potentially contaminative land use, their current land use, or relationship with other identified Receptors from Table A of the Statutory Guidance.

This methodology has allowed the Council to identify which of those sites are considered the most in need of inspection

#### 5.7.2 Prioritisation Methodology

##### General

A Geographical Information System (GIS) will form the basis of the prioritisation methodology. MapInfo GIS was purchased as it is able to communicate with the GeoEnviron database

The GIS will be used for the visual representation of potentially contaminated sites within the borough and the analytical assessment of land quality. The GIS provides a flexible tool in the identification process, allowing potentially contaminated sites to be spatially assessed against the most up to date mapping available. The consistency of this information and the adopted

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methodology will ensure that all strategy decisions by the Council are properly informed in a consistent and auditable manner.

In the context of this section “sites” represent the potentially contaminating land use areas identified from the source information. It may be the case for some areas of the Borough to have more than one potentially contaminative land use over time on a given site. When and if these sites are assessed; they will be assessed as one whole site instead of numerous smaller sites

Information Input & Data Preparation

Information on sources, pathways and receptors collected as part of the inspection process will be incorporated into GeoEnviron, as well as and represented on the GIS. Further details on information management is included in Section 8.

Prior to prioritisation a phase of data preparation will be required this will include:

- creation of buffer zones around targets, to incorporate an assessment of the proximity of a target to identified sub-areas (buffers based on CLR6)
- A system to standardise collated contaminative source datasets from various sources (such as BBC, EA) into definitive geo-datasets eg. polygon, line and point as there may be overlap between information sources

The standard buffering requirements of CLR 6 Part 1 are detailed below in Table 2.

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Table 2. CLR 6 Part 1 Buffering Requirements

Dataset	Description	Buffer Distances (m)
Residential	Residential buildings outlines	50 250
Schools	School building outlines	50 250
Allotment Gardens	Allotment garden polygons	50 250
Commercial/Industrial	Commercial and industrial building outlines	50
Surface Water Features	Surface water features (extracted from OS Land-Line data)	50 500

### 5.7.3 Categorisation Methodology

Part II of CLR6 provides a method for categorising sub-areas into Priority Categories relating to the seriousness of the potential impact and the urgency of action required. It is recognised that there are limitations to applying CLR6 Part II to multiple sub-area categorisation. This methodology requires extensive quantitative data on ground conditions for each sub-area and therefore if the required statistically valid data were available and used the process of categorisation would require years to complete.

Therefore, following prioritisation, it is anticipated that a Preliminary Risk Ranking System (PRRS) will be applied to all identified potentially contaminative sub-area features (in order of priority grouping) to provide a hierarchy of sub-areas for more detailed assessment.

The PRRS is likely to be a semi-quantitative risk ranking methodology, based on the principles of the Source-Pathway-Receptor linkage. The methodology should be developed to make the best use of available digital data to enable sub-areas to be ranked in an objective and consistent manner, quickly and efficiently, using robust digital datasets.

The approach adopted will provide an indication of the relative risk presented by a potentially contaminative sub-area to statutorily recognised receptors. The reasons for adopting a PRRS is to eliminate much of the subjective judgement

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typically associated with a purely qualitative approach to risk assessment, one method of doing this is through the inclusion of weighted scores for each factor used to characterise the pollutant linkage. Other methods are however valid and may be adopted.

Blackpool Borough Council consider that the PRRS should attain the following:

Any scoring system should be simple to use by many different users disregarding professional qualifications and experience;

- The system should be sufficiently clear and rationale to be understood by a range of end-users;
- The queries performed to reach the final score should be based upon reliable and easily acquired data;
- Each part of the source-pathway-receptor linkage should have equal significance;
- The numerical scores applied to each of the evaluation factors in the SPR linkage should be designed to weight the factors according to their potential or actual relevance in contributing to the hazard or risk presented by a contaminative sub-area;
- The combination of scores should reflect their individual interactions (i.e. in the case of the migration of pollutants if the rock underlying a sub-area is highly permeable but is overlain by impermeable clay, the combined scores should reflect the true efficiency of the pathway taking account of both considerations).

As a matter of consistency and validation Blackpool Borough Council consider it important that any risk ranking system used should correlate with the Priority Categories of CLR6 Part II as this will enable an assessment of the relative risk severity of identified sub-areas and their distribution within the Priority Categories.

The risk ranking system will place all the potentially contaminated sub-areas in order of their potential risk and therefore provides a system which enables the authority to address the worst areas of potential contamination in a logical and ordered manner.

## 5.8 Detailed Inspections

### 5.8.1 Introduction

In order to determine whether sites represent statutory defined Contaminated Land detailed inspection of sub areas will be required.

The programme of detailed Inspections will be undertaken following the prioritisation and categorisation process. However, an inspection may be required at any time in the identification and inspection process if there is sufficient evidence to suggest a site is causing actual harm or pollution.

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The detailed inspection process will commence with the Preliminary Priority Category 1 areas and then PPC2 areas. Following an analysis of the priority groups we will decide whether detailed inspections are required for PPC3 and PPC4 areas and if so will provide time scales for doing them in the revised version of the Strategy Document.

The detailed inspection will be undertaken in a staged approach consisting of the following steps:

- Desktop studies
- Sub area walkover
- Sub area intrusive investigation
- Quantitative Risk Assessment (QRA)

The desk top study would be based on readily available documents relating to the sub-area and records of communications. The purpose being:

- to identify potential hazards;
- to assess the adequacy of and validity of existing information;
- to inform the decision making process and support recommendations for further assessment.

Sub area walk overs would initially be conducted from public access points for privately owned sub areas. Full access is anticipated for Council owned sub areas. A standard proforma will be developed to ensure a consistent approach to data collection an example of such a proforma is included as Appendix 4.

