



# **CONTAMINATED LAND STRATEGY**

**2021**



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# **1 INTRODUCTION**

Part 2A of the Environmental Protection Act 1990 (EPA) was enacted on 1<sup>st</sup> April 2000. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

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

The Government issued updated Contaminated Land Statutory Guidance in April 2012, which describes how Local Authorities should implement the above regime.

Part 2A requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with the Contaminated Land Statutory Guidance. The Local Authority should also set out its approach to its inspection as a written strategy. Cheshire East Council has formulated its strategy which is presented herein and, in line with the Statutory Guidance, will aim to update this document at least every five years.

## **1.1 Regulatory Context**

Section 57 of the Environment Act 1995 amended the Environmental Protection Act 1990 by inserting Part 2A. This part and its supporting statutory guidance and regulations<sup>1</sup> gave Local Authorities powers and duties relating to contaminated land, one of which is the requirement to develop and publish a strategy for its identification and remediation. The Contaminated Land (England) Regulations 2000 were repealed and replaced by The Contaminated Land (England) Regulations 2006 which took into account a provision for radioactive contaminated land.

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<sup>1</sup>The Contaminated Land (England) Regulations 2006

## 1.2 Role of Cheshire East Council

Cheshire East Council shall:

- Cause its area to be inspected from time to time for the purpose – (a) of identifying contaminated land; and (b) of enabling the Authority to decide whether any such land is land which is required to be designated as a ‘special site’ (where the Environment Agency takes on responsibility for such sites once they have been determined).
- Act in accordance with any guidance issued for the purpose by the Secretary of State in performing these functions.

## 1.3 Role of the Environment Agency

The Environment Agency’s role is to:

- Assist Local Authorities to identify contaminated land by providing information and site specific guidance.
- Deal with ‘special sites’ as the relevant enforcing Authority.
- Provide information and advice to a Local Authority in situations where water pollution is suspected.
- Publish periodic reports on the state of contaminated land nationally.

### 1.3.1 Definition of Contaminated Land

Contaminated Land is defined<sup>2</sup> 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:*

- *Significant harm is being caused or there is a significant possibility of such harm being caused; or*

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<sup>2</sup>Environmental Protection Act, Part 2A, Section 78A(2)

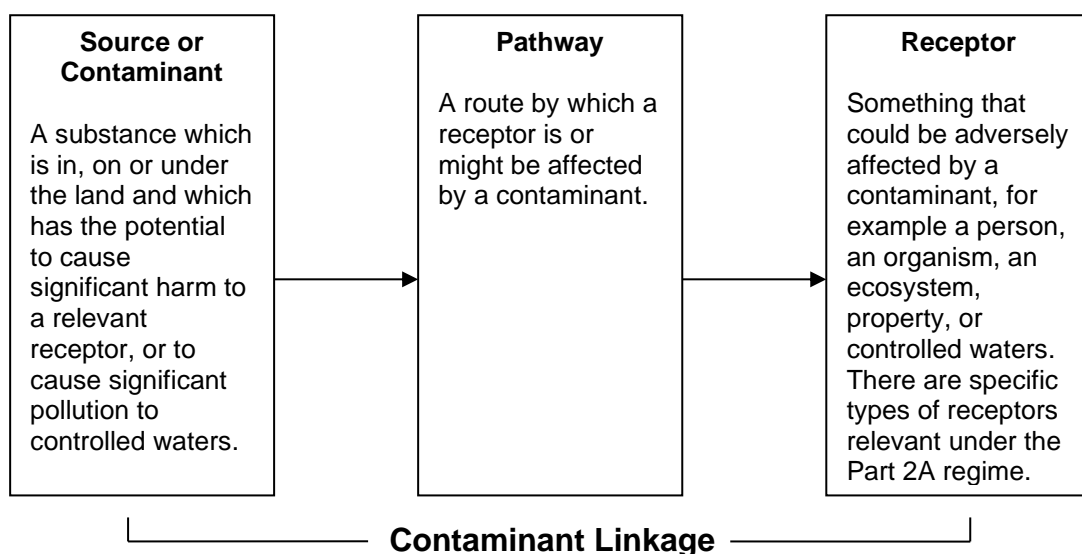
- *Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused'*

Where a Local Authority is satisfied that one or both of the circumstances detailed above is being met then it must act in accordance with guidance issued by the Secretary of State.

Sections 4.1 and 4.2 of the Contaminated Land Statutory Guidance detail the relevant criteria by which significant harm and significant possibility of significant harm should be considered for human receptors. Tables 1 and 2 of the Statutory Guidance outline the relevant criteria by which significant harm and significant possibility of significant harm can be established for non-human receptors. This information is presented in Appendix 1.

### 1.3.2 Risk Assessment

Risk assessment forms the core of the contaminated land investigation and assessment process. The purpose of desk based research and intrusive investigations, is to obtain information on contaminants, pathways and receptors present on or adjacent to a site, in order to produce a Conceptual Model. All three parts of the chain (contaminant (or source), pathway and receptor) must be present to create what is known as a contaminant linkage (sometimes also referred to as a pollutant linkage).



Essentially, the process seeks to determine what risk, if any, is created by the presence of contaminants through determining if there are pathways through which the contaminants may impact sensitive receptors (human health, the environment or property) and if the risk is acceptable or not. The overall approach in dealing with past land contamination is one of risk assessment and management, identifying, assessing and judging risks, taking actions to mitigate them, as well as monitoring and reviewing progress.

The risk assessment process should normally continue until it is possible for the Local Authority to decide:

- (a) that there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
- (b) whether or not the land is contaminated land.

There should be evidence that an unacceptable risk could reasonably exist for land to proceed to future stages of risk assessment. If the Local Authority considers there is little reason to consider the land may pose an unacceptable risk, inspection activities should stop at that point.

## **1.4 General Policy of the Local Authority**

### **1.4.1 Environmental Issues**

Environmental issues have increased in priority for members of society and interest is building. As a result, people are demanding more information about their environment, the threats to it, the controls over it, and how to ensure that something is done when they consider there to be a risk. In order to facilitate this, Cheshire East has a general policy to provide as much information as possible and in a variety of formats.

### 1.4.2 Enforcement

The Regulatory Services and Health team has a [Service Specific Enforcement Policy](#)<sup>3</sup> which should be read alongside the [Cheshire East Council Enforcement Policy](#)<sup>4</sup>. The contaminated land team will adhere to these policies in all enforcement decisions.

Specifically, where land contamination issues fall under the remit of Part 2A of the EPA 1990, then the Regulatory Services and Health Section, in consultation with other relevant sections of the Council, will instigate enforcement action.

### 1.4.3 Land Contamination and Planning

Land contamination issues are generally addressed through two regimes, Part 2A of the EPA 1990 and the planning system. These regimes complement each other:

- Part 2A of the EPA 1990 seeks to address potential land contamination issues for land in its current state; and
- Action through the planning system seeks to address potential land contamination issues for proposed uses of land.

Potentially contaminated land can also be addressed voluntarily with no formal action taken through either of the above regimes.

As more potentially contaminated land sites are addressed through the planning system (as is the preferred route for dealing with land contamination), this will prevent them requiring to be assessed through the Part 2A regime in the future as the National Planning Policy Framework (NPPF) states in paragraph 178: *'after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990'*.

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<sup>3</sup><https://www.cheshireeast.gov.uk/pdf/business/enforcement-policy/regulatory-services-and-health-november-2019.pdf>

<sup>4</sup><https://www.cheshireeast.gov.uk/pdf/business/approved-enforcement-policy.pdf>



The Council's Local Plan Strategy (2010-2030) has been developed around a vision of providing new land for development, whilst minimising the impact on the natural environment to deliver sustainable, jobs-led growth and sustainable, vibrant communities. One of the policy principles underpinning this vision is to develop brownfield sites, where possible, to minimise the use of greenfield, Strategic Green Gap, open countryside or Green Belt sites.

This reuse of brownfield sites as a priority is also described in the NPPF as one of its core planning principles (paragraph 117):

*'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'*

Therefore, as the use of brownfield sites for development increases, the collaboration between the Part 2A regime and the planning system must continue. As a result, useful information documents have been produced to assist developers through the planning regime, and are available on our [website](#)<sup>5</sup>.

## **1.5 Development of the Strategy**

This strategy has been developed to meet the requirements of the Contaminated Land Statutory Guidance.

Within Cheshire East Council, the issues of contaminated land will be widely disseminated through committee reports, joint working with other teams, seminars and day to day working.

Responsibility for the production of this strategy document and the implementation of the contaminated land regime rests ultimately with the Regulatory Services and Health team.

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<sup>5</sup>[https://www.cheshireeast.gov.uk/environment/environmental\\_health/contaminated\\_land/contaminated\\_land.aspx](https://www.cheshireeast.gov.uk/environment/environmental_health/contaminated_land/contaminated_land.aspx)

## **1.6 Objectives of Strategy Document**

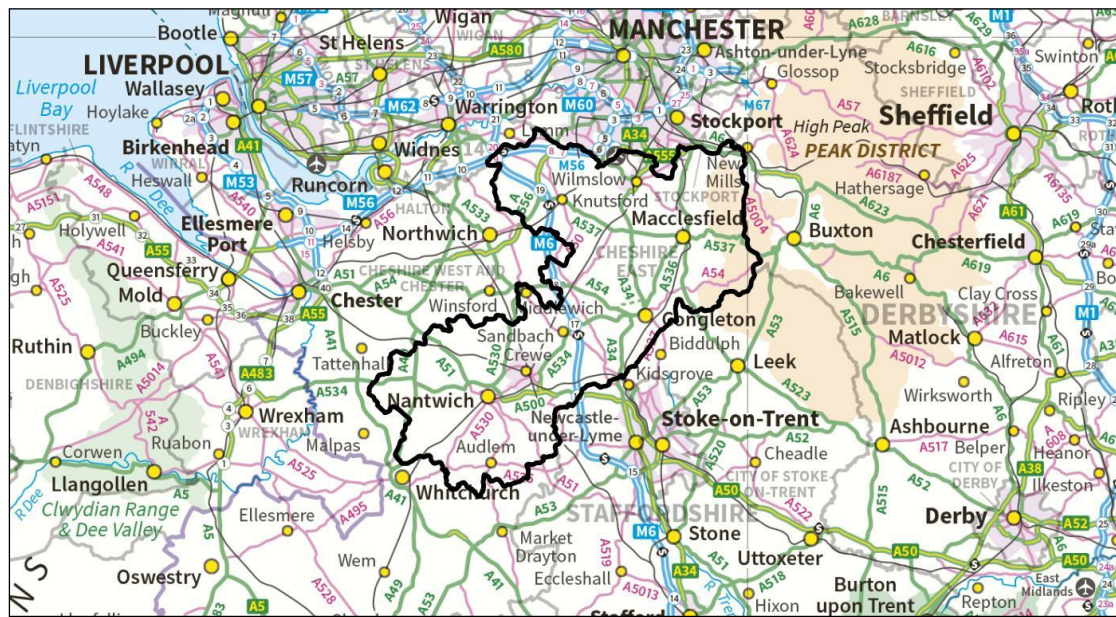
The written strategy is designed to ensure a consistent ordered approach to the task of inspection. This approach should be rational, ordered and efficient, and it should reflect local circumstances. The objectives of this strategy are:

- To meet the requirements of the statutory guidance in producing a written strategy.
- To detail a strategic approach to be followed for the inspection of land within Cheshire East and in accordance with criteria laid down in statutory guidance.
- To make information available to all relevant services of the Council and facilitate the consideration of contaminated land in policy making processes.
- To make information available to all relevant services of the Council to enable potential liability issues from land ownership to be assessed.
- To minimise the potential for unnecessary blight of land.
- To provide information to the Environment Agency for its report production requirements and to assist in the fulfilment of its regulatory functions.
- To inform all stakeholders of the Authority's intentions in circumstances of land contamination.
- To provide a suitable review mechanism of the strategy in line with new information, guidance or statute.

