

ENVIRONMENT & HIGHWAYS CABINET BOARD

REPORT OF THE HEAD OF PLANNING – N. PEARCE

23 APRIL 2015

SECTION A – MATTER FOR DECISION

WARD(S) AFFECTED: ALL

CONTAMINATED LAND STRATEGY 2015 – REVIEW AND UPDATE FROM CONSULTATION

Purpose of Report

To consider responses received following consultation on the Contaminated Land Inspection Strategy.

Background

Neath Port Talbot Council's Contaminated Land Strategy sets out the Council's Strategy for identifying and remediating contaminated land across the County Borough with the primary aim of safeguarding public health.

The Council are required to keep their Strategy under periodic review. A report was presented to the board on the 9th September 2014 introducing the revised strategy and requesting authorisation to consult upon the strategy. A 12 week consultation on the Strategy is now complete.

Equalities

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Consultation Responses

The consultation period ran from the 10th November 2014 to the 2nd February 2015 for a total of 12 weeks. As a consequence of this process the Council received a total of 10 representations, most of which expressed their agreement with the contents of the strategy. Three of these responses also outline specific issues which are summarised below along with the officer response.

Henry Marney Bebell – the response expresses concern about the way that remediation is controlled, who checks on the standard of remediation, what levels of contamination are considered safe, supervision and transparency of information.

Suggested response – No Change

Whilst the concerns raised in this response are understood, it is not considered that any change to the strategy is required. The strategy explains that the Council employ appropriately qualified officers to oversee remediation and safe use of land. Strict legislation on waste covers the reuse of soils from contaminated sites which is enforced by Natural Resources Wales.

In making decisions about the levels of contamination that are safe, the officers will consult current guidance. A site specific risk assessment will determine the level of risk, and site specific circumstances will mean that this can vary between sites. There is a considerable amount of research and guidance on safe levels of different contaminants available to Local Authorities, which will be consulted in every case. Given the amount of detail and the fact that it is updated regularly, it is not appropriate to be included within the strategy.

The Council complies with information requirements under FOI and EIR, they also maintain a public register of sites in accordance with Part IIA. Information submitted with planning applications is public and is published on the Council's website.

Judith Doyle (Glamorgan-Gwent Archaeological Trust Ltd) – the response expresses concerns that the archaeological value of industrial remains is not always understood during remediation of sites. Early consultation with Glamorgan-Gwent Archaeological Trust Ltd is requested.

Suggested response – Change to section 2.7

The following paragraph has been incorporated into section 2.7;

“Although Neath Port Talbot’s industrial history has left a legacy of contamination, these industrial sites are also an important part of our heritage, and many of the sites are Scheduled Ancient Monuments or Listed Buildings. When sites with known or potential historic interest are developed and/or remediated the Council will ensure that they consult as early as possible with their archaeological advisers”

Joanne Fitton (Environment Agency) – the response suggests some minor changes to the document.

Suggested response – Changes to Figure 1, the title of Figure 2, Section 5.1 and Figure 10

These changes are suggested for clarity and not considered to alter the content of the document in any significant way. Figure 1 has been changed to clarify that contamination sources are not necessarily contained within structures and are within the soil. The title of Figure 2 has been amended to clarify which site the photograph relates to. Section 5.1 has been amended so that it is relevant to both human health and pollution of controlled waters. Figure 10 has been changed to include the steps which should be taken after land is determined as being contaminated land.

Financial Implications

Any financial implications will be dealt with as part of the normal operating budget of the Council.

Consultation Outcome

The revised Contaminated Land Strategy has been the subject of both internal and external consultations and its final form reflects the outcome of that process.

Sustainability Appraisal

Identifying and remediating land affected by contamination protects the health and well-being of people, helps develop sustainable communities and a more sustainable environment.

Recommendations

The revised Contaminated Land Strategy be Approved as amended.

Reasons for Proposed Decision

To ensure that Neath Port Talbot County Borough Council's Contaminated Land Statutory is up-to-date with current guidance and fit for the future.

List of Background Papers

Contaminated Land Strategy 2015

Wards Affected

All

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COMPLIANCE STATEMENT

CONTAMINATED LAND STRATEGY 2015 – REVIEW AND UPDATE FROM CONSULTATION

(a) Implementation of Decision

The decision is proposed for implementation after the three day call-in period.

(b) Sustainability Appraisal

Community Plan Impacts

Economic Prosperity	-	Positive
Education and Lifelong Learning	-	No Impact
Better Health and Well Being	-	Positive
Environment and Transport	-	Positive
Crime and Disorder	-	No Impact

Other Impacts

Welsh Language	-	No Impact
Sustainable Development	-	Positive
Equalities	-	Positive
Social Inclusion	-	Positive

(c) Consultation

The revised Contaminated Land Strategy has been the subject of both internal and external consultations and its final form reflects the outcome of that process.



**NEATH PORT TALBOT COUNTY
BOROUGH COUNCIL**

ENVIRONMENT DIRECTORATE

CONTAMINATED LAND STRATEGY

2015

FOREWORD

The industrial history of South Wales means this Council has inherited land that has been affected by industry, mining and its associated waste disposal activities. Whilst this industrial activity has brought wealth and employment to the region over the years, we are now left with the legacy of such operations which were developed at times when environmental considerations, if existent, were minimal.

Neath Port Talbot County Borough Council has produced this Contaminated Land Strategy in accordance with the requirements of Part IIA of the Environmental Protection Act 1990. It sets out our role and responsibilities as a local authority which is to investigate and decide whether land in our area meets the statutory definition of “contaminated land”.