On the Council owned sites a decision will be made whether to proceed with intrusive investigation and QRA on the basis of the desk top study and walkover inspection. For privately owned sites a decision will be made whether to proceed to a detailed inspection on the basis of the evidence obtained.

#### 5.8.2 Site Specific Liaison

Consultation on a site-specific basis will be undertaken with other regulatory bodies, including the Environment Agency, English Nature and English Heritage, as appropriate, in advance of detailed inspections. Such consultation will be undertaken both to avoid unnecessary duplication of investigation work and to ensure that the approaches adopted by the Council to site inspection are consistent. Advice will also be sought from the Environment Agency on the applicability of other regulatory powers.

The Council will then, where possible, consult the owners, occupiers and other interested parties to find out whether appropriate information already exists on

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the condition of the land or whether such information could be made available. Where information is provided by third parties, it will be assessed to determine its adequacy.

Prior to any detailed inspection being carried out, the Council will inform owner(s)/occupier(s) of the land and any other relevant persons that an inspection is required to take place. At this stage, further details will be provided on what inspection entails, that physical examination of the land is likely to be necessary and the indicative timescale for the investigation.

The permission of the owner(s)/occupiers of the land will be requested, in writing, to enter the land for purposes of detailed inspection under Part IIA. The letter will advise the owner(s)/occupier(s) of the powers conferred on the local authority under Section 108 of the Environment Act 1995 in the event that permission is not granted.

Section 108 (6) provides that, except in an emergency, if the premises to be inspected are residential, or if the inspection necessitates the use of heavy equipment, at least seven days notice will be given, unless there is an immediate risk to human health or the environment. In an emergency, these powers of entry can be exercised forthwith.

In all other cases, where possible, the occupier of the land or site to be inspected will be consulted, particularly in order that any necessary health and safety precautions can be identified and incorporated into the inspection.

Compensation may be payable by the authority for any disturbance caused by an inspection using statutory powers of entry.

General liaison and communication strategies are set out in Section 6.0.

### 5.8.3 Inspection of Potential Special Sites

Before authorising or carrying out any inspection consideration will be given to whether, if the land were found to be contaminated land, it would meet any of the descriptions of land given in the Contaminated Land (England) Regulations 2000 as requiring to be designated a Special Site.

Where there is evidence to suggest that a particular site would be designated a Special Site, if identified as contaminated land, the Environment Agency will be asked to undertake the detailed inspection.

The Environment Agency has set out the procedures to be adopted in the Environment Agency's Part IIA EPA (1990) (England) Process Handbook.

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Before undertaking any detailed inspection, the Environment Agency will satisfy itself that it agrees that the site is a potential Special Site and that the requirements of the statutory guidance have been met. Where necessary, the Council will authorise a person nominated by the Agency to use the powers of entry conferred by Section 108 of the Environment Act 1995. The same conditions for using statutory powers of entry apply as for detailed inspection undertaken by the Council as detailed above.

If the Environment Agency agrees that a particular site is a potential Special Site it will provide notification in writing. The Environment Agency will, subject to the statutory conditions for detailed inspection having been met, undertake the inspection on behalf of the Council.

Following inspection, information on the condition of the land and an opinion on whether significant pollutant linkages are present will be provided to the Council. Determining whether land appears to be contaminated land is the sole responsibility of the council; this also applies were the detailed inspection is undertaken by the Environment Agency.

If the Environment Agency disagrees that a particular site is a potential Special Site it will provide notification in writing giving reasons.

#### 5.8.4 Arrangements for the Appointment of Consultants/Contractors

At various stages in the implementation of this Strategy it may be necessary to appoint specialist consultants and contractors.

The Council has existing procedures for procuring such works and these will be utilised, where necessary.

It is considered vital that any such works are well specified and managed.

#### 5.8.5 Risk Communication

Blackpool Borough Council will ensure that all stakeholders receive appropriate levels of information during the inspection stage of the strategy. Details of the Risk Communication Strategy to be adopted are set out in Section 6.

#### 5.8.6 Frequency of Inspection

Inspection will be an on-going process, there will, however, be situations where changes in the condition or circumstances of the land or the surrounding environment may necessitate a review of the previous inspection findings for a particular area. A number of such triggers to re-inspection have been identified; these are set out in Section 7 together with details of our approach.

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**5.8.7 Inspection Report Requirements**

Information resulting from inspections will form the basis of the Council's decision making on whether or not land appears to be contaminated land or whether further inspections are necessary.

Such information will be produced and held in a variety of formats and will be managed utilising the Council's Information Management System (see Section 8).

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## 5.9 Criteria for Determination of Contaminated Land

Determination of whether specific areas of land meet the statutory definition of Contaminated Land will be based on an appropriate scientific and technical assessment of all relevant and available evidence for a particular pollutant linkage or linkages and the Authority is satisfied, on the balance of probabilities, that significant harm is being caused.

The authority will carry out risk assessments based on authoritative guidelines values for contaminants concentrations or from appropriate risk analyses techniques.

## 5.10 Notification of the Identification of Contaminated Land

Where the authority identifies that an area could potentially be determined as contaminated land, it will notify the owner/occupier of the circumstances from the strategic review and any more detailed inspections. The authority intends to pursue a voluntary approach to securing additional information, which will assist in the determination whether a particular area is, or is not, contaminated land.

If this voluntary approach does not secure co-operation, or if the information supplied is not considered to be representative, then the authority will follow the Annex 2 of the DETR Circular 2/2000 paragraphs 3.23 and 3.24 and paragraphs B20 to B23 of Annex 3 to assess whether to proceed to use statutory powers of entry for inspection or intrusive investigations.

