

South Cambridgeshire District Council Contaminated Land Strategy

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Executive Summary

Since April 2000, Local Authorities have had a duty to manage contaminated land issues within their areas. The duty was conferred by [Part 2A of the Environmental Protection Act 1990](#) (“the Act”) and associated [Statutory Guidance](#). The Act gives Local Authorities the lead role in dealing with contaminated land and requires each Authority to publish a written strategy setting out how it will carry out its duties. South Cambridgeshire District Council (SCDC) published their strategic approach to managing contaminated land in July 2001: *South Cambridgeshire District Council – Contaminated Land Strategy*.

The 2001 strategy has been reviewed and revised to reflect a new approach taking into account the current level of growth and development within the district. This revision also brings the strategy in line with the publication of most recent [Statutory Guidance from Department for Environment, Food & Rural Affairs \(DEFRA\) in April 2012](#). This revised strategy explains how the Council will implement the contaminated land regime from 2024 onwards, taking account of the latest guidance, experience over the past two decades and the resources available to the Council. This revised strategy is available on the Council’s web site and as a hard copy on request.

SCDC recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal, and societal factors, which also affect how particular contaminated land issues should be addressed. The Council also recognises that decisions about contaminated land need to be scientifically robust, proportionate, and transparent.

The Strategy takes a risk-based ‘suitable for use’ approach. This means assessing risks associated with land contamination in the context of the actual or intended use of a site.

The principal objectives of the revised strategy are to:

- meet the statutory requirements to produce a strategy and review it.



- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land.
- adopt a systematic and robust approach for dealing with sites that appear to be contaminated.
- inform stakeholders of the Council's intentions and actions.
- set out how the Council will liaise with the Environment Agency and other stakeholders.
- ensure appropriate records are kept in a Public Register.
- minimise burdens on individuals, businesses, and the wider community.
- encourage the re-use of brownfield land

Wherever possible, these objectives will be achieved through voluntary remediation and / or the redevelopment or regeneration of sites. This approach aims to minimise burdens on individuals, business and the wider community while ensuring that unacceptable risks are dealt with effectively.



1. Introduction

In April 2000, the UK Government introduced a new duty on each Local Authority to inspect the land within its area and identify any areas that could be defined as "contaminated land". Where a Local Authority finds such land, it must ensure it is remediated to reduce or remove risks to people and the environment. The Government set out its requirements for dealing with contaminated land within Part 2A of the Environmental Protection Act 1990 ("the Act") and associated 'Statutory Guidance' documents.

1.1. What is Contaminated Land?

Contaminated land is defined in Part 2A of the Act as any land which appears to the Local Authority, in whose area it is situated, to be in such 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 significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused."

"Harm" is defined as:

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

The presence of a harmful substance in, on or under a piece of land does not in itself mean that land is "Contaminated Land". Contaminants may be present but unless they exist in a form and quantity that poses a hazard and there are one or more possible routes or pathways by which they might cause significant harm to receptors, such as people, the environment, or property, or significantly pollute controlled waters, the land is not contaminated within the meaning of the Act.

Under Part 2A, for a relevant risk to exist there needs to be one or more of the above contaminant–pathway–receptor linkages, known as a 'contaminant linkage' by which a relevant receptor might be affected by the contaminants in question.



1.2. The Statutory Regime

The statutory basis of the Government's contaminated land regime is to be found in Part 2A of the Environmental Protection Act 1990 (which was inserted by the [Environment Act 1995](#)). The Act gives Local Authorities the lead role in dealing with contaminated land issues within their area and requires each Local Authority to publish a written strategy setting out its approach. Strategies can reflect the circumstances of an Authority's area but must be written in accordance with statutory guidance issued by the Secretary of State for the Department of Environment, Food and Rural Affairs (DEFRA). Revised statutory guidance was published in April 2012 (*Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance*)

The 2012 Guidance replaces any previous Statutory Guidance and sets out the overarching objectives of Government policy on contaminated land and the Part 2A regime. Its approach is summarised as follows:

- 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 are proportionate, manageable and compatible with the principles of sustainable development.

The Guidance explains how Local Authorities should implement the contaminated land regime, including how they should go about deciding whether land is contaminated land in the legal sense of the term. The Guidance does not apply to radioactive contamination of land, which is covered by separate statutory guidance.

Enforcing authorities are required to use Part 2A only where no appropriate alternative solution exists. Alternatives include through development of land under the planning system, through the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for



waste, water, and environmental permitting; and the [Environmental Damage \(Prevention and Remediation\) Regulations 2009](#).

1.3. A Strategic Approach

The Guidance requires Local Authorities to take a strategic approach to carrying out its duties which should be rational, ordered and efficient, and reflect its local circumstances. Strategic approaches may vary between Local Authorities, but all Authorities should set out their approach as a written strategy.

Strategies should include:

- Aims, objectives and priorities, considering the characteristics of the area
- A description of relevant aspects of the area
- The approach to strategic inspection of the area
- The approach to prioritising detailed inspection and remediation activity
- How the approach under Part 2A fits with broader approaches to land contamination, such as using the planning system to ensure land is made suitable for use when it is redeveloped
- How the authority will seek to minimise unnecessary burdens on the taxpayer, businesses, and individuals.

1.4. The Council's Revised Strategy

South Cambridgeshire District Council published its strategic approach to managing contaminated land in July 2001.

