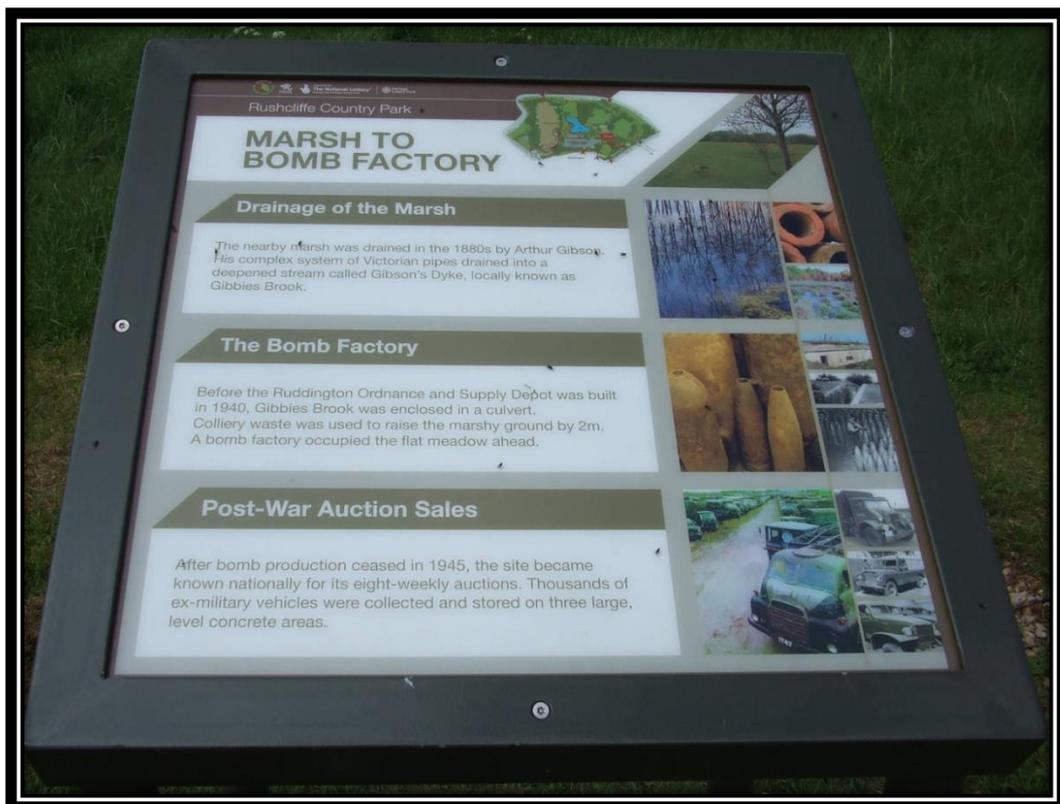


# Rushcliffe Borough Council



## Contaminated Land Inspection Strategy 2018-23

## Executive Summary

This document is a revision of the Council's Contaminated Land Inspection Strategy last reviewed in 2010. This review has been undertaken following a decision by central government to withdraw funding for site investigations and a local decision to primarily use the Planning Regime to primarily deal with contaminated land issues in the Borough, and following DEFRA's major revision of statutory guidance in April 2012.

In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. With the changes in funding, investigation and remediation costs now fall entirely to the Local Authority except perhaps for emergency cases and even then, any financial help from DEFRA is subject to internal budget clearance and the funds may simply not be available. These reductions in funding have also occurred at a time of significant cuts to Local Authority Budgets although at Rushcliffe we remain in a good position and do have contingency funds for contaminated land work if required.

The investigation of contaminated land under Part IIA of the Environmental Protection Act 1990 will now be extremely limited. It is likely that for future contaminated land investigations and remediation, the responsibility to fund the majority of such work will fall on the land owner and their insurance companies.

This revised Strategy document details how Rushcliffe Borough Council will review the land in its Borough for contamination to reflect these changes.

The process of investigating and remediating land through the planning regime will continue to ensure that all land in the Borough is suitable for use and does not pose unacceptable risks to people, the environment, water and property.

A new action plan has been developed for the next phase of contaminated land review work.

## 1.0 Introduction and Overview

Industrial change and demographic shift during the 20th century resulted in the need for large-scale re-organisation of our towns and cities. Industries moved out or disappeared altogether leaving large, 'Brownfield', gaps in our urban landscape. Inevitably, these changes have left behind a legacy of contaminated land, which in some cases may be harmful.