Whilst significant progress has been made in the regeneration of Neath Port Talbot including the successful remediation of large brownfield sites such as the Coed Darcy Urban Village and the second Swansea University campus, there are still challenges ahead of us. This Strategy seeks to secure solutions that are acceptable to all without necessarily resorting to enforcement action, thereby remediating land to a level acceptable by modern standards, with commensurate improvements to public health and local communities.

This Council is strongly committed to improving the quality of life of its citizens and protecting the environment, and this strategy provides the platform to drive this vision forward.

Cllr. A. H. Thomas
Leader of the Council



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Executive Summary

Part IIA of the Environmental Protection Act 1990 requires that each Local Authority prepare, implement and keep under periodic review a Contaminated Land Inspection Strategy.

Neath Port Talbot County Borough Council adopted its first Contaminated Land Inspection Strategy in 2002 and later reviewed this in 2005.

In April 2012, the Welsh Government published new Contaminated Land Statutory Guidance. The new guidance takes a precautionary approach but allows regulators to make quicker decisions about whether or not land is contaminated as defined under Part IIA. The aim is to prevent costly remediation schemes being undertaken unnecessarily, while offering better protection against potential health impacts by concentrating effort and funding on sites where action is actually needed.

The Neath Port Talbot Contaminated Land Strategy 2015 has been produced to reflect these recent changes in guidance and supersedes previous editions. The aim of this document is to present a more open, clear and informative approach to dealing with contaminated land across the Neath Port Talbot County Borough.

It is important to note, that the Part IIA legislation is not the only route available to deal with contamination. This strategy will also detail the availability of other legislation frameworks and outline the financial constraints the Council faces which will affect the approach taken. Regulatory effort will be concentrated in circumstances where it will be most effective. This stance is taken in order to bring about environmental improvements where unacceptable or significant impacts from land contamination are present. This revised strategy seeks to do this without entailing excessive financial burdens to taxpayers, landowners and the Council.

The strategy is laid out in 6 sections designed to help provide an introduction to contaminated land and the regulation behind it, the characteristics of the local area that have an influence on the way we deal with contaminated land, the main aims and objectives that set out how we are going to deliver the strategy and the inspection process and procedures involved.

Chapter 1 Background and Regulatory Context

1.1 The Contaminated Land Regime

In July 2001, Part IIA of the Environmental Protection Act 1990 came into force, introducing a new regime for the regulation of contaminated land in Wales. The main purpose of Part IIA is to provide a legal structure for the identification of land posing unacceptable risks to human health or the environment, and for securing remediation of such land.

1.2 What is contaminated land?

Section 78A(2) defines contaminated land for the purpose of Part IIA as:

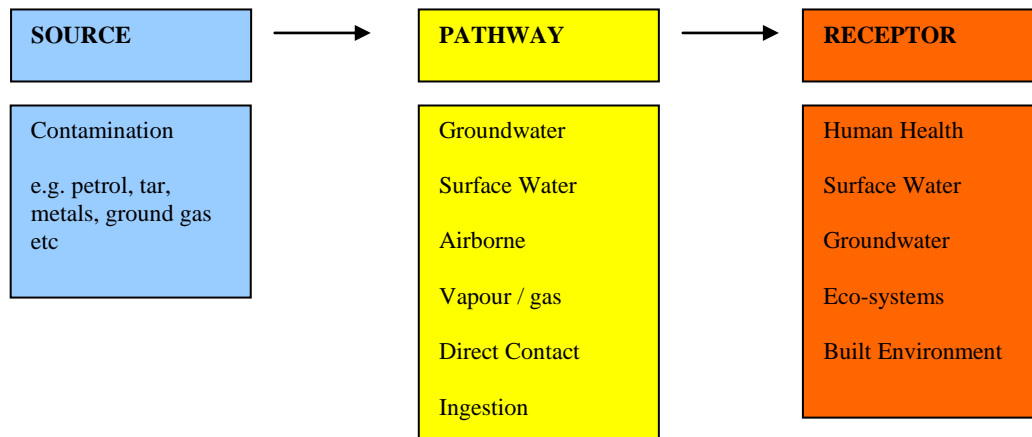
“Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –
Significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be caused”

This definition reflects the intended role of the Part IIA regime, which is to enable the identification and remediation of land on which contamination is causing unacceptable risks to human health or the wider environment. Therefore any land may be polluted, but unless it is causing significant harm or has a potential to cause significant harm to a receptor such as people, animals, crops, buildings or controlled waters, it may not be defined as contaminated land.

For a site to meet the definition of contaminated land, a significant pollutant linkage must be established. This is the relationship between the source of contamination, the pathway and the receptor as outlined in Figure 1. Unless all three elements of this linkage are present, the land will not be identified as ‘contaminated land’.

This revised strategy takes into account the categorisation of sites in accordance with new statutory guidance.

Figure 1. Diagram showing the Source – Pathway – Receptor relationship



1.3 What are the roles and responsibilities?

The Council is the primary regulator under Part IIA. Our main duties are:

- Preparing and publishing inspection strategies for our area
- Inspecting individual areas of land to determine whether they meet the statutory definition of contaminated land
- To decide after consultation what remediation is required in any individual case and to ensure this takes place
- To establish who should be the appropriate person or persons to bear responsibility for the remediation of such land
- To record information about regulatory activity and make it available to the public

Natural Resources Wales also regulate some aspects, these include:

- Assisting local authorities in identifying contaminated land, particularly where pollution of controlled waters is involved
- Provision of site specific guidance to local authorities
- Acting as the enforcing authority for any site designated as a ‘special site’
- Publishing periodic reports on contaminated land
- To carry out technical research and, in conjunction with DEFRA and Welsh Government to publish scientific advice and guidance.

