

# Powys County Council



**Contaminated Land Inspection  
Strategy Implementation of  
Part 2A of the Environmental  
Protection Act 1990**

# Executive Summary

*This document represents the third edition of Powys County Council's Contaminated Land Strategy, replacing the second edition dated December 2006. It is intended to reflect revisions to the statutory regime introduced in 2012 and to report progress made in the implementation of the Strategy.*

*The contaminated land regime addresses the legacy of contamination resulting from past mining, industrial, and waste disposal activities. It requires a rational, ordered and efficient approach to inspecting land with regard to historical and current land use, facilitating the remediation of any sites found to be contaminated to an unacceptable level.*

*The Strategy defines how Powys County Council (PCC) intends to carry out its duties and what progress it has made to date.*

## **The Council's overarching aims in implementing the Strategy are:**

- Aim 1** – *To fulfil the Council's responsibilities with respect to implementing the Inspection Strategy and environmental legislation*
- Aim 2** – *Reduce environmental liability caused by Council owned land*
- Aim 3** – *Encourage regeneration and redevelopment of contaminated sites*
- Aim 4** – *To achieve environmental improvement with priority on human health*
- Aim 5** – *To raise awareness and promote understanding of land contamination issues*

*Since the publication of the original Strategy in 2002, the Council has been engaged in fulfilling its statutory duties in respect of the inspection of potential contaminated land. A number of sites have undergone detailed inspection following funding by Welsh Government, whilst others have been funded by internal resources or through voluntary action. One site has been formally determined as Contaminated Land.*

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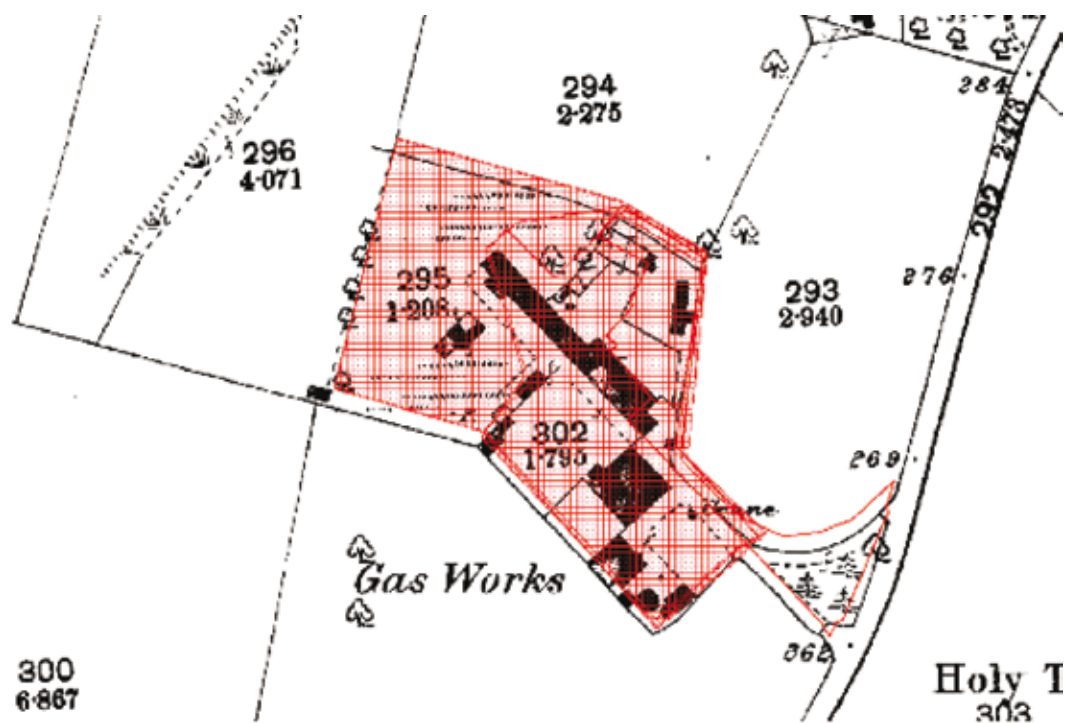
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# 1 Background and Regulatory Context

The regulatory regime for contaminated land was created in 2001 through implementation of Section 57 of the Environment Act 1995 created Part 2A of the Environmental Protection Act 1990 (known as "Part 2A") which established a legal framework for dealing with contaminated land. The National Assembly for Wales published the Contaminated Land (Wales) Regulations 2001 and accompanying guidance which has subsequently been amended. The intention of the regime is the identification and remediation of contaminated land, where the contamination is causing unacceptable risk to human health or the wider environment.