## 2 CHARACTERISTICS OF THE LOCAL AUTHORITY AREA

### 2.1 Geographical Location

Cheshire East occupies a strategically important location on a main motorway and railway links between the major conurbations of Liverpool and Manchester, the Potteries and West Midlands as illustrated in Figure 1.



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**Figure 1: The Location of Cheshire East**

### 2.2 Cheshire East, Past and Present

Cheshire East Council is the third largest unitary Authority in the north west of England, covering an area of 1,116km<sup>2</sup> and governs more than 380,000 residents<sup>6</sup>. Cheshire East is a largely rural area with most people living in the market towns of Macclesfield, Congleton, Nantwich, Knutsford, Wilmslow, Sandbach and the industrial town of Crewe. The area has excellent rail and road links and therefore is home to a large number of commuters to the cities of Manchester, Liverpool, Birmingham and Stoke-on-Trent. The area also attracts thousands of tourists every year and is a popular weekend getaway for many around England, Wales and beyond.

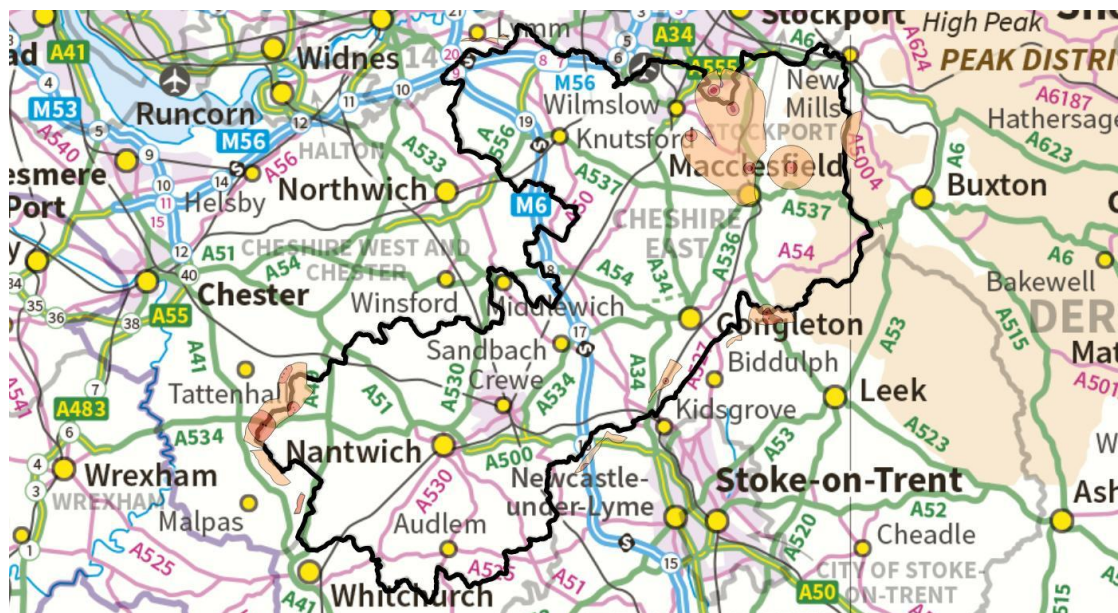
<sup>6</sup>[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/current\\_facts\\_and\\_figures/current\\_facts\\_and\\_figures.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/current_facts_and_figures/current_facts_and_figures.aspx) Accessed on 6 June 2020.

Further information relating to the industrial history, geology, hydrology and hydrogeology in Cheshire East is presented within Appendix 2.

## 2.3 Key Information relating to Cheshire East

### 2.3.1 Source Protection Zones

Groundwater Source Protection Zones (SPZs) have been defined by the Environment Agency for nearly 2,000 groundwater sources (wells, boreholes and springs) used for public drinking water supply across England. The SPZs provide an indication of the risk to groundwater supplies that may result from potentially polluting activities and accidental releases of pollutants. Three zones (an inner, outer and total catchment) are usually defined, although a fourth zone of special interest is sometimes applied.



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**Figure 2: Source Protection Zones in Cheshire East**

Figure 2 shows that the areas of Source Protection Zones are situated to the west of the Borough in the Peckforton Hills, around the Mow Cop area specifically from

Church Lawton to Congleton and around the Macclesfield town area and to the north west of Macclesfield.

### **2.3.2 Protected Ecological Locations**

There are the following protected ecological locations within Cheshire East, further details of which can be found on Defra's [Magic mapping database](https://magic.defra.gov.uk/MagicMap.aspx)<sup>7</sup>:

- 2 Ramsar Sites;
- 7 National Character Areas;
- 33 Sites of Special Scientific Interest (SSSIs);
- One Special Protected Area;
- One Special Area of Conservation;
- 8 Local Nature Reserves; and
- Over 420 Local Wildlife Sites (formerly known as Sites of Biological Importance).

### **2.3.3 Key Historic Environment Property Types**

Details of the following key historic environment property types in Cheshire East are presented on the Authority's [public map viewer](https://maps.cheshireeast.gov.uk/ce/webmapping)<sup>8</sup>:

- 106 Scheduled Ancient Monuments;
- 10 Areas of Archaeological Potential and Importance;
- 17 registered parks and gardens of historic interest;
- 2653 listed buildings;
- 76 conservation areas; and
- 1 registered battlefield.

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<sup>7</sup> <https://magic.defra.gov.uk/MagicMap.aspx>

<sup>8</sup> <https://maps.cheshireeast.gov.uk/ce/webmapping>

### **2.3.4 Current Land Use Characteristics**

The strategy is intended to concentrate on the risk posed to human receptors as a priority. Information is therefore needed on the presence of any sensitive land uses in terms of the presence of human receptors. These can be subdivided as follows:

- Residential development;
- Schools, hospitals and other institutional buildings;
- Recreational land uses;
- Commercial and industrial premises; and
- Agricultural land.

Information relating to the above is available from a number of sources, primarily via data accessible on the GIS (Geographic Information System), using Cheshire East and national datasets.

### **2.3.5 Known Information on Contamination**

There is currently no evidence of contamination causing actual harm to human health in the Borough. However, there are sites the Council is aware of, through the historic use of the land, where there may be the possibility, or significant possibility, of the potential for significant harm to arise. Examples of this include former gas works and 'pre-licence' waste disposal sites. Assessment of such sites forms an integral part of the strategy.

- Within the Planning service, some information is available, particularly where former industrial sites have been redeveloped for alternative uses.
- The Council also benefits from the knowledge and practical experience of a number of its officers in relation to previous uses and the histories of sites in the Borough, and the Contaminated Land team holds anecdotal information on sites with potential contamination issues.
- The Contaminated Land team, in conjunction with other departments within the Council in some cases, has undertaken its own investigations into sites of concern.

Officers of the Council will endeavour to ensure that all interested parties which are likely to hold such information will be approached.

### **2.3.6 Redevelopment History and Controls**

The Contaminated Land team recommends conditions on planning applications to ensure that any sensitive end use, particularly residential development, has a contaminated land investigation undertaken to ensure the land is suitable for its intended use. The information held on such developments will be reviewed where necessary and if sufficient, the sites will be removed from the potentially contaminated land prioritised list.

### **2.3.7 Action Already Taken to Deal with Contaminated Land**

The area of Cheshire East has been assessed for the purposes of identifying the potential presence of contamination, primarily through the use of historical maps and officer knowledge. The areas of land that have been identified as requiring further assessment have been subject to a basic risk assessment in order to identify and prioritise those sites which are more likely to cause significant harm or there is a significant possibility of such harm being caused (this is discussed further in Section 3). The priority rankings of sites are continually being updated and reassessed based on available information, and as new sites are revealed these are added to the database and assessed.



### **3 THE LOCAL AUTHORITY STRATEGY: OVERALL AIMS**

#### **3.1 General Aims**

The overall aim of this strategy document is to ensure that Cheshire East Council identifies unacceptable risks (significant harm or the significant possibility of such harm) to human health as a priority, as well as addressing risks to other receptors such as controlled waters, property and the environment. In carrying out its inspection duty, the Local Authority will take a strategic approach to the identification of land meriting detailed inspection. This approach will incorporate the requirements of the statutory guidance.

Further to this, the implementation of the Contaminated Land Strategy will be carried out with the following aims:

- To identify unacceptable risks to human health, the environment and property from the immediate and long-term effects of contaminated land;
- To ensure contaminated land issues do not affect internal and Council wide policy developments;
- To ensure that any past remediation of contaminated land is reviewed with current standards in mind, but is not unnecessarily prioritised;
- To ensure sensitive developments are not affected by contaminated land issues; and
- To protect historic sites and the historic environment from the effects of contaminated land (it is noted that some historic sites may be classified as brownfield/potentially contaminated sites given their former industrial use).

The Local Authority is also required to establish its own status, as a land owner, within the contaminated land regime and under due diligence. To fulfil this, it will be necessary to establish any liability for contaminated land that it may have, with respect to current and previous land ownership and having particular regard to instances where there is a defined responsibility for the actual pollution.



