



**STRATEGY FOR THE
IDENTIFICATION AND
INSPECTION OF CONTAMINATED
LAND**

January 2008
(5th Revision)

Summary

Under Part IIA of the Environmental Protection Act 1990, a regime has been established for the identification and remediation of contaminated land. Local authorities have been given the primary regulatory role under the new regime. In order to carry out its duties, Ryedale District Council is required to produce and publish a contaminated land inspection strategy document detailing how the Council proposes to identify, in a rational, ordered and efficient manner, land meriting detailed inspection. The strategy must also set out the time scale for inspection of such land. The strategy was formally adopted by the Council and published in June 2001 and has been subject to periodic review. This is the 5th revision of the original strategy.

The main elements of the Councils strategy consist of the identification and preliminary risk assessment of all potentially contaminated sites in the district. More detailed assessment will follow whenever a preliminary assessment identifies sites where contaminants are present, or are likely to be present, and are likely to have an unacceptable impact on key targets. Both preliminary and detailed site assessments will be prioritised so that those sites with the potential to affect the most sensitive receptors are dealt with first.

Where the Council determines that any land is 'contaminated land' it will seek to establish who is responsible for remediation and to secure remediation by such persons. The Council will endeavour to obtain the voluntary agreement of appropriate persons to carrying out remedial works. Where this is not obtained a formal Remediation Notice will be served.

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1 INTRODUCTION

1.1 Corporate Aims of Ryedale District Council

Ryedale District Council has a statutory duty to produce and publish a contaminated land inspection strategy document detailing how the Council proposes to identify, in a rational, ordered and efficient manner, land meriting detailed inspection.

Land contamination has the potential for significant impact on the quality of health, the environment and the local economy. The Council fully supports the establishment of the Contaminated Land regime. This Inspection Strategy fulfils the Councils duty in a manner consistent with the Councils Corporate Plan 2006-2009.

The Ryedale Community Plan, *Imagine Ryedale*, is the Councils primary benchmark. It was written with community participation and adopted by the Ryedale Strategic Partnership. The Council has formulated its vision for Ryedale over the next ten years from the Community Plan.

Vision Statement

Ryedale is a place where all residents can enjoy a good quality of life, with strong, prosperous and welcoming communities.

Councils Mission Statement

Working with you to make a difference.

Corporate Aims

- To have opportunity and choice of housing and employment for all
- To have diverse and vibrant communities.
- To have safe and inclusive communities where young people can realise their ambition and potential.
- To have a clean sustainable built and natural environment.
- To have effective, integrated communication and transport networks.
- To have efficient and effective high quality services, accessible to everyone in a way that suits them.

Mission Statement

The mission statement for Environmental Health Services is: -

To protect and enhance public health and the environment by achieving excellence in the delivery of Environmental Health services.

The principles which underpin the mission statement and which help in using it as a measure of performance are: -

- Working in partnership with others.
- Encouraging individuals and organisations to recognise and act on their responsibilities towards health, safety and the environment.
- Where appropriate, the timely and effective use of enforcement powers.

1.2 Policy Framework

Structure Plan and Local Development Plan

The North Yorkshire County Structure Plan (3rd edition published in 1995) sets out the general strategic policies and proposals for development and other land use in the County. The Planning and Compulsory Purchase Act 2004 replaces Structure Plans with Statutory Regional Spatial Strategies. The Regional Assembly for Yorkshire and Humber is currently undertaking work on the preparation of this strategy.

Within the framework of the Structure Plan, the Ryedale Local Plan sets out detailed policies and proposals for the development and use of land in Ryedale. The Ryedale Local Plan was adopted in March 2003.

Policy ENV26 of the Ryedale Local Plan states that development on, or in the vicinity of landfill sites or land which is known to be or may be contaminated, will be permitted only where it can be satisfactorily demonstrated that:

- (i) The proposal takes proper account of the nature and extent of contamination and the risks to the health and safety of the local population;
- (ii) Any remedial measures necessary to deal with the contamination will be effective;
- (iii) There will be no detrimental effect on the environment as a result of the disturbance of contaminants during and after development.

Policy H1A of the Local Plan prioritises the use of suitable previously developed sites above 'Green Field' alternatives for residential developments. The Council has undertaken an Urban Capacity Study of the Local Plan Area the purpose of which is to identify previously developed sites with potential for development. The Study findings were reported to Committee in October 2004. However, in all cases any known contamination of sites will be taken into account in assessing development potential.

The Government has changed the system for producing local plans. Now, instead of one comprehensive local plan, councils have to produce a range of plans and documents, which together form a Local Development Framework (LDF). The Ryedale LDF will, in time, replace the Local Plan. It will be made up of a series of documents that will facilitate and control future land use and development throughout the District. Together, they will manage change and growth in Ryedale

by ensuring that the right types of development come forward at the right time at the right place. The LD will comprise a “Core” planning strategy, plus a collection of planning documents that cover specific topics, such as housing and employment issues, or the strategy for a particular town. The first LDF documents that are being prepared as part of the Ryedale LDF are the Core Strategy and Statement of Community Involvement.

Local Agenda 21

Ryedale District Council has adopted Local Agenda 21 thereby endorsing the objectives of the United Nations Conference on Development and the Environment 1992. This means that the Council is committed to sustainable development through environmental action, education and the planning process. The contaminated land inspection strategy is consistent with these commitments.

Access to Environmental Information

Environmental Health Services are responsible for co-ordinating the Councils response to requests for the provision of environmental information under the Environmental Information Regulations 2004.

Enforcement Policy

In April 1998 Ryedale District Council formally adopted the Home Office Enforcement Concordat for all enforcement services. In accordance with the Concordat the Authority will work in partnership with businesses and other stakeholders in order to provide the best possible enforcement service within the Ryedale district. Enforcement by the Environmental Health Services Unit is described in detail in the Departments Code of Practise on Enforcement adopted in November 2003.