1.4 What is a Special Site?

‘Special Sites’ are defined in full in the Contaminated Land (Wales) Regulations 2006. These types of sites include certain water pollution cases, particular industrial cases i.e. tar lagoons, oil refining, explosives, certain Integrated Pollution Prevention Control (IPPC) sites, nuclear sites and land owned by the Ministry of Defence.

1.5 What other legislative regimes can deal with contaminated land?

Contaminated Land is a complex issue and whilst the Part IIA legislation is the main driver of this strategy, there are other legislative regimes and development routes that can be used to assess and deal with land contamination issues effectively.

Section 1.5 of the Welsh Government Statutory Guidance states that *‘Enforcing authorities should seek to use Part IIA only where no appropriate alternative solution exists’*, the regulator is therefore free and encouraged to use other legal regimes if more appropriate, these regimes are outlined below:-

- Town & Country Planning Act 1990
- Building Regulations 2010
- Water Resources Act 1991
- Pollution Prevention and Control Act 1999
- Environmental Permitting (England and Wales) Regulations 2010
- Waste Management Licensing (Part II of the Environmental Protection Act 1990)
- Radioactive Substances Act 1993
- Statutory Nuisance (Part III of the Environmental Protection Act 1990)
- Environmental Damage (Prevention and Remediation) Regulations 2009

1.6 What is the most common route for dealing with contaminated land within Neath Port Talbot?

This Council has recruited appropriately qualified officers and gathered and collated a wealth of information over the years in order to assess the potential risk associated with contaminated sites. This information initially was collected for the purpose of the Part IIA regime, but as

expertise and knowledge expanded within the Council we were better able as the regulator to deal more effectively with any situation involving contamination and assist other departments within the Council dealing with contaminated land.

Currently, most contamination within the NPT County Borough is dealt with through the planning process and through voluntary remediation schemes closely monitored by the Council. Due to the extent of former industrial development within the borough this activity can be quite onerous.



Figure 2. Remediation at Briton Ferry Gas Works

1.7 What are the other constraints for Local Authorities dealing with Contaminated Land?

Historically the Welsh Government provided a Contaminated Land Capital Grant Fund for the investigation and remediation of sites formerly determined as ‘contaminated land’ under the Part IIA legislation. In 2011, this funding opportunity was withdrawn and Welsh councils were left to fund investigation of sites out of their own limited budgets. This has had a negative impact on Part IIA work across Wales, as councils are hesitant to take a proactive approach to investigation if there is no funding available to rectify/remediate the problem. This had led to councils looking for alternative ways to progress their Part IIA strategies through planning, regeneration schemes, new or redevelopment and working closely with land owners to encourage voluntary remediation etc. This is the main approach Neath Port Talbot has taken and is detailed further within the aims and objectives of this Strategy.

Chapter 2 – Characteristics of Local Authority Area

2.1 Introduction to the Neath Port Talbot Area

The local authority area stretches from the coast to the borders of the Brecon Beacons National Park. It covers a total area of 44,217 hectares. The majority of land is upland or semi-upland in character, and 43% is covered by forestry upland areas. Most of the lower lying flat land is near the coast around Port Talbot. An extensive dune system stretches along much of the coast, broken by river mouths and areas of development. The upland areas are cut by five valleys: Vale of Neath, Dulais Valley, Afan Valley, Swansea Valley and Upper Amman Valley.

Modern settlement patterns reflect the industrial history of the area, with urban development along the flatter areas of the valleys and some parts of the coast.

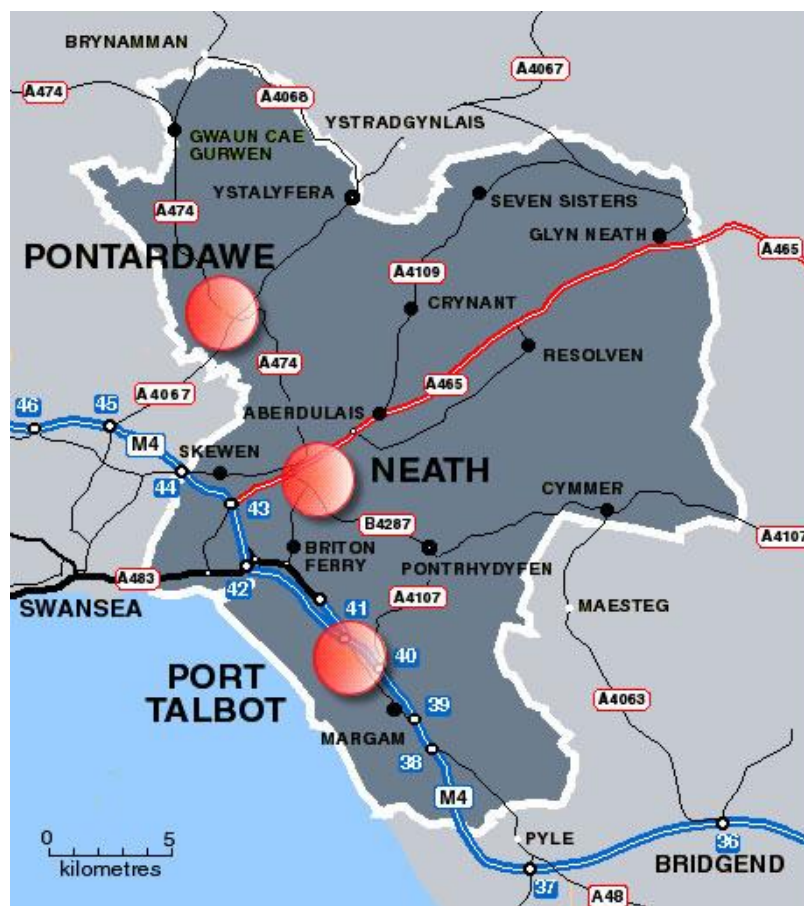


Figure 3. Geographical Location of Neath Port Talbot County Borough Council (showing the larger settlement areas in red)