## **3.2 Objectives**

Within the broad aims of the strategy, some objectives have been set for information gathering and the assessment process. Achievement of these objectives will allow the evaluation and inspection process to continue to a point where the priority actions described in Section 4 can be carried out. The objectives and estimated timescales required to achieve these are outlined in Table 1 below.

<b>Table 1: Objectives and Estimated Timescales of Contaminated Land Investigation</b>				
<b>Objective</b>		<b>Key Task(s)</b>	<b>Timescale</b>	<b>Detail</b>
1	Areas of Council owned former landfill sites to be risk assessed and any associated liabilities established.	Develop proposals to acquire further information in order to refine assessments.	Ongoing work in conjunction with the Cheshire East Council Estates department. Timescales dependent on Estates department's priorities, however expected to continue through 2021-22. Work will feed into prioritised list.	<p>Budget for site investigation proposals to be proposed by September 2021.</p> <p>Programme of site investigation works to be established by September 2021. Timescales dependent on Estates department's priorities.</p> <p>Data review of ANSA managed landfill sites to be completed by December 2021.</p>
2	Establish areas of Council owned land to identify sites where the Council may be considered to be the Appropriate Person (see definition in the Glossary), excluding areas of former landfills.	Define extent of current and previous Council owned land. Define the historic uses of these sites.	Assessments for potentially contaminated sites (non-landfill) likely to progress after landfills project has been completed. Work will feed into prioritised list.	Review of Council owned land (non landfill sites) to be completed by March 2023.
3	Identify and digitise any potentially contaminated land from more recent mapping.	Review recent historic mapping (circa 2008), digitise and merge potentially contaminated land into prioritised list.	Has commenced. Work will feed into prioritised list.	To be completed by March 2021.
4	Review historic planning decisions and discharge status for land contamination conditions.	Identify historical planning applications that required contamination conditions. Check whether these were implemented. Identify any developed sites that require further consideration.	Has commenced, still circa 1200 historical applications to review.	Have completed some older applications (pre-2009) and 2013-2014 already. Currently progressing with 2015, to be completed by September 2021. 2016-present day to be completed

Table 1: Objectives and Estimated Timescales of Contaminated Land Investigation				
Objective		Key Task(s)	Timescale	Detail
				by March 2023. The efficacy of considering older applications (pre-2012) to be undertaken after March 2023, relevance of older remedial works may perhaps be better addressed on a case by case basis when the sites come up for detailed inspection.
5	Remove whole sites or parts of sites from the prioritised list, on the basis of information obtained through the planning system.	<p>Once contaminated land conditions have been discharged satisfactorily, sites can be removed from the potentially contaminated land prioritised list for further inspection. Sometimes, some parts of wider sites will remain if they have not been subject to satisfactory works.</p> <p>Methodology for this process to be established, then the GIS will be used to remove sites where appropriate, approximately every 6 months.</p>	Some of Objective No. 4 requires undertaking first but can run concurrently with Objective No. 4.	Aim to begin process in March 2021, post completion of Objective 3, ongoing at regular intervals thereafter.

## **4 PRIORITY ACTIONS AND TIMESCALES**

The contaminated land legislation does not set statutory timescales for achieving certain tasks, but merely states the Authority has a duty to “inspect its area from time to time”. The guidance also states the strategy and available information should be subject to periodic review, and should be reviewed at least every five years.

### **4.1 Geographic Information Systems**

Cheshire East Council uses a Geographical Information System (GIS) for the identification and management of the large amounts of data associated with contaminated land. The GIS is fundamental to ensuring that the data collected is managed effectively and to ensure the land has been systematically reviewed for historic activities. It can also be queried and stored information can be displayed.

### **4.2 Identifying Sites within the Borough**

Sites have predominantly been identified from historical maps and landfill data. This has involved the systematic appraisal of all available historical maps for Cheshire East, and the identification and digitisation of potentially contaminated land. Annotated industrial and commercial uses have been digitised, as well as other land uses such as areas of disturbed ground, quarries and landfill which can also be illustrated on the mapping system. Former water features have also been identified, as these have the potential to have been infilled in the past (however these sites have not been subject to prioritisation as there are too many of them, these are instead dealt with solely through the planning system).

The identified sites taken forward to prioritisation have been allocated risk rankings depending on their former use, category of use and site sensitivity.

### **4.3 Prioritising Sites within the Borough**

The prioritisation tool used by Cheshire East Council is known as the PG01 Risk Prioritisation Methodology<sup>9</sup>, and it uses a series of risk based assessment scores which are combined using algorithms to give each site a final risk score. Aspects of the original PG01 methodology have been altered to enable a practical assessment, to account for local conventions and decisions in Cheshire East. The full methodology is too large to replicate within this document, and is available on request.

### **4.4 Timescales and Review**

As described above, the list of prioritised sites is dynamic and subject to change. Sites may move up or down this list based on information submitted to the Council, under the planning regime for example. Sometimes information on contaminated land is submitted voluntarily by landowners, this will also influence the position of certain sites on the final list.

Review of the list is therefore continually ongoing and in line with Section 3.2.

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<sup>9</sup>Risk Prioritisation Methodology for sites of potentially contaminated land, Stephania Pickford, July 2001 in combination with PG01 Application methodology Local Conventions and Decisions – Cheshire East Borough Council, July 2015

## **5 PROCEDURES**

In order to implement this Contaminated Land Strategy, various procedures have been, and will continue to be, developed. The procedures will ensure the information gathered is managed efficiently to enable accurate and effective risk assessments to be made, and to ensure resources are directed to the most demanding sites. As with other aspects of this strategy, the procedures outlined in the following sections will be reviewed periodically to ensure they continue to be appropriate to the situations arising.

### **5.1 Internal Arrangements for Inspection and Identification**

The Enforcement Officers responsible for the execution of Contaminated Land have the responsibility for the implementation of this strategy. In addition to gathering and collating all the necessary information needed to identify contaminated sites, the Enforcement Officers may also be responsible for carrying out initial site visits and preliminary investigations such as limited surface sampling, as well as follow on monitoring. Assistance may also be sought from other officers where notices have to be served on Appropriate Persons or landowners. Where land is found to meet the statutory definition of Contaminated Land, the formal designation of such land will be undertaken.

### **5.2 Considering the Council's Interest in Land**

As stated previously, the Estates team holds information relating to Council owned land and buildings, which is updated on internal maps through the GIS.

Estates data available on the GIS can be queried to produce information where Council-owned land is potentially at risk from contamination. In cases where the Council might be responsible for the contamination (i.e. the Council is classed as the Appropriate Person), further research will have to be carried out.

Inspections of Council owned/leased land or formerly owned/leased land will take place at sites as and when they are identified as being potentially contaminated and

in line with the prioritisation methodology. In terms of further site investigations and risk assessments, works will be undertaken in order to prioritise any remediation of contaminated land liabilities it may have and therefore, identify any possible cost prioritisations. This work is ongoing with the Estates team and is expected to continue.

### **5.3 Information Collection**

The implementation of the Contaminated Land Strategy is led by information which requires sufficient management.

Most of the pertinent sources of information have been identified and collated into the GIS to enable quick database querying. When information has been identified from alternative non-digital sources (microfiche, paper files for example), this information is then digitised and saved in an appropriate database. These principal sources of information are detailed in Appendix 3.

### **5.4 Information and Service Requests**

Service requests relating to potentially contaminated land are likely to be received from members of the public, businesses or community groups as well as individuals who are not directly affected by contaminated land. It may be that, upon receipt of the service request, it should be dealt with by another team in the Council or another agency outwith the Council (such as the Environment Agency for example), if this is the case, the customer will be advised accordingly.

Depending on the nature of the service request, further information will sometimes need to be obtained relating to site history by desk based investigation, and before any formal site visit is made. Land ownership details or title deeds will be sought as required and existing information will be obtained from the GIS, the service request database and historic maps, where available. Where it is felt that other areas of the Council may hold relevant information, they will be consulted directly.

This information may then form the basis of a site visit to assess the level of any further work required.

#### **5.4.1 Voluntary information provision**

Information given that relates to potentially contaminated land will not be considered as a service request where it is provided by an individual or organisation whose own circumstances are not being affected by the alleged contamination. However, the information will be recorded and possibly acted on in a similar way to a service request.

#### **5.4.2 Anonymous provision of information**

The Council does not normally undertake any investigation based on anonymously supplied information due to the reliance on participation throughout normal investigation procedures. However, where specific site details and precise information is given, further consultation with officers from elsewhere in the Council or other bodies may take place to obtain any knowledge of relevant issues and to substantiate validity. If there is a likelihood of information relating to contamination being substantiated, a site visit may be carried out dependant upon circumstances local to the site e.g. locality, proximity to possible receptors etc.

### **5.5 Information Evaluation**

In each instance, information on potentially contaminated land which is obtained and produced will be logged on the appropriate systems, and assessed using current best practice guidance and legislation.

### **5.6 Evaluating the Effectiveness of Previous Actions to Deal with Contamination**

To date, remediation of contaminated sites within the Borough has mainly been carried out in support of their redevelopment under the planning process.



There may however, be existing developments on potentially contaminated land. Where these sites may have either been previously unidentified, or where the degree of remediation might be considered inadequate by current standards, significant contaminant linkages may still exist.

In some circumstances there will also be outstanding enforcement issues to be considered relating to the discharge of planning conditions. In these circumstances, potentially contaminated sites can be cross-referenced against planning records to establish whether the following steps took place:

- the site in question was established as being potentially contaminated during the planning application process;
- contamination-related planning conditions were recommended;
- contamination-related planning conditions were applied; and
- the planning conditions were met in whole and the necessary reports and information were provided to indicate remediation took place to a satisfactory level, if required.

Further investigations may have to take place where reports are not present in the files, to establish whether they were undertaken or submitted. Evidence may have to be requested from the developer, in the form of preliminary risk assessment, site investigation or remediation reports, to prove that the site was assessed thoroughly. Consideration will have to be given to further action if no evidence is forthcoming.

## **6 GENERAL LIAISON AND COMMUNICATION STRATEGIES**

All communications relating to contaminated land will be directed through to an appropriate officer within the Regulatory Services and Health team.

### **6.1 Communication Strategy**

The Council has a Corporate Communication Strategy, which is intended to provide professional communications resources, guidance and governance to support the effective delivery of Council services and initiatives. Crucially, the Council will encourage genuine opportunities for two-way, mutually beneficial conversations. As such, all communications external to the organisation and in respect of contaminated land will seek to follow these principles.

