



Cheshire West & Chester Council

Contaminated Land Strategy

2026 - 2031



Cheshire West
and Chester

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Foreword

Cheshire West and Chester has a long and proud history of industrial activity. Industries such as salt extraction, oil refining and chemical manufacturing have played a significant role in shaping the borough's economy, supporting employment, and contributing to its growth and prosperity. While these activities have delivered substantial benefits, some historical land uses have left a legacy of land contamination that requires careful and responsible management.

This Contaminated Land Strategy sets out how the Council will fulfil its duties under Part IIA of the Environmental Protection Act 1990. It provides a clear framework for identifying and addressing land contamination and explains the mechanisms available for managing contaminated land, principally through the planning system and the local authority inspection regime established under Part IIA.

Transparency, proportionality and scientific rigour are central to our approach. Decisions regarding contaminated land will be made fairly, based on robust scientific evidence, and in accordance with relevant legislation and national guidance.

The Council is committed to applying the polluter pays principle, ensuring wherever possible that those responsible for causing contamination bear the costs of investigation and remediation.

I fully support this Strategy. Through effective management of land contamination, we can help create safer communities, protect valuable environmental resources, and encourage investment and regeneration across the borough.

Councillor Stuart Bingham

Cabinet Member for Community Safety and Neighbourhood Pride

August 2026

1. Introduction

Like many local authorities across the United Kingdom, Cheshire West and Chester has an inherited legacy of land affected by contamination. The aim of this Contaminated Land Strategy is to explain how Cheshire West and Chester Borough Council ('the Council') will fulfil its regulatory duties to deal with land contamination in its area.

There are two main mechanisms used to address land contamination, which work alongside each other. The contaminated land regime, set out in Part IIA of the Environmental Protection Act 1990, requires every local authority to inspect its area for sites affected by contamination. Inspection under Part IIA is intended for historical land contamination which presents a *significant* risk in its existing use. Working alongside Part IIA is the planning regime. When sites are brought forward for redevelopment, the developer must take appropriate measures to mitigate risks from any land contamination and ensure the site is made suitable for its intended use. As a minimum, sites redeveloped under the planning regime must not be capable of being determined as contaminated land under Part IIA. There are other routes available to deal with land contamination, and this Strategy outlines what these are as part of the Council's broader approach.

Dealing with the legacy of land affected by contamination has many significant benefits; it supports the reclamation and regeneration of brownfield sites, sustainable development, renewable energy production, biodiversity, and the growing need for housing, whilst protecting the quality of our natural landscapes.

The Council's vision, in its Plan for the Borough 2024-2028¹ is for a stronger future where we all play our part in thriving, caring and sustainable communities. This Strategy actively contributes to this vision, by ensuring it takes a proportionate, sustainable approach to dealing with land contamination which minimises unnecessary burdens on our residents and finances, whilst protecting and improving public and environmental health for the future.

Document Background and Consultation

The Council was formed in 2009, through the amalgamation of Chester City, Ellesmere Port and Neston and Vale Royal Borough Council with Cheshire County Council to form a unitary authority. Each former Council had produced its own contaminated land strategy. This document supersedes and replaces all former strategies.

This Strategy has been prepared by the Environmental Protection Team, part of the Public Protection Service in the Environment and Communities Directorate, with the support of relevant Council teams. For quality and technical assurance, the Strategy has been peer reviewed by an external specialist contaminated land officer. A list of all the national agencies, local authorities and all other stakeholders who were consulted on this Strategy are detailed in Appendix A. Following a period of public consultation from 2025 to 2026 and approval by Cabinet on 15 July 2026, this document was adopted and published in August 2026.

Contaminated Land Strategy Review

Local authorities are required to keep their Contaminated Land Strategy under periodic review. The Council will review its Strategy every five years. Future reviews will consider the

¹ [Cheshire West and Chester: Plan for the Borough: 2024 – 2028](#)

effectiveness of the Strategy against its objectives, any changes in legislation or Council policies and any variations in industry guidance in the assessment of land contamination.

Enquiries

Enquiries about this Contaminated Land Strategy should be directed to:

Environmental Protection, The Portal, Wellington Road, Ellesmere Port, CH65 0BA.

Email: regulatoryservices@cheshirewestandchester.gov.uk

Report a land contamination issue

If you wish to report a land contamination issue, the easiest way is to visit our [website](#).

Alternatively, you can call the Council 0300 123 8123 (8am – 7pm, Monday to Friday, excluding Christmas Day and Bank Holidays) and ask to speak to a contaminated land officer.

To help us assess and investigate the matter as quickly as possible, please provide:

- The location / address of the contamination
- A description of what you have observed including the time and date observed
- Photographs, if available

2. Contaminated Land Strategy: Purpose and Objectives

Purpose

Each local authority is required to prepare and adopt a contaminated land strategy, in which it sets out its approach to managing land affected by contamination. This Strategy has been prepared in order to fulfil that requirement, in accordance with the Contaminated Land Statutory Guidance (2012)² ('the Statutory Guidance').

Government Objectives

The Statutory Guidance sets out the Government's objectives for the Part IIA contaminated land regime, which are as follows:

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

Cheshire West and Chester Objectives

To both complement and further Government objectives, the Council's objectives are to:

1. Protect human health and the wider environment from unacceptable land contamination risks (i.e. significant possibility of significant harm or pollution of controlled waters) by allocating appropriate personnel, resources, systems and training.
2. Take a precautionary and proportionate approach to managing land contamination risks with the aim of ensuring a net benefit, using Part IIA of the Environmental Protection Act 1990 (see Section 3 for further detail) only when alternatives such as land redevelopment and independent action by landowners do not exist. This must strike a reasonable balance between dealing with the risks and benefits of remediating land and potential impacts of regulatory intervention including financial costs (including to the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people.
3. Drive for sustainability in our actions with respect to land contamination, including the redevelopment of land affected by contamination and voluntary remediation.
4. Only accept land contamination assessments and remedial work which meet the required quality and technical standards, to make robust and transparent decisions.
5. Fulfil our statutory duties under Part IIA to prepare a written strategy of inspection to identify sites affected by land contamination and address those sites where significant risks are most likely to be present.
6. Ensure value for money by minimising unnecessary burdens on stakeholders and the taxpayer.
7. Prevent further contamination of land.
8. To communicate with our residents in an open and transparent way to provide them with information and an understanding of the Council's work on land contamination.

² [Contaminated land statutory guidance - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260202/contaminated_land_statutory_guidance.pdf)

3. Contaminated Land Part IIA Regime and Definition

Legislative Framework

Part IIA of the Environmental Protection Act, 1990³, which entered into force on 1 April 2000, is the legal framework for dealing with contaminated land in England. The primary legislation contains the structure and provisions of the regime. It comprises sections 78A to 78YC, which were inserted by Section 57 of the Environment Act 1995.