2.2 Geology

Neath Port Talbot County Borough lies mostly within an area underlain by the Upper Carboniferous rocks of the South Wales Coal Field, which forms a large synclinal basin trending East West with many subsidiary folds and numerous faults. The Coal Measures comprise of rhythmic sequences of mudstones, siltstones, grits, fireclays and clays. The Neath Port Talbot area is predominantly Upper Coal Measures made up of the Pennant sandstone's and alternating shale's and coal horizons. The South Wales Coal Field is underlain by Carboniferous Limestone and Millstone Grit, which are exposed in escarpments at the margins of the coal field. Peat deposits are widespread across the North of the borough on acid soils of the Pennant plateau.

Within the coalfield faulting is widespread. The Neath Valley Disturbance shows extensive surface faulting which is an important NE-SW trending structural zone of fault deformation.

2.3 Hydrogeology

The underlying bedrock deposits of the South Wales Coalfield area are designated as a Secondary A Aquifer. These are fractured rocks that do not have a high primary permeability and do not produce large quantities of water for abstraction. However, they are important for maintaining base flows of local rivers and for local supplies. The overlying Drift deposits (blown sands, marine sands, alluvium and glacial till) along the coastal belt have a high leaching potential.

2.4 Key Water Resources

The four main Rivers in Neath Port Talbot are the Afan, Dulais, Neath and Tawe which all flow NE-SW to Swansea Bay. Three Canals that run through the Borough are the Neath Canal, Swansea Canal and Tennant Canal.

There are approximately 215 private water supplies in the County Borough, 7 of which are commercial, 208 domestic. These water supplies are routinely tested by Neath Port Talbot County Borough Council as required under The Private Water Supplies Regulations 2009 or on request.

Dwr Cymru Welsh Water supplies the public drinking water in Neath Port Talbot. There are no abstractions within the borough for public

supply and therefore no source protection zones, however, there are abstractions for industrial and agricultural use.

The main reason for adverse water quality issues within the County Borough are due to abandoned mine workings and the associated discharges of acidified iron rich water. This is an increasing problem in Wales generally and is evident across parts of Neath Port Talbot.

2.5 Protected Areas

Within the County Borough there are a number of special nature conservation areas designated for their international, national and local importance. These areas are designated receptors as defined in the Part IIA legislation and outlined below:-

International and European Sites

- Ramsar International Wetland – Crymlyn Bog
- Special Area of Conservation (SAC) – Crymlyn Bog, Coedydd Nedd a Mellte and Kenfig.

National Designations

- Sites of Special Scientific Interest (SSSIs) –20 sites
- National Nature Reserves (NNRs) - Pant-y-Sais Fen, Crymlyn Bog

Local Designations

- Local Nature Reserves (LNRs) – Swansea Canal, Pant-y-Sais Fen, Eaglesbush Valley, Bryn Tip. Also numerous sites that meet Sites of Importance for Nature Conservation (SINC) criteria have also been identified.

2.6 Key Property Types

Neath Port Talbot County Borough Council has 393 buildings (2014) which are listed as being of special architectural or historic interest and 93 Scheduled Ancient Monuments.

2.7 Industrial History

Coal has been mined in South Wales for centuries to meet the demands of the rapid industrial growth in the area with copper and iron smelting dominating the valleys of Neath Port Talbot. This followed with the development of the iron industry, progressing into steel production over

the years. The tinplate industry developed as an off shoot of these industries, as did several chemical works, sheet steel, gas works and engineering firms across the area.