The 2001 strategy has been reviewed with reference to the 2012 Statutory Guidance. This revised strategy explains how the Council will implement the contaminated land regime from 2024 onwards and takes account of the latest guidance, experience over the past two decades and the resources available to the Council at the current time. This revised strategy is available on the Council's web site and as a hard copy on request.



1.5. The Public Register

The Council must maintain a public register containing certain information about the sites it has dealt with under the Part 2A regime. Sites are only included on the register once a declaration has been made. A copy of the public register is available on the Council's web site and as a hard copy on request.



2. Objectives and Priorities

The Council recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal, and societal factors, which affect how particular contaminated land issues should be addressed. The Council also recognises that decisions about contaminated land need to be scientifically robust, proportionate and transparent.

The Local Authority is the lead regulator on contaminated land and will work in partnership with other organisations, particularly the Environment Agency and Natural England to resolve issues effectively.

2.1. General Approach of the Council

The Council will take a risk-based approach to assessing whether land is contaminated. Risks will be assessed according to the suitable for use principle in accordance with Statutory Guidance. This means assessing risks associated with land contamination in the context of actual or intended use of a site. The Council's approach to assessing the risks posed by sites is explained in section 6.

In developing its strategic approach, the Council has paid due regard to its local circumstances and information currently available. This has enabled consideration of the following aspects:

- Available evidence that significant harm or pollution of controlled waters is being caused.
- The extent to which human and ecological receptors and controlled waters are likely to be distributed within different parts of the authority's area.
- The extent to which those receptors are likely to be exposed to a contaminant because of the use of the land or the geological and hydrogeological features of the area.
- The extent to which information on land contamination is already available.
- The history, scale and nature of industrial and military activities which may have contaminated the land in different parts of the District.



- The nature and timing of past redevelopment in different parts of the District.
- The extent to which remedial action has already been taken by the authority to deal with land-contamination problems or is likely to be taken as part of the District's Local Plan and Development Plan for its area.

The Council is also mindful that other regulatory provisions can be relevant to problems with land contamination. Overlaps with planning, water pollution and Environmental Permitting legislation are important examples. The Council will seek to resolve problems using alternative provisions wherever this appears appropriate, with a view to minimising burdens on individuals, business, and the wider community.

2.2. Objectives of the Strategy

The principal objectives of this strategy are to:

- meet the statutory requirements to produce a strategy and periodically review it.
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land.
- adopt a systematic and robust approach for dealing with sites that appear to be contaminated.
- inform stakeholders of the Council's intentions and actions.
- set out how the Council will liaise with the Environment Agency and other stakeholders.
- ensure appropriate records are kept in a Public Register.
- minimise burdens on individuals, businesses, and the wider community.
- encourage the re-use of brownfield land

2.3. Aims and Priorities

In accordance with the requirement to take a strategic approach, a prioritised list of the Council's aims has been devised to aid decision-making in a cost-effective manner.



The Council's prioritised aims in dealing with contaminated land will be to:

- protect human health.
- protect controlled waters.
- prevent damage to property; livestock and crops etc.
- protect designated ecosystems.
- prevent further contamination of land.
- encourage voluntary remediation; and
- encourage re-use of brownfield land.

Wherever possible, these aims will be achieved through voluntary remediation and / or the redevelopment or regeneration of sites. The approach aims to minimise the burden on individuals, business and the wider community while ensuring that unacceptable risks are dealt with effectively.



3. Characteristics of the South Cambridgeshire District

This section provides background information about SCDC's area, with reference to issues relevant to land contamination.

3.1. Geographic and Demographic Setting

South Cambridgeshire is located centrally in the East of England region at the junction of the M11 / A14 roads and with direct rail access to London and to Stansted Airport. It is a largely rural district which surrounds the city of Cambridge and comprises over 100 villages in addition to the recent development of the two new towns of Northstowe and Cambourne.