The Council already has several communication practices which may be used for providing information on issues associated with contaminated land:

- The Council's website,
- Printed and social media;
- Presentations and exhibitions; and
- Public and parish council meetings.

These methods will be used in the public consultation exercise where it is discovered that a potentially large number of people are likely to be affected by a contamination issue, or an issue falls into the category of general public interest.

A SNIFFER document<sup>10</sup> and advice taken directly from Public Health England will be used to provide guidance on liaising and communicating with individuals and groups.

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<sup>10</sup>Communicating Understanding of Contaminated Land, SNIFFER, May 2010

## **6.2 Statutory Consultees**

The collection of data on potentially contaminated land, and its potential impacts, requires a high degree of liaison/consultation with both internal and external bodies, given the cross-over between different regimes. The consultees consulted with reference to this Strategy are listed in Appendix 4.

### **6.2.1 Environment Agency**

The Council's main consultee is the Environment Agency, through their role as advisor on contaminated land issues. Officers in the Contaminated Land team are in regular contact with officers in the Environment Agency through working groups and day to day work.

## **6.3 Transboundary Liaison between Authorities**

The Contaminated Land team regularly correspond with their equivalents in adjoining Local Authorities, for example through Contaminated Land Officers Groups.

A formal notification procedure has been developed to deal with site-specific issues:

- If Cheshire East Council suspects any trans-boundary linkage may exist then it will notify the appropriate neighbouring Authority(ies) within ten working days. If Cheshire East Council considers that urgent action may be required, then this notification should take place immediately.
- The two (or more) Authorities will agree an action plan identifying each Authority's role in determining the status of the land and associated issues. The enforcing Authority will be the Authority in whose area the source is situated. If an Authority boundary intersects a source, both Authorities will work together to enforce the legislation.
- All parties accept that the above agreement is without prejudice to the statutory guidance and legislation and any legal advice received. The Secretary of State will be asked to determine any disputes.

#### **6.4 Owners, Occupiers and other Interested Parties**

In all aspects of its regulatory duties and to incorporate issues of contaminated land, Cheshire East Council's approach is generally to seek voluntary action before taking any necessary enforcement action (Section 1.4.2 contains details of relevant Cheshire East Council enforcement policies). The value of voluntary action cannot be underestimated and in many cases establishes more effective remediation.

The encouragement of voluntary remediation requires effective communication with all interested parties including owners and occupiers. All parties should be kept abreast of each stage of an investigation.

## **7 PROGRAMME FOR INSPECTION**

Section 3.2 and Section 4.2 detailed the information gathering programmes which provide the basis for the inspection of potentially contaminated sites.

Evaluation and prioritisation procedures (outlined in Section 4.3 and Section 5.5) can be implemented when the information gathering is completed, producing a priority list of sites to be investigated on a 'rolling programme'. The Gantt chart contained in Appendix 5 details the plan by which detailed inspections are anticipated to commence. Much of this work is dependent on staff availability and other duties.

### **7.1 Ensuring Compliance with Statutory Guidance**

Section 2.2 of the Statutory Guidance describes the difference between a strategic inspection and a detailed inspection.

In summary, strategic inspections comprise the aforementioned identification and prioritisation of sites within the Borough, whereas detailed inspections concentrate on sites where the Local Authority considers there is a reasonable possibility that a significant contaminant linkage exists. These sites will generally be at the top of the prioritised list of sites, in line with Statutory Guidance and this Contaminated Land Strategy, however the Council may choose to progress another site to detailed inspection for a justifiable and documented reason.

### **7.2 Methods of Inspection**

#### **7.2.1 Strategic Inspections**

As described previously, the first stages of strategic inspections are the identification and digitisation of potentially contaminated land in the Borough. Prioritisation is then undertaken, and a list of prioritised sites created.

Once this has been done, officers will then undertake further strategic inspections by way of desk based research and a site walkover (in essence a Phase I Preliminary

Risk Assessment), in order to collect further information for sites, which will enable the identification of land for priority detailed inspection.

The Statutory Guidance is clear in Section 2.8 with respect to minimising or reducing property blight during the strategic inspection stage. Therefore, Cheshire East Council will not contact landowners, tenants or any other interested parties when a strategic inspection is undertaken, or when information on a particular site is collected (non-intrusive information) and contact will be reserved for detailed inspection stages only.

### **7.2.2 Detailed Inspections**

Detailed inspections comprise intrusive investigations, and Cheshire East Council will contact the landowner at the first opportunity. The reasons for this are twofold:

- Early involvement with the landowner will allow for the process to be explained and risks to be communicated, therefore reducing the potential for unnecessary worry; and
- The landowner may hold information on the site which may be useful during the investigation.

Depending on the landowner, they may want to resolve the status of the land themselves. Cheshire East Council would welcome this situation, and would work with the landowner to resolve the issues.

In line with the Statutory Guidance, if at any stage, the Local Authority considers, on the basis of information obtained from inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, the Authority should not carry out any further inspection in relation to that linkage.

## **7.3 'Normal' Contamination**

The Statutory Guidance details that normal, or background, levels of contaminants in soil should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise. Therefore, if it is established that

land is at or close to normal levels of particular contaminants, it should usually not be considered further in relation to the Part 2A regime.

'Normal' levels of contaminants in soil may result from:

- a) The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given area and have not been shown to pose an unacceptable risk to health or the environment.
- b) The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include diffuse pollution caused by historic use of leaded petrol and the presence of benzo(a)pyrene from vehicle exhausts, and the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

The British Geological Society (BGS) has undertaken research into normal background concentrations of some contaminants of concern, and detailed their prevalence in 'domains', or areas of the country specified by use or geology. This information is presented on the [BGS website](https://www.bgs.ac.uk/geology-projects/applied-geochemistry/g-base-environmental-geochemistry/nbc-defra-project/)<sup>11</sup>.

Within the Borough of Cheshire East, we have the following domains present for each of the contaminants researched:

- Arsenic – Principal Domain;
- Benzo(a)pyrene – Principal and Urban Domains;
- Cadmium – Mineralisation Group 1, Principal and Urban Domains;
- Copper – Principal and Urban Domains;
- Mercury – Principal and Urban Domains;
- Nickel – Principal and Peak District;
- Lead – Mineralisation, Principal and Urban Domains.

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<sup>11</sup><https://www.bgs.ac.uk/geology-projects/applied-geochemistry/g-base-environmental-geochemistry/nbc-defra-project/>

The Mineralisation and Peak District Domains are predominantly around the edge of the Peak District to the east of Macclesfield, however detailed maps should be referred to in order to more accurately define the domains.

#### **7.4 Final Assessment and Risk Categorisation**

After detailed inspection of land has been undertaken, in order to decide whether or not land is contaminated land, the Local Authority should categorise the land in accordance with the Statutory Guidance, also presented as Appendix 1.

Sites which fall into either Category 1 or Category 2 are capable of being determined as contaminated land on grounds of significant harm occurring to receptors or the significant possibility of such harm occurring.

Risk summaries (which are described in more detail in Section 9.2.2) will be produced for land which is determined as contaminated land – i.e. sites falling into either Category 1 or Category 2.

Risk summaries will not be produced for Category 3 or Category 4 sites, however in line with Sections 5.2-5.4 of the Statutory Guidance; Cheshire East Council shall issue a written statement detailing the grounds as to why this conclusion was reached. These written statements may be provided to owners of the land and any interested parties, including publication if considered to be reasonable.

#### **7.5 Category 4 Screening Levels (C4SLs)**

As discussed in Section 7.4, a site would be defined as Category 4 if there is no risk, or that the level of risk posed is low. Category 4 Screening Levels (C4SLs) represent a set of precautionary generic screening levels and are intended to provide a simple test for deciding that land is suitable for use and definitely not contaminated land.



## **7.6 Appointment of External Consultants**

External consultants and contractors may be employed to carry out any intrusive investigations and undertake associated risk assessments where it becomes necessary for Cheshire East Council to progress these works. Where it is required to employ contractors, provisions will be drawn up to ensure investigations are carried out in accordance with relevant and current British Standards.

Intrusive investigations must be overseen to ensure that investigations meet protocol requirements and that the investigations themselves do not cause harm to the surrounding environment. Officers from Cheshire East Council will always endeavour to oversee intrusive investigations undertaken on behalf of the Council, in addition to the suitably qualified consultant employed by the Council.

Where it becomes necessary to make external appointments of consultants, the Council's procedures relating to the procurement of contractual work will be followed.

The sole responsibility for making decisions based on the outcome of work undertaken by consultants/contractors remains with the Council.

## **7.7 Site Specific Liaison**

### **7.7.1 Owners**

Once a site has been identified as requiring a detailed inspection, all reasonable efforts will be made to contact the landowner or occupier, for example through Land Registry and Council records, trade and telephone directories, visiting premises or site notices.

Contact with the landowner must include a written explanation of the legislation and reasons why the land has been identified as requiring a detailed inspection. A joint site walkover shall be arranged for a mutually convenient time where, with the exception of urgent cases, 28 days will be allowed for a response to such a request.

In all cases, the landowner will be kept informed of the findings of the investigation up to and including any decision that no further action needs to be taken.

### **7.7.2 Appropriate Persons**

An Appropriate Person (see definition in the Glossary) may not necessarily be the landowner or occupier, and where this appears to be the case, reasonable effort must be made to contact the Appropriate Person in order to inform them of the need to conduct an investigation.

Information passed to this Appropriate Person will be consistent with that provided to any owner of land, and co-operation of the Appropriate Person will be sought in the same way. However, failure to respond by the Appropriate Person does not prohibit the inspection being enacted.

### **7.7.3 Environment Agency**

Statutory guidance suggests that where information pertaining to a site indicates it may be designated as a 'special site', the Environment Agency should have a formal role at the detailed inspection stage (Appendix 6 contains further information for when a site may be designated as a 'special site'). If this situation arises, subject to the Environment Agency's advice and agreement, it should be arranged for the Environment Agency to carry out an intrusive inspection of land on behalf of the Council.

Where the Environment Agency carries out an inspection on behalf of the Council using the statutory powers of entry conferred by Section 108 of the Environment Act 1995, the Council shall authorise a person nominated by the Agency to make the inspection.