1.3 Contaminated Land Regulatory Regime

On 1 April 2000, under Part IIA of the Environmental Protection Act 1990, a new regulatory regime came into force the main objective of which is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risk to human health or the wider environment, assessed in the context of current use and circumstances. The introduction of Part IIA followed many years of policy development and deliberation of how to address the problems of historic land contamination.

The new regime provides a statutory definition of contaminated land and a procedure for securing remediation when such land is identified.

Local Authority Role

Local authorities have been made the main regulatory bodies under the Part IIA regime. They have been given a statutory duty to ensure their areas are inspected in order to identify contaminated land. In carrying out this requirement, Local Authorities must act in accordance with statutory guidance issued by the Secretary of State.

DETR Circular 01/2006, Environmental Protection Act 1990: Part IIA Contaminated Land, contains the statutory guidance concerning local authorities inspection duty. The guidance details the requirements for local authorities to develop a strategic approach to inspection and for the production and content of a published strategy document. The guidance states that the determination of whether any land appears to be contaminated is the sole responsibility of the local authority.

The local authority role covers the following key tasks:

- Prepare and publish an inspection strategy;
- Ensure Inspection of their areas to identify contaminated land;
- Ensure remediation of contaminated land;
- Transfer special sites to the Environment Agency; and
- Maintain a Public Register of regulatory action.

The statutory guidance requires each local authority to adopt a strategic approach to the identification of land meriting detailed individual inspection.

Environment Agency Role

The Environment Agency has a secondary role in the Part IIA regime which largely involves providing guidance to local authorities and overseeing the implementation of the regime and reporting to government on the progress made. Its main duties are

- To provide known information on specific sites, such as the physical or chemical nature of the land, and the identification of who may have caused or knowingly permitted any substances to be present, both of which could result in the land being determined as Contaminated Land;
- Provision of advice about the applicability of other Agency duties and powers;
- Provision of advice on pollution of controlled waters. (Local authorities are directed by the statutory guidance (par. C42) to seek the Agency's advice on matters concerning the seriousness of the pollution of controlled waters); and
- Involvement in the formal designation of Contaminated Land as a Special Site. Par. B28 of the Statutory Guidance directs local authorities to request that the Agency undertake inspection of potential contaminated land sites on its behalf where there is evidence to suggest the site would fulfil the criteria of a Special Site.

The Agency also has the power, under Section 78V, to provide site-specific guidance on contaminated land once notification of a determination by the local authority of contaminated land has been received. This site-specific guidance is likely to be in connection with the following circumstances:

- Remedial options;
- The standard to which land or waters should be remediated;
- The reasonableness of remediation having regard to cost and the seriousness of the impact to controlled waters; and
- Apportionment of liability and recovery of costs of remediation.

The local authority is obliged to have regard to any Agency guidance issued under Section 78V but is not obliged to adhere to it.

Definition of Contaminated Land

Section 78A(2) of Part IIA of the Environmental Protection Act 1990 gives the following definition of *contaminated land*:

‘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) Pollution of *controlled waters* is being, or is likely to be caused’.

Controlled waters are defined by Section 104 of the Water Resources Act 1991 and include:

‘Territorial waters...which extend seaward for three miles..., coastal waters..., inland freshwaters, that is to say, the waters in any relevant lake or pond or of so much of any relevant river or watercourse as is above the freshwater limit, and ground waters, that is to say, any waters contained in underground strata.’

Section 78(5) requires the local authority to determine what may constitute significant harm and the significant possibility of such harm in accordance with the statutory guidance.

Pollutant Linkages

A site cannot meet the definition of contaminated land unless a pollutant linkage, consisting of three elements has been identified. The elements of a linkage are

- Contaminant* - One or more contaminants in, on or under the ground. A contaminant is a substance which has the potential to cause harm or to cause pollution of controlled waters.
- Pathway* – One or more routes or means by, or through, which a receptor is being exposed to or affected by a contaminant, or could be so exposed or affected.
- Receptor* - A receptor of a type specified in the regulations which is being, or could be, harmed by a contaminant or, in the case of controlled waters are being, or could be, polluted by a contaminant.

The concept of pollutant linkage will therefore underlie the strategy for identifying contaminated land. The strategy will be based on using desktop studies to identify areas of land where contamination may exist because of past or present use and identification of receptors that may be affected by any such contamination.

Risk Assessment

Every potentially contaminated site identified shall be subjected to a preliminary risk assessment. This preliminary assessment will assign each site to a priority category for further, more detailed risk assessment to determine whether any pollutant linkage exists.

Dealing with Contaminated Land

If, having undertaken a detailed assessment, the local authority determines that significant harm to a receptor is occurring, or that there is a significant possibility of such harm occurring, or of pollution of controlled waters, the land is by definition ‘contaminated land’. In making a determination the local authority must have regard to all relevant and available evidence and make an appropriate scientific and technical assessment of that evidence. Except where the land falls

within the category of a special site, the local authority must initiate regulatory action to deal with the contamination

This involves a series of measures and procedures that must include:

- A formal written record of the determination;
- Formal notification of all interested parties;
- Determination the physical extent of the land;
- The extent and seriousness of the risks (need for urgent action);
- The number and type of pollutant linkages;
- The effect each significant pollutant may have on controlled waters (if any);
- The most appropriate and cost effective remedial scheme for each significant pollutant linkage;
- Identification of liability groups and, appropriate persons, for each pollutant linkage;
- Assessment of hardship in the case of each, appropriate person and
- Effective remediation of the site and recovery of costs where appropriate.

Remediation Action and Appropriate Persons

Appropriate persons bear responsibility for anything that is to be done by way of remediation in any particular case. The two classes of appropriate persons, who are to be determined in accordance with Section 78 of the Act, are:

Class A Persons - these are persons who have caused or knowingly permitted a pollutant to be in, on or under the land;

Class B Persons - these are persons who own or occupy land in circumstances where no Class A person can be found with respect to a particular remediation action.

The persons who are appropriate persons with respect to a particular significant pollutant linkage constitute the liability group for the linkage.

