



# St. Helens Council

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**CONTAMINATED LAND INSPECTION STRATEGY**

**ENVIRONMENTAL PROTECTION ACT 1990**

**ST. HELENS COUNCIL**

**REVISED January 2017**

## **EXECUTIVE SUMMARY**

In common with other areas, St. Helens has a legacy of land contamination arising from industrial development and other related operational practices.

Under contaminated land provisions contained within Part 2A of the Environmental Protection Act 1990, each Council has a duty to inspect its area to identify land which meets the statutory definition of contaminated land and ensure that it is managed in an appropriate manner.

The Part 2A legislation adopts the “suitable for use” approach in order to ensure that remedial action is taken only where contamination presents an unacceptable risk to human health or the wider environment assessed in the context of the current use and circumstances of the land.

Under Part 2A, the starting point should be that land is not contaminated land unless there is reason to consider otherwise. Only land where unacceptable risks are clearly identified after a risk assessment has been undertaken in accordance with the Statutory Guidance should be considered as meeting the Part 2A definition of contaminated land.

This Strategy document, now in its second review, sets out how St. Helens Council proposes to implement its inspection duties under Part 2A. It describes the framework within which land which merits detailed inspection will be identified in a rational, ordered and efficient manner, identifying the most serious problems first and concentrating resources on the areas where contaminated land is most likely to be found.

The identification and remediation of contamination within the Borough is a long and continuous process. The speed of progress during the implementation of this Strategy continues to be dependent on the resources available.

The Council has the primary regulatory role in the implementation of Part 2A but wherever necessary the Council will work in partnership with others, particularly the Environment Agency which has a key supporting role and a number of specific regulatory functions under the contaminated land regime.

Through implementation of the Strategy the Council’s aims are:

- to adopt a strategic risk based approach to the periodic inspection of the Borough to identify land which presents unacceptable risks to human health or the wider environment;
- to ensure that available resources are effectively targeted;
- to ensure that all those affected by, and involved in, the inspection process have the same clear understanding of the rationale for inspection, how this will be carried out and over what timescale;
- by effective communication of the authority’s intentions, to encourage voluntary action by polluters or other appropriate persons;

- to assist regeneration, improvement of the environment and protection of the Green Belt through effective links with wider Council and regional policies;

Key objectives and, where possible, timescales for meeting the above aims have been set out within the Strategy document.

It is recognised that sites where urgent action is required may be identified at any time; these will be dealt with as a priority as they arise.

Progress to date is summarised below:

- (i) Development of all modules in the Contaminated Land Information Management system (CLIMS) has been completed and all modules are integrated and fully functional;
- (ii) Collection of all core data sets for input into CLIMS has been completed. This process is also on-going as new information comes to light;
- (iii) Efficient liaison and information exchange mechanisms have been established with key partners;
- (iv) The initial site prioritisation algorithm run by the CLIMS Analysis module produced an inspection list of over 9105 sites requiring further inspection by the Council;
- (v) A rolling programme of Detailed Inspections commenced in 2006;
- (vi) Six sites have been investigated and/ or remediated and removed from the inspection list via Part 2A. With two of the sites containing a total of 270 and 38 properties respectively;
- (vii) The planning process continues to be the primary mechanism for identifying and remediating sites from the inspection list. A total of 3000 sites have been removed from the inspection list via the planning process since 2001;
- (viii) In parallel with progressing priority sites, the Council is currently progressing decisions on low priority sites in the form of academic research projects; these sites are currently at the desk top study inspection stage. Where the authority inspects land and finds little evidence to suggest that it is contaminated land, a written statement will be produced to conclude that land does not meet the definition of contaminated land under Part 2A. Further information is provided in Section 7.1.

(ix) Table 1 below provides a summary of the progress made to date including specific reference to the 40 highest priority sites and actions taken to address them through both Part 2A and the planning process.

**Table 1: Progress with assessment of contaminated land in St Helens**

St Helens potential contaminated land (total borough area of St Helens = 135.9 km <sup>2</sup> )			Part2A		Planning
			(a) Sufficient information available to establish SPOSH or not SPOSH	(b) Sites determined under Part2A as contaminated land or categorised as NOT contaminated land	(c) Hold sufficient information to remove from inspection list
9105 no. sites			No. of Sites	No. of Sites.	No. of Sites
40 highest prioritised sites	4.3 km <sup>2</sup> of the borough	3.2 % of the borough area	36 sites	3 sites <sup>2</sup>	33 (collation of data in progress)
<b>Potential contaminated land = 9105 – 3006 = 6099 no. sites remaining</b>					
<sup>1</sup> Tickle Avenue Estate, Sutton Sankey Brook, Recreation Street Allotments and Jackson Street Estate – other sites that have been investigated and not determined include Wood Street (not SPOSH), Merton Bank (Management Plan). <sup>2</sup> Tickle Avenue Estate, Sutton Sankey Brook and Jackson/McCulloch Estate.					

This second revision of the strategy follows the revision of the Contaminated Land Statutory Guidance published in 2012 by the Department for Environment, Food and Rural Affairs (Defra). This review reflects the changes in legislation and guidance and reports on the progress made to date.