### **7.7.4 Natural England/Historic England**

The Local Authority will ensure that it takes all reasonable precautions to avoid harm or pollution to natural resources or features of historical or archaeological interest, which might be caused as a result of its investigation. Before carrying out intrusive investigations on any area identified as being a protected ecological location or key historic environment property, the Local Authority will consult Natural England and/or Historic England on any action which would require their consent, as well as to advise whether special measures may be required during investigation works.

Where intrusive site investigation is likely, the Cheshire Archaeology Planning Advisory Service will be contacted to identify whether or not there is likely to be any significant archaeological remains.

This strategy may provide opportunities to incorporate features which are beneficial to wildlife, biodiversity or climate change and Cheshire East should consider securing measures where possible.

## **7.8 Statutory Powers of Entry**

Where a landowner fails to respond within 28 days of contact or is unwilling to allow a Council officer or representative to undertake an inspection, the Council will exercise its powers of entry under Section 108 of the Environment Act 1995. This grants the Council the authority to authorise a person to exercise statutory powers of entry in connection with contaminated land investigation.

Where the Council elects to undertake an inspection using these powers, it will be satisfied, on the basis of any information already obtained, that in all cases, there is a reasonable possibility that a significant contaminant linkage may exist<sup>12</sup>.

Furthermore in cases involving an intrusive investigation, the Local Authority must be satisfied that:

- it is likely that the contaminant is actually present, and
- given the current use of the land, that the receptor is actually present or likely to be present.

A Local Authority shall not undertake any intrusive investigations using statutory powers of entry where:

- it has already been provided with appropriate, detailed information on the condition of the land (e.g. by the Environment Agency or some other person

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<sup>12</sup>Not only must the Authority be satisfied that there is a reasonable possibility of the presence of a contaminant, a receptor and a pathway, but also that these would together form a significant contaminant linkage.

such as the owner of the land) which provides sufficient information for the Local Authority to decide whether or not the land is contaminated land; or

- a relevant person (e.g. the owner of the land, or a person who may be liable for the contamination) offers to provide such information within a reasonable and specified time, and then provides such information within that time.

It is anticipated that in the majority of cases, inspections will be undertaken with full co-operation without Section 108 powers being required.

## **7.9 Potential Special Sites**

Regulations describe situations where land is to be designated a 'special site'. A list of such situations can be found in Appendix 6. As described previously in Section 7.7.3, the Council must consider whether a site may be a 'special site' at an early stage, and make arrangements with the Environment Agency to carry out an inspection on behalf of the Council where this is the case.

### **7.9.1 Identifying Potential Special Sites**

A 'special site' cannot be designated as such until the Council has determined that it is statutory contaminated land, i.e. that at least one significant contaminant linkage exists. Evidence of information gathered, and the results of any investigations performed prior to making the request to designate the site as a 'special site', will be supplied to the Environment Agency for their consideration, if they are not already involved with the site.

Where it is believed a site has the potential to be designated as a 'special site', the Council has a duty to contact the following in writing:

- the Environment Agency;
- the owner of the land;
- the person who appears to be the occupier of the land; and
- each person who appears to be an Appropriate Person.

### **7.9.2 Notifying the Environment Agency**

On receipt of notification from a Local Authority declaring its intention to designate a site as a 'special site', the Environment Agency has 21 days to respond. This response will state whether or not it agrees with the intended designation and where the Agency disagrees it shall provide the Council with a written statement of its reasons.

Failure by the Agency to notify the Council of its disagreement within the 21 days allowed, results in the automatic designation of that land as a 'special site'.

### **7.9.3 Making Arrangements for Inspection**

Where the Council already has sufficient information to suggest a site requires to be designated as a 'special site', it will seek to make arrangements with the Environment Agency, for the Agency to undertake an inspection of the site on its behalf. On these occasions, officers from the Council may arrange to be present at any subsequent site visit to provide any additional information as required.

## **7.10 Health and Safety Procedures**

Any investigations undertaken by Council employees, such as sampling potentially contaminated ground, will be subject to good health and safety practices. The Council's Health and Safety team will be consulted as appropriate and employees will be required to utilise appropriate personal protective equipment.

As part of the tendering process, external contractors will be required to submit a Health and Safety method statement to demonstrate that all investigative work will be carried out in a safe manner and to the requirements of the Health and Safety at Work Act 1974 and all other statutory requirements.

## **7.11 Sustainability and Climate Change**

The Contaminated Land team will consider sustainability within the undertaking of all aspects of this strategy. Cheshire East Council has published an [Environment](#)

[Strategy](#)<sup>13</sup> and this will be considered, in particular with regards to limiting and reducing the local impacts from pollution.

In addition to this local strategy, the Council will, where possible, consider the recommendations of the [Sustainable Remediation Forum \(SuRF\)](#)<sup>14</sup> and the guidance that this organisation provides, during the relevant aspects of work procured by the Council. The Council will also encourage others to adhere to these guidelines.

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<sup>13</sup><http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s76204/Environment%20Strategy%20-%20app%201.pdf>

<sup>14</sup><https://www.sustainableremediation.org/>

## **8 REVIEW MECHANISMS**

### **8.1 Review of Assumptions and Information**

This Strategy details the general approach which will be adopted by Cheshire East Council during the inspection of land under the requirements of the contaminated land regime. However an element of flexibility should be incorporated into any strategy to ensure that changing and often increasing priorities are dealt with effectively and at the most appropriate time. In particular, circumstances may exist when inspections occur outside the general inspection framework and as a direct response to new information.

The review of assumptions and information will become a rolling programme as more information becomes available on areas of actual or potentially contaminated land. Assumption based conclusions will subsequently become more refined on a site specific basis.

### **8.2 Strategy Review**

As mentioned previously, this Strategy will be reviewed at least every five years, in accordance with the Statutory Guidance. Situations may occur, however, which trigger an early review of the Strategy ahead of the intended schedule, including the following examples:

- significant changes in Government legislation;
- the revision of national guideline values for exposure assessment;
- the establishment of significant case law or other precedents;
- where larger areas of contaminated land are discovered in the Borough than originally anticipated.

## **9 INFORMATION MANAGEMENT**

### **9.1 General Principles**

The Environmental Information Regulations 2004 detail the nature and extent of environmental information which can be disclosed once a request is received. Where a chargeable service by the Council exists for information provision, consumers should use that service.

The list of Potentially Contaminated Sites that Cheshire East Council holds is not available for dissemination as the list is incomplete, details potential areas of contamination rather than known areas of contamination, and is subject to continuous change<sup>15</sup>. However, the Council will still respond to individual enquiries in line with Section 5.

### **9.2 Information Content**

#### **9.2.1 Public Register of Contaminated Land**

Under section 78R(1) of the Act, the Council is required to maintain a Public Register of Contaminated Land.

Any sites that are investigated and meet the statutory definition of Contaminated Land will be updated and put on the Cheshire East Contaminated Land Register. This is available online on the [Cheshire East website](#)<sup>16</sup>.

Hard copies of all documents will also be stored in a public register, viewing of which can be arranged by appointment with Cheshire East Contaminated Land team.

The contents of such registers are specified in the Regulations to include information concerning:

- Remediation notices;

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<sup>15</sup>This is all subject to legislation in force at the time.

<sup>16</sup>[https://www.cheshireeast.gov.uk/environment/environmental\\_health/contaminated\\_land/part\\_2a\\_of\\_epa\\_1990.asp](https://www.cheshireeast.gov.uk/environment/environmental_health/contaminated_land/part_2a_of_epa_1990.asp)



- Appeals against remediation notices;
- Remediation declarations;
- Remediation statements;
- Appeals against charging notices;
- Designation of special sites;
- Notification of claimed remediation;
- Convictions for offences under section 78M; and
- Guidance issued under section 78V(1).

Remediation of land covered by the imposition of planning conditions, within the planning system, are not included in the requirements for the maintenance of a register.

### **9.2.2 Risk Summaries**

The Statutory Guidance describes that the Local Authority should prepare a written record of any determination that land is contaminated land (i.e. for land which falls either into Category 1 or Category 2, described in more detail earlier in Section 7.4).

The record should clearly and accurately identify the location, boundaries and area of the land in question, making appropriate reference to Ordnance Survey grid references. The record should explain why determination of the land has been made, including:

- a) A summary of the Authority's understanding of the risks, including a description of: the contaminants involved; the identified contaminant linkage(s), or a summary of such linkages; the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest.
- b) A description of the Authority's understanding of the uncertainties behind its assessment.
- c) A description of the risks in context, for example by setting the risk in local or national context, or describing the risk from land contamination relative to other risks that receptors might be expected to be exposed to in any case. This need not involve a detailed comparison of relative

risks, but the Authority should aim to explain the risks in a way which is understandable and relevant to the layperson.

- d) A description of the Authority's initial views on possible remediation. This need not be a detailed appraisal, but it should include a description of broadly what remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to the risks posed by the land; and the Authority's initial assessment of whether remediation would be likely to produce a net benefit. In the case of land which (if it were determined as contaminated land) would be likely to be a 'special site', the Authority should seek the views of the Environment Agency, and take any views provided into account in producing this description.

Cheshire East Council will place these risk summaries on the public register of contaminated land alongside the other required information.

Sites which have been the subject of a detailed assessment, but not determined as Contaminated Land, may also have information presented on Cheshire East Council's website.

### **9.3 Information Storage**

Records pertaining to contaminated land are stored on the Regulatory Services and Health complaints database and within secure files on the Council's servers. These records will continue to be maintained by the Council and will hold:

- Sources of information identified and reviewed;
- Decisions made following review of information and records;
- Details of liaison with other departments and organisations; and
- Responses to information provided by members of the public.

The information and record management system maintained by Cheshire East Council will continue to satisfy the following criteria:

- Be transparent;
- Have security of access and editing;

- Record details of information providers and reviewers;
- Have methods of ensuring that there is no duplication of information;
- Have check systems which ensure that all relevant information is reviewed for all areas;
- Have a clear audit trail for quality assurance purposes; and
- Be user friendly.

It is envisaged that the information and record management system will continue to evolve as ways are identified to improve it.

Reports are held electronically and linked to the site polygon on the GIS system or other database management system.

#### **9.4 Use by other Local Authority Departments**

The complaints recording database is accessible by all sections within the Regulatory Services and Health Section. The GIS and associated database is also/can also be made available to all other interested departments, although protected password systems may need to be implemented limiting levels of access.

#### **9.5 Confidentiality of Information**

Section 5.4 provides information on confidentiality following the supply of information from either an individual or organisation.