Under the provisions concerning liability, responsibility for paying for remediation will, where feasible, follow the 'polluter pays' principle. In the first instance any persons who caused or knowingly permitted contamination, Class A persons, will be responsible for remediation and meeting the costs of remediation. Only where after reasonable enquiry no Class A person can be found who is responsible for any particular remediation action will the owner or occupier, a Class B person, be liable for remediation solely by virtue of that ownership or occupation.

The procedure for determining liability is set out in Annex 3 of the Statutory Guidance. These steps are complex but necessary to fulfil the aims of implementing the 'polluter pays' principle while trying to avoid making appropriate persons bear more than their fair share of the cost.

Consultation with interested parties must be carried out at each stage with the underlying aim of avoiding enforcement action by securing agreement to voluntary remediation.

In some circumstances, the local authority itself may carry out the remedial works. This may be the case where:

- Urgent action is necessary;
- There is no appropriate person;
- The authority is precluded from taking enforcement action;
- The authority agrees to carry out the works on behalf of an appropriate person; and
- A remediation notice has not been complied with.

In other cases where a remediation notice is necessary and the required consultations have been completed, the notice must be served on the appropriate person(s) no sooner than three months after the contaminated land has been determined or declared a special site. If the notice requires further investigation of the site and as a result further pollutant linkages are identified the enforcing authority must go through the same processes again to identify appropriate persons and remedial actions.

The enforcing authority must always consider the potential for hardship and undertake cost benefit analysis in respect of all remedial actions. Where remedial actions are undertaken in default of a notice, the enforcing authority has the power to recover costs in certain circumstances.

If the contaminated land falls within the definition of a 'special site' the Environment Agency become the enforcing authority. The local authority must still however make the determination and formally notify the interested parties.

1.4 Purpose of the Strategy

- To demonstrate that the Councils approach to fulfilling its inspection duty under section 78B(1) of the Act is consistent with the underlying principles set out in the statutory guidance (see Box 1 below).
- To discharge the Councils statutory duty to set out its approach to the inspection of its area for the purpose of identifying contaminated land as a written strategy.
- To produce a clear statement and explanation of the Councils programme for dealing with the issue of land contamination so as to communicate clearly with all interested parties.
- To provide information to the Environment Agency so that the Agency is able to fulfil its own obligation to periodically produce a 'State of Contaminated Land Report'. (See Section 9.7 for details of mechanisms for the provision of information to the Environment Agency).

1.5 Development of the Strategy

The Council's strategy has been developed to be consistent with the approach to inspection set out in the statutory guidance. The underlying principles to be applied to development of the strategy are reproduced in Box 1 below. These principles provide the ultimate reference point for the strategy.

In carrying out its inspection duty under section 78B(1), the local authority should take a strategic approach to the identification of land that merits detailed individual inspection. This approach should:

- a. Be rational, ordered and efficient
- b. Be proportionate to the seriousness of any actual or potential risk
- c. Seek to ensure that the most pressing and serious problems are located first
- d. Ensure that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land and;
- e. Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land

Box 1: Underlying Principles of the Strategy

The Statutory Guidance also identifies a number of issues that must be considered in the strategy. These are set out in Box 2 below.

In developing a strategic approach, the local authority should reflect local circumstances. In particular it should consider:

- a. Any available evidence that significant harm or pollution of controlled waters is actually being caused;
- b. the extent to which any receptor is likely to be found in any of the different parts of the authority's area;
- c. the extent to which any of those receptors is likely to be exposed to a contaminant, for example as a result of use of the land or of the geological and hydrogeological features of the area;
- d. the extent to which information on land contamination is already available;
- e. the history, scale and nature of industrial or other activities which may have contaminated the land in different parts of its area;
- f. the nature and timing of past redevelopment in different parts of its area;
- g. the extent to which remedial action has already been taken by the authority or others to deal with land contamination problems or is likely to be taken as part of an impending redevelopment; and
- h. the extent to which other regulatory authorities are likely to be considering the possibility of harm being caused to particular receptors or the likelihood of any pollution of controlled waters being caused in particular parts of the local authority's area.

Box 2: Issues to be considered in the Strategy

The strategy has been developed having particular regard to the DETR advice note 'Contaminated Land Inspection Strategies –Technical Advice for Local Authorities' issued by the DETR.

Production of the strategy has been the responsibility of the Pollution Control Section of Environmental Health and Housing Services Department. Preparation of the strategy has involved internal liaison and consultation with the Planning Services Department, the Economic Development Officer, Council Solicitor and Engineer.

The Council has undertaken an extensive consultation process through which the views of external statutory body's, landowners and other interested parties have been sought. Details of the consultees are contained in Appendix 2.

Details of consultation responses to the draft strategy were reported to the Councils General Services and Licensing Committee on 31 May 2001. The committee gave its consent for a number of appropriate minor amendments to be made to the strategy and approved the adoption and publication of the strategy.

The strategy will be subject to the review mechanisms set out in Chapter 8.

2 CHARACTERISTICS OF RYEDALE DISTRICT

2.1 Geographical Location and Topography

Ryedale, with an area of 582 square miles (152,500 hectares), is the largest of six districts in the County of North Yorkshire. Ryedale is bounded by Hambleton to the west, Scarborough to the north and east, East Yorkshire unitary authority to the southeast and the City of York unitary authority to the south.

Ryedale is characterised by a combination of flat lowland fertile plains, surrounded by gently sloping wooded hills and broad glacial valleys. The southern part of the district lies within the Vale of York, which is formed by the drainage basin of the River Ouse. The Vale of Pickering, lies north of the Vale of York separated from it by the Howardian Hills (to the west) and the Yorkshire Wolds (to the east). The Vale of Pickering is formed from the drainage basin of the River Derwent. To the north, the Vale of Pickering meets the southern boundary of the North York Moors, an upland area. A third of the district lies within the North York Moors National Park and this part of the district is characterised by the dramatic moorland landscape with a series of valleys running from north to south.

Figure 1 shows a plan of the district detailing its boundaries, broad topographical features, major towns, trunk roads and railways.