## 1.1 What is 'Contaminated Land'?

**Figure 1:** historical map showing gas works (hatched area)



**Part 2A** describes Contaminated Land as being:

'Any land which appears to the Local Authority in whose area it is situated to be in such condition, by reason of substances in or under the land that:

- Significant harm is being caused, or there is a significant possibility of such harm being caused ;or
- Pollution of controlled waters is being or is likely to be caused

This definition reflects the role of the Part 2A regime which is to enable the identification and remediation of land on which contamination is causing unacceptable risks to human health or the wider environment.

The phrase 'Contaminated Land' therefore only refers to land that has a defined pollutant linkage i.e. a source, pathway and receptor and significant harm is being caused or there is the possibility of significant harm being caused. There may be land where the presence of contamination has been identified, but does not contain a pathway and receptor linkage, so is consequently not designated as Contaminated Land.

## 1.2 The Driving Force: Welsh Government's Objectives

The overarching objectives of the Welsh Government's policy are set out in **Contaminated Land Statutory Guidance-2012** (Statutory guidance) are:

- *To identify and remove unacceptable risks to human health and the environment*
- *To seek to ensure that contaminated land is made suitable for its current use;*
- *To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development*

It is clear that **Part 2A** is intended to be used only where there are no alternative solutions. For example, land contamination can be addressed when it is developed under the planning regime, or the building control process or independently by the landowner. Other legislative regimes may also provide a means to dealing with contamination, such as the regimes for waste, environmental permitting and the **Environmental Damage** (Prevention and Remediation) **Regulations 2009**.

## 1.3 Regulatory Context

**Figure 2:** regulatory context



Powys County Council has a duty to inspect from time to time land in its geographical area to identify land considered to be contaminated as defined by the Act. A strategic approach to the identification of contaminated land is required to ensure that the most pressing and serious problems are located first and that actions are proportionate to the seriousness of any actual or potential risk. The local authority has the lead responsibility for determining whether any land appears to be contaminated land based on a site specific risk assessment except in the case of 'Special Sites' which are determined by Natural Resources Wales (NRW).

The aim of the regime is to enable the identification and remediation of land on which contamination is causing unacceptable risks to human health or the wider environment. It does not necessarily include all land where contamination is present, even though such contamination may be relevant in the context of other regimes.

**Part 2A** creates a particular category of contaminated land called “special sites” which have been used for industrial activities that pose special remediation problems. A site that has been designated as contaminated land by the local authority may further be designated as a special site if it falls within the scope of Regulations 2 and 3 of the Contaminated Land (Wales) Regulations 2001). NRW will be the enforcing authority for any contaminated land deemed to be a special site.

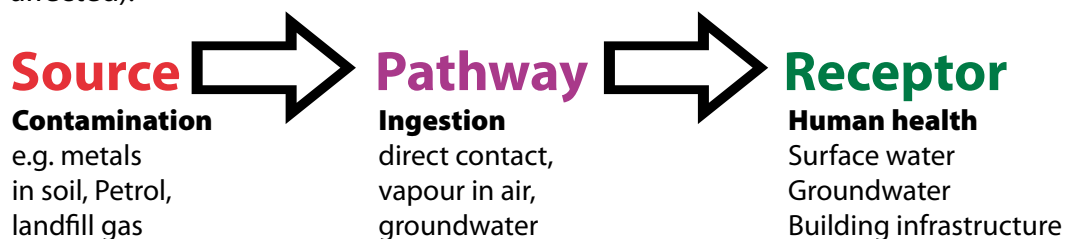
Industrial processes that may give rise to a special site include:

- Waste acid tar lagoons
- Oil refining
- The manufacture or processing of explosives
- IPC (Integrated Pollution Control) sites
- Nuclear sites
- Radioactively contaminated sites

Any land owned or being used for military purposes if determined as contaminated will be designated as a special site.