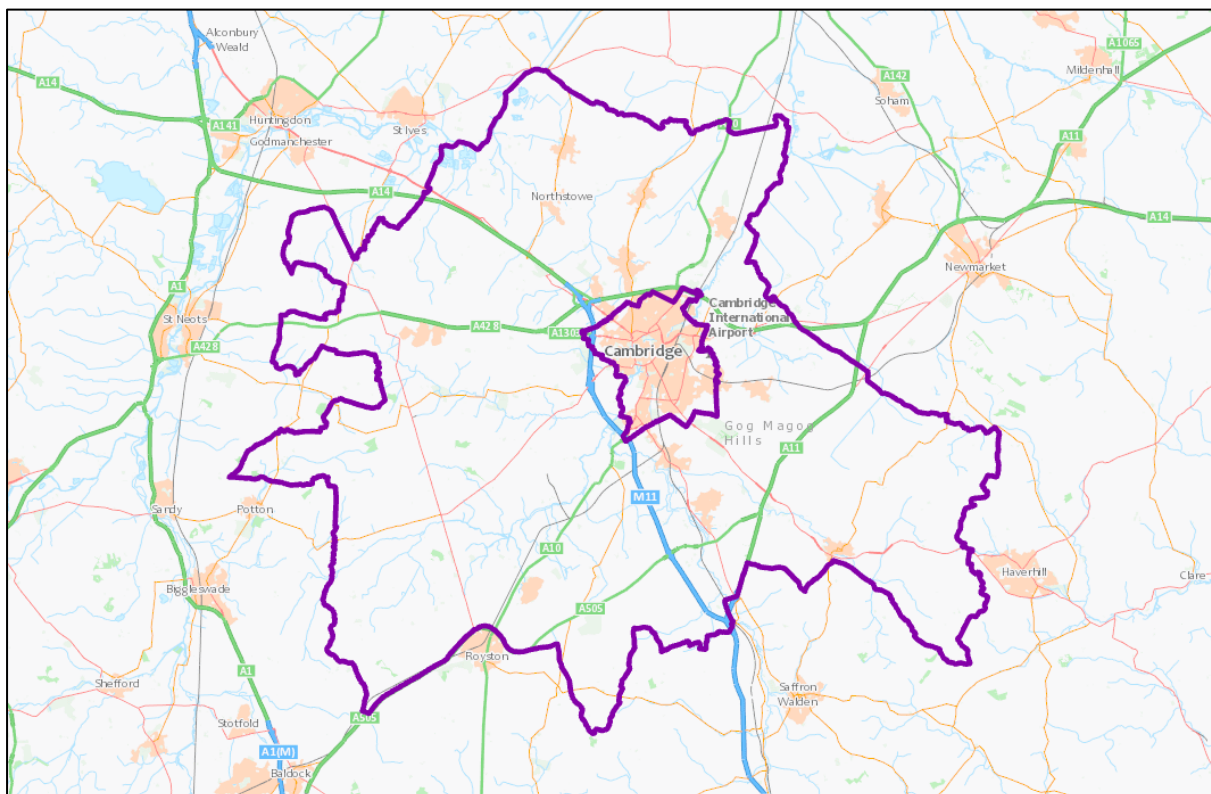


Figure 1. Map showing location of South Cambridgeshire District



South Cambridgeshire has long been a fast-growing district with a population of 157,500 persons in 2018 (bigger than Cambridge itself). The first of two towns in the district, Northstowe, is currently in development. This new 10,000 home development is being built upon brownfield land comprising the former military area of Oakington Barracks. Alongside this development, provision of a guided bus service was made forming a new transport link from St Ives, via the new town of Northstowe, to Cambridge along a former railway line. The second town in the district, Cambourne, has recently been formed in 2019 to recognise the expansion of its four composite villages. Waterbeach New Town is the third planned town in the district, comprising 6500 homes which are to be built on the former Waterbeach barracks site alongside the current village of Waterbeach.

Local Authorities with land adjoining the administrative area of this Council are Cambridge City Council, East Cambridgeshire District Council, St. Edmundsbury District Council, Braintree District Council, Uttlesford District Council, North Hertfordshire District Council, Mid-Bedfordshire District Council and Huntingdonshire District Council.

3.2. Protected Locations

Important wildlife habitats in South Cambridgeshire include rivers and streams, especially chalk ones, woodland, scrub, old orchards, hedgerows, arable farmland, ponds, churchyards and cemeteries, lowland chalk grasslands, meadows, pastures and both man-made and natural wetlands.

With biodiversity under such pressure, due to the extensive level of growth within the District, areas which are dedicated to nature are of great importance. There are 180 sites designated for conservation in South Cambridgeshire, covering just under 4 per cent of the total land area. 59 of these are legally protected, as detailed in the table below taken from the SCDC's [Doubling Nature Strategy 2021](#). These include a variety of habitats including wetlands, wood park, pasture and ancient woodland. The sole site of international importance is the Eversden and Wimpole Woods Special Area of Conservation, an ancient woodland supporting the rare barbastelle



bat. These sites will be considered as sensitive in determining the risk from land contamination.

Designation for nature conservation	Legally protected under UK legislation?	Number of sites in South Cambridgeshire	Area in hectares
Sites of Special Scientific Interest	✓	52	1667
Special Area of Conservation	✓	1	66
Local Nature Reserve	✓	6	37
County Wildlife Sites	✗	121	1714

Table 1. Number of sites designated for nature conservation

3.3. Geological Characteristics

The bedrock geology of South Cambridgeshire falls into three distinct rock types: limestone, sandstone and clay. The Middle and Lower Chalk outcrop across the south and eastern half of the district. Underlying this and outcropping to the north and west of the city of Cambridge is the Lower Greensand, Upper Greensand and Gault Clay. The far northwest of the district is predominately clay deposits.