However, in line with other environmental legislation i.e. The Environmental Protection Act 1990, the Act prescribes instances where certain details shall be excluded from general public register information where it meets the following criteria:

- The inclusion of such information would be against the interests of national security; and/or
- The information relates to the affairs of any individual or business and is commercially confidential to that individual or the person carrying on that business.

Any information excluded from a public register on grounds of commercial confidentiality will be labelled as such and held separately. In addition, where information is withheld from the public domain it will be clearly indicated within the Register that this is the case.

## **9.6 Arrangements for Access to Information and Dealing with Requirements for Information**

Requests will potentially be made for access to information relating to the review process, for example, information on whether land has been inspected and details of any site investigation reports prepared. It is our intention that the release of any information will be carefully controlled until the review process is complete, given that risk factors may change as we proceed through the process. The early release of information may also lead to a level of incomplete information being released to third parties. In cases of uncertainty, legal opinion will be sought to avoid any breach of the Environmental Information Regulations 2004.

Dependent upon the extent of any requests for information a charge may be made to the client. Where this is the case, full details of the costs involved will be supplied to the client for agreement prior to any work being completed.

In addition, a specific question relating to the Public Register and Remediation Notices is included on the Enquiries of Local Authority Local Search Form CON29.

## **9.7 Providing Information to the Environment Agency**

The Environmental Protection Act 1990, Section 78U(2) requires Local Authorities to provide the Environment Agency with the information necessary to write and publish an annual report on the State of Contaminated Land in England, which is requested when the report is due to be compiled. In addition, The Environment Agency needs to be informed when land is determined as contaminated land. Cheshire East Council will fulfil this requirement by forwarding a copy of the notice and record of determination to the Environment Agency.

# APPENDICES

## 1. Detailed Information from the Statutory Guidance

<b>Table 1: Significant Harm</b>	
<b>Type of Receptor</b>	<b>Description of harm to that type of receptor that is to be regarded as significant harm</b>
1 Human beings	<p>Death, life-threatening diseases (e.g. cancers), other diseases likely to have serious impacts on health, serious injury<sup>1</sup>, birth defects and impairment of reproductive functions.</p> <p>Other health effects may be considered by the Local Authority to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the Local Authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm.</p> <p><sup>1</sup> Physical injury in relation to significant harm would include injury caused by chemical and biochemical properties of substances, such as injury resulting from explosive or asphyxiating properties of gases. It would not extend to injury caused by only physical properties of substances, such as injury caused by falling onto sharp or hard objects made of relevant substances.</p>
<p>2 Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> <li>• An area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;</li> <li>• Any land declared a national nature reserve under section 35 of that Act;</li> <li>• Any area designated as a marine nature reserve under section 36 of that Act;</li> <li>• An area of special protection for birds established under section 3 of that Act;</li> <li>• Any European Site within the meaning of Regulation 8 of the Conservation (Natural Habitats etc) Regulations 2010;</li> <li>• Any habitat or site afforded policy protection under paragraph 6 of Planning</li> </ul>	<p>The following types of harm should be considered to be significant harm:</p> <ul style="list-style-type: none"> <li>• harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or</li> <li>• harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location.</li> </ul> <p>In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the Local Authority should have regard to the advice of Natural England and to the requirements of the</p> <p>Conservation of Habitats and Species Regulations 2010.</p>

<p>Policy Statement 9 (PPS9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed RAMSAR sites); or</p> <ul style="list-style-type: none"> <li>Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.</li> </ul>	
<p>3 Property in the form of:</p> <ul style="list-style-type: none"> <li>Crops, including timber;</li> <li>Produce grown domestically, or on allotments, for consumption;</li> <li>Livestock;</li> <li>Other owned or domesticated animals;</li> <li>Wild animals which are the subject of shooting or fishing rights.</li> </ul>	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The Local Authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p>
<p>4 Property in the form of buildings:</p> <p>For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation. The Local Authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p>

**Table 2: Significant Possibility of Significant Harm**

1 Human health effects	<p>The term “possibility of significant harm” as it applies to human health, for the purposes of this guidance, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises:</p> <p>(a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.</p> <p>(b) The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.</p> <p>In estimating the likelihood that a specific form of significant harm might occur the Local Authority should, among other things, consider:</p> <p>(a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use” in Section 3 of the Statutory Guidance.</p> <p>(b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate.</p> <p>In some cases the Local Authority’s assessment of possibility of significant harm may be based, solely or partially, on a possible risk that may exist if circumstances were to change in the future within the bounds of the current use of the land. For example, an assessment may be based on a possible risk if a more sensitive receptor were to move onto the land at some point in the future. In such cases the Authority should ensure that the possibility of the future circumstance occurring is taken into account in estimating the overall possibility of significant harm.</p> <p>The Local Authority should estimate the timescale over which the significant harm might become manifest, to the extent that this is possible and practicable (and recognising that often it may only be possible and practicable to give a broad indication of the estimated timescale).</p>
2 All ecological system effects.	<p>Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the Local Authority considers that:</p> <ul style="list-style-type: none"> <li>• significant harm of that description is more likely than not to result from the contaminant linkage in question; or</li> <li>• there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest</li> </ul>



	<p>at the location in question that they would be beyond any practicable possibility of restoration.</p> <p>Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
3 All property effects	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the Local Authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
4 All building effects	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the Local Authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a Scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>

<b>Table 3: Categories for Contaminated Land</b>		
<b>Category</b>	<b>Human Health</b>	<b>Controlled Waters</b>
<b>1</b>	<p>The Local Authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action is taken to stop it. Land should be deemed to be a Category 1: Human Health case where:</p> <p>(a) the Authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or (b) the Authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; (c) the Authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken.</p>	<p>This covers land where the Authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.</p>
<b>2</b>	<p>Land should be placed into Category 2 if the Authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the Authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.</p>	<p>This covers land where: (i) the Authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the available scientific evidence and expert opinion, the Authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.</p>
<b>3</b>	<p>Land should be placed into Category 3 if the Authority concludes that the strong case for placement into Category 2 does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are</p>	<p>This covers land where the Authority concludes that the risks are such that (whilst the Authority and others might prefer they did not exist) the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not</p>

	not low, but nonetheless the Authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The Authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.	warranted. This category should include land where the Authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	The Local Authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. The Local Authority should consider that the following types of land should be placed into Category 4: (a) Land where no relevant contaminant linkage has been established. (b) Land where there are only normal levels of contaminants in soil. (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria or relevant technical tools or advice that may be developed. (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure.	This covers land where the Authority concludes that there is no risk, or that the level of risk posed is low. In particular, the Authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to certain types of pollution (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by "background" contamination.

## 2. Information about the area of Cheshire East

### **Industrial History**

The industrial history of Cheshire East can broadly be split into a three separate aspects, with textile mills dominating the history of Macclesfield and Congleton, salt working in the areas of Middlewich and Nantwich and heavy engineering, in particular railway working, in Crewe. Agriculture also played a big part in the region (and is still prevalent today), with dairy farming on the Cheshire Plains and hill farming round Macclesfield and Congleton.

Macclesfield was a major woven silk producing town in the late 18th century, and became the greatest silk weaving centre in England during the mid 19th century, whereas Congleton's industrial heritage first began around 1752 with the building of its first silk mill. Built in 1830, the construction of the Macclesfield Canal, which runs through the area, had increased the profitability of silk and ribbon manufacture and both Macclesfield and Congleton emerged as prosperous towns.

Middlewich is one of Britain's chief salt-producing towns and has been so since Roman times. By the late 18th century, Middlewich had seen the arrival of the canals, which became vital in transporting salt and cheese from Middlewich and coal in from Staffordshire via the Trent and Mersey Canal. Salt, prevalent also in Nantwich, has been used in cheese making and tanning and both of these industries flourished in Nantwich.

With the opening of Crewe Railway Works in 1843, the town and its population grew. The works became world famous for the quality of its steam locomotives. Later, the Rolls Royce motor factory was completed in 1938 and has been a major employer in the area ever since, Bentley Motors is now present on the site of the Rolls Royce factory. In more recent years, a variety of other industries and businesses have come into the Borough particularly as a result of the development of industrial estates on the south east of Crewe. The proposal for the HS2 railway to run through Crewe will also provide further areas of opportunity in the future.

## **Drift Geology**

Glacial till (boulder clay) and a mixture of glaciofluvial sand and gravel, as well as alluvial clays, silts, sands and gravels cover most of Cheshire East's area. Alluvial deposits can be found along major rivers in the Borough. Small areas of peat are found to the south of Congleton, and in the area around Brereton.

Large areas of peat can be found south of Macclesfield, west of Wilmslow, around Lyme Park, west of High Legh, south of Congleton, and in the area around Brereton.

There are also some large areas devoid of drift, mainly to the east of Rainow towards the Peak District, as well as small areas around Alderley Edge and High Legh.

Historically, some areas where a significant thickness of glacial sands or gravels have existed, they have been quarried. Areas of glacial till have also been exploited for brick making across the Borough.

## **Solid Geology**

The solid geology underlying the drift deposits in Cheshire East mainly comprises a sequence of Triassic sandstones and mudstones together with two halite (rock salt) formations. Coal measures and mineralised rock formations are also present in the north and east of the Borough.

Bedrock geology comprising Wilkesley Halite is present from Middlewich, through Sandbach to Alsager and Scholar Green. It also underlies Nantwich, an area north east of Crewe and other settlements such as Wybunbury, Hatherton, Hankelow and Buerton. The dissolution of halite by circulating groundwaters is responsible for the natural subsidence which occurs.

The Northwich Halite underlies part of the west of the Borough in the Bunbury and Alpraham areas. It is the same rock-salt formation which is mined for salt in the Winsford and Northwich areas.

The Triassic rocks of the Sherwood Sandstone Group comprise the Wilmslow and Helsby Sandstone and are exposed in the Peckforton and Beeston Hills area. Bedrock geology in this area also consists of the Bollin Mudstone Group.

In addition to the Triassic rocks, areas of younger Jurassic-age rocks are known to underlie drift north west of Wrenbury and in the Dodcott-cum-Wilkesley area, south west of Audlem. The Jurassic rocks are known as the Lias and Penarth Groups and comprise shales, mudstones, clays and thin limestones.

The Sidmouth Mudstone underlies a large area of the south west of the Borough from the areas around Crewe, north to Church Minshull, west to Wettenhall and south to Shavington. Where it rarely outcrops, it comprises a rhythmic sequence of red and grey alternating blocky and laminated mudstones and siltstones.