The current Statutory Guidance stipulating how regulators should implement Part IIA came into force on 6 April 2012 and superseded the previous guidance⁴. The Statutory Guidance provides a detailed framework for the definition, identification, and remediation of contaminated land.

The responsibility for administering and enforcing Part IIA resides with the local authority.

Terminology and the definition of 'contaminated land' under Part IIA

Throughout this document, the following terms will be used:

- 'Land affected by contamination' or 'land contamination' and
- 'Contaminated land'.

This distinction is made because under Part IIA, the term 'contaminated land' is defined in statute 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 –

(a) significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused"

Only land which meets the above definition will be referred to as 'contaminated land'. All other land in which contaminative substances are known to be present will be referred to as 'land affected by contamination' or 'land contamination'.

It is important to recognise that the statutory definition of contaminated land is narrower than may widely be perceived.

Land affected by contamination will not necessarily meet the definition of 'contaminated land'.

Significant harm or significant pollution of controlled waters, or significant possibility of either, must be evidenced for land to meet the definition of 'contaminated land'.

³ [Environmental Protection Act 1990](#)

⁴ [Defra circular 01/2006 "Contaminated land"](#)

Land affected by radioactivity

In 2006, Part IIA of the Environmental Protection Act 1990 was extended to address radioactive contaminated land. This is only applicable to land affected by radioactivity which is present as result of past activities or the result of the after-effects of an emergency. It excludes licensed facilities and natural background radiation (e.g. radon).

Where land is affected by radioactivity, the definition of contaminated land was amended as follows:

“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 –

- (a) harm is being caused, or*
- (b) there is a significant possibility of such harm being caused*

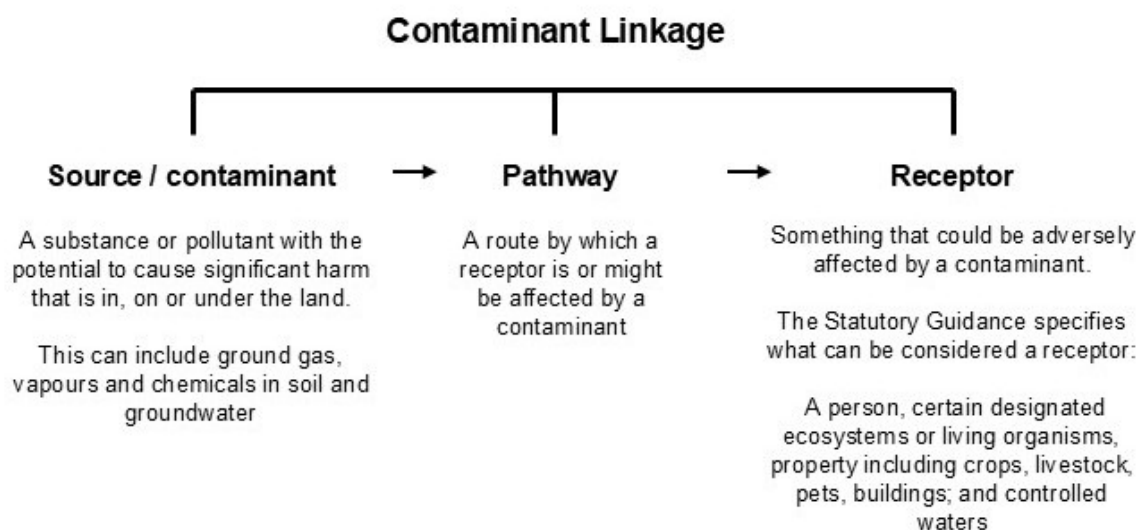
There is separate Radioactive Contaminated Land Statutory Guidance⁵, issued in 2018, which explains how local authorities should implement the radioactive contaminated land regime. The Environment Agency, which is the enforcing authority for radioactive contaminated land, should ensure that remediation requirements are reasonable.

Where land is affected by radioactive and nonradioactive contamination, both sets of Statutory Guidance apply.

How a site is assessed to determine if it is contaminated land

Contaminant linkages

The first step is to establish the presence of one or more **contaminant linkages**. A contaminant linkage is where a **source/contaminant**, **pathway** and **receptor** are identified.



All three elements must exist for there to be a contaminant linkage.

⁵ [Radioactive contaminated land: statutory guidance - June 2018](#)

Conceptual Site Model

The next step is to develop a conceptual site model. This is a key component of any land contamination assessment. This demonstrates all the possible relationships between contaminants, pathways and receptors, considering the site environmental setting and condition and forms the basis of undertaking a risk assessment.

Risk Assessment

Once all contaminant linkages have been identified from the conceptual site model, the next step is establishing whether any are **significant**. This is determined through the principles of **risk assessment**. Here the combination of probability and severity of consequence is considered:

- **Probability** – how likely is it that something will occur?
- **Severity of consequence** – if it does occur, how serious will be it be?

To meet the definition of contaminated land, there needs to be one or more significant contaminant linkage(s).

What constitutes significant harm or pollution of controlled waters, or significant possibility of either, is prescribed in the Statutory Guidance.

If a local authority identifies a site where one or more significant contaminant linkage exists, it must formally determine that site as contaminated land. This is discussed further in Section 6.

The Environment Agency, Natural Resources Wales and Part IIA

While the local authority is the principal regulator for identifying and addressing contaminated land, the Environment Agency and Natural Resources Wales have an important, complementary regulatory role (both agencies are relevant; Cheshire West and Chester is situated in England but shares a border with Wales to the west).

They must:

- Assist local authorities to identify contaminated land by providing information and site-specific guidance.
- Inspect and manage sites which are likely to be designated ‘special sites’⁶ as the relevant enforcing authority.
- Provide information and advice to a local authority in situations where water pollution is suspected.
- Advise on local authority contaminated land strategies.

Although the Environment Agency, or Natural Resources Wales, may be the enforcing authority for special sites, a determination of ‘contaminated land’ remains the responsibility of the Council.

⁶ [The Contaminated Land \(England\) Regulations 2006](#)

4. Characteristics of the Local Authority area

Cheshire West and Chester

Cheshire West and Chester Council is the fourth largest authority in the northwest of England, covering an area of 917km² and is home to over 374,000 residents⁷ (2025). It borders seven other local authority areas (see Appendix A), including two in Wales.

The area is characterised by attractive countryside, varied landscapes, diverse settlements and a range of traditional and modern industry and agricultural land use. There are four key urban areas; the historic city of Chester, Ellesmere Port, Northwich (and its adjoining settlements) and Winsford.

Cheshire West and Chester benefits from a high-quality natural environment with several internationally and nationally important sites for wildlife, including the Dee and Mersey estuaries.