Where the authority has determined that a particular area is contaminated land it will record the details leading to that determination as set out in paragraph B52 of Annex 3 of Circular 2/2000.

## 5.11 Programme for Inspection

A draft programme for the Inspection process is included as Appendix 2. This programme may be updated in subsequent versions of the Strategy Document in the light of implementation of the strategy, practical experience and the initial prioritisation and categorisation process.

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## 6 Liaison and Communication

### 6.1 Introduction

A key factor in the successful implementation of the inspection strategy will be the adoption of effective mechanisms for liaison and communication:

internally within the Council;  
with other statutory bodies;  
with landowners, occupiers, and other interested parties; and  
with the wider community.

### 6.2 Internal Liaison

Details of departmental responsibilities for inspection and identification are set out in Section 5.

### 6.3 Consultation

In addition to the consultation on this strategy document, the strategy provides a framework for on-going regular, consistent and sustained communication with other statutory bodies, landowners, occupiers and interested parties and the wider community. The Council will endeavour to sustain this consultation

### 6.4 Statutory Consultees

Statutory guidance requires that specific arrangements be established for liaison with, and responding to, information from other regulatory bodies. The Council will establish effective communication arrangements with appropriate Statutory bodies.

As noted in Section 1 a copy of the draft strategy document was circulated to all statutory consultees for comment and initial concerns expressed by these bodies included in the final strategy document a list of Statutory consultees is included in Appendix 3. Consultees included:

- Environment Agency
- English Nature
- English Heritage

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- Food Standards Agency
- Ministry of Agriculture Fisheries and Food<sup>1</sup> (DEFRA)
- English Partnerships
- North West Development Agency

<sup>1</sup> Following the 2001 general election the Government has re-organised some department. The main function of MAFF are now included within the Department of Environment, Food and Rural Affairs.

### 6.4.1 The Environment Agency

The Environment Agency has a key supporting role involving the provision of information and advice and a number of specific regulatory functions (see Section1).

Given its role as Governmental advisor on contaminated land, the Environment Agency will be the organisation that the Council will consult most often.

A framework<sup>5</sup> for co-operation between the Agency and the local authorities has already been agreed; local arrangements will be developed within this framework.

The Environment Agency's Process Handbook<sup>6</sup> sets out potential areas of interaction between local authorities and the procedures to be adopted by them. This document will be a key reference within the implementation of the Part IIA regime.

### 6.4.2 English Nature

English Nature is the statutory consultee for both central and local Government, and other organisations and individuals, on the principles and practice of wildlife and geological conservation.

Within the development and implementation of this strategy, English Nature will be the main contact for issues relating to ecological systems. It is responsible for maintaining information records on protected species and habitats. EN will be contacted in relation to these resources and for site specific advice as and when they are identified as being potential receptors of contamination.

### 6.4.3 English Heritage

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<sup>5</sup>Memorandum of Understanding between the Environment Agency and the Local Government Association

<sup>6</sup> The Environment Agency, Part IIA EPA (1990) (England) Process Handbook, May 2000

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English Heritage provides expert advice to the Government about all matters relating to the historic environment and its conservation.

English Heritage will be contacted in relation to potential impacts to these receptors at the appropriate times (property in the form of buildings, ancient monuments, and archaeological resources).

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**6.4.4 Food Standards Agency (FSA)**

The Food Standards Agency has responsibility for food safety including the safety of consumers of any food that may be affected by contaminated land. This includes food produced in domestic gardens and allotments and food collected from the wild as well as commercially produced food. The FSA will provide advice on the food safety aspects of any specific cases of contaminated land

**6.4.5 DEFRA (formerly Ministry of Agriculture Fisheries and Food (MAFF))**

Previously responsibility for contaminated land and related issues within MAFF rested with the Rural and Marine Environment Division (RMED). This group was concerned with soil protection and sustainability of agriculture and took advice from, amongst others, the executive agencies of MAFF the Farming and Rural Conservation Agency (FRCA) and the Veterinary Laboratories Agency (VLA). The latter being responsible for livestock issues. MAFF held information on agricultural resources. MAFF now forms part of DEFRA and the appropriate department in DEFRA will be contacted when property in the form of crops and livestock may be affected by contaminated land.

**6.4.6 North West Development Agency (NWDA) and English Partnerships (EP)**

The NWDA is one of the major funders of remediation and redevelopment of derelict and contaminated land.

English Partnerships is a national organisation which has objectives to promote job creation, inward investment and environmental improvement through the reclamation and development of vacant, derelict and underused or contaminated land and buildings.

It is anticipated that both EP and NWDA hold significant amounts of valuable information relevant to the implementation of this strategy.

**6.5 Other Non-Statutory Bodies**

In addition to the above Statutory Consultees, the Council will also establish contact with other relevant non-statutory bodies that may hold valuable information relevant to the identification of contaminated land within the Borough. Contact will be made with such bodies to ensure that information is exchanged effectively and in a format that will assist the Council in its duties.

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## 6.6 Owners, occupiers and other interested parties

There are a number of stages within the implementation of this strategy where it will be necessary, either to meet statutory requirements or as a matter of good practice, for the Council to liaise with site owners, occupiers and other interested parties. These include:

- during the inspection process;
- notification of the determination of contaminated land<sup>7</sup>;
- prior to the serving of a remediation notice<sup>8</sup>;
- when designating Special Sites.

Throughout the implementation of the Part IIA regime, it is the Council's intention to encourage voluntary action to secure the remediation of contaminated land. This approach requires effective communication with owners, occupiers and other parties. Where possible, Council officers will seek the co-operation of landowners and occupiers in carrying out their duties.