The nature of the topography of the north of the Borough is a direct result of the underlying solid geology. The east is characterised by the Peak District on the edge of the Pennines which give way to the fertile plains in the west. The east of this part of the Borough is made up of Carboniferous-age Millstone Grit Group which is the main rock of the Pennines. To the west of the Millstone Grit Group is a narrow band of Pennine Lower Coal Measures running from Mow Cop to Congleton, then just east of Macclesfield north through Bollington and Poynton towards Marple. The outcrops of the Coal Measures in the eastern of the part of the Borough have also been developed.

The nature of the geology of the northern part of the Borough has given rise to areas of natural mineralisation. The most famous is the copper mineralisation at Alderley Edge which has been exploited since before the Roman invasion.

## **Hydrogeology**

Cheshire East has a variety of different aquifer designations across the Borough, ranging from Principal aquifers which are very vulnerable to pollution due to their current, or potential use as drinking water supplies, to Unproductive strata which are much less likely to be at significant risk to pollution. Abstractions vary from springs and wells to boreholes, and information detailing their locations, uses and abstraction

rates are available both from the Regulatory Services and Health service and the Environment Agency.

There are areas of Principal aquifers in the areas around Peckforton. However, much of this part of the Borough comprises Unproductive strata, associated with the Halite bedrock geology. In the north east of the borough, the Permo-Triassic Sherwood Sandstone is classified as a Principal aquifer providing water supplies for large numbers in that area, for both domestic and industrial uses.

The Carboniferous age Millstone Grit, also present in the north of the borough, can be considered a Secondary A aquifer providing water for localised small scale agricultural and domestic supplies in areas remote from the mains water system. The carboniferous strata which form the south-eastern boundary of the borough in the vicinity of Mow Cop and Congleton Edge are also classified as a Secondary A aquifer. There are some areas of glaciofluvial drift deposits in this area which are classified as being vulnerable and could allow transmission of pollutants.

There are areas of Secondary B aquifer designations south of Nantwich, trending northwards to Wistaston and Worleston and then spreading east and west to the north of this region to Minshull Vernon and Calveley respectively. These generally comprise the mudstone bedrock formations. Mudstone formations also occur across much of the south east of the Cheshire East area.

There are, in addition, a number of areas which are classified as Unproductive strata, comprising the Wilkesley Halite Member bedrock geology found round Sandbach and Middlewich in particular, and the Northwich Halite situated round Chelford, Mobberley, West Knutsford and Plumley.

## **Hydrology**

The main surface watercourse in the Congleton area is the River Dane, which rises at Three Shires Head in the Staffordshire Moorlands to the north east of Congleton. After passing through Congleton, the river picks up the Dane in Shaw Brook. The Dane then flows to Holmes Chapel, generally in a west north west direction. From Holmes Chapel, the river flows due west to Middlewich, where it is joined by its major tributaries, the Rivers Wheelock and Croco. To the south and west of Macclesfield

and Knutsford, the surface water also flows towards the River Dane. The river has no transport use and no water is abstracted during its course through the borough, however, water is abstracted at Hug Bridge, Rushton Spencer.

The main river system crossing the south of the borough is that associated with the River Weaver whose source lies in the Peckforton Hills. The river flows south eastwards from these hills, through Wrenbury and towards Audlem where its direction changes to flow approximately northwards out of the Borough and into Cheshire West and Chester. Major tributaries to the Weaver include the Valley Brook and Gresty Brook (Basford Brook) which flow through Crewe; the Checkley Brook which flows westwards passing south of Wybunbury; Barnett Brook; and Birchall Brook. The Rookery Brook is also a major tributary from the west.

The main catchment in the north of the borough is that of the River Bollin which rises in Macclesfield Forest and flows towards the Manchester Ship Canal and River Mersey to the west. Along the way, the Bollin is joined in Wilmslow by the River Dean, which rises above Bollington. To the west, the Birkin Brook catchment (which drains Alderley Edge and Knutsford) meets the Bollin on the Borough's northern boundary east of Little Bollington.

The Shropshire Union Canal and its two branches: the Llangollen and Middlewich Branches; are also major waterways crossing the south and west of the borough. These canals were important for transporting goods, such as salt, to major cities for ongoing sale and transport. The Macclesfield Canal also enters the Borough in the north east and passes south through Bollington and the outskirts east of Macclesfield before leaving the borough at Bosley to the south. This important canal links Manchester with Stoke and beyond and forms part of the 'Cheshire Ring' canal network. A short stretch of the Peak Forest Canal is also present near Disley to the extreme north east. This canal links Manchester and beyond with the High Peak.



### 3. Sources of Information

<b>Main types and sources of information to be used in identifying contaminated land</b>			
<b>Information type or layer name</b>	<b>Information source</b>	<b>Format</b>	<b>Use</b>
Current 'base maps'	Ordnance Survey MasterMap, StreetView, 1:10,000, 1:25,000, 1:50,000 and 1:250,000 maps	Digital	Present-day base map information layer on which to overlay subsequent layers of information.
Historic maps	Digital maps purchased from various sources.	Digital	To locate potential contaminative land-use types.
Aerial photography	Aerial photography has been provided from various sources, dating back to the 1940s up to the current day.	Digital	To locate potential contaminative land-use types.
Geological maps	Digital maps of drift and solid geology have been made available from the Environment Agency through the BGS to Cheshire East Council for use in the GIS.	Digital	To characterise potential sources and pathways.
Groundwater Vulnerability Maps	Groundwater Vulnerability maps for drift and solid geology are available digitally from the Environment Agency.	Digital	To locate potentially sensitive (controlled water) receptors and corresponding pathways
Hydrogeological maps	Hydrogeological information has also been made available as part of the geological maps supplied.	Digital	To show aquifer types – highlighting potential pathways to groundwater receptors.
Source Protection Zones	Source Protection Zone data is supplied in digital form for the GIS by the Environment Agency.	Digital	To locate potential (controlled water) receptors.
Waste Management Licence information	Supplied by the Environment Agency.	Digital	To locate potential sources of contamination.
Closed landfill / former waste disposal sites	Council's own records and information supplied by the Environment Agency. Paper forms have been digitised for use in the GIS	Digital	To locate potential sources of contamination.
Current and former Integrated Pollution Control / Alkali Act sites	The Environment Agency can provide lists of potentially contaminated sites where it has knowledge or has had involvement.	Paper / digital	To locate potential historical sources of contamination.
Water Quality data, vulnerable Controlled Waters / Surface Water	The Environment Agency can supply this data upon request and an overview is available through the GIS.	Digital	To locate controlled water receptors potentially being affected by contaminated land.

Abstraction Points			
Eco-systems and protected natural environments	Natural England has supplied digital information on the location of SSSIs, Ramsar sites, National Nature Reserves etc. available through the MAGIC database	Digital	To locate potential eco-system and protected environment receptors to contamination.
Local Development Framework	Available digitally	Digital	Locates potential receptors (particularly protected areas of the environment).
Cheshire Historic Environment Record, maintained by CAPAS	Cheshire Archaeological Planning Advisory Service, Historic England and Cheshire East Council's Heritage team	Paper / digital	To identify potential 'property' receptors (not included in the Local Plan information).
Regulatory Services and Health Information	The Regulatory Services and Health service holds records of pollution complaints and investigations on the complaint recording system.	Digital	To identify known information on contamination.
Planning information	Planning and Building Control files for development in the Borough. Paper files located within offices of older sites and digital information stored on the APAS system. Useful sections of paper and microfiche files have been digitised when encountered.	Paper / Microfiche/ digital	To identify known information on contamination.
Radon information	Digital radon maps have been provided for use within the GIS from PHE/BGS.	Digital	To identify sources of contamination.

#### 4. List of Consultees and Their Responses

Consultee	Category	Response
Natural England	Statutory Consultation	<p>Thank you for your email on the above dated and received by Natural England on 12 February 2021.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We have considered the Contaminated Land Strategy and offer the following comments:</p> <p>We are pleased to note the reference in the Strategy to <i>Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites</i> but we advise that European designated sites and protected landscapes should also be included. We would welcome further details of how the interests of designated sites and landscapes in the district have been considered in the preparation of the Strategy.</p> <p>Natural England considers your district important as part of a landscape scale network of wetland habitats that act as stepping stones for wildlife. As such, Natural England would encourage that the strategy considers the remediation of suitable sites for the protection and enhancement of wetland habitats and associated terrestrial habitats which can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.</p> <p>CEC Response:</p> <ul style="list-style-type: none"> <li>The Strategy has been updated with Ramsar sites, National Character Areas, Special Protected Areas, Special Areas of Conservation and Local Nature Reserves. The Strategy is a high level document and it is anticipated that designated sites and landscapes will be considered on a site specific basis when individual sites are addressed through the Strategy.</li> <li>The Strategy does not go into the details of specific sites, however should suitable sites be revealed through the process, we would seek to consult Natural England further.</li> </ul>
Environment Agency	Statutory Consultation	<p>The Environment Agency's Groundwater and Contaminated Land team have reviewed the submission of the Cheshire East Council Contaminated Land Strategy dated 2021.</p> <p>We welcome the approach that the council is proposing and will, where possible and within the remit of the Environment Agency, seek to actively engage with the council where it comes to their land contamination strategy.</p> <p>We are pleased that the council has identified key aspects of variety of different regimes that tackle land contamination, groundwater vulnerability and pollution arising from minerals extraction. We will continue to work with the council, where possible, to support their approach and effort to address these issues.</p> <p>We would advocate a site by site, site specific assessment approach to support the strategy and will support the council in their approach where our resources allow.</p> <p>If at any time you require assistance and advice we would advise that you contact the Greater Manchester, Merseyside and Cheshire (GMMC) area team for Groundwater, Hydrology and Contaminated Land directly and speak to one of the teams technical specialists in the first instance.</p>