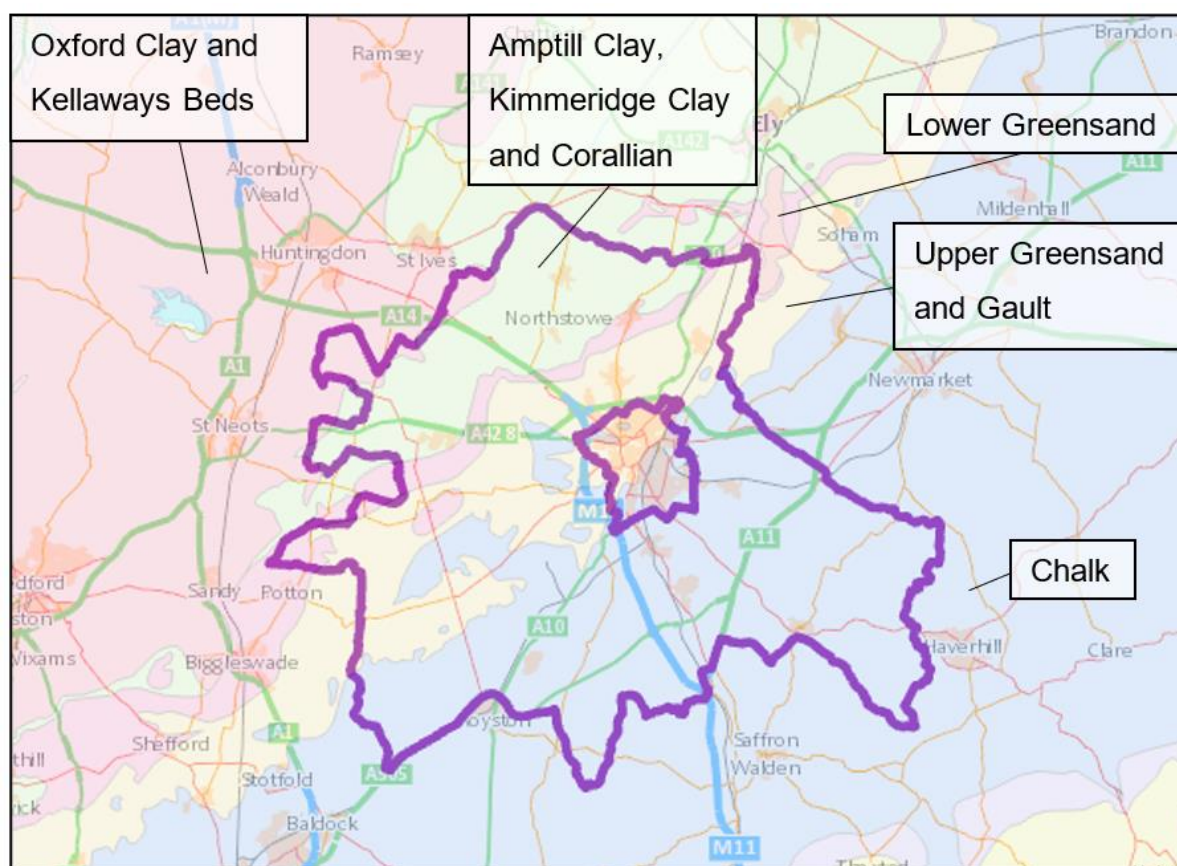


Figure 2. Geology of South Cambridgeshire District

Superficial deposits within the district comprise mainly of glacial till in the west and far east, in addition to linear river terrace deposits and areas of alluvium along the courses of rivers across the district. Small areas of peat are also encountered in the low-lying northernmost areas.

3.4. Hydrogeology

The chalk across the south and east of the district is designated by the Environment Agency as a Principal Aquifer. It is an important water resource and the main source of supply for the Cambridge Water Company. In addition, the Lower Greensand, known locally as the Woburn Sands, is also a Principal Aquifer.

SCDC currently has a number of private water supplies registered and these source water from both the Chalk and the Lower Greensand. The remainder of the district



does not yield sufficient quantities of water and the geology is classified as unproductive strata.

3.5. Ancient Monuments

Ancient Monuments are historical structures or monuments worthy of preservation and study due to their archaeological or heritage interest. There are a number of Ancient Monuments within the South Cambridgeshire area, including ancient fortifications and settlements.

Should enquiries indicate that contamination is present at a site containing an Ancient Monument, special care will be taken in order to preserve the site's historical value. If the Council becomes aware of a need to remediate a site containing an Ancient Monument, the County Archaeologist and English Heritage will be consulted.

3.6. Current and Previous Land Uses

Large areas of South Cambridgeshire are used for arable farmland, interspersed with pockets of woodland. The accessibility of the Cambridge area combined with its economic success has led to several research and development hubs within the district. These include the Cambridge Science Park, the Cambridge Research Park, the Wellcome Trust and The Welding Institute.

The relatively flat topography of the district lends itself well to runways. The area was used extensively during the war having at least seven military airbases. Currently, the primary airfield used for passenger and freight transport is Cambridge Airport, which straddles the boundary of South Cambridgeshire and the City. Several private airfields operate around the District each specialising in a different area, such as gliding, training or acrobatics. The Imperial War Museum at Duxford was previously a military establishment and holds several air shows each year with the associated storage and repair of vintage aircraft.

In the south of the district can be found a number of industrial areas such as the village of Sawston, which is well known for its heritage of tanneries, cement works located in Barrington and an asbestos cement manufacturing works near to



Meldreth. There are records of quarrying across the entire district over many years and the district is also home to a network of both current and historical railways.

3.7. Redevelopment History and Planning Controls

The [South Cambridgeshire District Council Local Plan 2018](#) and the [Greater Cambridge Sustainable Design and Construction Supplementary Planning Document \(SPD\) January 2020](#) are key documents for the majority of planning decisions. These documents include controls for land contamination following the introduction of the Council's Contaminated Land Strategy 2001 and the [National Planning Policy Framework \(NPPF\)](#). The relevant policy within the Local Plan is:

Policy SC/11: Contaminated Land

Where development is proposed on contaminated land or land suspected of being impacted by contaminants, the Council will require developers to include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where land is, or can be made, suitable for the proposed use

Under these planning controls, development of land is subject to site investigation and remediation requirements where land contamination is likely to be an issue or requires treatment. Land that has been the subject of development since controls were introduced following the adoption of the Council's Contaminated Land Strategy is therefore unlikely to constitute contaminated land in the future and is suitable for its intended use.