The location of Cheshire West and Chester and its key urban areas are illustrated on Figure 1 below.

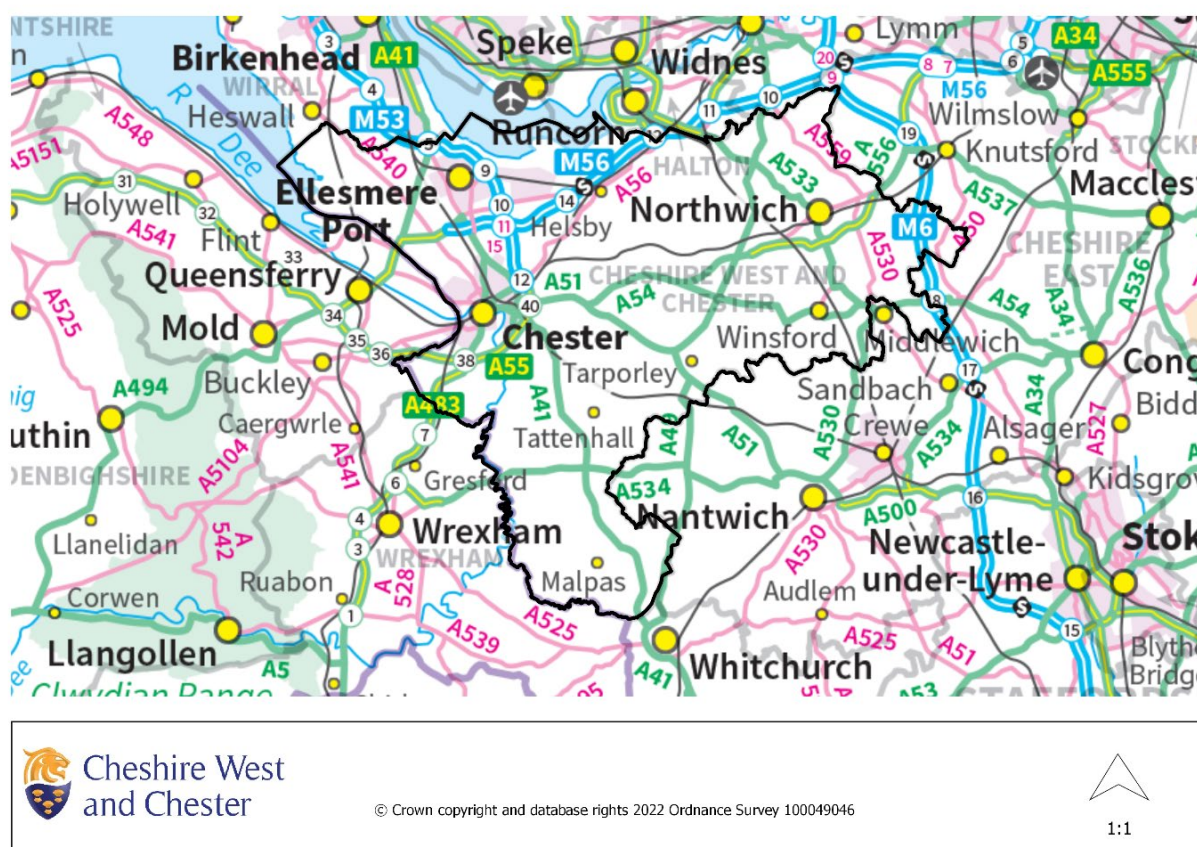


Figure 1 – Location of Cheshire West and Chester

⁷ [Population Estimates | Cheshire West and Chester Council](#)

Historical context and industrial development

Consideration of the history, scale and nature of industrial development and other potentially contaminative activities can be important for efficient and informed inspection. It directs focus on areas where contamination is most likely and indicates the likely nature of any contamination present. Below is a summary of the key industries and their locations.

As with most areas across the United Kingdom, the industrial development of Cheshire West and Chester is closely tied to its natural resources, geology, watercourses, and geographical location.

Large industries are situated in Ellesmere Port, in particular, petrochemical processing. After construction of the Manchester Ship Canal (1890s) and a deep-water oil dock (early 1900s), the oil refinery at Stanlow was completed in the 1920s, along with associated chemical plants and large petrol and oil storage depots in the area. Stanlow is one of the largest oil refineries in Europe, covering approximately 770 hectares of land and is a major local employer.

Rock salt mining began in Marbury, Northwich in the 1600s and was supplemented by brine extraction in the later part of the 19th Century. The core of the brine salt industry in this area was along the River Weaver from Winsford to Northwich. Subsidence, both natural and man-made, has occurred leaving large holes (flashes or meres) which strongly influence the landscape. A salt related chemical industry became established in the 1870s at Winnington, Northwich and included the development of an alkali manufacturing industry (Brunner Mond UK, now Tata Chemicals Europe). The salt and alkali markets have diminished but remain locally active.

Other areas have also been exploited for their natural resources. Neston has a legacy of coal mining. Elsewhere, areas of sand and gravel have been, and continue to be, extracted for construction material. The resulting excavations were often infilled, and some are the locations of historical landfill sites.

Geology

The characteristics of the soils, rocks and materials which make up the landscape are an important consideration for land contamination assessments. For example, differences in rock or sediment will affect how some contaminants can move (migrate) in groundwater and can influence ground gas migration.

Unconsolidated geology is present across most of the Borough comprised mostly of clay, alluvium and tidal flat deposits. Locally there are areas of thick peat (rich organic material). The underlying solid geology (rock) broadly comprises sandstone and mudstones in the central and western areas, with halite (rock salt) in the east, stretching between Winsford and Northwich.

Groundwater

The Environment Agency and Natural Resources Wales are responsible for protecting groundwater, in particular, that which is used for drinking (potable water). Source protection zones (SPZs) are areas surrounding groundwater sources (wells, boreholes and springs) where there is risk to the groundwater supplies from contamination. SPZs in England can be viewed on the Multi-Agency Geographic Information for the Countryside (MAGIC) website⁸ and in Wales at DataMap Wales⁹. There are many potable abstraction sites in the Borough and much of the west of the Borough resides within an SPZ.

Groundwater not used for public supply can also be an important consideration in its own right. For example, there are many private water supplies from groundwater across Cheshire West and Chester which can also be vulnerable to contamination.

Watercourses

Much of Cheshire West and Chester is in the watershed of the River Mersey, consequently most of the surface water movement is to the north and west, including main rivers such as the Gowy, Dane, and Weaver. The River Dee flows through Chester, turning northwest and discharging into the Irish Sea via the Dee Estuary.