		<p>CEC Response:</p> <ul style="list-style-type: none"> <li>Noted</li> </ul>
Historic England	Statutory Consultation	<p>Thank you for consulting Historic England about Cheshire East's draft Contaminated Land Strategy 2021. We note that the strategy has been recast, with much of the supporting information placed in appendices. We agree that this has made the key points of the strategy clearer, and that it reads better as a result. We have only a few comments on the contents of the draft Strategy:</p> <p>We note that one of the general aims of the strategy (section 3.1, page 13) is to "protect historic sites and the historic environment from the effects of contaminated land." It is worth stating that some historic sites, particularly historic former industrial sites, may by their very nature be classifiable as brownfield or even contaminated land. In Section 7.7 ("Site specific liaison"), an appropriate level of consultation with Historic England is specified at 7.7.4, together with a specific role for the Cheshire Archaeology Planning Advisory Service [CAPAS] in identifying significant archaeological remains.</p> <p>In Appendix 3 ("Sources of Information", p54) the only source of information for the historic environment identified is the old County Sites and Monuments Record. We recommend that the key source of information quoted for the historic environment should be the Cheshire Historic Environment Record, maintained by CAPAS. This contains not only the information held by the old County Sites and Monuments Record, but much more besides. It is also regularly updated, and should be the key source of information on the historic environment of Cheshire East.</p> <p>Finally, in the Glossary on page 58, we note that the only historic environment term included is "Listed Building". Given that reference is made in the Strategy to "Scheduled Ancient Monuments", we recommend that this term should also be included in the Glossary.</p> <p>CEC Response:</p> <ul style="list-style-type: none"> <li>Noted and Strategy updated where required</li> </ul>
HSE	Statutory Consultation	No response
Public Health England	Statutory Consultation	<p>Thank you for the notification of your updated Contaminated Land Strategy. Please note that PHE, as a non-statutory consultee, no longer replies to Contaminated Land Strategy consultations (unless there is a specific query concerning public health identified to us) as we will normally not have any specific concerns about the impact of the strategy on public health, if relevant legislation and good practice guidance is followed.</p> <p>We assume that the inspection of contaminated land meets the statutory requirements under Part 2A of the Environmental Protection Act 1990 as inserted by Section 57 of the Environment Act 1995, and that it meets the requirements of section 2.6 of the Contaminated Land Statutory Guidance dated April 2012.</p> <p>This response is based on the assumption that this Strategy overview will ensure contaminated land holders comply with all relevant best practice and industry guidelines.</p> <p>CEC Response:</p> <ul style="list-style-type: none"> <li>Noted</li> </ul>

Cheshire West and Chester Council	Statutory Consultation	No response	
High Peak Borough Council	Statutory Consultation	No response	
Manchester City Council	Statutory Consultation	No response	
Newcastle-under-Lyme Borough Council	Statutory Consultation	No response	
Shropshire Council	Statutory Consultation	No response	
Staffordshire Moorlands District Council	Statutory Consultation	No response	
Stockport Metropolitan Borough Council	Statutory Consultation	No response	
Trafford Metropolitan Borough Council	Statutory Consultation	No response	
Warrington Borough Council	Statutory Consultation	No response	
CEC Heritage team	Public Consultation	Please see below the up to date numbers of conservation areas etc for inclusion in your document.	
		Scheduled Monuments	106
		Listed Buildings (records)	2653
		Locally Listed Buildings	360
		Conservation Areas	76
		Registered Parks and Gardens	17
		Registered Battlefields	1
		World Heritage Sites	1
		Areas of Archaeological Potential	10
		Area of Archaeological Importance	0
		CEC Response	

		<ul style="list-style-type: none"> <li>Noted and updated heritage figures.</li> </ul>
Sandbach Town Council	Public Consultation	<p>The 2021 Contaminated Land Strategy appears to be a reasonable document to protect the residents of Cheshire East. STC supports the risk-based approach to identification and resolution of contamination, which recognizes that most contamination issues will relate to brownfield development land. CEC will work with land owners to achieve a voluntary solution in preference to a legislative enforcement approach.</p> <p>CEC Response:</p> <ul style="list-style-type: none"> <li>Noted</li> </ul>

## 5. Timetable for the strategy adoption process and priority action timescales

	2021												2022												2023												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Areas of Council owned former landfill sites to be risk assessed and any associated liabilities established.																																					
Establish areas of Council owned land (excluding areas of former landfills) where the Council may be considered to be the Appropriate Person.																																					
Identify and digitise any potentially contaminated land from more recent mapping.																																					
Review historic planning decisions and discharge status for land contamination conditions																																					
Update Prioritised List																																					

## 6. Glossary of Terms

<b>Appropriate Person(s)</b>	An Appropriate Person is any person who is, determined in accordance with section 78F..., to bear responsibility for any thing which is to be done by way of remediation in any particular case.
<b>British Geological Survey</b>	The British Geological Survey is funded by the National Environment Research Council to carry out geoscience-related research in both the public and private sectors. Website: <a href="http://www.bgs.ac.uk">www.bgs.ac.uk</a>
<b>Brownfield Sites</b>	Sites which have previously undergone development and which therefore require a level of remediation prior to redevelopment.
<b>Contaminant</b>	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.
<b>Contaminant linkage</b>	The relationship between a contaminant, a pathway and a receptor. Also known as a pollutant linkage.
<b>Contamination Related Conditions</b>	Conditions placed on the granting of planning permission which ensure the removal of the link between contaminant(s) and humans or the environment, either by the removal of the contaminant(s) or by use of barriers.
<b>Controlled Waters</b>	Controlled waters are defined in section 78A(9) of the Act by referencing Part III (section 104) of the Water Resources Act 1991, except that "ground waters" does not include waters contained in underground strata but above the saturation zone. The definition covers territorial and coastal waters, inland fresh waters and groundwaters.
<b>Sites of Biological Importance</b>	Sites listed by Cheshire East as being of importance in a county, district or local context on account of the habitat, plant or animal communities or species they support. Also known nationally as a Local Wildlife Site.
<b>Drift Deposit</b>	An unconsolidated superficial sediment.
<b>Geographic Information System (GIS)</b>	A data-handling and analysis system based on sets of data distributed spatially in two dimensions. The data sets may be map-oriented or image oriented.
<b>Jurassic</b>	A period of geological time spanning 208.0 – 145.6 million years before present.
<b>Listed Buildings</b>	Buildings placed on statutory lists of buildings of 'special architectural or historic interest' compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990, on advice from Historic England.
<b>Pathway</b>	A pathway is one or more routes or means by, or through, which a receptor: <ul style="list-style-type: none"> <li>a) is being exposed to, or affected by, a contaminant, or</li> <li>b) could be so exposed or affected.</li> </ul>
<b>Receptor</b>	A receptor is either: <ul style="list-style-type: none"> <li>a) a living organism, group of organisms, an ecological system or a piece of property which:</li> </ul>



	<ul style="list-style-type: none"> <li>i. is in a category listed in Table 1, Appendix 1 as a type of receptor, and</li> <li>ii. is being, or could be, harmed by a contaminant; or</li> <li>b) controlled waters which are being, or could be, polluted by a contaminant.</li> </ul>
<b>Risk Assessment</b>	<p>Risk can be defined as the combination of:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) the magnitude (including the seriousness) of the consequences.</li> </ul>
<b>Scheduled Ancient Monument</b>	A scheduled monument must be in physical terms a monument and its heritage interest must be nationally important
<b>Significant Harm</b>	Defined in section 78A(5) of the Act. Any harm is considered to be significant if it meets one of the descriptions of types of harm in Section 4.1 or the relevant column in Table 1 of the Statutory Guidance.
<b>Significant Possibility of Significant Harm</b>	A possibility of significant harm being caused which, by virtue of section 78A(5), is determined to be significant in accordance with Section 4.2 or the relevant column in Table 1 of the Statutory Guidance.
<b>Sites of Special Scientific Interest (SSSIs)</b>	A Site of Special Scientific Interest (SSSI) is the land notified as an SSSI under the Wildlife and Countryside Act (1981), as amended.
<b>Special Site</b>	<p>Land is required to be designated as a special site where:</p> <ol style="list-style-type: none"> <li>1. Land is affecting controlled waters in the following circumstances: <ul style="list-style-type: none"> <li>a) Controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land, and as a result, require treatment or additional treatment before use in order to be regarded as “wholesome” under Part 3 of the Water Industry Act 1991;</li> <li>b) Where controlled waters are being affected so that they do not meet or are not likely to meet the criteria for water quality classification for waters of their relevant description.</li> <li>c) Controlled waters are being affected by the land and: <ul style="list-style-type: none"> <li>i. any of the substances which is causing or is likely to cause the pollution is a member of the following group of substances: <ul style="list-style-type: none"> <li>organohalogen compounds;</li> <li>organophosphorous compounds;</li> <li>organotin compounds; substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment; mercury and its compounds; cadmium and its compounds; mineral oil and other hydrocarbons; cyanides.</li> </ul> </li> </ul> </li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>ii. the waters or any part of the waters are contained within underground strata which are considered to be major aquifers (the Permo-Triassic Sherwood Sandstone Group is the only group listed which is applicable to Cheshire East).</li> </ul> <ol style="list-style-type: none"> <li>2. Waste acid tars are present in, on or under the land (tars which contain sulphuric acid, were produced as a result of the refining of benzole, used lubricants or petroleum and are or were stored on land used as a retention basin for the disposal of such tars);</li> <li>3. Land on which any of the following activities have been carried on at any time: <ul style="list-style-type: none"> <li>a) The purification or refining of crude petroleum, oil extracted from petroleum, shale or any other bituminous substances (with the exception of coal);</li> <li>b) The manufacture or processing of explosives;</li> </ul> </li> <li>4. Land upon which a prescribed process for central control has been or is being carried on, or an activity has been or is being carried on in a Part A(1) installation or by means of a Part A(1) mobile plant under a permit. These processes/activities do not solely consist of things being done which are required by way of remediation;</li> <li>5. The land within a nuclear site;</li> <li>6. The land owned or occupied by or on behalf of defence organisations or is being used for defence purposes;</li> <li>7. The land was used for the manufacture, production or disposal of various kinds of weapons or agents: chemical, biological or nuclear;</li> <li>8. Land designated under the Atomic Weapons Establishment Act 1991;</li> <li>9. Land held for the benefit of Greenwich Hospital to which section 30 of the Armed Forces Act 1996 applies;</li> <li>10. The land is contaminated land by virtue of any radioactivity possessed by any substances in, or under that land; or</li> <li>11. Land which is adjoining or adjacent to land falling within categories 2-10 above, and which is contaminated land by virtue of substances which appear to have escaped from land within those categories.</li> </ol>
<b>Triassic</b>	A period of geological time spanning 245–208 million years before present.
<b>Website</b>	Cheshire East Council's website can be viewed at <a href="http://www.cheshireeast.gov.uk/">http://www.cheshireeast.gov.uk/</a>

## 7. Bibliography

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