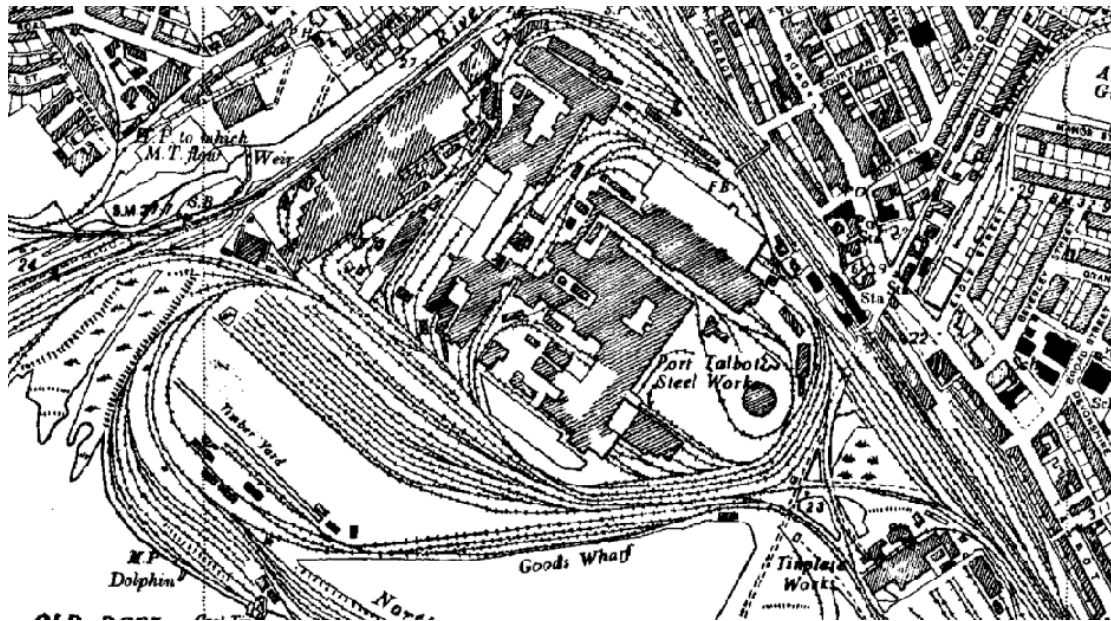


Figure 4. Historical Map of Port Talbot

Although Neath Port Talbot's industrial history has left a legacy of contamination, these industrial sites are also an important part of our heritage, and many of the sites are Scheduled Ancient Monuments or Listed Buildings. When *sites with known or potential historic interest* are developed and/or remediated the Council will ensure that they consult as early as possible with their archaeological advisers.

2.8 Recent Development on Brownfield Land

Within the Neath Port Talbot County Borough, former industrial sites were influenced by the geographical considerations and were consequently located near to rivers and the coastal region. Small settlements such as Neath, Port Talbot, Clydach, Pontardawe, Briton Ferry and Cwmafan became major industrial centres with the consequent immigration of workers and a demand for housing. Due to the vast industrial past of these areas it is common for new development to be built on areas potentially affected by historic contamination. These sites are subject to strict controls through the planning regime to ensure remediation works are carried out prior to development.

The Council's Local Development Plan will set out the future development land use of land within Neath Port Talbot County Borough

until 2026. Further information on this can be accessed on www.npt.gov.uk/LDP

Chapter 3 Progress of Inspection Strategy to Date

Since the implementation of the 2005 Contaminated Land Strategy the Council has made good progress in dealing with Contaminated Land within its area through Part IIA and other legislative drivers.

3.1 How has the Council identified sites of potential contaminated land?

The Neath Port Talbot County Borough area has been subjected to considerable historic industrial use that has given rise to land that could be potentially affected by contamination. Using various sources of data, including historical maps and local knowledge of the Neath Port Talbot County Borough area it has been possible to identify where industrial activity has been concentrated. These areas have been digitally mapped using the Council's Geographic Information System (GIS).

A desk top exercise taking data from historic maps identified approximately 6,000 sites of potential concern. These sites have been mapped on the GIS system and vary from small mining spoil heaps of a few metres across, to massive former industrial sites such as those given in 3.4 below. Irrespective of size, each is classed as one site although some sites will have several records, each relating to a former use.

3.2 How has the Council prioritised these sites for further inspection?

Due to the complex industrial history of Neath Port Talbot it has not been practical to investigate every single site that has been identified as potentially contaminated. In order to address this, a rational and systematic approach to prioritise sites has been applied using a database system called Geoviron. This system is based on the Source Pathway Receptor approach and sites are prioritised according to risk.

This work has generated a number of High Priority Sites that will require further investigation in the future. This is work in progress and is constantly changing as more information comes to light, or in some cases, the contamination is dealt with through a different legislative route or voluntary action.

3.3 How many sites has the Council investigated under Part IIA?

The number of sites investigated by the Council is heavily reliant on funding availability and budgets, which in recent years has become limited.

To date 34 sites have been investigated, the majority of which have required no further action. However, detailed inspection of two of these sites has resulted in the land being formally determined as ‘Contaminated Land’ under Part IIA of the Environment Protection Act 1990. Details of these two sites are outlined below:-

- **Pinetree Car Sales.** An investigation was carried out at Pinetree Car Sales, following notification of a polluted valve chamber located on a strategic 26 inch trunk water supply main. The site was determined as ‘Contaminated Land’ on the basis of pollution of controlled waters and the potential risk to human health via the potential impact of contamination on the water supply pipe. Shell UK Limited were served with a remediation notice and took on the responsibility to clean up the land.
- **Former Briton Ferry Gas Works.** A phased investigation was carried out on land formerly known as the Briton Ferry Gas Works Site that resulted in 10 residential properties being determined as ‘Contaminated Land’. The Council received funding from the Welsh Government to remediate the gardens and bring them back to a safe and beneficial use. This scheme is now complete. Further details can be accessed from the councils internet page on the following link:



<http://www.npt.gov.uk/default.aspx?page=3237>

Figure 5. Remediation work at Briton Ferry Gas Works

There are also a number of sites that are undergoing voluntary remediation within the Neath Port Talbot area, which negates the need to

determine the site as 'Contaminated Land'. These sites are closely monitored by the Council and Natural Resources Wales.

3.4 Partnership working between the Authority, Other Public Bodies and Private Companies/Developers

Historically Neath Port Talbot has been an area of heavy industry, particularly metal, chemical and oil based industries often covering vast areas of land and involving considerable quantities of waste products. Some of these sites have only recently ceased to operate and the Council is now working with Developers to ensure these large sites are brought back into beneficial use following successful remediation.

There are a number of former BP sites within NPT that are now under the portfolio of development company St Modwen, and have undergone extensive remediation works closely monitored by Natural Resources Wales and Neath Port Talbot Council. These projects are identified within Neath Port Talbot County Borough Council's Waterfront Regeneration strategy as integral to the future success of its wider plans for the Borough's regeneration. BP sites currently in the process of remediation and redevelopment include:-

Coed Darcy Urban Village – This is a proposed development of 4000 homes together with community facilities and commercial development which is being built over the next 20 years. The remediation and reclamation requirements of this former BP oil refinery are set out within the planning approval for the site to create an environment which is safe to live and work.