Figure 1. Plan of Ryedale District

2.2 Population Distribution

Ryedale has a population of 51,700. Approximately 46 per cent of the population lives in the four market towns of:

- Malton and Norton
- Pickering
- Kirkbymoorside
- Helmsley

Approximately 85% of the population lived in these towns and in the villages of the Vale of York, Vale of Pickering and Howardian Hills. Some 6,000 people were living in that part of the district that lies within the North York Moors National Park.

In April 2006 there were some 23,209 domestic premises and 2,622 business premises in the district.

2.3 Development of the Local Economy, Employment and Current Land Use Characteristics

Ryedale is a predominantly rural area. Its geographical position, the quality of its low lying agricultural land and landscape of hills, vales and dales have led to the development of a district characterised by clusters of hamlets and villages surrounding the market towns of Malton and Norton, Pickering, Kirkbymoorside and Helmsley.

Agriculture has for many years been an important part of the local economy, 90 % of the districts land area is used for agricultural purposes. Farming in Ryedale comprises mainly arable cropping supported by dairy and livestock rearing farms. Despite continued losses in agricultural employment, more than 10% of the workforce in Ryedale is still employed in this sector. Agriculture and forestry together employ 15 % of the workforce compared with less than 2% nationally. Many other people are employed in related manufacturing industries.

At present large scale mineral extraction is undertaken at more than ten sites around the district. The Vale of Pickering is the site of the only land based natural gas extraction field in the UK. Gas is piped from several well sites to a 50 MW electricity generating station at Knapton near Malton.

Ryedale has a diverse economic base with a wide range of industries and a high proportion of small firms employing less than 25 people. The economy is characterised by a diverse manufacturing sector with strong emphasis on hi-tech research and development, and manufacturing for national and international markets. There are however several large firms, each employing some several hundreds of people, these include a number of food processing operations and construction materials manufacturers.

Industrial activity is largely concentrated at sites in or adjacent to the four market towns. These include three small/medium-sized industrial estates at Malton/Norton, two at Pickering, and one each at Helmsley and Kirkbymoorside. Significant industrial sites also exist elsewhere, notably at Sherburn and Knapton.

Ryedale has extensive areas of outstandingly beautiful and richly varied countryside, attractive villages and market towns, and historic buildings. Not surprisingly, there has been a rapid development of tourism, which now forms a very important part of the local economy employing significant numbers of people and generating an income to the local economy of approaching £100m.

2.4 Local Authority Owned Land

The local authority retains its responsibilities as the enforcing authority for any contaminated land owned by the Council, unless the land is a Special Site. The Council will undertake assessments of land in its ownership in accordance with the procedures described in Section 4.3 - 4.4. However, Section 78 of the Act states that the enforcing authority shall not serve a remediation notice on itself in respect of contaminated land. Where the Council is precluded from serving a remediation notice it must nevertheless prepare and publish a remediation statement.

Ryedale District Council has significant portfolio of land and property holdings. There are also other sites that the Council has sold on to other parties. It is possible that the Council has a current or former interest in sites that will be identified as being potentially contaminated. It is important that the Council is able to identify accurately details of any such interests. The Council has several record systems that will facilitate this.

The 'Assets Register' contains details of Council owned (freehold and leasehold) land and buildings. Information on land and building formerly owned and/or occupied by the Council is traceable through a variety of means. The Councils 'Property Terrier' was established in 1992 in response to the transfer of Council Housing to Ryedale Housing Association. The 'Seal Book' is a register containing details of all property transactions involving Ryedale District Council since the Council was established in 1974.

The duties of the Council as a regulator shall be kept clearly separate from the responsibilities that arise from its ownership of land.

2.5 Geological Characteristics

The Ryedale district encompasses a wide area of mainly Jurassic rocks, extending from the moorland of the Cleveland Hills in the north to the edge of the Yorkshire Wolds in the south formed by the overlying Cretaceous rocks. In between, the Vale of Pickering is a syncline (downfold) in the Jurassic rocks surrounded by the Tabular Hills, the Hambleton Hills and the Howardian Hills.

The geology of the district, which is extremely varied, may be summarised by consideration of four distinct areas.

North York Moors

The North York Moors consist of dissected hill ranges and wide moorlands. It is an area consisting of mainly Middle Jurassic Sandstone's and Shale's with Liassic Clays forming the lower slopes. Much of this area is above 300 metres OD but nowhere does it exceed 460 metres. Soils are characteristically poor and consequently much of the land is used for sheep farming and rearing grouse, with extensive forestry on the lower slopes of the Tabular Hills. To the south, the moors slope down to the Vale of Pickering ending in a well-defined broken escarpment running west from Scarborough.

Vale of Pickering

This is a flat-floored west to east valley covered by fluvial and lacustrine clays (Quaternary Deposits) resting on upper Jurassic mudstones. The flat floor of the Vale is conducive to large-scale agriculture.

Howardian Hills

The Howardian Hills comprises of a belt of irregular ridges about four miles wide and up to 175 metres OD in height. The undulating nature of the hills is the result of a series of east-west faults. The Jurassic limestone slopes bordering the Vale of Pickering give rise to productive soils and high yielding arable crops.

Yorkshire Wolds

The Yorkshire Wolds extend north from the Humber in an arc to Flamborough Head and the northern escarpment rises steeply to mark the southern side of the Vale of Pickering. This upland area of Cretaceous Chalk is marked by deep valleys and is generally above 120 metres OD in height.

2.6 Hydrogeological Characteristics

The wide range of rock types occurring across the district gives rise to a diversity of groundwater resources and vulnerability to pollution. The different strata types are classified in terms of their hydrogeological characteristics as being Major Aquifers, Minor Aquifers or Non-Aquifers. Table 2 describes the broad characteristics of these strata classes. Most groundwater areas in Ryedale are classed as either major or minor aquifers.