In July 2005 the contaminated land regime was extended to include radioactive contamination. This was enabled by the the **Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006**. The main objective for extending the **Part 2A** regime to include radioactivity is to provide a systematic way to identify and remediate land where contamination is causing a lasting exposure of humans to radiation. Any land determined as contaminated land by virtue of radioactivity will be dealt with by NRW under the designation as a special site. This does not apply in respect of harm to any other receptor of pollution or controlled waters

For a site to meet the definition of contaminated land, a Significant Pollutant Linkage must be established. All elements of the linkage must be present but only one linkage is necessary to be considered contaminated land. The linkage comprises three elements (as shown in the diagram below), a source of contamination (such as a toxic or harmful substance in the ground), a pathway to enable transmission/exposure to the contamination (such as direct skin contact or ingestion of vegetables grown in contaminated soil), and a receptor that is affected by the contaminant (such as a person whose health could be affected).



Where these circumstances exist the pollutant linkage has to be significant to take action under Part 2A. Under the radioactive contaminated land regime, a receptor is limited to human beings alone.

Deciding whether a site is Contaminated Land requires that a linkage is significant, meaning that it must be demonstrated that it:

- Is resulting in significant harm to the receptor;
- Or presents a significant possibility of significant harm for being caused to that receptor; or
- Is resulting in, or is likely to result in the pollution of the controlled waters which constitute the receptor.

The terms 'significant harm', 'harm' and 'pollution of controlled waters' are all defined in the statutory guidance.

**Figure 4:** hydrocarbons on surface water



## 2 Existing Council Policies

The implementation of the Contaminated Land Strategy is not in isolation to other Council functions and policies. Moreover, the Strategy is intended to integrate with the Council's aims and objectives in respect of environmental improvement, regeneration and in achieving sustainable development.

### 2.1 Planning Policy

Securing remediation through the planning regime as land is brought forward through redevelopment proposals, offers an effective and sustainable method of securing remediation of land and securing environmental standards fit for final end use. The interface with the planning regime, local, regional and national policy are key mechanisms in protecting new development from previous contamination and securing remediation to acceptable standards.

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TAN's). PPW makes it clear that the purpose of the planning system is to manage the development and use of land in the public interest, contributing to the achievement of sustainable development. It states that the system should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protect natural resources and the historic environment. These principles are embedded in the Council's Unitary Development Plan (UDP) and the emerging Local development Plan (LDP).

### 2.2 Corporate Policy

The Council aims and objectives are described in the following policy documents.

#### **Powys 2020**

The vision of Powys 2020 is "Strong communities in the green heart of Wales" and sets the Council's ambition for 2020.

The Council's priorities are:

- Services delivered for less – remodeling council services to respond to reduced funding;
- Supporting people in the community to live fulfilled lives;
- Developing the economy;
- Learning – improving learner outcomes for all, minimizing disadvantage.

### 2.3 Other Council Policies

#### **Environment Policies**

The Council's Environment Policy is described in its Environmental Management System (**EMS**) which encapsulates the Council's commitment to:

- Continual improvement of its environmental performance to minimise adverse effects on the environment, following the principles embedded in sustainable development and the Environmental Management System.
- Compliance with all relevant environmental legislation and regulations.
- Using the Authority's influence to actively encourage responsible environmental practice by its suppliers and contractors, and to raise awareness of these issues with our partners and among the general public.



# 3 Characteristics of the Powys Area

## 3.1 Geographical Location

Powys County Council is a large unitary authority in East Wales with a lengthy border with England. It borders 13 other Local Authorities, namely,

Denbighshire County Council  
Wrexham Borough Council  
Shropshire District Council,  
Herefordshire County Council,  
Gwynedd County Council  
Ceredigion County Council  
Monmouth County Borough Council  
Blaenau Gwent County Borough Council  
Merthyr Tydfil County Borough Council  
Rhondda Cynon Taff County Borough Council  
Carmarthenshire County Council  
Neath and Port Talbot County Borough Council;  
and Brecon Beacons National Park Authority

The County covers an area of approximately 2000 square miles with a population around 133,000. The County is essentially rural in nature with a low population density which equates to 2 persons in every 10 acres of land. The principal towns are Welshpool, Newtown, Llandrindod Wells, Brecon, Builth Wells and Ystradgynlais. Only Newtown has a population exceeding 10,000.