When required, all reasonable efforts will be made to contact the landowner or occupier including the following potential sources of information:

- Land Registry records;
- Borough Council records;
- Trade Directories;
- Telephone directories;
- Visiting premises; and
- Public and Site notices.

## 6.7 The Wider Community

Within this context, the term wider community includes all possible groups and organisations, local residents, businesses and industry, voluntary organisations and community bodies.

Land affected by contamination may be of relevance to members of the community other than owners and occupiers. The use and condition of land may impact on the wider community especially if the contamination poses a risk to human health. Therefore, it is essential that those who may be affected are;

- informed of any risk which is thought to exist from contamination;
- consulted on proposed actions in relation to contaminated land;
- kept informed of decisions taken;

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<sup>7</sup> Section 78B(3) and Section 78B(4) of Part IIA Environmental Protection Act 1990

<sup>8</sup> Section 78H(1) of Part IIA Environmental Protection Act 1990

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The Council recognises that it is important that decisions about contaminated land are defensible and transparent and that community acceptance of decisions is very important if contaminated sites are to be managed effectively.

If necessary the findings of any inspection will be communicated to the affected community and consultations undertaken on the best way to achieve the successful remediation of the contaminated land problem.

### 6.8 Risk Communication

Under Part IIA, the Council will be determining the presence of contaminated land using a risk based approach. Decisions on contaminated land may often be very complex and in many cases impact on a variety of stakeholders.

As noted above, public acceptance of any decisions made is very important if contaminated sites are to be managed effectively. Effective risk communication is thus an essential element in the implementation of this strategy.

We will aim to ensure that all relevant stakeholders are provided with appropriate levels of information during the inspection stage of the strategy and ensuing remediation of particular sites.

The Council also recognises the importance of the need to prevent needless anxiety and planning blight. A balance will, therefore, need to be achieved concerning when and to whom information is given.

A number of documents exist that provide guidance on risk communication. This includes the SNIFFER publication, "Communicating Understanding of Contaminated Land Risks"<sup>9</sup>. This will be referenced when developing any specific risk communication strategy for individual sites. This document addresses the four key steps in the process of communicating risk:

- Step 1 - **when** to communicate;
- Step 2 - **whom** to communicate with;
- Step 3 - **what** to communicate;
- Step 4 - **how** to communicate.

### 6.9 Trans-boundary Pollutant Linkages

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<sup>9</sup> Scottish and Northern Ireland Forum for Environmental Research (SNIFFER) Communicating Understanding of Contaminated Land Risks (1999)

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Pollutant linkages may exist across Blackpool Borough Councils administrative boundaries. Blackpool Borough Council has mutual boundaries with Fylde Borough Council and the Borough of Wyre.

Where this situation arises, the Council will work with the neighbouring authority to agree a mutually acceptable method of assessing and, if necessary, remediating the site, with reference to appropriate legislation<sup>10</sup> and statutory guidance.

#### 6.10 Inspection using statutory powers of entry

Under Section 108 of the Environment Act 1995, the Council has been granted powers of entry to carry out detailed inspections. Such inspections are termed “inspections using statutory powers of entry”. There are a number of conditions for use of these powers are set out below.

Before carrying out any inspection using statutory powers of entry the Council will be satisfied, on the basis of available information that;

- in the case of site reconnaissance (visual inspection and/or limited sampling) there is a reasonable possibility that a pollutant linkage exists. Any sampling will be limited to that necessary to verify the pollutant linkages already identified;
- in the case of intrusive investigation, that it is likely that both contaminants and receptors are present.

The Council will not carry out any inspection using statutory powers of entry which takes the form of an intrusive investigation if:

- it has already been provided with detailed information which provides an appropriate basis upon which the Council can determine, in accordance with statutory guidance, whether or not the land is contaminated land; or
- a person offers to provide appropriate information within a reasonable and specified time and then provides it within the agreed timescale.

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<sup>10</sup> Section 78X(2) Part IIA Environmental Protection Act 1990

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## 7 Review Mechanisms

### 7.1 Background

This section sets out the approach we will adopt for:

routine review of inspection findings;  
periodic review of inspection decisions;  
managing new information; and  
measures to be taken to ensure the strategy remains effective and up to date.

Under Part IIA the Council is required to inspect the borough area from “time to time” to identify contaminated land. In practice, however, it is considered that inspection will be an on-going process requiring the Council to balance the systematic approach described within this strategy with the available resources.

### 7.2 Triggers for Reviewing Decisions

There will inevitably be situations where changes in the condition or circumstances of the land or the surrounding environment may necessitate a review of the previous inspection findings for a particular area. A number of such triggers have been identified and are set out below; it is also possible that further triggers will be identified during the course of implementation of this strategy.

Triggers for the Review of Inspection Decisions include:

- Proposed changes in the use of the surrounding land;
- Unplanned changes in the use of the land;
- Unplanned events (eg localised flooding, fires, spillages) where the consequences cannot be dealt with through other relevant environmental protection legislation;
- Reports of localised health effects which appear to relate to a particular area of land
- Response to information or complaints from members of the public, businesses or voluntary organisations;
- Information from other statutory bodies, landowners or occupiers and other relevant interested parties;
- Changes in national guidance relating to specific types of site or contaminant.

Mechanisms to ensure the receipt of appropriate and timely information from other departments of the Council, statutory bodies, owners, occupiers and other

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interested parties are detailed within this strategy document. Procedures are also identified for responding to information and complaints from members of the public, businesses or voluntary organisations. Such mechanisms are essential to facilitate effective review.

Information obtained and records of decisions made during the course of such reviews will be managed utilising the Contaminated Land Information Management System.