Figure 6. Former BP Oil Refinery



BP Chemicals, Baglan Bay – This was one of the largest petrochemical sites in Europe, and at its peak in the late 1970s employed around 2,500 workers. St. Modwen is working with Neath Port Talbot County Borough Council and National Resources Wales to re-develop the site on a planned and phased basis over the next 25 years to help bring jobs back to Baglan Bay.

Figure 7. Former Baglan Bay Chemical Plant

The Bay Science and Innovation Centre, Swansea University Campus Site - Planning permission was secured in December 2012 for the Swansea University campus to be built on the former BP Tank Farm; a 65 acre site formerly known as the BP Transit Site. An extensive remediation scheme has been undertaken which included groundwater pump and treat, chemical oxidation, bioremediation of soils, reclamation and earthworks. The development includes 430,000 sq ft of academic space, 899 student flats and associated retail space.



Figure 8. Swansea University Campus under construction

3.5 Other Sites Remediated under the Planning Regime

Planning Policy Wales (2013) requires the Local Authority to take into account the nature, scale and extent of contamination which may pose a risk to health when making planning decisions. This includes making sure that appropriate remedial works are carried out so that the site will be 'suitable for its new use'.

During the last 3 years the Contaminated Land Team has been consulted on more than 700 planning applications. A large majority of these applications have required some form of site investigation, risk assessment and remediation where necessary.

3.6 Managing Council Owned Land

It is recognised that many of the Council's property landholdings may be contaminated as a result of previous use and that provision for dealing with such contamination has serious financial implications.

The Part IIA Inspection Strategy will provide the Council with more detailed information about its own potentially contaminated landholdings, including the identification of sites which present the greatest risk. These potentially contaminated sites will be risk assessed in accordance with the adopted prioritisation strategy and hereon will be treated as any other site of potential contamination and will be addressed according to its prioritised ranking.

On acquiring land the Authority will give careful consideration as to the possibility of contamination and each acquisition will be judged on the requirement for investigation and due consideration to the Part IIA legislation, i.e. to ensure the Authority is not taking on any financial liabilities when considering the 'Polluter Pays' principle.

When disposing or leasing of Council land, the 'Buyers Beware' principle is applicable, i.e. the polluter will retain liability on sale unless land is sold with information. This will be considered on a site specific basis where, advice will be provided to ensure all contamination issues are considered and addressed prior to disposal/lease of land.

Chapter 4 Overall Objectives and Priorities of the Contaminated Land Strategy

The overall aim of this strategy reflects the environmental objectives set out in the NPT Single Integrated Plan (2013 – 2023) *‘To ensure robust regulation and effective environmental management systems provide healthy and clean air, land and water, allowing all citizens to enjoy the outdoors safely’*

The key objectives and priority actions to meet this overall aim, build on the previous work carried out under the 2005 strategy and reflect the new guidance and financial constraints the Council is facing in the current economic climate.

The Council will adopt a transparent approach to the identification and remediation of contaminated land. This approach is outlined in Figure 9 and is based on the new statutory guidance for inspecting contaminated land.

Figure 9 Key Objectives, Priorities and Actions.

Objective 1

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

Priorities and Actions

- **Identify potentially contaminated sites by updating the contaminated land database**
- **Prioritise sites for detailed inspection based on risk**
- **Categorise sites in accordance with new statutory guidance (Category 1-4)**
- **Establish a programme for investigation of Category 1 sites – This will be reviewed annually to reflect the available budget and funding opportunities**

Objective 2

To fulfil the Council's responsibilities with respect to implementing the Inspection Strategy and to ensure it meets the requirements of the Part IIA legislation.

Priorities and Actions

Adopt a rational, ordered and efficient approach to inspection.

- Provision of Contaminated Land Strategy 2015
- Report to the Welsh Government and Natural Resources Wales on inspection progress and status of contaminated land sites when requested
- Maintain regular updates through Regional and National Contaminated Land Groups

Identify potential Special Sites in liaison with Natural Resources Wales.

- Work closely with Natural Resources Wales and provide information when required

Ensure that officers involved in dealing with contaminated land issues are trained and up to date with new legislation and guidance being produced.

- Maintain ongoing training schedule for officers dealing with Contaminated Land

Objective 3

Encourage regeneration and redevelopment of Contaminated Sites through the planning system

Priorities and Actions

- **Adopt a fair, equitable and realistic process for dealing with planning applications**
- **Provide information to enable the Council to act in accordance with government planning policy and guidance**
 - Review planning procedures regularly in accordance with Welsh Planning Policy
 - Work in conjunction with the existing Unitary Development Plan policies and emerging policies within the NPT Local Development Plan to encourage development whilst protecting health and the environment

- Encourage discussions with applicants prior to the submission of formal planning applications to inform them of contaminated land requirements and provide guidance for developers
- Work closely with Welsh National & Regional Contaminated Land Groups to develop and promote best practice documents and guidance across Wales

Objective 4

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

Priorities and Actions

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

Objective 5

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

Priorities and Actions

Adopt an equal approach as a responsible landowner towards inspecting Council land and dealing with contamination.