3.8. Known Information on Contamination

The Council holds information on potentially contaminated sites and on sites which have been investigated and, where necessary, remediated. This has been accumulated from various sources including submissions as part of the development control process, reports from the public, premises subject to Environmental Permitting (e.g. the unloading of petrol into storage at a service station), landfill site records and records of historical and current industrial uses.



3.9. Natural Contamination

The District is known to exhibit concentrations of arsenic which are higher than the national average. The BGS was commissioned by DEFRA (Oct 2011 – March 2012) to give guidance on what are normal levels of contaminants in English soils in support of the revision of the Part 2A Contaminated Land Statutory Guidance. The outcome provided normal background levels for certain contaminants, including Arsenic, and this may be used in the context of the Statutory Guidance supporting Local Authorities in implementing the regime on Contaminated Land. The information is available here:

<http://www.bgs.ac.uk/gbase/NBCDefraProject.html>



4. Strategic Inspection

All Local Authorities are required to adopt a strategic approach to the identification of contaminated land in their area. The Statutory Guidance requires that the approach adopted should:

- be rational, ordered, and efficient.
- take account of local circumstances.

The latest Statutory Guidance acknowledges that approaches will vary between Local Authorities.

4.1. The 2001 Strategic Approach

In its 2001 Strategy, the Council detailed its strategic approach, which generally related to the gathering of information about potentially contaminated land, the subsequent assessment and prioritisation of these sites, and putting procedures in place for dealing with land contamination information. The approach involved several stages including the following:

1. Locate and assess all areas of potentially contaminated land within the district
2. Prioritise the risks and assess the most significant sites first to ensure the efficient allocation of resources
3. Ensure compliance with, and enforcement of, the Contaminated Land Regulations
4. Produce a clear policy and protocol for the operation of the Contaminated Land Regulations
5. Ensure procedures are in place for the provision of information to the public, developers and other departments of the Council as required
6. Ensure that, where redevelopment of sites takes place, the planning process effectively deals with any land contamination
7. Address the liability issues associated with the council's existing land holdings and minimise the risk of obtaining new liabilities associated with the acquisition of further land



In stage 1, information was gathered from a variety of data sources, including historical mapping, business directories and local knowledge. This information was then used to compile an initial list of locations where contaminated land could potentially be present. Further sites were added to the list where an information source indicated that a potentially contaminative use or activity had, at some time, taken place at the location. In practice, it is very likely that the vast majority of these sites are not contaminated land as defined by the Act.

The GroundView Site Prioritisation computer model was used in stage 2 to produce a prioritised list of the sites and detailed inspection was carried out on a number of sites deemed to be of highest priority. This resulted in the Council's first Part 2A determination of Contaminated Land in 2003 at the former Bayer CropScience site, Hauxton. Extensive investigation, assessment and liaison has continued on this complex site since then. Work has continued through the development control system resulting in part of the site now being remediated and redeveloped whilst the remaining part awaits remediation.

Two further sites, not initially assessed as a high priority, have been subject to detailed inspection when new information was brought to the Council's attention. This resulted in the Council's second Part 2A determination of Contaminated Land in 2010 at the former gasworks in Cottenham.

4.2. The Revised Strategic Approach

Having regard to the latest Statutory Guidance, experience of dealing with contaminated land issues over the past two decades and the resources available to the Council, a different strategic approach is now considered appropriate.

In reaching this decision, account has been taken of the following factors:

- Many potentially polluting sites have already been remediated, redeveloped, or are still in active industrial use.
- Given the exceptional amount of growth within the District, a large proportion of brownfield sites are being or are due to be developed under planning controls which will ensure they are remediated where necessary.



- When the Council has received reports or complaints related to land contamination these have been, and will continue to be, assessed and resolved as they arise.
- To date, only two sites have been determined as meeting the legal definition of Contaminated Land under the Part 2A regime.

The Council must also consider the resources it has available and the need to target limited resources where they can be of most benefit. Undertaking a proactive detailed assessment of the remainder of the current sites which are “potentially contaminated” would require significant officer resource. The detailed inspection of individual sites can be an expensive, time consuming and potentially controversial task, with affected properties potentially suffering significant property blight during the process. While this would, of course, be justified for sites where significant risks to sensitive receptors have been identified, such information on the level of risk is unlikely to be available prior to detailed inspection unless the site is currently giving cause for concern.

With the detailed investigation of the very highest risk sites having already been completed, the Council considers that it can better prioritise its response to the risks of land contamination within its area by acting on information concerning the current status of sites. This approach would combine use of Development Control provisions for sites undergoing development, with a robust response to reports and complaints about potentially contaminated land. This approach would replace the previous prioritisation and proactive site inspection approach set out in the 2001 Strategy. The revised strategic approach is set out below and in the next section.

4.3. Planning Controls

The Council will make use of the planning system, as described in section 4.3, to address sites that may be affected by land contamination.