Protected areas and historic properties

Protected areas and historic properties can have increased vulnerability to contamination, and therefore, are potentially sensitive receptors. In Cheshire West and Chester there are the following:

Ecological sites:

- 2 Special Protection Areas
- 4 Special Areas of Conservation
- 28 Sites of Special Scientific Interest
- 4 Ramsar Sites
- 6 Local Nature Reserves
- 447 Local Wildlife Sites

Key historic property types:

- 118 Scheduled Monuments
- 2520 Listed Building Records and 1313 Locally Listed Buildings
- 97 Conservations Areas
- 7 Registered Parks and Gardens
- 1 Registered Battlefield
- 1 Area of Archaeological Importance

These features can be viewed on the Council's public map viewer¹⁰ webpage.

⁸ [MAGIC](#)

⁹ [Source Protection Zones \(SPZ\) Merged | DataMapWales](#)

¹⁰ [Public Map Viewer](#)

5. The approach to managing land contamination – Part IIA, Redevelopment through planning and other mechanisms

This section describes when the Part IIA contaminated land regime will apply, and the relationship between Part IIA and other mechanisms for dealing with land contamination.

Part IIA Inspection and the contaminated land regime

In accordance with the Statutory Guidance, inspection and assessment of land affected by contamination under Part IIA is relevant and appropriate when:

- The contamination is historical, typically from the legacy of industrial activity of poor environmental practices.
- When, after appropriate period of review and in consideration of all other alternative solutions, there is **no other available route** to appropriately address the potential risks.

Inspection and assessments are made based on the existing use only and do not consider any proposed future use of the site. In that instance, the appropriate controls under the planning regime (see below) will apply to ensure safe future use.

The process of how the Council will inspect its area under Part IIA is described in Section 6.

Redevelopment of land through Planning

Most land contamination identified in Cheshire West and Chester is addressed by redevelopment brought forward under planning.

Land contamination is a material consideration under planning. The National Planning Policy Framework (2024)¹¹ requires that:

- *‘A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination’.*
- *‘After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990’.*
- *‘Adequate site investigation information, prepared by a competent person, is available to inform these assessments.’*

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. However, local authorities have a regulatory role to ensure that risks from land contamination are assessed and mitigated to appropriate regulatory standards.

The Council’s Planning service screens planning applications for those which may involve development of sites where contamination is known or reasonably likely to be present and sites in which the proposed end use would be particularly sensitive to land contamination (e.g. residential). Environmental protection officers are then consulted to review the application. The information required from the applicant will be proportionate to the level of risk. Risks from land contamination are normally addressed using planning conditions on development schemes requiring contamination assessments and where applicable, remedial work and verification. In rare circumstances environmental protection officers may object to

¹¹ [National Planning Policy Framework - Guidance - GOV.UK](https://www.gov.uk/government/policies/national-planning-policy-framework)

any proposed development where the risks from land contamination are considered too high or where the developer has not submitted sufficient information to demonstrate the site can be safely redeveloped, with regards to land contamination.

Land contamination assessments and remedial works which are identified as failing to adhere to necessary quality standards will be challenged or rejected and comments recorded publicly on the planning case file via the Council's online Planning website¹². It is a requirement that land contamination work and reporting is undertaken by competent persons. Under planning, a competent person is defined in Annex 2 of the National Planning Policy Framework¹³.

The contaminated land officer will recommend planning enforcement action where required, in accordance with the Council's Enforcement Policy¹⁴.

The Environment Agency and Natural Resources Wales are also a statutory consultee on planning applications where groundwater or other water bodies may be threatened by contamination. Where appropriate, the Environment Agency and Natural Resources Wales will also recommend conditions to safeguard water receptors or recommend planning refusal if risks are considered too high.

Other routes to address land contamination:

In certain situations, alternative legislative regimes may be more applicable. These include:

- Environmental Damage (Prevention and Remediation) Regulations 2015

The 2015 Regulations are relevant to instances of new pollution or environmental damage to species, habitats, water or risks to human health from land contamination. The polluter is required to take immediate action to remediate damage and prevent recurrence. The type of damage in respect of which the Council has considered action under these Regulations previously includes significant fuel spills to ground from domestic fuel supplies.

The Council, the Environment Agency and Natural Resources Wales are all enforcing authorities of the 2015 Regulations.

- Water Resources Act 1991 and other Water Legislation

The Environment Agency and Natural Resources Wales have powers under the 1991 Act to protect water resources and take action where pollution incidents have occurred directly into a body of water, or to prevent such incidents occurring.

Where pollution of controlled waters has occurred from land, it may be more appropriate to use the Part IIA regime.

- Waste Legislation

Contamination of land arising from new illegal tipping of waste is addressed by waste legislation. The Council, the Environment Agency and Natural Resources Wales are all enforcing authorities of this legislation, depending on the circumstances of each case.

- Environmental Permitting (Environmental Permitting (England and Wales) Regulations 2016)

¹² [Planning and building control | Cheshire West and Chester Council](#)

¹³ [National Planning Policy Framework - Annex 2: Glossary - Guidance - GOV.UK](#)

¹⁴ [Council plans, policies and strategies | Cheshire West and Chester Council](#)

Environment Permitting deals with industrial pollution. Operators of certain industrial facilities or uses will require a permit, which will control certain activities including emissions to land and require remediation to an agreed baseline upon facility closure. Depending on the nature of the process, the site will either be regulated by the Environment Agency, Natural resources Wales or the Council.

- Other mechanisms

Other routes to deal with land contamination risks include: encouraging voluntary remediation with landowners/occupiers who wish to address potential contamination on their land on a voluntary basis, independent action by landowners, Building Control requirements and statutory nuisance legislation.

Sustainability

The Council's Plan for the Borough 2024-2028¹⁵ identifies a vision of greener communities, to protect the natural environment and adapt to the impact of climate change. In 2019, the Council declared a climate emergency¹⁶ and has put forward a Climate Emergency Response Plan¹⁷, with the aim of driving the Borough towards carbon neutrality by 2045. Sustainability is therefore embedded in both Council policy and processes. A key objective of this Strategy will be 'playing our part' and undertaking a sustainable approach to the management of sites affected by land contamination.

The Statutory Guidance makes clear reference to sustainability in dealing with land contamination. With respect to the determination of land under Part IIA, local authorities do not have to produce a detailed sustainability analysis for sites which may require remediation but must make a '*broad consideration*' of all the factors. For sites addressed through the planning regime, addressing land contamination must be 'compatible with the principles of sustainable development'.

Irrespective of the regime under which land contamination management is delivered, the Council will endeavour to promote the use of tools available from The Sustainable Remediation Forum UK¹⁸ (SuRF-UK). This initiative was set up to progress the understanding of sustainable remediation in the United Kingdom. The SuRF-UK tools provide a framework to ensure that the benefits of remediation outweigh its impacts and that the most appropriate remediation solution is selected through a balanced decision-making process.