- Identify Council owned/occupied contaminated sites which should be prioritised for remediation as part of the Council's Asset Management Plan
- Carry out investigation of land that is earmarked for disposal (for sale or leased land) in Council ownership to ensure contamination issues are addressed appropriately
- Work closely within NPTCBC to ensure contamination issues are considered early on in design/engineering projects
- Ensure that due consideration is given to contamination issues when acquiring future holdings and leasing land
- Ensure a coordinated approach to contaminated land within the authority to ensure compliance with, and enforcement of the relevant contaminated land regulations

Chapter 5 Strategic Inspection and Management (The Way Forward)

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

5.1 Risk Categories

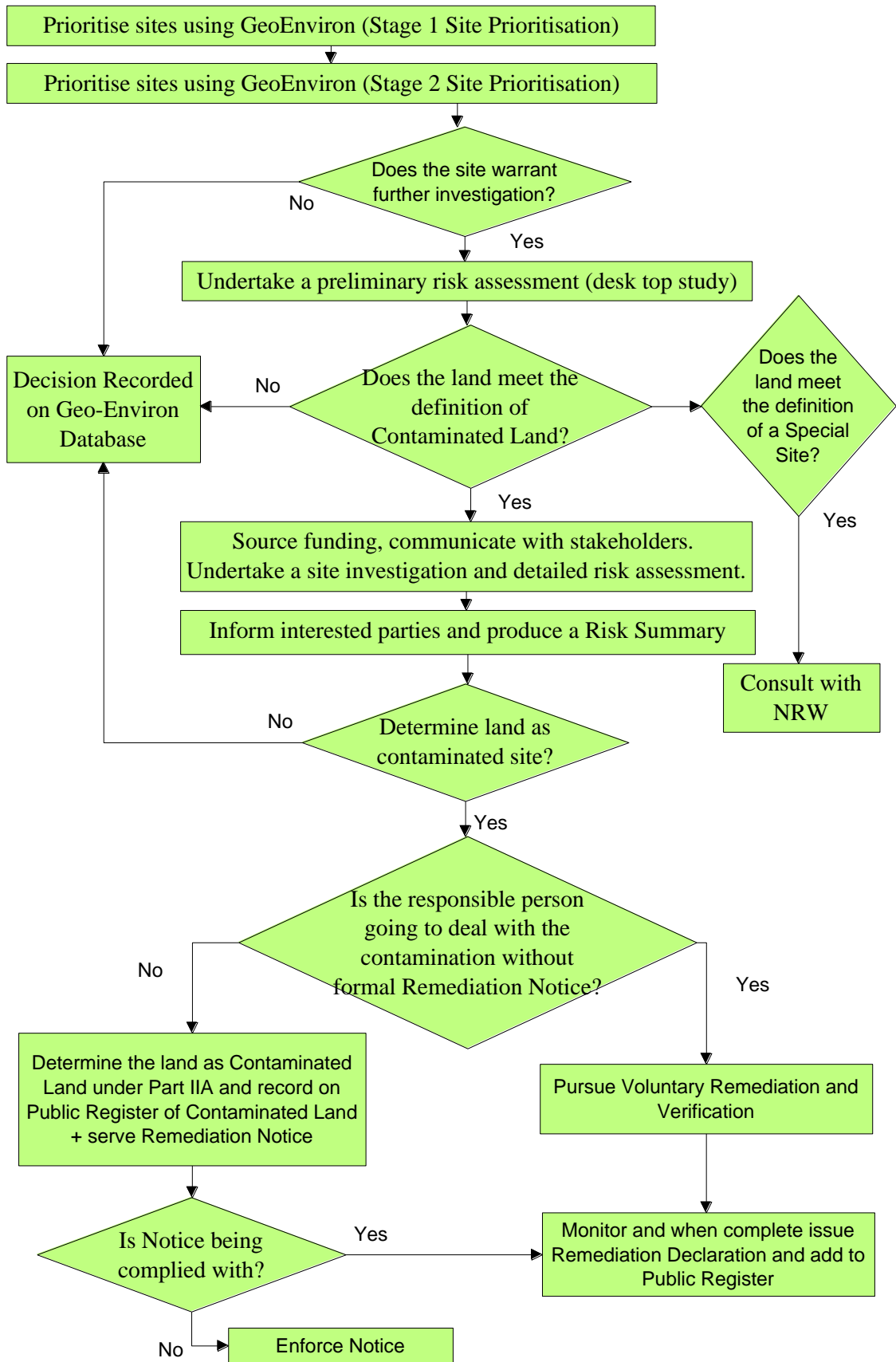
The revised Statutory Guidance has introduced a new four category system for classifying land under Part IIA, ranging from Category 4, where the level of risk posed is acceptably low, to Category 1, where the level of risk is clearly unacceptable. As part of the inspection process sites will be placed into a Category 1 – 4 depending on the level of evidence available. This will require re-prioritisation of our 6,000 potentially contaminated sites.

5.2 How will sites be inspected?

It is not practical to evaluate and investigate every single potentially contaminated site, therefore a strategic inspection regime has been adopted utilising a phased approach to reflect current legislation and guidance. This is outlined in Figure 10.

Following the initial stage of prioritising sites, it may be necessary to undertake further and more detailed assessment of land to establish whether a potential contaminant linkage has been identified. Data acquisition will be carried out in a phased approach, and between each phase a re-assessment of the site risk will be undertaken. The key issue at each phase of investigation is to determine whether sufficient evidence exists to either determine the site as contaminated or re-prioritise (remove to a lower risk category) based upon the revised risk assessment.

Figure 10. Procedures for Investigating Potential Contaminated Land Sites



5.3 Background Levels of contamination

The Statutory Guidance states that the Part IIA regime should not apply to land with levels of contaminants in soil that are common place and widespread throughout the UK and for which in the majority of cases there is no reason to consider that there is an unacceptable risk.