Whilst the above factors may trigger inspection of particular areas of land, it is important that such inspections do not significantly interfere with the general inspection framework. The relative priority of such inspections will be considered along with those of planned inspections such that they may be undertaken in an appropriate order. In considering this issue, the Council will ensure its approach is consistent with the underlying principles set out in the Statutory Guidance.

### 7.3 Review of Inspection Strategy

The practical implementation of this strategy will provide vital information on its effectiveness (a) in ensuring that resources are being used efficiently and (b) in meeting the requirements of the legislation.

In addition, information obtained during the course of implementation may indicate that the approach adopted with respect to certain issues should be modified.

As part of the overall quality management of this work, the Council will review the inspection procedures set out within this Strategy on a regular basis and ensure that any necessary modifications are undertaken.

It is considered that it will be appropriate to review the priorities, procedures and milestones set within the strategy in the light of progress after the first full year of operation. This review will therefore take place in February 2003; within the draft programme we have identified 6 month reviews. The appropriate frequency of subsequent reviews will be considered following the initial review in 2003 (Review 1).

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## 8 Information Management

### 8.1 General Principles

Throughout the implementation of this Strategy, a significant amount of information will be obtained, from a variety of sources. Further information will also be generated as a result of the inspection process. This information will be in a range of formats including bound documents, reports, letters, maps, aerial photographs and electronic records and may include:

- Information on Sources
- Information on Receptors
- Information on Pathways
- Site Investigation Reports
- Details of liaison with other Departments and categorisation
- Results of Information Evaluation
- Information provided by members of the public, businesses or voluntary organisations
- Decisions made following review of information or records

Statutory Guidance requires that local authorities publish details of how information obtained during the inspection process is to be held and managed.

It is considered that the information management system must meet the following criteria:

- Be transparent;
- Be capable of logging all information provided with respect to individual areas of land;
- Have security of access and editing;
- Be able to tag information type (eg commercially confidential information)
- Record details of information providers and reviewers;
- Have mechanisms for ensuring that there is no duplication of information;
- Have check systems which ensure that all relevant information is reviewed for all areas;
- Be capable of being audited to ensure that any information held is both accurately recorded and up to date;
- Be capable of interrogation to facilitate risk assessment and site prioritisation.

### 8.2 Information content, storage and administration

Currently information is held in paper and GIS (GGP) format. Concurrently with implementation of Part IIA and prioritisation process an information management system will be developed. It is anticipated that information will be

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stored digitally where practicable and administered by the Environmental Services Division.

### 8.3 Provision of Information

#### 8.3.1 Arrangements for Access to Information

Public access to information will be afforded through two principal routes, (a) information held on the public register and (b) through specific information requests.

Transparency is one of the underlying principles of Part IIA regulatory regime. We will aim to ensure that, subject to appropriate legislative requirements, the public can gain access to clear accurate factual information pertaining to the state of the land. Further details are set out below.

In addition to public access, the IMS will provide an invaluable source of information for a number of the other functions of the Council.

#### 8.3.2 Public Register

The regime provides for a public register, but only of land in respect of which a remediation notice has been issued, or where a remediation statement or declaration has been published. This information will be available for public inspection subject to any exclusions, for example, on the grounds of national security or commercial confidentiality. The details of information to be included on the Public Register are set out in the Contaminated Land (England) Regulations 2000. These are:

- Remediation notices
- Appeals against remediation notices
- Remediation Declarations
- Remediation Statements
- Appeals against charging notices
- Designation of Special Sites
- Notification of claimed remediation
- Convictions
- Guidance issued by the Environment Agency
- Other environmental controls

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### 8.3.3 Information Requests

It is envisaged that requests will be made for access to information relating to the inspection process, for example, information on whether land has been inspected and details of any site investigation reports prepared. Requests may also be made in respect of other information held by the Council in respect of the condition of land. It is the Council's intention that the release of such information will be in accordance with existing procedures for environmental information requests under the Environmental Information Regulations 1992 subject to copyright and confidentiality constraints. There are current proposals for a revised public access to information regime. The Council will consider the implications of any legislative changes on provision of environmental information.

### 8.3.4 Other Council Departments

The information gathered during the process of implementation of this strategy will be valuable to other Departments of the Council in the discharge of their specific functions. The full value of the IMS will be realised as it is integrated with other systems maintained by other Departments. As noted in Section 5, procedures will be developed to ensure appropriate data management.

### 8.3.5 Provision of Information to the Environment Agency

The Environment Agency has a specific duty to prepare and publish from time to time or at the request of the Secretary of State, a national report on the state of contaminated land in England and Wales.

An agreed framework for co-operation and working arrangements has been set out in a Memorandum of Understanding between the Environment Agency and the Local Government Association. Within this framework, appropriate local arrangements will be set up to facilitate provision of the necessary information for the Agency to produce the State of the Land Report

Likely information requirements for the State of Contaminated Land Report are set out in the Memorandum of Understanding. Further information on specific information requirements and information provision is awaited from the Environment Agency. Once details of the precise information requirements and preferred formats have been received from the Agency, appropriate measures will be put in place to facilitate collection and collation.