Much of the landscape is upland in nature and is dominated by hill farms and forestry. Most of the County lies above 500 ft. traversed by numerous rivers and their tributaries, notably the Severn, the Wye and the Usk. The South of the County contains most of the Brecon Beacons National Park which covers 16% of Powys

### Habitats

Powys contains a wide variety of landscapes, which support a rich diversity of habitats and species. The area has received a wide range of designations both statutory and advisory in recognition of the high quality and diversity of its landscape and ecology. There is a need to preserve and enhance the environmental qualities of the area.

The Countryside Council for Wales has notified 259 sites under the Wildlife & Countryside Act 1981 as Sites of Special Scientific Interest that are in Powys. This includes sites that also fall into neighboring authorities. These range from small ponds in urban areas through to large areas of moorland away from centers of population. The entire length of the Montgomery Canal is classed as a **SSSI** due to the wetland habitats it provides.

The Council will regularly liaise with the Countryside Council for Wales on **SSSI's**, **CSAC's** and other environmentally sensitive and important ecological receptors within Powys.



### 3.2 Industry and Commerce

The County is largely rural in character with little heavy industry. Early industries were associated with primary activities such as farming and mineral extraction. Historically the Plynlimon area North West of Llanlidloes has been an important source of metal ores, chiefly lead but also copper. In the 18th century mines were active at Van, Dylife and Llangynog. In the early 19th Century a flannel weaving industry utilising local wool developed in Newtown and to a lesser extent in Llanlidloes.

Agriculture is a central component underpinning the commercial and social viability of rural communities, farms are generally small in scale.

Tourism is a significant activity in the county with the attractions of the natural environment for recreation being supplemented by manmade attractions such as the Centre for Alternative Technology.

In the north of Powys manufacturing is a significant employer, with activity being concentrated on the eastern side of the County with relatively good road access via the A483 and A458 to Shrewsbury and the motorway network. Much of the current industry is located on the periphery of the towns such as Newtown and Welshpool on relatively modern industrial estates.

In the south of Powys there is a significant industrial legacy in the upper Swansea valley. Between the 17th and 19th centuries metal and tin works were located around Ystradgynlais together with coal mines, washeries and processing plants. Historically, iron smelting, charcoal burning and limestone quarrying were found around Llangattock and Brecon.

During the 20th century light industries in south Powys included clothing manufacture and steel fabrication in Brecon; light engineering at Hay on Wye; motor engineering and pottery at Rhayader; production of agricultural equipment at Knighton; metal casting at Presteigne and the production of woollen yarn at Llandrindod Wells. More recently, light engineering has been established in the upper Swansea valley replacing the more traditional industries of coal and steel.

### 3.3 Geology

Much of Powys is upland, with most of the rocks in the northern and central parts of the County being primarily Ordovician and Silurian shales and mudstones.

In the extreme north of the County limestone outcrops at Llanymynech have historically been extensively quarried for use as agricultural lime. Slate has also been worked at a number of sites including Llangynog.

South of Builth the land rises in a series of mountain ranges formed from thick bands of Old Red Sandstone of the Devonian era. In the southernmost parts of the County are Carboniferous limestones and millstone grits which forms the northern edge of the basin containing the South Wales coalfield.

### 3.4 Key Water Resource/protection Issues

Much of the County receives high rainfall, annual values ranging from typically 900mm in the east of the County, to in excess of 1500mm in the higher areas in the west

Severn Trent supplies mains water to North of the County from 3 boreholes in river valleys where water is extracted from alluvial silts and gravels. The main borehole for the North of the County is at Llandinam in the Severn valley, the area around Machynlleth is supplied from the Llanwrin borehole on the Dovey, and North East Powys is supplied from the Kinnerly borehole in Shropshire (River Severn).

There is a major aquifer along the Southern edge of Powys formed by Carboniferous Limestone outcrops which supply water to Blaenau Gwent and Caerphilly. A number of source protection zones (SPZ's) extend into Powys. For example, the SPZ that serves the Karstic spring source at Ffynnon Gisaen in Blaenau Gwent at Brynmamr.

Ground water vulnerability is often minimised by the geology of drift deposits especially low permeability deposits such as glacially derived boulder clay. The ground water vulnerability of specific locations can be established by reference to groundwater vulnerability maps published by the Environment Agency (sheet index 21 and 28 covers the county).

Reservoirs in the County are used to supply the large English cities. Most notably Liverpool is supplied from Lake Vrynwy and Birmingham from the Elan Valley. Reservoirs in the Brecon Becons serve the urban area of South Wales.