In April 2013 Defra published a report and Technical Guidance Sheets on Normal Background Levels of Contaminants in Welsh Soils. Further information on this can be accessed on the following link:-
<http://www.bgs.ac.uk/gbase/NBCDefraProject.html>

It is important to note that due to the industrial heritage within this area, background contamination levels in the Neath Port Talbot area are relatively higher than other areas of Wales and therefore these factors are taken into consideration when investigating sites under the Part IIA legislation.

5.4 What Guidance is available?

All phases of inspection will comply with current recognised guidance and good practice as outlined in Figure 11. It is recommended these documents are referred to for more detailed advice and guidance. It is worth noting that this list is not exhaustive and there are a number of other guidance documents available.

Figure 11. Further information and guidance

- Contaminated Land Statutory Guidance (Welsh Government 2012).
- Model Procedures for the Management of Land Contamination CLR11 (Defra & Environment Agency 2004),
- Guidance for the Safe Development of Housing on Land Affected by Contamination R&D 66 (NHBC and Environment Agency 2008) and GPLC Parts 1 – 3
- Guiding Principles for land contamination (Environment Agency 2010).
- WLGA Development of Land Affected by Contamination: A Guide for Developers 2013
- British Geological Survey – Normal Background Levels.
<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=17768#Description>
- Development of Category 4 Screening Levels for Assessment of Land Affected by Contamination. Policy Companion Document 2014.

CHAPTER 6 Information Management and Procedures

6.1 Which section of the Council deals with contaminated land?

Within Neath Port Talbot County Council, the Environment Directorate has the responsibility for the implementation of Part IIA Environmental Protection Act 1990.



Figure 12 Potential contaminated land

6.2 Providing Information to Third Parties

The implementation of the Inspection Strategy has resulted in the collation of a large amount of information which may be useful to other parties.

Neath Port Talbot County Borough Council acts in accordance with the requirements of the following statutes and regulations in making environmental information accessible to the public.

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

6.3 Provision of Site Specific Information

General factual site specific data will be made available on request to members of the public, those carrying out conveyancing work and other interested parties. Response to requests will be within 10 working days. The cost for provision of information will be published at www.neath-porttalbot.gov.uk/contaminatedland. This charge is in line with those levied by other regulatory authorities and will be reviewed on an annual basis.

6.4 Contaminated Land Register

The Council also has a duty to publish a Register of all enforcement action taken under Part IIA.

This can be accessed at the Legal Services Department, Port Talbot Civic Centre, Port Talbot, SA13 1PJ. The register is available Monday to Friday during normal office hours and access to the register will be provided free to members of the public although a small charge will be made for any photocopying.

Arrangements to view the register can be made by contacting the Legal Services Department on 01639 763345 Email: landcharges@npt.gov.uk.

6.5 Provision of Information to Natural Resources Wales

Natural Resources Wales is required to produce a report on the state of Contaminated Land from time to time, or as requested by the Secretary of State. Local Authorities are required to provide the appropriate information when requested.

6.6 Provision of Information for other Council Functions

In accordance with the Council's objectives and priorities, general and site specific information acquired through implementation of the Inspection Strategy will be made available to those carrying out other Council duties or activities, as and when necessary.

6.7 Provision of Information for Planning Services

The majority of land contamination issues will continue to be dealt with through the planning regime. In recognition of this, procedures are already in place to ensure that site specific information from carrying out this Strategy is made available to planning officers considering planning applications.

A GIS dataset showing 'Potentially Contaminated Areas', collated as part of the Part IIA inspection process and updated on a regular basis, has been made available to the Development Management functions via Corporate GIS. This dataset is used by Planning Officers and their supporting administration teams to identify proposed developments where contamination issues may need to be considered.

6.8 Local Land Searches

Following the implementation of Part IIA and the requirement for each local authority to keep a Public Register of its regulatory activity, a question (see below) referring to Contaminated Land has been added to the Form CON29 Enquiries of Local Authorities. The questions on this form are answered by the local Land Charges team in the Legal Services section in Neath Port Talbot County Borough Council as part of the search carried out every time a property transaction takes place. Local Land Charges base their response to Question 3.12 on information provided by the Contaminated Land Team.

Form CON29 - Q3.12 Contaminated Land - "Do any of the following apply (including any relating to the land adjacent to or adjoining the property which has been identified as contaminated land because it is in such a condition that harm or pollution of controlled waters might be caused on the property)?"

- a A contaminated land notice*
- b In relation to a register maintained under section 78R of the Environmental Protection Act 1990
 - i A decision to make an entry*
 - ii An entry**
- c Consultation with the owner or occupier of the property conducted under section 78G (3) of the Environmental Protection Act 1990 before the service of a remediation notice*

6.9 Contact Point

All enquires relating to this strategy should be addressed to:-

Contaminated Land Team

Environment Directorate

The Quays

Brunel Way

SA11 2GG

Tel: 01639 686845

Email: contaminatedland@npt.gov.uk

6.10 Who may provide us with information?

During the course of implementing this Strategy the Council may receive complaints or information relating to land contamination. This information may be forthcoming from the public or other stakeholders, or from statutory bodies including Natural Resources Wales.

Such information will be considered and evaluated on a site specific basis to determine its seriousness and significance. This may cause a site to be re-prioritised for inspection or to be considered as an urgent site. It may also be essential in helping the Council to decide whether a site appears to be Contaminated Land. Alternatively it may indicate that land contamination issues at a site should be best addressed through another regulatory regime.

6.11 When is the Inspection Strategy reviewed?

The Council has a duty to review its Contaminated Land Inspection Strategy on a regular basis and to meet its statutory responsibilities.

The Council will review this strategy every 5 years. This is considered to be the most efficient and effective way of ensuring the inspection strategy is up to date and reflects current practice, but also that it is a realistic and achievable Strategy.