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9 References

1. Contaminated Land DETR Circular 02/2000: Contaminated Land: Implementation of Part 11A of the Environmental Protection Act 1990
  2. Blackpool Borough Council Environmental Strategy 1996-2001
  3. PPG 23 Planning and Pollution Control, 1994
  4. DOE Circular 11/95 The Use of Conditions in Planning Permissions
  5. The Environmental Protection Act 1990
  6. The Environment Act 1995
  7. Water Resources Act 1991
- Contaminated Land Inspection Strategies, Technical Advice for Local Authorities, DETR, Draft for comment, April 2000 (updated May 2001)
- British Geological Survey Solid and Drift Geology Plans (sheet Nos 66 and 76).
- CLR6 Prioritisation and Categorisation Procedures for sites which may be Contaminated.
- Environment Agency Part 11A EPA (1990) (England) Process Handbook.
- Memorandum of Understanding between the Environment Agency and the Local Government Association.
- Scottish and Northern Ireland Forum for Environmental Research (SNIFFER), Communicating Understanding of Contaminated Land Risks
- Blackpool Borough Local Plan Proposals Map (Plan Adopted 1st May 1996)

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## Glossary of Terms

A number of terms are used in the strategy document, which are defined in Part IIA of the Environmental Protection Act 1990 (hereafter referred to as the Act) and in the statutory guidance itself. The meanings of the most important of these terms are set out below, along with a reference to the section in the Act or the paragraph in which the relevant term is defined. Those terms, which are defined in statutes (mostly in section 78A of the 1990 Act), are shown with underlining. Other terms used in the context of Geographical Information Systems (GIS) are also defined.

**Abstraction:** An activity licensed by the regulating authority under section 24 of the Water Resources Act 1991, allowing an abstraction or series of abstractions of water or groundwater from inland freshwater sources.

**Animal or crop effect:** significant harm of a type listed in box 3 of Table A of Chapter A of the statutory guidance.

**Attribute:** 1. A characteristic of a geographic feature described by numbers, characters, and images, typically stored in tabular format and linked to the feature by a user-assigned identifier. 2. A column in a database table.

**Attribute table:** A tabular file containing rows and columns. Attribute tables are associated with a class of geographic feature. Each row represents a geographic feature. Each cell represents one attribute of a geographic dataset, with the same column representing the same attribute for all features.

**PRRS:** The Preliminary Risk Ranking System, which is applied to all potentially contaminative sub-areas following assessment under CLR No. 6 Part I procedures. PRRS provides an intermediate step before undertaking full categorisation under CLR No. 6 Part II, allowing sub-areas to be rank ordered numerically according to eleven factors representing the source-pathway-receptor linkage.

**Buffer:** A zone of a specified distance around geo dataset features. Both constant and variable-width buffers can be generated for a set of coverage features based on each feature's attribute values. The resulting buffer zones form polygons/areas that are either inside or outside the specified buffer distance from each feature. Buffers are useful for proximity analysis (e.g., find all stream segments within 50m of a potentially contaminated sub-area).

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**Building:** Any structure or erection, and any part of a building including any part below ground, but not including plant or machinery comprised in a building. Table A of the statutory guidance.

**Building effect:** Significant harm of a type listed in box 4 of Table A of Chapter A of the statutory guidance.

**Categorisation:** The assessment process under Part II of DoE CLR No.6, which allows a refinement of initial Priority Groupings using more detailed information in respect of potential pollutant linkages. Categorisation relies on the collation of additional desk study data and a walkover visit to support the assignment of a Priority Category (PC) to potentially contaminative sub-areas based upon the likely impact on development, groundwater and surface water targets and the urgency of any action required.

**CLR No. 2:** Guidance on Preliminary Site Inspection of Contaminated Land, Vols. 1 and 2, DoE 1994.

**CLR No. 3:** Documentary Research on Industrial Sites, DoE 1994.

**CLR No. 6:** Guidance on Prioritisation and Categorisation Procedure For Sites Which May Be Contaminated, DoE 1995.

**Contaminant:** A substance, which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters. Paragraph A.12 of the guidance.

**Contaminated land:** Defined in section 78A(2) of the Act 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) pollution of controlled waters is being, or is likely to be, caused.”

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Contaminated Land (England) Regulations 2000: regulations (S.I 2000/227) made under Part IIA of the Act.

Controlled waters: Defined in section 78A(9) of the Act by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters.

Current use: any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;
- (b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission;
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on the land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and
- (d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land. Paragraph A.26 of the guidance.

Database: A database is a logical collection of interrelated information, managed and stored as a unit. A GIS database includes spatial and attribute information about the spatial features held in the GIS, such as the name of a river.

Descriptive data: Tabular data describing the characteristics of geographic features, which can include numbers, text, images and CAD drawings about features. Descriptive data is stored in feature attribute tables. Also referred to as attribute data.

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**Desk Study:** Interpretation of historical, archival and current information to establish where previous activities of the land were located and where areas or zones containing distinct and different types of soil contamination can be expected to occur. Also undertaken to understand the environmental setting of the site in terms of pathway and receptors.

**Ecological system effect:** significant harm of a type listed in box 2 of the Table A of Chapter A of the statutory guidance.

**Epoch:** Time period during which historical potentially contaminative uses were mapped/recorded by Ordnance Survey or any other collecting agency.

**Feature class: 1.** A classification describing the format of geographic features and supporting data in a coverage. Coverage feature classes for representing geographic features include point, arc, node, route-system, route, section, polygon and region. One or more coverage features are used to model geographic features; for example, arcs and nodes can be used to model linear features such as street centrelines. The tic, annotation, link, and boundary feature classes provide supporting data for coverage data management and viewing.

**2.** The conceptual representation of a geographic feature. When referring to geographic features, feature classes include point, line, area, and surface.

**Field:** In a database, another term for column.

**Flora and fauna:** Plants and animals including livestock (agricultural and games species), crops and plants used for landscape and amenity purposes.

**Geo-dataset:** A geo-dataset is a digital file of information, which can be imported into a GIS to create a data layer (or theme). It's essential component is the combination of spatial information (features) and associated attribute information

**Geographic data:** The locations and descriptions of geographic features. The composite of spatial data and descriptive data.