Transparency and Reporting

We want our residents to be informed about the environment in which they live. It is important that our residents understand what the Council does to identify and manage risks from land contamination.

From 2027, the Council will produce an annual summary of the work undertaken, including sites investigated for land contamination under the Planning system and under Part IIA. This will be published on the Council website.

¹⁵ [Cheshire West and Chester: Plan for the Borough: 2024 – 2028](#)

¹⁶ [The Climate Emergency | Cheshire West and Chester Council](#)

¹⁷ [Climate Emergency Response Plan](#)

¹⁸ [SuRF UK](#)

Working collaboratively with relevant agencies and organisations

The Council will work closely with key stakeholders and relevant agencies, seeking their assistance where required, to support its objectives.

Opportunities to collaborate with other relevant organisations, for example on land contamination research, will be welcomed and considered where appropriate.

Requests for Information

Details on how to request land contamination records held by the Council are available on our [website](#).

Disclosure of information will be managed in accordance with the Environmental Information Regulations (2004).

6. Contaminated Land Inspection Process

Introduction

Under Part IIA, local authorities are required to set out and formally adopt a bespoke approach to inspection of its area. The Statutory Guidance requires local authorities to:

- Inspect their area from 'time to time' for the purpose of identifying contaminated land in an approach that is rational, ordered and efficient.
- Ensure that the most pressing and serious problems will be identified and dealt with first, considering the seriousness of any actual or potential risk.
- Determine whether any prioritised sites meet the statutory definition of contaminated land.
- Take a precautionary and proportionate approach to regulatory intervention, with strong consideration for the specific circumstances of each case.
- Consult the Environment Agency and/or Natural Resources Wales on sites where there is pollution of controlled waters, and it is considered that the land meets the criteria of a 'special site'. A special site is a contaminated site that meets certain criteria set out in law¹⁹, usually because the contamination affects controlled waters or involves specific types of pollution. On such sites the Environment Agency and /or Natural Resources Wales would be the lead authority.

The Statutory Guidance recommends a two-stage approach to local authority inspection:

Strategic Inspection: This is the starting point and involves collecting information to make a broad assessment of the land, to enable the identification of priority sites for detailed inspection.

Detailed Inspection: A comprehensive site assessment, often including intrusive site investigation (i.e. excavating exploratory holes to record the ground condition), the collection of environmental samples and detailed quantitative risk assessment.

If, through the strategic inspection process, a site is prioritised for detailed inspection, the site will be investigated and assessed until such a point where it can be categorised and either determined as contaminated land or not contaminated land. Determined sites will then require further regulatory intervention, as appropriate, to mitigate the identified risks.

¹⁹ [The Contaminated Land \(England\) Regulations 2006](#)

Strategic Inspection

The Council holds a record of sites identified as potentially contaminated land, which is stored within a mapping database called a Geographical Information System (GIS). The sites were identified from consideration of the large repository of information on contamination or potential contamination. This includes:

- Land contamination reports
- Council managed closed landfill sites
- Historical maps and aerial photography
- Regulatory data supplied from the Environment Agency, Natural Resources Wales and other relevant authorities
- Baseline reports produced for the environmental processes inspected by the local authority
- Petrol Station and Fuel Storage or processing sites

Each site has a unique reference number and is mapped to define its known or assumed area extent. Key information is attached to each site, such as known historical usage, site status and current land use. This record of potentially contaminated sites remains under constant review and refinement. Where new information becomes available, sites may be added, removed or information amended.

Site investigation or other contaminated land reports, historical site plans and other site records, are stored securely and separately. This information will be electronically linked to the mapping database, and it is a priority action as part of the strategic inspection process.

Prioritisation

Each site identified through the strategic inspection process will be screened using GIS tools to give a score, based on the known historical land use, current land use and groundwater conditions. This will identify sites where potentially significant contamination and the most sensitive receptors are both present and therefore, where significant contaminant linkages are most likely to exist and where harm is most likely to occur.

This list of sites will then be scrutinised and refined by systematically taking into consideration other sources of information, such historical records, site investigation information or planning proposals. The output of this process will form the basis of the prioritisation list.

Priority will be afforded to sites where there is a risk to human health, and contamination of controlled waters.

The Council will also consider

- Protection of designated ecosystems
- Prevention of damage to property; livestock and crops etc
- Prevention of further contamination of land

Timeframe

The strategic inspection process remains ongoing. The priority action for strategic inspection is to refine the database of information, and this will be advanced in the context of other priorities and available resources. Other priorities also include ongoing inspection at existing sites.

The process of strategic inspection does not need to be complete for sites to be prioritised for detailed inspection. For example, sites may be brought to the Council's attention for several reasons, such as officers uncovering information in the course of their duties which indicates a potentially significant risk or new evidence of land contamination from residents or local communities. Sites will be prioritised for inspection on the basis of risk.

Detailed Inspection and Assessment

Where the strategic inspection and prioritisation process identifies sites where detailed inspection may be required the Council will carefully consider each site against the following key requirement:

- Is there a reasonable possibility that a significant contaminant linkage and an unacceptable risk of significant harm to human health or the environment exists?

Detailed inspection can be lengthy and costly. Central government funding of Part IIA investigations was withdrawn in 2014, yet statutory Part IIA duties remain. As such, the Council must only carry sites through for detailed inspection where there is robust evidence of the significant possibility of significant harm and no other alternative options are available. The Council will prioritise the detailed inspection of sites where human health is the key receptor.

Detailed inspection will follow the phased, risk-based approach specified under the Environment Agency's Land Contamination Risk Management Guidance²⁰ (LCRM). Inspection activities will stop at any stage where the Council decides there is insufficient evidence that the land might be contaminated land.

Given the ad-hoc need for detailed inspection, the Council does not retain in-house technical capability or resources to deliver this work. Specialist land contamination consultants will be appointed via the Council's procurement policies and processes when required. Selected consultants will be suitably qualified, competent and experienced to undertake the work as specified under LCRM. Where appropriate, reports will be reviewed by a suitably qualified person under the National Quality Mark Scheme (NQMS) for quality assurance.

Preliminary Risk Assessment (Tier 1)

This is the starting point for all land contamination assessments. It will develop the preliminary conceptual site model, identify all potential sources, pathways receptors and potential contaminant linkages and qualitatively evaluate potential risks. This is typically a desk-based exercise, utilising site data, regulatory information, historical maps, and consultation with statutory consultees. Non-intrusive surveys or preliminary environmental sampling may also be included. The conclusions of the preliminary risk assessment will determine the requirement (and if needed, an outline or detailed scope) for further assessment.

Generic Quantitative Risk Assessment (Tier 2)

This comprises some form of intrusive site investigation, environmental sampling and analysis. Data collection will be targeted to assess the identified potential contaminant linkages from the conceptual site model developed in the Preliminary Risk Assessment. Environmental data will be screened against published generic screening criteria to assess the significance of the risks, and the conceptual site model will be updated.