Major Aquifers	Minor Aquifers	Non-Aquifers
Highly permeable formations with solution enlarged fissure permeability or high intergranular permeability. Of regional importance capable of yielding water for public supply	Variable permeability, important for local abstractions	Negligible permeability. Will only support minor abstractions, if any.
Chalk, Corallian Series (Jurassic Limestone's and Sandstone's)	Ravenscar Group, Glacial Sands and Gravels, River gravel's, Lias Group	Oxford Clay, Kimmeridge Clay

Table 2: Aquifer Classifications

2.7 Key Water Resource and Protection Issues

Controlled waters in Ryedale are of local, regional and national importance. Groundwater resources are vital sources of water supply for domestic, industrial and agricultural purposes as well as sustaining the base flow of rivers.

Ground Water

The districts ground water is generally of high quality, requiring little treatment. Prevention of ground water pollution by human activity is essential for the avoidance of expensive and prolonged decontamination. The key to protection is the assessment of groundwater vulnerability and the definition of Ground Water Source Protection Zones around existing groundwater abstraction points, including boreholes, wells and springs.

Groundwater vulnerability assessment provides a measure of the vulnerability of a groundwater resource based on the following factors:

- Presence and nature of overlying soil;
- Presence and nature of drift material;
- Nature of rock strata;
- Depth of the unsaturated zone of the aquifer.

Full vulnerability assessment requires detailed local investigation. A more general indication of vulnerability is provided by 1:100,000 vulnerability maps produced by the EA. These maps are based upon existing geological and soil databases. The maps indicate extensive areas of vulnerable major aquifers in Ryedale.

Ground Water Source Protection Zones provide appropriate specific protection for individual sources as distinct from the general protection provided on the basis of vulnerability assessments. In Ryedale Protection Zones have been designated for the ground water sources at the following grid references:

Westerdale NZ 659 020
Hazelhead SE 848 041
Keld Head SE 796 839
East Ness SE 701 789
Norton SE 806 703

Important aquifers in the district are identified and published by the Environment Agency. In these areas, strict controls are exercised over potentially polluting development. The Corallian aquifer, a major aquifer, outcrops on hills surrounding the Vale of Pickering and is present beneath the centre of the Vale sandwiched between two impermeable strata. It consists of beds of extensively faulted limestone and sandstone of up to 100 metres total thickness. Its highly fissured nature allows a high rate of recharge in response to rainfall and the ingress of river water on the limestone outcrops. This also makes it vulnerable to pollution. The Rivers Rye and Derwent have swallow holes in their beds through which water enters the aquifer. Water quality is generally very good in the unconfined part of the aquifer.

Springs on the northern and western escarpment of the chalk aquifer make a very significant contribution to the flow of the Derwent.

In accordance with Regulation 2 of the Contaminated Land (England) Regulations 2000, any contaminated land found to be causing pollution of waters contained by underground strata must be designated as a Special Site, and thenceforth dealt with by the Environment Agency, if:

- The strata comprise wholly or partly any of the rock formations specified in Schedule 1 of the Regulations: and
- The pollution is being, or is likely to be caused, by any of the substances listed in Schedule 1 of the Regulations.

The specified rock formations include the Upper Jurassic Corallian, which forms a major aquifer in Ryedale.

Surface Water

The Derwent Local Environment Agency Plan (LEAP) outlines the Agency's strategy for protecting and enhancing the well being of the River Derwent and its catchment area. The Derwent, and its tributaries, form a very important river catchment in terms of wildlife conservation and are an important drinking water supply source for several major conurbations in West and South Yorkshire. Rivers and tributaries in the Derwent catchment area are mainly of a very high quality suitable for abstraction for drinking water and capable of supporting fisheries.

In the upper reaches of the Derwent and its main tributaries: the Rye; Costa Beck Hodge Beck; Pickering Beck; the Dove; and Seven, the area is sparsely populated with little industry other than farming and fish farming. There is no measurable impact on water quality.

Tourism puts a strain on the sewerage infrastructure of a number of villages during the summer and low flows can result in low oxygen levels. Sewage treatment works discharging into the Derwent via the Hertford Catchment adversely affect its quality, as do surface water discharges from the Eastfield industrial estate on the edge of Scarborough. In the middle and lower reaches, the discharge from Malton treatment works downgrades the rivers classification for a few kilometres.

The Environment Agency has provided details of General Quality Assessments (GQA's) and River Quality Objectives (RQO's) to the Council. GQA's give an indication of stretch classification with specific selected attributes. GQA's are the chemical grades for rivers introduced in 1994 and use Biological Oxygen Demand (BOD), a measure of organic matter content, Ammonia, and Dissolved Oxygen limits as criteria for determining water quality. Stretches are classified being either: A or B (Good); C or D (Fair); E (Poor); and F (Bad).

RQO's give an indication of stretch classification with specific selected attributes. RQO's are the level of water quality that a river should achieve in order to be suitable for its agreed uses.

Monitoring of surface water throughout the catchment is undertaken by the Environment Agency, which also monitors groundwater quality in the Corallian aquifer.

Drinking Water Supplies

Public water supply in Ryedale is provided by Yorkshire Water plc from a variety of sources both within and outside the district. These include borehole, river and spring abstractions. The Environment Agency has provided details to the Council of abstraction point locations in Ryedale. This information was supplied on CD in digital format.

There are approximately 270 private water supplies in Ryedale. These serve various residential and commercial premises, including food-processing establishments. Supply sources include springs, boreholes and streams. Ryedale DC is responsible for enforcement of legislation concerning the classification, water quality monitoring and improvement of these supplies.

2.8 Protected Locations

In 1991, the Council made a commitment in Articles (iii), (iv) (v), (vii) and (x) of the Ryedale District Council Environmental Charter to:

- Protect from damage or destruction areas of habitat important to wildlife;
- Involve local communities in establishing conservation measures;
- Introduce and promote environmentally aware methods of ground management and maintenance (avoiding the unnecessary use of pesticides and herbicides)

- Promote the protection and environmentally aware management of our natural water bodies
- Involve environmental conservation and conservation and community groups in developing strategies for greening their areas and offer assistance to enable communities to care for their environment.