**GIS:** a Geographical Information System (GIS) is a software package capable of showing both graphical information (digital maps) and associated attribute

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information (from a database). Typical GIS functionality includes, data entry, spatial and textual querying, data analysis, data management and the production of hardcopy maps.

Harm: Defined in section 78A(4) of the Act as:

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

Hazard: A property (of a substance) or situation with the potential to cause harm.

Human health effect: Significant harm of a type listed in box 1 of Table A of Chapter A.

Image: A graphic representation or description of a scene, typically produced by an optical or electronic device. Common examples include remotely sensed data (e.g., satellite data), scanned data, and photographs. An image is stored as a raster data set of binary or integer values that represent the intensity of reflected light, heat, or other range of values on the electromagnetic spectrum.

Image catalogue: An image catalogue is an organised collection of spatially referenced geographic images that can be accessed as one logical image theme. An image catalogue typically contains images that depict the same thematic information for a given geographical area of interest.

Industrial, trade or business premises: Defined in section 78M(6), for the purpose of determining the penalty for failure to comply with a remediation notice, as:

“premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purpose of manufacturing.”

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**Intrusive investigation:** An investigation of land (for example by exploratory excavations), which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information. Paragraph B.20(c) of the guidance.

**IPC/IPPC:** Integrated Pollution Control/Integrated Pollution Prevention and Control.

**Layout:** Window displaying the assembled components of a map view, including project themes, symbology, title, scale bar, legend, north arrow, descriptive text and other user defined graphics.

**Line:** 1. A set of ordered co-ordinates that represents the shape of geographic features too narrow to be displayed as an area at the given scale (e.g., contours, street centrelines, or streams), or linear features with no area (e.g., county boundary lines). 2. A single arc in coverage (see arc). 3. A line on a map.

**Landmark Land-Use Database:** A database of historic contaminative land-use, derived by the Landmark Information Group, through the systematic analysis of historical paper maps representing specified time periods and based on DoE classifications.

**Land Quality Management Database:** An Access database allowing detailed contamination data to be held and accurately recorded for each identified feature, from which accurate sub-area maps and reports can be generated.

**Linear feature:** A geographic feature that can be represented by a line or set of lines, for example, rivers and roads are all linear features. Linear features are represented in ArcView by arcs (see line or arc).

**Made Ground:** Material artificially in place comprising of a wide range of materials such as, concrete, tarmac, brick materials.

**Major aquifers (highly permeable):** These are highly permeable formations usually with a known or probable presence of significant fracturing. They may be highly productive and able to support large abstractions for public supply and other purposes.

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**Map library:** An organised, uniformly defined collection of spatial data partitioned by layers and tiles. A map library organises geographic data spatially as a set of tiles and thematically as a set of layers. The data in a map library are indexed by location for optimal spatial access. A map library organises coverages spatially by tiles and thematically by layer. The effect of this is to create a continuous (or seamless) map for each layer.

**Metadata:** Metadata is a textual description of a dataset. It highlights all the information a user of the dataset should be aware of, to use it correctly e.g. date produced, scale, projection, error information, etc. This describes the entire geo-dataset while attributes describe individual features within the geo-dataset.

**Metadatabase:** A logical collection of interrelated metadata.

**Minor aquifers (variably permeable):** These can be fractured or potentially fractured rocks which do not have a high primary permeability, or other formations of variable permeability including unconsolidated deposits. Although these aquifers will seldom produce large quantities of water for abstraction, they are important both for local supplies and in supplying base flow to rivers.

**NNR:** A National Nature Reserve (NNR) is the land declared under the National Parks and Access to the Countryside Act (1949) or Wildlife and Countryside Act (1981), as amended.

**Non-aquifers (negligibly permeable):** Formations, which are generally regarded as containing insignificant quantities of groundwater. However, groundwater flow through such rocks, although imperceptible, does take place and needs to be considered in assessing the risk associated with persistent pollutants. Some non-aquifers can yield water in sufficient quantities for domestic use. Major or minor aquifers may occur beneath non-aquifers.

**Pathway:** One or more routes or means by, or through, which a receptor:

- (a) is being exposed to, or affected by, a contaminant, or
- (b) could be so exposed or affected. Paragraph A.14.

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**Pathway Efficiency:** The ability of a pathway to transport and distribute contaminants from source to receptor.

**Point:** A single x, y co-ordinate that represents a geographic feature for example, a building location on a small-scale map.

**Pollutant:** A contaminant, which forms part of a pollutant linkage. See paragraph A.17 of the statutory guidance.

**Pollutant linkage:** The relationship between a contaminant, pathway and a receptor.

**Pollution of controlled waters:** Defined in section 78A(9) of the Act as:

“the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter.”

**Possibility of significant harm:** A measure of the probability, or frequency, of the occurrence of circumstances, which would lead to significant harm being caused. See paragraph A.27 of the statutory guidance.

**Potentially Contaminative Source:** A sub-area of land, which is potentially contaminative due to its historical use(s).

**Polygon:** Polygons are used in GIS to represent areas. A polygon is defined by the arcs that make up its boundary and associated attribute that describe the geographic feature it represents.

**PC:** Priority Category (PC1 to PC4) assigned under DoE CLR NO. 6 Part II based upon the potentially contaminative sub-area's suitability for current use and environmental setting, the likely impact on key development, groundwater and surface water targets and the urgency with which action might be necessary.

**PPC:** Preliminary Priority Category (ranging from PPC1 to PPC4), derived from the application of the Preliminary Risk Ranking System and assigned to each

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potentially contaminative source on the basis of its normalised risk ranked score.

**Prioritisation:** Classification of potentially contaminative sources (sub-areas) under Part 1 assessment procedures of DoE CLR No. 6, resulting in the assignment of a Priority Grouping (A, B or C).