### 1.1 National Objectives of the Contaminated Land Regime

The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

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

The objectives outline the '*suitable for use approach*' with respect to the remediation of contaminated land and achieving sustainable development. This means that the risk is assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, "*not disturbing social, economic and environmental priorities.*"

### 1.2 General Policy of Rushcliffe Borough Council

Rushcliffe Borough Council welcomed the introduction of Part IIA of the Environmental Protection Act 1990 which complements the Council's own corporate aims and objectives.

Rushcliffe's current Corporate Strategy was published in 2016, giving priority to three key themes:

- Delivering economic growth to ensure a sustainable, prosperous and thriving local economy;
- Maintaining and enhancing our residents' quality of life;
- Transforming the Council to enable the delivery of efficient high quality services.

### **1.3 The Neighbourhoods Service Plan**

The goals and priorities from the Corporate Strategy are developed into key actions within the Neighbourhoods Service Plan.

“To consistently provide services which protect and enhance the local environment, promote housing choice and minimise the risks to the safety, health and well-being of our citizens”

Two key aims of the service that are relevant are:

- To protect the local environment from harm;
- To protect the health, well-being and safety of residents, visitors and workers.

In the context of contaminated land, the aim is to investigate and where appropriate ensure land is remediated that may already be contaminated.

In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. Consequently the Council’s ability to fund remediation works is now extremely limited. . The focus of any investigations will therefore be directed towards the highest priority sites and those posing a significant risk to public health.

### **1.4 Rushcliffe Local Development Framework**

The National Planning Policy Framework sets out the Government’s Planning Policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system and it provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

One of the important core principles of the framework is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

## 1.5 Strategy Priorities and Objectives

The Part IIA regime requires that where a local authority considers that there are reasonable grounds for believing that any land may be contaminated, it shall cause the land to be inspected for the purpose of identifying whether it is contaminated land.

Authorities must act in accordance with guidance issued by the Secretary of State which has been published by the Department of the Environment, Food and Rural Affairs.

The statutory guidance makes clear that Authorities must produce a formal contaminated land inspection strategy document. It must set out how and when land which merits inspection, will be identified in an ordered, rational and efficient manner and in what time scale.

The Council's priorities in dealing with contaminated land will be:

- To protect human health;
- To protect controlled waters;
- To protect designated ecosystems;
- To prevent damage to property;
- To prevent any further contamination of land;
- To encourage voluntary remediation prior to taking enforcement action;
- To encourage re-use of brownfield land.

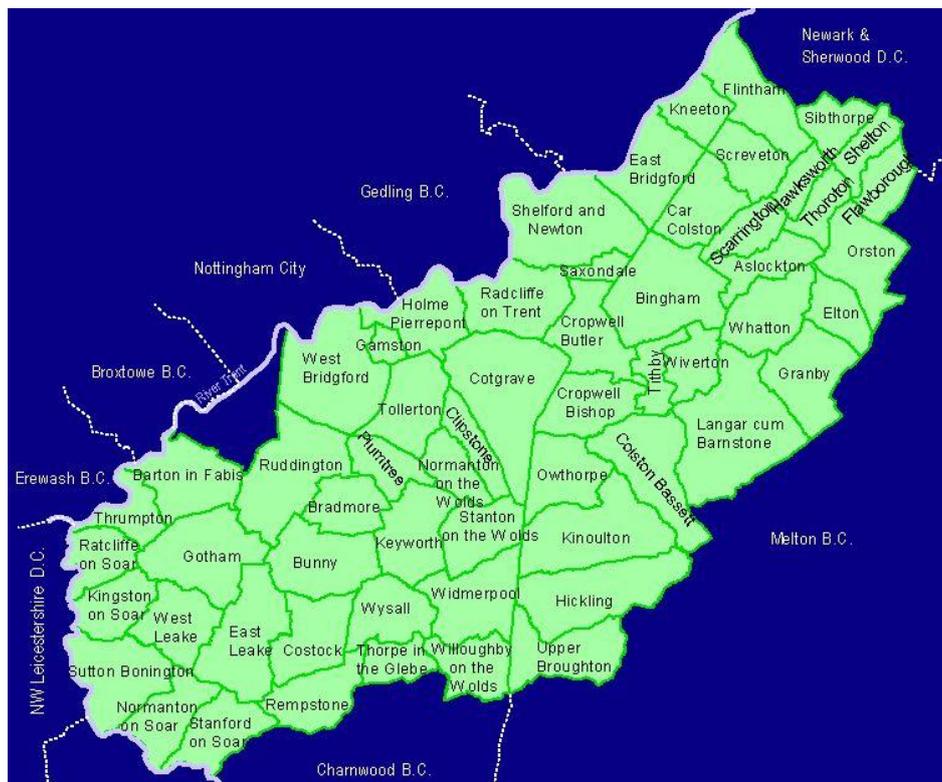
In order to provide a focus for future actions, the following objectives have been established:

- To ensure that the Strategy is compatible with the Council's Corporate Policies, sustainability, development and community objectives.
- To ensure that planning policies and procedures deal effectively with any land contamination where development takes place and to render it suitable for its intended use.
- To make information readily available to all relevant services to enable potential liability issues associated with their own land to be fully assessed.
- To ensure that the Council is aware of any associated potential land contamination liabilities, prior to proposed acquisition or disposal.
- To provide a mechanism whereby the Strategy is reviewed on a regular basis to allow for changes in statutory guidance and corporate policy.