The district contains a rich and diverse range of landscapes and habitats. The type of habitats that occur, and the species that they support, reflect the diversity of landform, land management and geology in Ryedale. Some of the more important habitats include:

Ancient Semi-Natural Woodland; Plantation Woodland; Scrub; Parkland; Grassland; Lowland Heath; Moorland, the only habitat which is still extensive in Ryedale; Mires, Flushes Springs and Swamps, Aquatic habitats and Farmland. As 90% of Ryedale is in agricultural use, the sympathetic management of agricultural land is clearly of critical importance to wildlife.

The importance of the Ryedale countryside is reflected by the designation of the North York Moors, which includes a third of the districts area, as a National Park, and the Howardian Hills as an Area of Outstanding Natural Beauty (AONB).

In 2006 the Council adopted “The Ryedale Biodiversity Action Plan”. The Plan describes the wildlife resources of the area, identifies those species and habitats which have particular significance in Ryedale and outlines the objectives, targets and actions considered necessary to protect and enhance the wildlife of the Ryedale area over the next 5 years until January 2011.

Sites of Special Scientific Interest (SSSI's)

These are sites designated by English Nature under the Wildlife and Countryside Act 1981. They are areas of special interest because of their fauna, flora, and geological or physiographic importance.

There are 99 SSSI's either wholly or partly within Ryedale.

Sites of Importance for Nature Conservation (SINC's)

These are nature conservation sites which, whilst not quite of SSSI status, are of such importance that proposals which would adversely affect them will normally only be permitted if conditions can be used to prevent any material damage to the site.

There are currently 80 such sites within the Ryedale local Plan area, a number quite likely to be increased as further information becomes available.

Regionally Important Geological/Geomorphologic Sites (RIGS)

These are geological or geomorphologic sites that are considered worthy of protection for their educational, scientific, historical or aesthetic/landscape qualities. Their status is similar to that of SINC's. Representatives of local

groups and bodies with expertise in geology, geomorphology and conservation select RIGS at a local level. At present, only five sites have been identified in Ryedale, however the newly established Ryedale and Scarborough RIGS Group is likely to identify a significant number of new RIGS sites.

Local Nature Reserves

Local nature reserves (LNR's) are established by local authorities, in conjunction with English Nature, under the 1949 National Parks and Access to the Countryside Act 1949. There are currently no LNR's designated by the Council. However, there are several reserves in Ryedale within the North York Moors National.

There are several areas in Ryedale, which are of such significance that they have gained international recognition. These include the whole of the Derwent, which is a proposed Special Area of Conservation (SAC).

2.9 Key Property Types

The Ryedale Local Plan Area contains over 2,000 buildings listed as being of architectural or historic importance. These include several buildings, e.g. Castle Howard, which are recognised as being of national importance. The Plan area contains numerous archaeological sites, including 440 Scheduled Ancient Monuments.

There are 44 settlements designated as Conservation Areas because of their special architectural or historic features.

The district contains eight Parks or Gardens (including two in the National Park) placed on the English Heritage Register of Parks and Gardens of Historic Interest.

Through the policies of the local plan the Council seeks to preserve its historic buildings, to protect the character and appearance of its Conservation Areas and its Historic Parks and Gardens.

2.10 Information on Known Contamination

Ryedale District Council already holds relevant information on sites where contamination may be present. In the main, the Council obtained this information from site investigations undertaken because of development control requirements. In such cases remediation measures may also have been carried out.

Inspection of development control records and records held within the Environmental Health and Housing Services Department, including any ground conditions investigations and remediation schemes will form part of the programme of works to identify potentially contaminated land. Detailed assessment of sites where there is a reasonable possibility of a pollutant linkage will also involve examination of such records where they exist.

The North Yorkshire County Council Waste Disposal Local Plan contains detailed information on waste handling and disposal operations in Ryedale. The Plan will therefore be used to identify sites of contamination.

2.11 Current And Historic Industrial Activities

Although unmistakably rural in character, Ryedale has seen significant levels of industrial activity, both in the past and at present. Historically, significant exploitation of mineral reserves has occurred including mining for ironstone on the North York Moors, and quarrying of chalk and limestone at widespread locations. Ironstone was transported to foundries in Cleveland whilst many small quarries provided stone for local building work and construction of farm tracks. A list of potentially contaminative uses drawn up from various texts is provided in Appendix 1. Many of these land uses exist or are known to have existed in Ryedale in the past. These include Aircraft manufacture, Engineering Works, Foundries, Gas Works, Railway Land, Timber Treatment, Scrap Metal Yard and Transport Depots to name just a few.

The Landmark Historical Land Use database records sites used for 67 types of industry and sites where there is evidence of possible landfill activity, e.g. infilled quarries. All such sites, of which it is anticipated there are likely to be over 500, will be subject to assessment.

2.12 Areas of Naturally Occurring Metal Enriched Soils and other Localised Mineral Features

The Soil Survey and Land Research Centre (SSLRC) hold information on soil characteristics for all UK areas. Ryedale DC is not aware of any areas in the district where elevated levels of naturally occurring soil constituents, for example heavy metals, may be found. However, further guidance on this matter will be sought from the SSLRC.

2.13 Action Already Taken to Deal with Contaminated Land

Development Control

The potential for land contamination is a material planning consideration for the purposes of the Town and Country Planning Act 1990. Dealing with contaminated land through the Development Control process will continue to play an important role in identifying and remediating contamination. The government's position is that redevelopment is the most appropriate and cost effective time to address the issue of land contamination. Requirements for site investigations and remediation identified in relation to development control will be dealt with under planning legislation as opposed to the Part IIA Contaminated Land Regime. Advice for dealing with contaminated land via this route is contained in Planning Policy Statement 23: Planning and Pollution Control.

Derelict Land Reclamation Programme

In a project funded by the Derelict Land Reclamation Programme, the Council advised and assisted Leavening Parish Council in the creation of a picnic site and wildlife area on a former landfill site at Leavening. The Council has funded the improvement of the Old Railway Station site in Helmsley. This site, which had become a target for fly tippers, has been cleared of refuse, secured and developed into a nature area.