Since the production of the Contaminated Land Strategy in 2001, it has been recognised that, generally, the most appropriate and efficient way to address the issues associated with contamination is through the planning process. The NPPF



places the onus on the developer/applicant to address potential contamination issues as part of the wider planning process, including providing detailed assessments produced by competent consultants where necessary.

Issues of land contamination are a material consideration within the planning system and, as such, receive attention as part of all relevant applications. During the planning consultation process, the Council's database of historical land use is referred to when considering suitability of development. Technical queries are then raised with, and additional information requested from, applicants when necessary.

4.4. Reactive Investigations

Although the Council's approach to identifying potentially contaminated land will principally be via the development control process, there may still be a need to investigate some sites where information is received that suggests a problem of land contamination is of current concern to one or more sensitive receptors.

If new information comes to the attention of the Council that indicates a site is causing concerns relating to contaminated land, the Council will undertake any necessary investigation in accordance with the statutory and other relevant Guidance. The detailed inspection of relevant sites is described in the next section.

4.5. Responding to Complaints

Whilst each complaint will be dealt with separately, all complainants may expect:

- their complaint to be logged and recorded.
- to be contacted by an officer regarding their complaint within a reasonable amount of time; and
- to be kept informed of progress towards resolution.

Every effort will be made to resolve complaints quickly and efficiently and most complaints are likely to be resolved by the provision of information, or by agreeing voluntary action with the landowner.

Where complaints relate to land that appears to constitute Contaminated Land as defined under the Act, the investigation is likely to take longer to resolve.



Complainants will be advised of the key stages in the process as the investigation continues including the requirement to identify the following:

- a) evidence of a viable pollutant linkage, possibly requiring a detailed site investigation, before a formal determination of Contaminated Land is permissible.
- b) prior consultation with interested parties and other stakeholders.
- c) a minimum of a three-month period between determination and serving of a remediation notice; and
- d) the requirement for the enforcing authority to make every effort to identify the original polluter of the land (or “Class A” person).

The regulations allow conditions b) and c) to be waived in extreme cases, but not conditions a) or d). The decision-making process can therefore take many months to complete.

4.6. Budgetary Provision

The inspection and assessment of potentially contaminated land can be a complex and time-consuming activity. The cost of such activities varies enormously, making it difficult to anticipate budgetary pressures from one year to the next. Where the Council becomes aware of the need to inspect a site under Part 2A of the Act it will be important that appropriate budgetary provision is made to cover any necessary investigations. The Council will assess the likely costs of Part 2A inspections as and when they arise, with a view to ensuring appropriate financial provisions are put in place.

In addition to its inspection responsibilities, the Council also has responsibilities as a landowner. Should any of its land be found to be Contaminated Land, the Council may need to carry out remediation work or take other actions. Remediation can be very expensive, and the Council is aware of the risks it potentially carries in this regard.



5. Detailed Inspection

If information comes to the attention of the Council indicating a site is causing concerns relating to contaminated land, the Council will investigate in accordance with the statutory and other relevant guidance.

The DEFRA Contaminated Land Statutory Guidance, paragraph 2.9, states that:

“If the Local Authority identifies land where it considers there is a reasonable possibility that a significant contaminant linkage (as defined in paragraphs 3.8 and 3.9) exists, it should inspect the land to obtain sufficient information to decide whether it is contaminated land, having regard to section 3 of this Guidance.”

The guidance also makes clear that, under Part 2A, the starting point should be that land is not contaminated land unless there is reason to consider otherwise.

All decisions about contaminated land will be made based on a robust risk assessment, undertaken in accordance with the Guidance.

5.1. The Inspection Process

The inspection process will typically involve a number of incremental steps starting with a desk-based study. This may then be followed by a site visit and walkover; a generic quantitative risk assessment; and various stages of more detailed quantitative risk assessment as required. The process will normally continue until it is possible to decide:

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

For the inspection of land to proceed to the next stage of risk assessment there must be evidence that an unacceptable risk is reasonably likely to exist. If the Council considers there is little reason to consider that the land might pose an unacceptable risk, inspection activities will normally stop at that point.



5.2. Conceptual Site Model

Investigation of potential contamination on a site requires the development of a Conceptual Site Model, in which all potential sources (contaminants), pathways and receptors are identified. Where all three elements (source-pathway-receptor) are present, then a contaminant linkage is formed.

Information required to develop a conceptual site model include a variety of sources, such as the following examples:

- current land use plans.
- locations of current and former landfills and other areas of filled ground.
- locations of groundwater abstraction wells, both public and private.
- current surface water classification under the Environment Agency's General Quality Assessment Chemical Grading for Rivers and Canals Scheme and the river ecosystem classification under the Surface Waters (River Ecosystem Classification) Regulations 1994.
- current processes authorised by the Environment Agency or Local Authority under the Environmental Permitting regulations.
- location of statutory and non-statutory sites of ecological importance.
- potential sources of contamination based on the industries listed in the DOE Industry Profiles; and
- the current and historical locations of these industries.

The detailed inspection of relevant sites will be carried out in accordance with the Environment Agency [Land Contamination Risk Management](#) (LCRM) and other relevant guidance and standards.

5.3. Risk Assessment of Sites

Part 2A takes a risk-based approach to defining contaminated land. The Statutory Guidance defines "risk" as the combination of:

- a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and



b) the scale and seriousness of such harm or pollution if it did occur.