As a consequence of the rural nature of the County and the sparse population many properties away from the towns and larger villages have their own private water supply. In excess of 10,000 properties have their own private water supply in the County.

## 4 Progress with the Strategy to Date

### 4.1 Progress to date

The first Contaminated Land Strategy was published in 2002 to meet the requirements of the **Part 2A** legislation introduced approximately 1 year earlier. That document whilst meeting statutory requirements had the relatively simple aim of outlining the new legislation and setting out proposals for future implementation.

In the period from 2002 to 2006, the Council populated and produced a dataset using the Geoenvirom software. This enabled the identification of approximately 10,000 potentially contaminated land sites ranging from unknown filled ground (ponds and quarries etc.) to gas works and landfills. In the first phase of work, officers used the software to undertake an initial risk assessment which produced a risk priority list from the lowest to highest risk sites.

This list was intended to establish the order in which sites would be investigated. The second version was published in 2006 and this represented the Council's intention to actively seek government funding to investigate priority risk sites. Welsh Government funding was obtained for five sites and these were formally inspected between 2008 and 2011. Of these, only one was formally determined, and this was a former lead mine in Penygarnedd.

## 5 Aims, Objectives and Priorities

**Figure 5:** contaminated land



## 5.1 Aims, objectives and priorities

The overarching objectives of the Welsh Government's policy are set out in **Contaminated Land Statutory Guidance-2012** (Statutory guidance) are:

**Aim 1** – *To fulfil the Council's responsibilities with respect to implementing the Inspection Strategy and environmental legislation*

**Objectives**

- *Ensure the strategy and implementation meet the requirements of **Part 2A***

**Priorities**

- *Adopt a rational, ordered and efficient approach to inspection.*
- *Focus on identifying sites that represent the most serious or pressing problems first*
- *Provision of a revised Contaminated Land Strategy 2016;*
- *Contribute towards the Council achieving its environmental objectives*

**Aim 2** – *Reduce environmental liability caused by Council owned land*

**Objectives**

- *Manage and/or reduce the Council's liabilities as a landowner or occupier with regards to contaminated land issues*

**Priorities**

- *Assess Council owned closed landfills with the intention of establishing risk status, remediating where necessary and bringing back into beneficial use where possible;*
- *Assess Council occupied closed landfills with the intention of returning liability to the landowner where appropriate;*
- *Identify Council owned/occupied contaminated sites which should be prioritised for remediation as part of the Council's Strategic Asset Management Plan*
- *Carry out investigation of land that is identified for disposal in Council ownership to ensure contamination issues are addressed appropriately*
- *Work closely within internal departments to ensure contamination issues are considered early in design/engineering projects*
- *Ensure that due consideration is given to contamination issues when acquiring future holdings and leasing land*
- *Ensure a coordinated approach to contaminated land within the Authority to ensure compliance with, and enforcement of the relevant contaminated land regulations*

## 5.1 Aims, objectives and priorities (continued)

### **Aim 3** – Encourage regeneration and redevelopment of contaminated sites

#### **Objectives**

- Identify contaminated sites where regeneration and redevelopment could facilitate remediation;
- Enable informed decisions by other departments regarding future land use

#### **Priorities**

- Adopt a fair, equitable and pragmatic process for dealing with planning applications;
- Provide information to enable the Council to act in accordance with government planning policy and guidance;
- Review planning procedures regularly in accordance with Welsh Planning Policy and the **LDP**;
- Encourage discussions with applicants prior to the submission of formal planning applications to inform them of contaminated land requirements and provide guidance for developers;
- Work closely with Welsh National and Regional Contaminated Land Groups to develop and promote best practice documents and guidance across Wales;
- Set up internal working group of interested parties' i.e. planning, asset management etc.

### **Aim 4** – To achieve environmental improvement with priority on human health

#### **Objectives**

- To identify areas of land where an unacceptable level of risk is being caused to human health and the environment and ensure successful remediation of such sites;

#### **Priorities**

- Prioritise sites for inspection on the basis of environmental risk;
- Prioritise risk to human health above all others;
- Prioritise sites for detailed inspection based on risk

### **Aim 5** – To raise awareness and promote understanding of land contamination issues

#### **Objectives**

- Encourage a proactive approach amongst landowners and polluters towards investigation of contamination and remediation where required

#### **Priorities**

- Adopt a transparent approach to implementing the Strategy;
- Ensure Contaminated Land Strategy is widely distributed and publicised;
- Work closely with landowners to advise and assist voluntary remediation schemes to avoid unnecessary action under **Part 2A**;
- Ensure effective procedures for communication, liaison and information exchange within the Council and with third parties;
- Ensure Public register is available for viewing and is up to date;
- Ensure effective risk communication processes are in place when dealing with contaminated sites;
- Provide information on the land and homeowner benefits of investigations;
- Ensure the contaminated land section of the Council website is up to date with current guidance and legislation.