3 STRATEGY: AIMS AND OBJECTIVES

3.1 Aims

Through carrying out its programme of inspection the Council's aims, in order of priority, are: -

to identify and secure the remediation of contamination giving rise to or likely to give rise to: -

- *Harm to human health;*
- *Pollution of all controlled waters, including surface and ground waters;*
- *Harm to any ecological system, or living organism forming part of such a system, within a designated protection area;*
- *Damage to property including buildings, ancient monuments, all crops including timber, livestock, wild game and domesticated animals;*

and

- *To encourage voluntary remediation of contaminated land;*
- *To encourage the development of brownfield land.*

3.2 Objectives

1. To undertake a desktop survey to identify areas of land in Ryedale where it is possible that a pollutant linkage exists. This will entail identifying land that may be contaminated because of previous use, and relevant receptors.
2. To undertake a preliminary risk assessment of all sites where it is possible that a pollutant linkage exists in order to determine and prioritise the need for further more detailed assessment of these sites.
3. To determine which of those sites requiring further more detailed assessment would be designated as special sites were they eventually determined to be 'contaminated land' and to make arrangements for detailed investigation of such sites to be carried out by the Environment Agency.
4. Acting in accordance with the findings of a preliminary risk assessment to carry out detailed assessment of each site (other than any potential 'special sites') where it is possible that a pollutant linkage exists in order to obtain sufficient information to determine whether that land appears to be 'contaminated land'.
5. To designate as contaminated land sites where one or more significant pollutant linkages are identified by detailed assessment.
6. To secure, through voluntary agreement, the remediation of designated contaminated land or, where such agreement cannot be reached, to secure remediation through formal action.

4 PROGRAMME OF ACTION AND PRIORITISATION

4.1 Identification of Land Where Contaminants May be Present

4.1.1 Digital Land Use and Mapping Data

Ryedale District Council has purchased digital historical land use data for the entire district from Landmark Information Group. The data is derived from the analysis of 1:10560 Scale County Series mapping and 1:10000 scale National Grid mapping. The data covers six time layers, or epochs, from the mid-Nineteenth Century to the late-Twentieth Century. It identifies 67 categories of potentially contaminative land use including all 42 categories identified in the Industry Profile Series produced by DETR Contaminated Land and Liabilities Division. A list of activities that may give rise to land contamination is provided in Appendix 1. The Landmark data also includes a landfill indicator layer, which identifies features, such as filled in quarries and diverted watercourses, that indicate possible landfill sites. Land uses are identified as point, line and polygon data with attached attribute text.

Ryedale District Council has resolved to adopt the ArcView Geographical Information System (GIS) as the Corporate GIS. A licence to use ArcView in the Environmental Health Service Unit has been purchased by the Council. The Landmark Land Use data is in ArcView GIS compatible format.

The Historic Land Use database will provide a very comprehensive record of sites warranting assessment. However, the inspection strategy will not rely exclusively on the database for identifying potentially contaminated sites. Several other information sources will be used to identify potentially contaminated sites, these are described in Sections 4.1.2 and 4.1.3. Any potential contamination sources missed by the Landmark database are likely to be identified from these additional information sources.

The potential sources detailed in Section 4.1.3 are all subject to control under other pollution control legislation. The contaminated land regime cannot be used to deal with contamination arising from these sites. However, identification of these sites and assessment of their potential for causing land contamination is considered necessary in order to make a thorough assessment of the state of contaminated land in Ryedale.

4.1.2 Potential Sources of Contamination from Land Use not Subject to Control under other Environmental Protection Regimes

(a) *Current Industrial Land Use*

Surveys of the current industrial areas of the district will be undertaken in order to identify any recent industrial development or changes of land use not recorded on the Landmark database. These areas are all potential sources of contamination. Records of de-commissioned petrol storage tanks will be used to identify potential contamination sites no longer regulated by the petroleum licensing authority (North Yorkshire County Council).

(b) *Derelict Land*

Derelict land, including for example disused railway land and former gas works sites, has the potential for contamination not just as a result of its former use but also because such land tends to attract illegal dumping. It should be noted that the illegal deposition of controlled waste should be dealt with by the Environment Agency under Section 59 of the Environmental Protection Act 1990, Part II.

(c) *Mineral Extraction*

There are many former quarries in the district, these are typically relatively small areas of mineral extraction which provided stone for local use. It is common for such sites to have been used for waste disposal after the cessation of quarrying activity.

(d) *Ministry of Defence Land*

Land under Ministry of Defence occupation will be identified and in co-operation with the MOD, an assessment will be made of the potential for contamination. If preliminary assessment indicates the possibility of any pollutant linkage arising from MOD land, then in accordance with the statutory guidance, the site will be referred to the Environment Agency for detailed investigation.

(d) *Redeveloped Land*

There are a number of sites in the district that were subject to some form of remediation work in the course of redevelopment. All such sites will be subject to assessment in order to determine the nature of contamination and the extent and adequacy of remediation.

(e) *Closed landfill Sites*

Closed landfill sites which are either no longer licensed by the Environment Agency or pre-date waste management licensing controls will be identified through the historic land use data base or from County Council records.

(f) Industrial History

Local knowledge, historical records from local authority archives and local history publications will be sought. All parish and town councils in Ryedale will be contacted and invited to submit any relevant information they may hold.

4.1.3 Potentially Contaminative Land Uses Controlled under other Regimes

(a) Industrial Processes Prescribed for Integrated Pollution Prevention and Control (IPPC) and Local Air Pollution Prevention and Control (LAPPC)

The Environment Agency and Local Authorities regulate a wide range of industrial processes by control systems established under the Pollution Prevention and Control Act 1999. The Act provides for implementation of an Integrated Pollution Prevention and Control (IPPC) regime. Such processes fall under Agency control for IPPC, A1 installations, or local authority IPPC (LA-IPPC) control, A2 installations. Emissions to air, land and water from these installations are controlled through a permit system. The Act also provides for the Local Air Pollution Prevention and Control (LAPPC) regime, which replaced the old Local Air Pollution Control (LAPC) regime under which Part B processes were regulated under the Environmental Protection Act, 1990. The vast majority of LAPC processes will simply transfer to this new regime, although a small number will instead now be subject to IPPC.