## 2.0 Characteristics of Rushcliffe

The Borough of Rushcliffe is situated in the South East of Nottinghamshire, covers 157 square miles, and has a population of 111,100. Its area stretches from the River Trent to the Leicestershire borders to the east and the south, and northwards to within a few miles of Newark.

The largest town is West Bridgford with a population of 41,000, and it is separated from the City of Nottingham by the River Trent. Other major settlements include Bingham, Cotgrave, Radcliffe on Trent, Keyworth, Ruddington and East Leake, and throughout the Borough there are a 46,532 dwellings.



## 2.1 Geology

Geology plays an important role in the establishment of pollutant linkages between the source and receptor. It is therefore necessary to establish the underlying geology within Rushcliffe.

Rushcliffe is situated upon superficial deposits of clay, sand, gravel, alluvium and on bedrock of mudstone, sandstone and carboniferous limestone. There are coal measures, gypsum beds and a geological feature called the Westbury bed which is associated with uranium mineralisation and the radioactive gas, radon. There are two geological faults called the Harlequin Fault and the Flawforth Fault and a small number of minor complex faults.

## 2.2 Topography

Much of Rushcliffe is rural and agricultural. The western half of the Borough is characterised by the Wolds, with higher undulating land in the south. The remainder of the Borough is flatter and lower with the rivers Trent, Soar and Smite forming shallow valleys running through the Borough. There are mixed areas of woodland, except for the north-eastern part and the area west of Ruddington which are characterised by an open, flat landscape where many trees and hedgerows have been removed. Other prominent features are Gotham Hill, Hickling Standard, Wilford Hill, Barton Gap and Cropwell Bishop Gap.

## 2.3 Land use and industry in Rushcliffe

Most of Rushcliffe is rural and agricultural, with areas of mixed woodland.

Brick clay has been extracted in the past, and the main sites were situated at Harlequin (Radcliffe on Trent), West Bridgford and Wilford. Sand and gravel has been extensively extracted at Holme Pierrepont and Bassingfield. At the present the only active site is at East Leake.

Gypsum has been extracted in many areas of Rushcliffe as early as the 17<sup>th</sup> Century. Early workings were based around outcropping gypsum and there are many pits and shafts, particularly around the East Bridgford areas. Later methods of extraction used pillar and stall methods with mines at Barton, East Leake, Gotham and Thrumpton. Quarrying for gypsum was carried out on a large scale at Cropwell Bishop until 1995, and British Gypsum at East Leake is the only active site currently extracting mined gypsum.

Cotgrave colliery opened in 1964, but production ceased in 1993 and the site is now being developed for industrial, residential use and recreational use. There is the possibility that in the past coal was extracted on a small scale elsewhere in the Borough, but there are no records of such activities.

Oil is currently extracted at Rempstone and there are other small fields at Cropwell Bishop and Langar, but production is relatively small. Exploratory drilling has also been carried out near Radcliffe in Trent.

Although mainly rural, there are areas of light industry spread about the Borough, with industrial sites at Bingham, Bunny, Cotgrave, Keyworth, Langar, Normanton on Soar, Ruddington, West Bridgford and Wilford.

The Borough has 28 processes currently permitted under the Environmental Permitting Regulations 2010; these include Ratcliffe on Soar Power Station and British Gypsum at East Leake.

There are also four large closed landfill sites in the Borough, and several smaller filled areas, but others may be present throughout the Borough.

## 2.4 Waterways

The River Trent forms the western boundary of the Borough with the River Soar to the South West. The Rivers Devon, Smite and Fairham and Kingston Brooks meander across the central and eastern parts of the Borough. The Grantham canal, now disused, bisects the Borough and runs into the River Trent near Lady Bay Bridge.

Most of the land adjacent to the rivers in the Borough is classed as floodplain, with major flooding in 1947 and more recently in 2000 and 2012. River water quality in the Borough is classed as fair to very good.

## 2.5 Hydrogeology

There are no principal aquifers, only secondary and B designated for the bedrocks in the borough. There are no Environment Agency groundwater protection zones in the Borough.