²⁰ [Land contamination risk management \(LCRM\) - GOV.UK](#)

If the assessments indicate that all risks are low, the Council will exit the detailed inspection process. Where risks are considered unacceptably high, or there is uncertainty in their significance, further assessment is required.

Detailed Quantitative Risk Assessment (Tier 3)

This comprises the derivation of site-specific assessment criteria to assess the significance of risk, and collection if needed, of further data to screen against the assessment criteria. This is highly technical work which requires specialist skills and the use of industry accepted software. The conceptual site model is further updated to support the outcome of the assessed potential contaminant linkages.

Determination of Contaminated Land

Categorisation

To determine whether an area of land meets the statutory definition of contaminated land, the Council will apply the prescribed system of categorisation based on definitions of harm and follow the practice described in the Statutory Guidance. The UK Health Security Agency, Environment Agency and / or Natural Resources Wales will be consulted for advice at the categorisation stage.

Categories 1 and 2: where there is significant possibility of significant harm

Categories 3 and 4: where there is not significant possibility of significant harm.

Only sites which can be categorised as 1 or 2 can be determined as contaminated land.

Risk Summary

The Council will produce a risk summary for any land where, on the basis of its risk assessment, it considers it is likely that the land may be determined as contaminated land. The risk summary will explain, in non-technical terms, its conclusion on the risks and other relevant factors.

Record of Contaminated Land Determination

The Council will prepare a written record of any determination, which is understandable to the layperson and made public by means to be determined by the local authority.

For any future determinations of contaminated land, the Council will identify the location on its Public Map Viewer²¹ and the required written record will be prepared in accordance with the Statutory Guidance and published on the Council's website²².

²¹ [Public Map Viewer](#)

²² [Contaminated land information | Cheshire West and Chester Council](#)

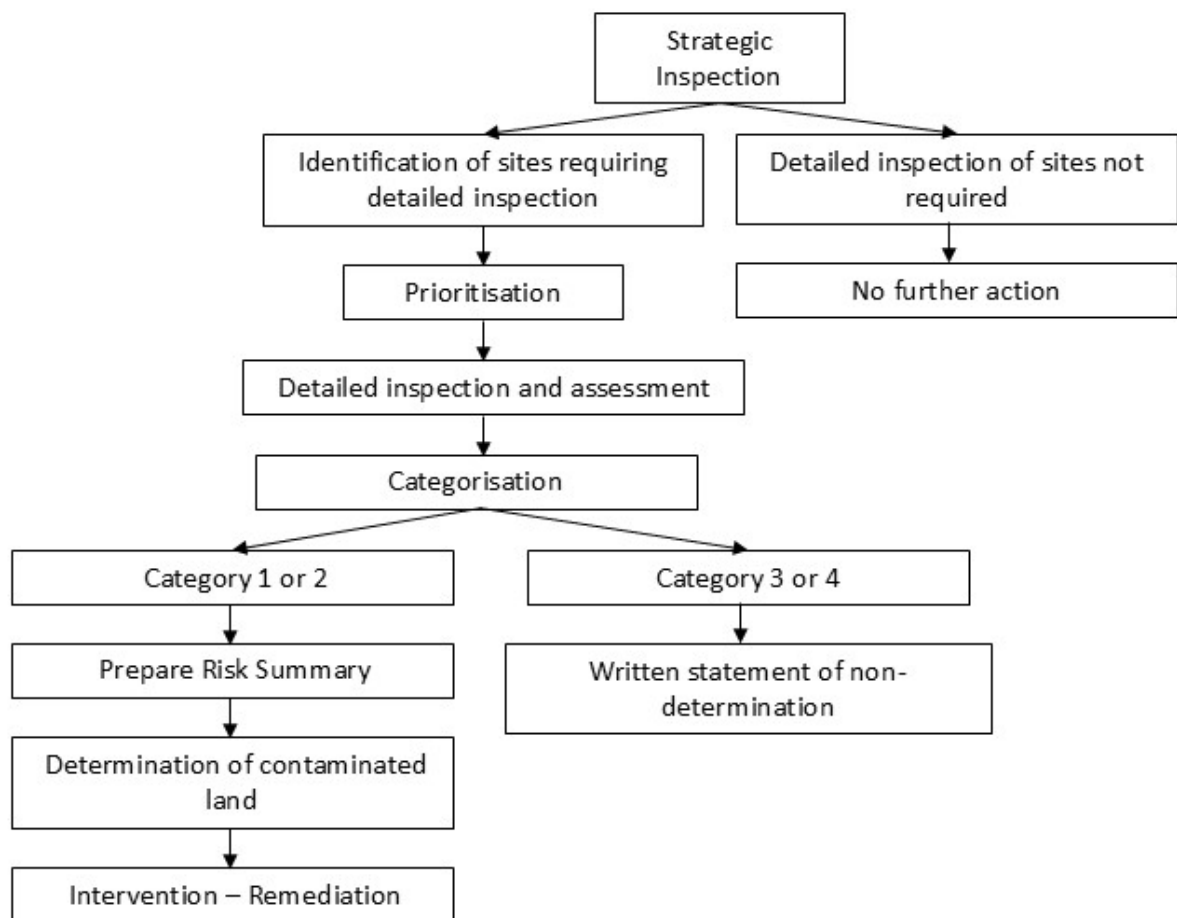


Figure 2: Overview of the Contaminated Land Inspection Process

Sites previously determined as Contaminated Land

In total 17 sites have been inspected to date under Part IIA in Cheshire West and Cheshire. Five sites have already been determined as Part IIA contaminated land.

Information relating to these sites is available and was prepared in accordance with the requirements of the guidance at the time of determination. As all determinations were made prior to the introduction of the current Statutory Guidance, there was no requirement for site categorisation, risk summaries or a written record of contaminated land determination to be completed. The Statutory Guidance does not make it a requirement for this work to be undertaken retrospectively.

The locations of all determined contaminated land sites are shown on the Council's Public viewer²³ webpage.

Sites not determined as Contaminated Land

Since the introduction of the current Statutory Guidance, it is now a requirement for local authorities to prepare a written statement for sites which are carried forward for detailed inspection but are ultimately not determined as contaminated land. This must document the reasons for the decision. The written statement will be shared with the landowner, neighbouring landowners and other relevant stakeholders.

There is no requirement for local authorities to prepare retrospective written statements for detailed inspections undertaken before 2012 which were not determined as contaminated land.

Investigating sites while Strategic Inspection is ongoing

The process of strategic inspection does not need to be complete for detailed inspections to commence.

Sites may be brought to the Council's attention for several reasons, such as Council officers uncovering information in the course of their duties which indicates a potentially significant risk or new evidence of land contamination from residents.