For a significant risk to exist there first needs to be one or more contaminant-pathway-receptor linkages – “contaminant linkage” – by which a relevant receptor might be affected by the contaminants in question. In other words, there must be contaminants present in, on or under the land in a form and quantity that poses a hazard, and one or more pathways by which they might significantly harm a sensitive receptor.

The receptors recognised as being potentially sensitive in Part 2A are:

- **Human Beings**
- **Ecological Systems or Living Organisms forming part of a System within certain Protected Locations, including:** Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Nature Reserves, Special Areas of Conservation (SAC), Special Protection Areas (SPA), Candidate SACs, RAMSAR sites, Areas of special protection for birds, Source protection zones, Groundwater-private abstractions, Groundwater-major aquifers.
- **Property in the Form of Buildings**, including Ancient Monuments
- **Property in other Forms:** Crops, Livestock, Home-grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights; and
- **Controlled Waters:** Surface waters (e.g., rivers, lakes, streams), Drinking water abstractions as defined in the Water Resources Act 1991 Section 104.

Risks will be considered in relation to the current or likely future use of the land, in accordance with statutory guidance.

5.4. Consultation with Interested Parties

The Council will consult the landowner before inspecting the land unless there is a particular reason why this is not possible, for example because it has not been possible to identify or locate the landowner. Where the owner refuses access, or the landowner cannot be found, the authority may consider using statutory powers of entry, subject to statutory guidance and the particular circumstances of the case.



The Council will also consider informing other interested parties (for example occupiers of the land and owners and occupiers of neighbouring land) and whether to publish a written statement.

5.5. Special Sites

If the Local Authority inspects land which it considers (if the land were to be determined as contaminated land) would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006, it will consult the Environment Agency and, subject to the Agency's advice and agreement, arrange for a joint approach to inspection of the land.

5.6. Deciding that land is not Contaminated Land.

Where the Council inspects land under Part 2A and then decides it is not contaminated land it will issue a written statement to that effect to the landowner (rather than coming to no formal conclusion). The statement will make clear that based on its assessment, the authority has concluded that the land does not meet the definition of contaminated land under Part 2A. The Council will also keep a record of its reasons for deciding that land is not contaminated.



6. Determination and Remediation

The Council has the sole responsibility for determining whether any land appears to be contaminated land although it can rely on information or advice provided by another body such as the Environment Agency, or a suitably qualified and experienced practitioner appointed for the purpose.

There are four possible grounds for the determination of land as contaminated land (non-radioactive contamination):

- a) Significant harm is being caused to a human, or relevant non-human, receptor.
- b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor.
- c) Significant pollution of controlled waters is being caused.
- d) There is a significant possibility of significant pollution of controlled waters being caused.

Where, following detailed inspection of a site, the Council reaches a decision that land is “contaminated land” under the Act, it will proceed as follows and in accordance with the statutory guidance.

6.1. Determination Steps

Once an area of statutory contaminated land has been identified, there are three main stages that need to be completed prior to formal determination of land as contaminated land under the Act:

- a) The Council must have identified one or more significant contaminant linkage(s), and carried out a robust, appropriate, scientific, and technical assessment of all the relevant and available evidence.
- b) In the case of any land which, following determination as contaminated land, would be likely to meet one or more of the descriptions of a “special site” set out in the [Contaminated Land Regulations 2006](#), the Council will consult the Environment Agency before deciding whether or not to determine the land.



- c) The Council must have informed the owners and occupiers of the land, and any other person who appears to the authority to be liable to pay for remediation, of its intention to determine the land (to the extent that the authority is aware of these parties at the time) unless the authority considers there is an overriding reason for not doing so. Where appropriate, time will also be allowed to reach informal arrangements to deal with the problems.

Where possible, the following steps will also be completed prior to formal determination:

- decide what remediation is required and attempt to achieve remediation through a voluntary agreement if possible and appropriate.
- record appropriate information on the public register.

6.2. Formal Determination of Contaminated Land

The Council will prepare a written record of any determination that land is contaminated land.

The record will include:

- a description of the particular significant contaminant linkage, identifying all three components of the contaminant, pathway and receptor.
- a summary of the evidence upon which the determination is based.
- an analysis of significant harm or significant pollution.
- a summary of the relevant assessment of this evidence; and
- a summary of the way in which the authority considers that the requirements of statutory guidance have been satisfied.

6.3. Notice of Determination

Once the Council has determined land as contaminated land, it will give notice of its decision to:

- a) the Environment Agency.
- b) the owner of the land.



- c) any person who appears to the authority to be in occupation of the whole or any part of the land; and where identified:
- d) each person who appears to the authority to be an appropriate person; in accordance with section 78B (3) of Part 2A

6.4. Remediation of Contaminated Land

Once land has been determined as contaminated land, the Council will consider how it should be remediated and, where appropriate, issue a remediation notice. If land is deemed to be a “special site” the Environment Agency becomes the enforcing authority and takes on responsibility for remediation following determination.

The process of deciding who is responsible for remediation of contaminated land can be quite complicated and the council will have regard to the detailed Statutory Guidance in reaching its decisions.

The Council will seek to recover its costs wherever possible, in accordance with the Act and Statutory Guidance. The Council adopted a related Cost Recovery Policy in 2011 for the eventuality that the persons who caused or knowingly permitted the contaminant linkage cannot be found, whereby liability for remediation falls to the owners or occupiers of the land.