# 6 Strategic Plan and Way Forward

The Council will continue to identify potentially contaminated sites in the County and ensure robust risk assessment is carried out and to ensure action is taken on the most pressing and serious sites first.

## 6.1 Risk Priority

The Council's database categorizes sites in order of the risk each site represents i.e. from the highest to lowest risk. To date, the highest risk sites have been targeted as a priority for inspection as far as funding has permitted. However, the revised statutory guidance has introduced a system of 'Risk Categories' from 1 to 4, with 1 representing the most significant risk requiring action, and Category 4 being the lowest risk and not requiring action. As a result of these changes, the Council will consider the process of re-evaluating the database of approximately 10,000 sites with the intention of categorizing sites into the new designations where information allows and evidence is available. However, this process is heavily resource reliant and flexibility exists for the Council to focus on those sites which require immediate action based on the Council's Corporate Risk Methodology.

The Council has an approved Risk Management Policy, Strategy & Methodology which clearly defines the process of risk management which the Council adheres to. The corporate methodology sets out the stages of risk management which are identifying, analysing, control and monitoring of risk. The Council has a Corporate Risk Register which provides a tool for prioritisation and management of the risks which the Council is currently facing. Each risk is evaluated in terms of probability and impact, which provides an overall priority rating for each individual risk. The Corporate Risk Register is updated and monitored on a quarterly basis.

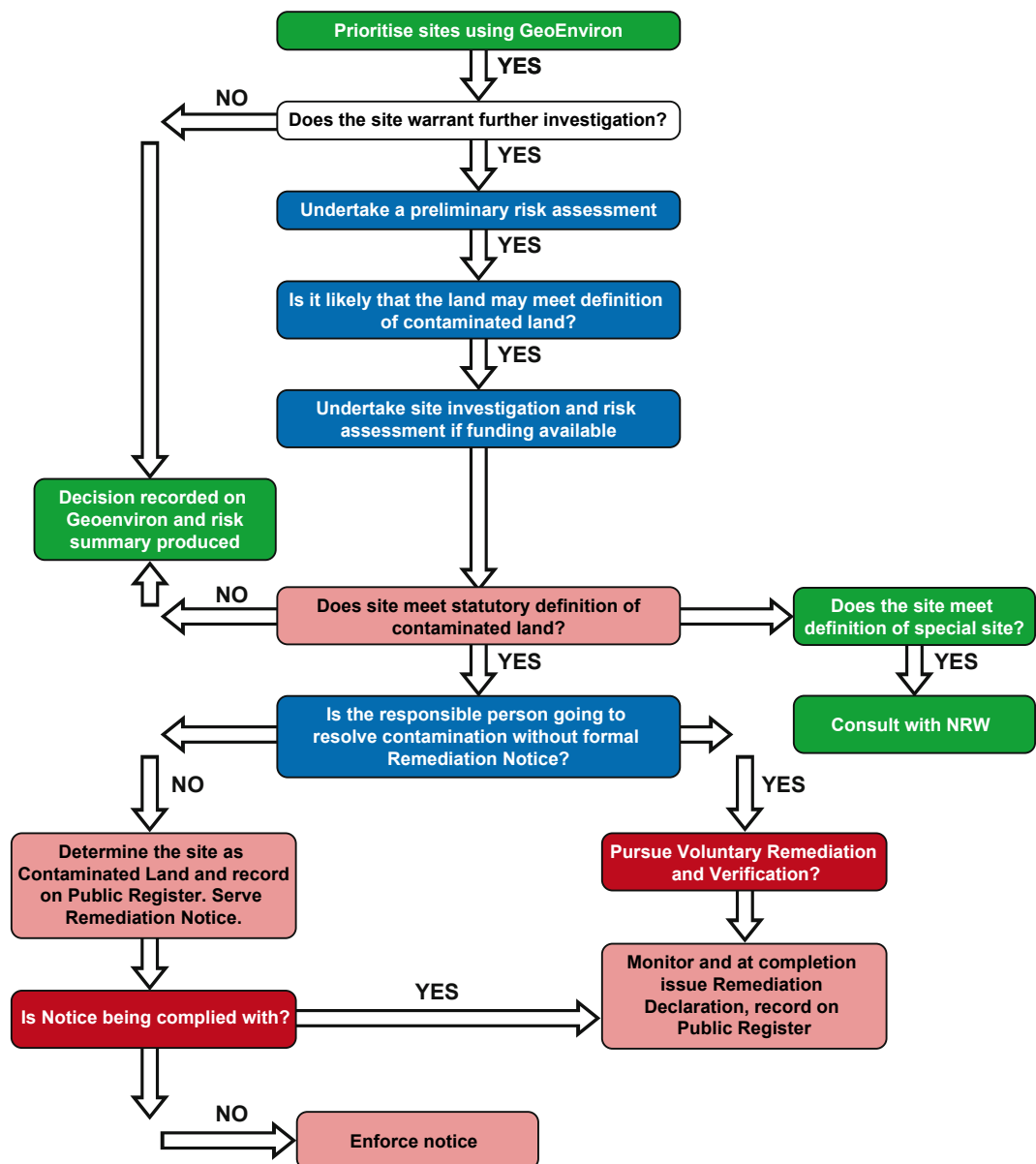
Prioritisation decisions are intended to take account of the following general principles:

- Sites where it is known or suspected that actual significant harm is being caused to receptors, or significant pollution of controlled waters is being caused will generally be the highest priority sites.
- The seriousness of harm or pollution will dictate the level of priority, however, where harm is being caused to human health these would be inspected.
- If an appropriate person has volunteered to provide information with regard to a particular site in line with the underlying principal of **Part 2A** of encouraging voluntary action, this site will be given a higher priority.
- If sites are only suspected that there is a significant possibility of significant harm, or where significant pollution of controlled waters is likely to be caused, the higher priority should be given to those sites where the concern is for human health rather than for other receptors.
- The likely nature and extent of the potential significant harm or significant pollution of controlled waters will influence the site priority.

## 6.2 How will sites be inspected?

The procedure shown in Figure 6 is the general approach described in the statutory guidance to be adopted to both prioritise and inspect sites. As stated in 6.1, the Council intends to assess available information against the procedure in respect of lower risk sites in order to eventually focus work on the highest risk sites. This procedure is intended to offer some flexibility in that the risk priority of sites will be constantly reviewed as and when information becomes available, for example, when a site is investigated through the planning regime or when new information becomes available. At each stage of the procedure, decisions will be made on the likelihood of achieving a determination as contaminated land or bringing the assessment to an end and re-prioritise the site as a lower ranked site.

**Figure 6:** general procedures for inspecting potential contaminated land in accordance with Statutory Guidance





## 6.3 Council Owned Land

**Figure 7:** closed landfill site



Land owned by the local authority in Powys is extensive in its range and diversity and includes:

- Closed landfill waste sites
- Corporate Buildings
- Approximately 6000 houses located primarily in the main towns
- Highways depots and associated land;
- Parks, public open space and play area
- Light industrial units.
- Farms and other land holdings
- Schools and playing fields.

## 6.4 Closed Landfills

PCC has historically assumed responsibility for approximately 80 landfills which closed prior to 1994 when the waste management legislative framework was revised. Of this number, approximately half are privately owned and are sites whereby landowners entered into contracts with the previous district councils to fill their land with various waste streams. On most of the sites once the waste license ceased so did PCC's active interest and these sites have largely remained un-used. However, there are a number of exceptions where leachate treatment plants (LTPs) were installed in the late 1990s or early 2000s to deal with perceived environmental issues. At these sites, significant costs have been incurred over the last 15 years in respect of environmental permits, chemical sampling, maintenance of the plant and a field crew to undertake the works.

**Figure 8:** gas vent



In 2013, Environmental Health took over the management of the landfills and engaged in a period of review adopting a risk based approach using the **Part 2A** regime to consider whether the sites are causing an unacceptable risk. As part of this review the Council have considered what liability may rest with PCC under **Part 2A**.