There are a small number of private water supplies, mainly serving single properties with springs or shallow wells. There are also a small number of borehole supplies, but only one is used for human consumption.

## 2.6 Protected sites

The Borough has many protected sites and includes: -

Ancient monuments	25
Archaeological important sites	492
Building conservation areas	29
County important grassland sites	33
Listed buildings	716
Local nature reserves	7
Significant wildlife sites	8
Sites of importance for Nature Conservancy	203
Sites of special scientific interest	8
Tree preservation orders	863
Wildlife corridors	14
Wildlife links	5
Wildlife reservoirs	2

It is likely that some contaminated land sites will have been colonised by wildlife which are legally protected. Consequently, prior to remediation measures being implemented, it will be necessary to ensure that appropriate action is taken to ensure that the legislation protecting certain species of wildlife is complied with. The main species likely to be found in the Borough, identified as being protected by the Wildlife and Countryside Act 1981 (as amended), are badgers, bats, great crested newts, water voles and breeding birds.

### **3.0 Strategic approach to the identification of contaminated land**

The Council is required to take a strategic approach to inspecting land in its area for contamination. Therefore it is necessary to consider both the extent to which any specified receptors are likely to be found in the district and the history, scale and nature of industrial or other potentially contaminative uses.

This work was carried out in the early 2000's and 1873 potential sites were identified along with relevant receptors and these were prioritised on a risk basis into a 'prioritised list'. The vast majority of these sites were very low risk and included farms, ponds that had been filled, electrical substations and sites where remediation had already taken place and land had been re-developed.

#### **3.1 Action Plan 2018-23**

The updated action plan (appendix I) represents the progress that is anticipated in the context of current resources and expertise available to the Council in the next 5 years. It is the intention to keep this Strategy under regular review so that performance can be monitored within the Neighbourhoods service plan.

As of 2018, two sites has been formally classified as contaminated land within the framework and definitions of Part IIA of the Environmental Protection Act 1990 and placed on the Public Register. One of these sites was made safe by full remediation and the other has been secured to prevent any receptors coming into contact with the contamination. A significant number of sites have been dealt with through the planning process, and under the current economic climate, this will remain the most appropriate means of dealing with land contamination, and only the most serious and urgent sites dealt with by Part IIA.

#### **3.11 Investigation of land identified through the development control process**

Potentially contaminated land will continue to be identified and remediated through the planning process according to best practice. Recommendations will be made for conditions to be attached to any sites identified as requiring remediation for the future use of the site. A booklet "A Guide to Developing Land within Nottinghamshire – Guidance for Landowners and Developers" has been revised and is available on the Councils website.

The Environmental Health Service and the Development Control Service will continue their close working relationship to ensure that all land highlighted as a potential site of contamination is subject to the required risk assessment, site investigation and remediation as is suitable for use.

### **3.12 Complaints**

A complaint regarding contaminated land will be dealt with following the same procedure as other service requests. The Council does not normally undertake any investigation based on anonymously supplied information and this general policy will be adopted for contaminated land issues. This policy does not, however, preclude investigation of an anonymous complaint in exceptional circumstances. An initial desktop study will likely be undertaken and further action is only likely if it appears that the site may be deemed an 'urgent site'.

### **3.13 Dealing with urgent sites**

Urgent action will be taken when the Council is satisfied that there is imminent risk of serious harm. The Council will consider to undertake remediation in urgent cases where it is the enforcing Authority and is of the opinion that the risk would not be mitigated unless by the Council's voluntary action. In the case of a special site, the Council will declare the land contaminated and notify the Environment Agency who will then be responsible for the remediation.

### **3.14 Review of Prioritised List**

A review of the list of potentially contaminated sites will take place during the period of this strategic document to determine if any of these require 'urgent action' in line with the action plan attached as appendix I. Potential sites will be reviewed as a desktop exercise focusing on the defined risks developed through the original CLARA risk prioritisation model and updated with any new information that has more recently come to light. Where sites are identified and are to be developed they will be dealt with through the planning regime and re-risked accordingly. Only sites that are considered to be the highest priority and likely to be posing an imminent risk of serious harm will be considered for further inspection and remediation.

## Appendix I – Action Plan 2018 – 2023

The initial work required will be to establish a baseline position and review the work already undertaken in this area. Work can then commence on assessing the highest priority sites to see if further detailed and intrusive investigations are required. It is likely that the highest priority sites will take the longest to assess and by definition are the sites most likely to require further work.

<b>Period</b>	<b>Action</b>
2018	Review previous work and assess the top 5 priority sites
2019	Assess the top 6-10 priority sites
2020	Assess the top priority 10-20 sites
2021	Assess the top priority 20-35 sites
2022	Assess the top priority 35-50 sites

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