7. Management and Communication

7.1. Management of Strategy

The Council has responsibility for dealing with enquiries and incidents relating to land contamination and generally implementing the strategy. The Council will also liaise with the Environment Agency, Natural England, DEFRA, landowners, agents, members of the public and other stakeholders concerning potentially contaminated land.

The strategy will be reviewed at regular intervals of no less than 5 years or when statutory changes or new guidance require it.

7.2. Liaison and Communication

Effective liaison with other bodies is central to the implementation of this strategy.

During the inspection process, where necessary and relevant, liaison with the following bodies will be undertaken:

- Cambridgeshire County Council
- Environment Agency
- English Nature
- DEFRA
- Food Standards Agency

There is considerable scope for members of the public, businesses, and voluntary organisations to make important contributions in dealing with contaminated land. The revised strategy will be published on the Council's website and the involvement of non-statutory consultees in the process of dealing with contamination land will be encouraged wherever appropriate.

The statutory definition of contaminated land requires that there must be a significant possibility of significant harm to human health or non-human receptors or significant possibility of pollution of controlled waters. The Council recognises that the expectations of some members of the public will not be met by the powers the Local



Authority may exercise under the Part 2A regime. Wherever possible, the Council will ensure matters can be readily understood by non-specialists.

7.3. Owners, Occupiers and other Interested Parties

The Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach recognises that in many cases remediation can be achieved more effectively by agreement rather than by enforcement. This approach requires effective communication with owners, occupiers, and other interested parties at all stages. The Council will keep owners, occupiers and other interested parties informed as necessary.

Elected members will be informed at the earliest opportunity of any plans to determine an area of council-owned land, or where the Council is the "appropriate person" and may be liable for remediation costs. Ward Councillors will be informed of any plans to determine land within their area.

7.4. Powers of Entry

Under Section 108 (6) of the Environment Act 1995, the council has been granted powers of entry to carry out its investigations and inspections.

Before the Council carries out an inspection using statutory powers of entry it will first attempt to liaise with owners and other interested parties with a view to avoiding the need to use such powers.

The Council will not carry out intrusive investigations at a site if:

- it has already been provided with detailed information on the condition of the land upon which the Council can determine whether the land is contaminated; or
- a person offers to provide such information within a reasonable and specified time, and then provides such information within that time.



Where the Council decides to carry out intrusive investigation it will be in accordance with appropriate technical procedures for such investigations (for example BS10175 Investigation of Potentially Contaminated Sites – Code of Practice and BS5930 Code of Practice for Ground Investigations).

7.5. The Public Register

Under the regulations, the Council is required to maintain a public contaminated land register. The register is available on the Council's website and a hard copy can be provided on request

The regulations specify the information that can be recorded on this register, which will include:

- remediation notices.
- details of the site reports obtained by the authority relating to remediation notices.
- remediation declarations, remediation statements and notification of claimed remediation.
- designation of sites as "special sites".
- any appeals lodged against remediation and charging notices; and
- convictions.

The public register will not hold details of historic land use and other records used in the assessment and investigation of potentially contaminated land.

7.6. Provision of Information to the Environment Agency

The Environment Agency is required to prepare an Annual Report for the Secretary of State on the state of contaminated land in England and Wales. This report includes:

- a summary of Local Authority inspection strategies, including progress against the strategy and their effectiveness.
- the amount of contaminated land and the nature of the contamination; and
- measures taken to remediate land.



As Local Authorities are the lead regulators on contaminated land, the national survey is heavily reliant on information provided by Local Authorities. A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the Local Authority and the Environment Agency. The Council will seek to provide information to the Environment Agency in accordance with this guidance.

The Council will also provide information to the Environment Agency whenever a site is determined as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed.



8. Review Mechanisms

The Council will review its written strategy periodically to ensure it remains up to date. This will occur at least every 5 years and when statutory changes or new guidance require it.

All decisions made regarding contamination need to be made objectively, consistently, transparently, and with proper regard to uncertainty. One important aspect of managing contaminated land is the need to review decisions made about particular sites to establish whether any material changes have occurred. Examples of factors which influence the decisions, and which have the potential to change, include:

- site use
- use of adjoining land
- climatic or meteorological change
- change in physical characteristics e.g. the water environment
- legislative or internal or external policy changes
- technical standards or procedures
- actions taken by humans or other agents to reduce the effectiveness of remedial measures.

All decisions made under Part 2A will therefore be made and recorded in a consistent manner that will allow for effective review as and when circumstances require it.



9. References

The Environmental Protection Act 1990.

The Environment Act 1995.

The Contaminated Land (England) Regulations 2006.

British Standards Institute. BS5930:2015+A1:2020. Code of Practice for Ground Investigations.

British Standards Institute. BS10175:2011+A2:2017. Investigation of Potentially Contaminated Sites – Code of Practice.

DEFRA. 2012. Contaminated Land Statutory Guidance.

DoE. 1995. Industry Profiles

Environment Agency. 2023. Land Contamination Risk Management (LCRM)

Gov.uk. 2023. National Planning Policy Framework.

SCDC. 2011. Cost Recovery Policy for Class B Persons under Part 2A of the Environmental Protection Act 1990