**Priority Grouping:** A priority group (A, B or C) assigned to each potentially contaminative source (sub-area) based upon the spatial coincidence or relative proximity of each to designated development, surface water and groundwater receptors and buffer zones, according to CLR No. 6 Part I.

**Project Window:** Window from which all views, tables, charts, layouts and scripts can be opened or added.

**Ramsar site:** A 'Ramsar site' is the land listed as a Wetland of International Importance under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention) 1973.

**Raster data:** Records spatial information in a regular grid or matrix organised as a set of rows and columns. Each cell within this grid contains a number representing a particular geographic feature, such as soil type, elevation, landuse, slope etc. Raster data is commonly used to store information about geographic features that vary continuously over a surface, such as elevation, groundwater depths etc. Image data is a form of raster data in which each cell or pixel stores a value recorded by an optical or electronic device.

**Receptor:** Either:

- (a) a living organism, a group of living organisms, an ecological system or a piece of property which:
  - (i) is in a category listed in Table A in chapter A as a type of receptor, and
  - (ii) is being, or could be, harmed, by a contaminant; or
- (b) controlled waters which are being, or could be, polluted by a contaminant. Paragraph A.13 of the guidance.

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**Receptor Sensitivity:** A score assigned to each potentially contaminative sub-area based upon an assessment of its spatial coincidence with recognised sensitive receptor groups i.e. current land-use

**Relevant information:** Information relating to the assessment of whether there is a significant possibility of significant harm being caused, which is:

- (a) scientifically-based;
- (b) authoritative;
- (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and
- (d) appropriate to the determination of whether any land is contaminated land for the purposes of Part IIA, in that the use of the information is consistent with providing a level of protection of risk in line with the qualitative criteria set out in Tables A and B of Chapter A. Paragraph A.31.

**Risk:** The combination of:

- (a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- (b) the magnitude (including the seriousness) of the consequences. Paragraph A.9 of the guidance.

**Risk ranking:** Performed by the application of the BPRRS to assign a normalised rank ordered score to each potentially contaminative source, derived from the numerical assessment of source sensitivity, pathway efficiency and receptor sensitivity factors.

**SAC:** A Special Area of Conservation (SAC) is the land designated under Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

**Score:** An arbitrary number assigned to source, a pathway or receptor based on an assessment of the relative severity, efficiency and sensitivity (respectively) of each.

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**Shape file:** A shape file is the internal format that ArcView uses to store a layer of information. Layers can be moved from one ArcView GIS to another via shape files.

**Shape file formats:** The shape file format defines the geometry and attributes of geographically-referenced features in three files with specific file extensions. These are:

.shp – the file that stores the feature geometry e.g. the co-ordinates that make up a river;

.shx – the file that stores the index of the feature geometry;

.dbf – the database file that stores the attribute information of features e.g. the names of rivers.

**Significant harm:** Defined in section 78A(5). It means any harm which is determined to be significant in accordance with the statutory guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that Chapter).

**Significant pollutant:** A pollutant, which forms part of a significant pollutant linkage.

**Significant pollutant linkage:** A pollutant linkage, which forms the basis for a determination that a piece of land is contaminated land. Paragraph A.20 of the guidance.

**Significant possibility of significant harm:** A possibility of significant harm being caused which, by virtue of section 78A(5) is determined to be significant in accordance with the statutory guidance in Chapter A.

**Source Protection Zone (SPZ):** The part of an aquifer considered to form the catchment to the main sources of underground public water supply and certain other private supplies.

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**Source Severity:** A measure of the contaminative potential of a sub-area based on its former DoE land-use classification.

**Spatial analysis:** The process of modelling, examining, and interpreting model results. Spatial analysis is useful for evaluating suitability and capability, for estimating and predicting, and for interpreting and understanding. There are four traditional types of spatial analysis: topographical overlay and contiguity analysis, surface analysis, linear analysis and raster analysis.

**SPA:** A Special Protection Area (SPA) is the land classified under Directive 79/409 on the Conservation of Wild Birds.

**SSSI:** A Site of Special Scientific Interest (SSSI) is the land notified as a SSSI under the Wildlife and Countryside Act (1981), as amended.

**Sub-Area:** A geographical feature (polygon, line or point) representative of a potentially contaminated area of land.

**Sub-area Reconnaissance:** A walkover survey carried out on a particular sub-area of land, undertaken in accordance with the broad principles of CLR No.2.

**Substance:** Defined in section 78A(9) as:

“any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.”

**Table:** A table is a collection of data about a specific topic which logically organise the data into columns (fields) and rows (records). In a geo-dataset fields are the attributes and rows refer to individual features.

**Theme:** A layer of geographic information, which contain a collection of geographic features such as rivers, lakes, cities etc. Each layer has an attached attribute table which contains associated information.

**Tiff file:** Tagged interchange (image) file format. An industry-standard raster data format. TIFF supports black-and-white, grey-scale, pseudo-colour, and true-colour images, all of which can be stored in a compressed or

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uncompressed format. TIFF is commonly used in desktop publishing and serves as an interface to numerous scanners and graphic arts packages.

**Vector data:** Records spatial information as x, y co-ordinates in a rectangular co-ordinate system. Point features are recorded as single x, y locations. Line features, including the outlines of polygons, are recorded as an ordered series of x, y co-ordinates. Vector data is very well suited to recording the location of discrete geographic features with precise locations such as streets, land use boundaries, streams etc.

**View:** Window displaying themes and projects data.

**Walkover Visit:** A survey performed to assess and record the visual evidence of land contamination and factors affecting the distribution and impact of contamination.

**Weighting:** Refers to the relative score allocated to the various factors within each element of the pollutant linkage, proportionate to their relative importance.