Special sites

For land which appears to meet the criteria of a special site as set out in the Contaminated Land (England) Regulations 2006²⁴, the Council will consult with the Environment Agency and, subject to their advice and agreement, the Environment Agency will undertake intrusive inspection of the site on behalf of the Council and report its findings. The determination of the site as contaminated land remains the responsibility of the Council.

If it is decided that a site meets the statutory definition of contaminated land, the Council will consult with the Environment Agency prior to formal determination.

It may be necessary to liaise with Natural Resources Wales if the site is situated close to the Welsh border and/or is within the catchment of the River Dee, but otherwise the responsibility for enforcement, investigation and management of such sites will rest with the Environment Agency.

²³ [Public Map Viewer](#)

²⁴ [The Contaminated Land \(England\) Regulations 2006](#)

Review of previous inspection decisions

There may be instances where changes in the environmental condition or relevant circumstances of a potentially contaminated site (or surrounding land) will prompt the Council to revisit and potentially review previous inspection decisions. This may include:

- Changes in land use, introducing new, more sensitive receptors.
- Changes in legislation, guidance, case law and other precedents.
- Revision of relevant guideline values for exposure assessment.
- Receipt of new information.
- Reports of localised health effects.
- The potential for contaminant linkages to become significant or urgent as a result of unplanned events (e.g. flooding, subsidence, spillages etc).

With regard to sites determined as contaminated land, the Statutory Guidance states:

‘The local authority should reconsider any determination that land is contaminated land if it becomes aware of further information which it considers significantly alters the basis for its original decision. In such cases the authority should decide whether to retain, vary or revoke the determination’.

Where the Council has identified a site previously not determined as contaminated land as requiring re-assessment, it will be considered in the overall context of the strategic approach and other sites scheduled for detailed inspection and the delivery of wider statutory functions related to contaminated land.

Reporting a land contamination issue

Members of the public, businesses or community groups are encouraged to report potential land contamination issues or concerns to the Environmental Protection team as detailed on our [webpage](#).

Alternatively, you can call the Council 0300 123 8123 (8am – 7pm, Monday to Friday, excluding Christmas Day and Bank Holidays) and ask to speak to a contaminated land officer.

To help us assess and investigate the matter as quickly as possible, please provide:

- The location / address of the contamination
- A description of what you have observed including the time and date observed
- Photographs, if available

Environmental protection officers will consider the information received and may request further detail if required. This information will be assessed and used to determine the appropriate course of action, such as undertaking a site visit or redirecting the report either internally or externally e.g. the Environment Agency.

Officers will provide an initial response within five working days to such requests.

Cross Boundary Issues

If, through the process of inspection, it becomes apparent that a contaminant linkage may cross into a neighbouring authority / authorities, the Council will take the following approach:

- Notify the neighbouring authority / authorities as soon as possible and within 14 working days, if it is considered likely that urgent action is needed.
- Establish a management process, including an agreed scope of action.

The Council considers that the enforcing authority should be the authority in which the source of the contamination resides. If the source resides in more than one authority, the Councils will endeavour to agree joint ownership of enforcement.

Council-owned land

The Council has a wide and varied portfolio of property and land in its ownership that is managed by various Services/Directorates. This land includes public parks, playing fields, allotments, council housing, schools and public buildings. Other land within the portfolio of more direct relevance to contamination issues includes Council depots, industrial land and other potential development sites.

For sites potentially affected by contamination where the Council is the landowner or has a duty of care, the Council will inspect, assess and manage each site in accordance with the details set out in this Strategy. Priority will not be given to Council-owned land; prioritisation will be driven by risk.

Where Council-owned land is prioritised for detailed inspection, consideration will be given to a third-party review of the land contamination reports and the subsequent decisions made by the Council, to ensure integrity and transparency in our approach.

Site Access – Statutory Powers of Entry

Statutory powers of entry for the inspection of land under Part IIA are set out in Section 108 of the Environment Act 1995. The Council will use statutory powers of entry where necessary and appropriate, in accordance with the Statutory Guidance and the Council's Enforcement Policy²⁵.

If the Council intends to carry out an inspection using statutory powers of entry, there must be a reasonable possibility that a significant contaminant linkage may exist on the land.

Natural England, Historic England and other constraints

When proposing to carry out any intrusive investigations, the Council will ensure that it will take all reasonable measures to avoid harm or damage to natural resources and features of historical, archaeological or ecological interest. Any such constraints will be identified as early as possible, and the Council will consult with its own internal services and appropriate external bodies (such as Natural England or Historic England) where necessary to determine whether any special measures are required.

Communication Strategy

Implementing this Strategy may generate interest, and potentially concern, from a range of stakeholders.

The Council endeavours to communicate and liaise with all those affected in a proportionate, timely and clear manner. Communication requirements will be driven primarily by the type of inspection work being undertaken.

As part of the strategic inspection process, the Council's Environmental Protection team may undertake a site visit, which may require liaison with the site owner and other stakeholders. Otherwise, most strategic inspection work will be desk based, and communication requirements will be negligible.

²⁵ [Council plans, policies and strategies | Cheshire West and Chester Council](#)

If a site is prioritised for detailed inspection, the Council's Environmental Protection team will develop a site-specific communication strategy with the assistance of the Council's Communications team, as necessary.

We will:

- Inform and update all interested parties on key milestones on a regular basis throughout the site investigation process.
- Provide information packs for residents, including details of the site investigation work, frequently asked questions, contact details and if appropriate, a dedicated webpage for information.
- Provide an opportunity for interested parties to communicate directly with a designated officer for reassurance.
- Add site signage where appropriate.

As part of any communication strategy, the Council may request information from other third parties, authorities / regulators and members of the public. Officers will engage with the local community during site investigations, and welcome any relevant information residents can share, such as recollections of previous land use, photographs and any other observations.

There will be dedicated webpages for sites under ongoing Part IIA investigation, where information will be shared to keep residents and other interested stakeholders informed of progress and outcomes.

7. Part IIA: Remediation and the Public Register

Following determination of a site as contaminated land, the Council will:

- Identify the 'appropriate person(s)' responsible for remediation, applying the 'Polluter Pays' principle.
- Decide what remediation is required for contaminated land sites and issue a Remediation Notice or ensure it is undertaken voluntarily.
- Maintain a Public Register of sites for which a remediation notice has been served, or where a remediation statement or declaration has been published.

The Council is responsible for deciding how contaminated land should be remediated and who bears responsibility.

Remediation

Remediation under Part IIA has the overall aim of mitigating unacceptable risks to an acceptable level for the land's current use. It is not intended to secure improvement for all foreseeable land uses. The remedial solution(s) will be proportionate and practical, balancing the likely costs against the significance of the harm or pollution to controlled waters, and achieving net benefit to residents. The scope may also include remedial work to address harm or pollution already caused.