## 6.5 Involvement in the Development Management (Planning) Process

The **Part 2A** regime mainly deals with the historical legacy of contaminated land, resulting primarily from former industrial activity. However, additional risks can result from the redevelopment of land, for example if housing replaces industrial use. Potential future risks arising as a result of a change of use are subject to controls under the Planning and Building Control regimes, not **Part 2A**. There exists therefore, a close working relationship between the Environmental Health department and the Development Management department of the Council in order to ensure the safe development on brownfield land, and prevent the need for future action under **Part 2A**.

The Environmental Health department undertakes, amongst other things, the following activities in relation to proposed development on land with the potential to be contaminated:

- A check of the weekly planning registers – for both Powys County Council (**PCC**) and the Brecon Beacons National Park Authority (**BBNP**). Where a potential contamination issue is identified the Council provides advice to the relevant planning authority;
- Recommendation of conditions to be attached to planning permission decision notices, which may include imposing a restriction on development until the applicant has satisfactorily identified, quantified and remedied any contamination which may have affected the land.
- Issuing the joint **WLGA/EA** guidance document “**Land Contamination: A Guide for Developers**”.
- Liaison with consultants and contractors, who have been employed by developers, in relation to the investigation and remediation of land contamination on development sites.
- Liaison with **NRW** to ensure the development site is not posing a risk of pollution to controlled waters.
- The critical assessment of reports, submitted by consultants or contractors on behalf of the developer, for the purpose of satisfying conditions relating to land contamination placed on the planning permission.
- Enforcement action, in conjunction with Planning Development Management, Building Control departments of the Council, against developers who have failed to comply with a planning condition relating to land contamination on the development site.
- Provide pre-planning advice to the planning department upon request.

## 6.6 Timescales

The following timetable below sets out a framework for the overall aims and objectives of the Council in assessing potentially contaminated land.

It is recognised that alongside this planned timetable of work, other sites that are brought to the Council’s attention may well require urgent action or require investigations to be carried out.

The following actions are either in progress or planned according to the following timescale:

- The Council will review this inspection strategy every 5 years. Triggers for review of the strategy will include new legislation, new guidance and changes in Council policies and priorities.
- Overall aims will be detailed within the Service’s Business Plan.



# 7 Information Management and Procedures

## 7.1 Who in Powys County Council provides information on contaminated land?

The Environmental Protection Service has the responsibility for the implementation of **Part 2A** Environmental Protection Act 1990. All queries in respect of contaminated land are processed by the Contaminated Land team.

## 7.2 Providing Information to Third Parties

The implementation of the Inspection Strategy has resulted in the collation of a large amount of information which may be useful to other parties and may be available upon request. In certain circumstances the Council charge for collating information for searches. Powys County Council acts in accordance with the requirements of the following statutes and regulations in making environmental information accessible to the public.

- Local Government Act 1985
- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004

## 7.3 Contaminated Land Register

The Council has a statutory duty to record any enforcement action it has taken under the **Part 2A** regime. This information is available to view on request.

## 7.4 Pollution Incidents and Complaints

Any enquiry, complaint or other information relating to contaminated land from the public, the business community or any other organisation should in the first instance be directed to the Environmental Protection Service. Such information will be considered and evaluated on a site specific basis to determine its seriousness and significance. This may cause a site to be re-prioritised for inspection or to be considered as an urgent site. It may also be essential in helping the Council to decide what level of risk the site represents. Alternatively it may indicate that land contamination issues at a site should be best addressed through another regulatory regime.

An initial assessment will be undertaken to determine if the enquiry falls within the scope of the Contaminated Land Team or, if it impacts controlled waters, then Natural Resources Wales (**NRW**).

Where it appears that there is an imminent risk of harm to human health or pollution of controlled waters an initial visit would normally be made in accordance with the Service's internal protocol. An initial evaluation of the site will be completed and an action plan drawn up by the lead regulator.

For serious incidents where there is an immediate risk the County Council's Major Incident Plan may be initiated. For many of the incidents that the Contaminated Land Team deal with it is more likely that the Minor Incidents plan will be implemented.

Enquiries made to the local authority and any information provided will be treated as confidential where possible. However the Environmental Information Regulations 2004 require Local Authorities to disclose certain records and documents.

Anonymous enquiries and information will be accepted and acted upon wherever possible. However these enquiries may be given lower priority and there may be difficulties in investigating the query due to a lack of information.

