

**CONTAMINATED LAND**  
**INSPECTION STRATEGY**

**ENVIRONMENTAL PROTECTION ACT 1990, PART II A**

**MAY 2001**

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## **CHAPTER 6**

### **REVIEW MECHANISMS**

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6.0 The previous chapters have outlined the general approach which will be taken to the inspection of land in the Councils district for contamination. There will however be circumstances where inspections are made outside of the general timetable for inspections. This section describes those circumstances and also details where previously made inspection decisions should be reviewed. It also states what measures will be in place to ensure that the strategy remains effective and up-to-date with regards to circumstantial changes including new guidance or legislation.

#### **6.1 TRIGGERS FOR INSPECTION REVIEWS**

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It has already been recognised that “urgent” circumstances will override the timetable for the inspection of land. It is important however to be clear of what type of event is “urgent” or an acceptable trigger for deviating away from the rolling programme of the investigation of the Districts land. The final decision in any cases of doubt will be made by the Manager of Environmental Health Services and if necessary by the elected members via the Council Committee Meeting structure.

As a general guide the following triggers are acknowledged as justifying the non-routine inspection of sites:-

- i) Unplanned events / incidents: This will include accidents / incidents including for example a road tanker accident, bund failure or accidental release to a watercourse.
- ii) Introduction of new pathways or receptors: For example the routing of a drainage run through a polluted site which results in liquor finding a pathway to a receptor, or building houses on or close to a polluted site. It may include less obvious connections between a polluted site and a receptor, e.g. persistent trespass onto a site by young people.
- iii) Negotiating Voluntary Remediation: Visits required in the process of agreeing and facilitating the voluntary remediation of a site. This will either be a part of the planning process or before the inspection of land in the scheduled timescale for assessment.
- iv) Investigation / identification of localised health effects. This will include for example notification from the Environment Agency of adverse effects upon controlled waters indicating a “hot spot” of pollution.
- v) Responding to information from other groups or organisations. For example during the consultation process where information regarding a high risk or potentially high risk site becomes available.

#### **6.2 TRIGGERS FOR REVIEWING INSPECTIONS DECISIONS**

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There may be occasions where a previous designation or other decisions(s) made about a particular site will need to be reviewed. Anticipated examples where this might arise are:-

- i) The use of the site changes to a more sensitive or vulnerable use than that previously assessed,
- ii) Due to significant changes in statutory guidance or legislation,

- iii) The establishment of guiding precedents from case law brought in the area of contaminated land,
- iv) The provision of new guidance on risk assessment and exposure levels to pollutants. Or the revision of existing guideline values for exposure assessment.

It is anticipated that changes brought about in this area will be decided upon by discussion at the meetings of the Herefordshire & Worcestershire Contaminated Land Study Group Meetings to ensure continued consistency of standards and approach. Changes to the inspection strategy will also be subject to confirmation by the Head of Environmental Health Services and, (where significant), following consideration by elected members.

### 6.3 **REVIEWING THE STRATEGY**

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In line with the principles of “best value” in local government it will be necessary to review progress with the implementation of the strategy and measure progress against the targets which have been set. Where modifications of the process and changes to the targets are required these will be agreed and implemented.

The strategy will be finalised in May / June 2001 following the receipt of all responses by consultees and changes made through the Council Committee cycle process. Work will then begin in a systematic manner on site investigation and assessment.

It is considered that the first full review of the operation of the strategy should be at the end of the first year of the inspection programme which will be in April 2002. The findings of this review will be presented to the Council’s Community & Environment and Executive Board Committee meetings.

Further such reviews will be undertaken on an annual basis unless any major or significant changes arise such as a major review of the process by the DETR when a review will be made at that time.

At the end of the timetable of inspection when the whole of the District has been assessed a completion report together with recommendations for any further action will be presented to members.

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