Remedial work and its verification will be undertaken by competent and experienced persons. Work which does not meet the required standard will be challenged and we will only accept work which meets the regulatory requirements.

Liability

The enforcing authority is required to establish liability and to identify persons who may be responsible for paying for remediation actions, any persons who should be excluded from liability, and how the cost of each remediation action should be apportioned between those who remain liable after any such exclusion. The process of determining liability is set out in Part IIA legislation and the Statutory Guidance. The process can be complex depending on the circumstances of the site.

The 'Polluter Pays' principle will apply wherever possible, placing responsibility for remediation on those responsible for causing it. They are termed the 'appropriate person(s)' comprising:

- Class A persons - those who knowingly caused or allowed the contamination
- Class B persons - If no Class A persons can be found, the current owners or occupiers may be held responsible.

If multiple groups are responsible, liability will be apportioned. If no appropriate persons can be found, the contamination is called an "orphan linkage", and the authority may have to pay for cleanup.

Enforcement

Voluntary action will always be the preferred route to resolution, but the Council will be prepared to pursue enforcement options if necessary.

The Council will consult with the appropriate person(s), owners, occupiers and stakeholders with the intention of arriving at an agreed remediation scheme, without compromising any enforcement actions, should they become necessary.

The enforcing authority for the purposes of remediation is the Council (for “special sites” it is the Environment Agency) and it must issue a remediation notice where appropriate. The Council should not serve a remediation notice if it is satisfied that appropriate measures are being taken by way of remediation without the serving of a remediation notice.

The Public Register

Under Part IIA, local authorities are required to maintain a Public Register. This is different from the Record of Contaminated Land determination (Section 6). The Public Register is a permanent record of all regulatory intervention undertaken once a remediation notice has been served. The details of information to be included on the Public Register are set out in the Contaminated Land (England) Regulations 2006²⁶.

The Council’s Public Register is available on the Council’s [website](#).

²⁶ [The Contaminated Land \(England\) Regulations 2006](#)

Appendix A: Glossary of Key Terms

Brownfield sites	Land that has been previously developed and may be affected by contamination
Statutory Guidance	Guidance issued by the government that organisations such as regulators and local authorities must follow to comply with the law.
Part IIA (of the Environmental Protection Act 1990)	The legal framework in England (and Wales) for identifying, assessing, and remediating contaminated land where there is unacceptable risk to human health or the environment.
Pollution	Substances in the environment that can cause harm, or is a risk to human health, ecosystems, property or controlled waters.
Contaminant	(In the context of Part IIA) A substance in, on or under the land with the potential to cause harm, or pollution of controlled waters.
Contaminant linkage	Where a source, pathway and receptor all exist. There must be a least one contaminant linkage for a site to be considered as 'contaminated land' under Part IIA.
Controlled waters	Groundwater, surface waters and other water bodies as defined in legislation.
Source	The contaminant or hazardous substance(s) in, on or under the land with the potential to cause harm.
Pathway	The route by which a receptor is or might be affected by a contaminant.
Receptor	Something that could be adversely affected by a contaminant. Receptors are set out in Statutory Guidance.
Conceptual site model	A representation of all the possible relationships between contaminants, pathways and receptors, considering the site environmental setting and conditions.
Risk Assessment	A process of evaluating the likelihood and severity of harm from potential contaminant linkages.
Significant harm	Defined categories of harm to identified receptors, as set out in statutory guidance.
Significant possibility of significant harm (SPOSH)	Risk where there is a real likelihood of significant harm.
Source Protection Zone	Designated areas around specific groundwater sources, such as groundwater wells. The primary aim is to protect them from contamination.
Special Protection Areas	Sites designated under the UK Habitats Regulations to protect rare and vulnerable bird species.
Special Areas of Conservation	Areas protected under the Habitats Directive to conserve natural habitats and species of European importance.
Sites of Special Scientific Interest (SSSI)	Nationally protected areas identified for their biological, geological, or physiographical importance

Ramsar Sites	Wetlands of international importance designated under the Ramsar Convention.
Local Nature Reserve	Land designated by local authorities for its local wildlife, geological interest, or educational value.
Local Wildlife Sites	Sites of local ecological importance that contribute to biodiversity but do not have national legal protection.
Scheduled Monuments	Archaeological sites or historic landmarks of national importance that are legally protected against unauthorised change.
Listed Building	A building officially recorded for its special architectural or historic interest and protected under planning law.
Conservation Areas	Designated areas of special architectural or historic character where development is more strictly controlled.
Registered Battlefield	Sites recognised for their historic military significance and recorded on the national register.
Area of Archaeological Importance	Locations where archaeological remains are known or likely to exist and where special controls may apply to development.
Competent persons	Individuals with sufficient qualifications, experience, and expertise to undertake environmental assessments or remediation works.
Carbon neutrality	The state of achieving net-zero carbon emissions by balancing emissions produced with emissions reduced or offset.
Sustainable Remediation Forum UK (SURF)	A multi-stakeholder organisation that promotes best practice in sustainable land remediation.
Remediation	Actions taken to prevent, minimise, or remedy harm caused by land contamination.
Strategic Inspection	An initial, broad assessment undertaken by a local authority to identify areas where contaminated land is most likely to exist.
Detailed Inspection	An in-depth investigation of specific land to determine whether it meets the legal definition of contaminated land.
Prioritisation	The process of ranking sites based on their potential risks to ensure resources are focused on the most serious cases first.
Preliminary Risk Assessment	A Tier 1, first stage of assessment, using desk studies and site walkover information to identify potential contaminant linkages.
Generic Quantitative Risk Assessment	A numerical risk assessment using generic assumptions and criteria to evaluate potential risks from contamination.
Detailed Quantitative Risk Assessment	A refined numerical assessment using site-specific data to provide a more accurate evaluation of risk.
Special Sites	Contaminated land sites designated under Part IIA where responsibility for regulation lies with the Environment Agency rather than the local authority. Special sites are defined in the Contaminated Land Regulations (2006).

Appendix B - Contaminated Land Strategy Consultees

Environment Agency	Cheshire East Council
Natural Resources Wales	Flintshire County Council
UK Health Security Agency	Halton Borough Council
Food Standards Agency	Shropshire Council
Natural England	Warrington Borough Council
Historic England	Wirral Council
	Wrexham County Borough Council

Accessing Cheshire West and Chester Council information and services

Council information is also available in audio, Braille, large print or other formats. If you would like information in another format or language, including British Sign Language, please email us at: **equalities@cheshirewestandchester.gov.uk**

You can also telephone: **0300 123 8 123**
or textphone: **18001 0300 123 8 123**
website: **www.cheshirewestandchester.gov.uk**