The location and nature of industrial processes regulated by the Environment Agency under IPPC will be identified from the data CD provided by the Agency. The Council is the enforcing authority for LAIPPC and LAPPC and maintains its own register of such processes.

(b) Application of Sewage Sludge, Agricultural Wastes, and Non-Agricultural Wastes to Land

The application of sewage sludge to agricultural land is regulated under the Sludge (Use in Agriculture) Regulations 1989. Sewage sludge producers are required to maintain a register recording details of the quantities, composition and nature of sludge produced, the names and addresses of all persons supplied with sludge, the address and area of each agricultural unit supplied with sludge, and the quantity and composition of sludge used on each unit. The register must be made available for inspection by the Secretary of State for the Department of Environment Food and Rural Affairs (DEFRA).

Agricultural land used for application of sewage sludge will be identified from the Yorkshire Water plc register.

The application of sewage sludge to non-agricultural land and the application of non-agricultural wastes to land is subject to control under the Waste

Management Licensing Regulations 1994. The regulations are enforced by the Environment Agency, which is required to maintain a public register of all licensed recovery operations. The spreading of some wastes from non-agricultural sources onto agricultural land is permitted without licensing subject to a number of conditions being satisfied. However, details of all such exempt spreading must be notified to the Environment Agency, which maintains a register of exempt operations. Details of the licensed application of waste to land within the district will be sought from the Environment Agency. Details of any registered exempt waste to land applications will also be sought from the Agency.

Wastes from agricultural premises are presently excluded from the definition of 'controlled waste' and are consequently not subject to the usual statutory controls on waste management.

(c) *Landfill and Waste Processing Sites*

Landfill sites and other waste management operations are controlled by the EA under waste management licences. The location and nature of licensed waste management facilities will be identified using information provided by the Environment Agency.

(d) *Effluent Discharge Consents*

Discharge consents are granted by the EA. Discharges of effluent to controlled waters, including from sewage treatment works, are subject to regulation by the EA under the Water Resources Act 1991 through a system of discharge consents. The location and nature of consents to discharge to controlled waters will be identified using information provided by the Environment Agency.

4.1.4 *Complaints and Information Received from Members of the Public*

Complaints may be made to the Council concerning possible land contamination or its effects. Members of the public or external bodies may also volunteer information on land contamination to the Council. Complaints will be responded to in accordance with existing Environmental Health Complaints Procedures. Information arising from complaint investigations, or which is otherwise volunteered to the Council, will be given due consideration in the process of identifying contaminated land. Further details of how the Council will deal with such information is contained in 6.5.

4.2 Identification of Relevant Receptors

4.2.1 Human Receptors

The geographical distribution of the districts population is described briefly in 2.2. Outside the main market towns where most of population is concentrated, there are numerous small and isolated settlements throughout the district. The most sparsely populated parts of the district are in many cases in areas that attract visitors for leisure and recreational activities. In general terms, it is reasonable to assume that human receptors may visit or live on or in close proximity to most potentially contaminated sites.

4.2.2 Controlled Waters

(a) *Groundwater Resources*

Vulnerability maps of major and minor aquifers are produced by the Environment Agency. These maps are available on the Agency website at www.environment-agency.gov.uk. It is intended to obtain this data in digital format from the Environment Agency for loading as a layer onto the Councils ArcView Contaminated land GIS. The actual vulnerability of aquifers is influenced by site-specific factors and therefore needs to be established on a site-specific basis. The advice and guidance of the Agency will therefore be sought where appropriate when potentially contaminated sites are being assessed in detail.

(b) *Surface Waters*

Surface water courses (including rivers and streams), reservoirs and lakes will be identified and mapped on the GIS along with details of river quality objectives (RQO's) and general quality assessments (GQO's), both of which have been provided by the Environment agency in CD data format and will be superimposed on the GIS.

(c) *Licensed Water Abstractions*

The location and nature of all licensed water abstractions including abstractions for: public water supply; agricultural purposes; and industrial/commercial use have been provided by the Environment agency in CD data format and will be superimposed on the GIS.

(d) *Private Water Supplies*

There are approximately 270 Private Water Supplies in Ryedale. Ryedale District Council holds records for each supply detailing the nature of the supply and location of the supply. Sources include springs, wells, boreholes and surface watercourses. These details will be superimposed onto the Contaminated Land GIS.

4.2.3 Ecological Receptors

The location and details of areas designated for the protection of ecosystems or living organisms forming part of any such system will be obtained from English Nature. A number of such designated areas exist in Ryedale. Assessment of the significance of any contamination within the sphere of influence of such areas will be made in consultation with Natural England.

4.2.4 Property

(a) *Listed Buildings and Scheduled Ancient Monuments*

Details of listed buildings and scheduled ancient monuments will be obtained from English Heritage. Assessment of the significance of any contamination at the site of such buildings will be made in consultation with English Heritage.

(b) *Buildings*

Consideration will be given to the possibility of harmful effects on buildings arising from the presence of contaminants. The statutory guidance, DETR Circular 01/2006 describes harm to buildings as structural failure, substantial damage or substantial interference with any right of occupation.

(c) *Crops and Timber Production*

Extensive areas of the district are used for crop growing and Forestry. Assessment of the effects of potentially contaminated sites used for agricultural, horticultural or commercial timber production purposes will include consideration of possible impact on human receptors through contamination of food products and economic loss through reduced yield. The advice of the Food Standards Agency, DEFRA, Forest Enterprise and Environment Agency will be sought, as appropriate, in cases where exposure of these receptors is a significant consideration.

(d) *Agricultural Livestock, Game and Domesticated Animals*

Large areas of the district are used for sheep grazing, pig rearing, beef production, rearing of game. There are also a number of fish farms and natural fisheries. Where sources of contamination are identified, consideration will be given to these receptors. The advice of the Food Standards Agency, DEFRA and North Yorkshire County Council Animal Health Inspection Service will be sought as appropriate.

(e) *Domestic Gardens and Allotments*

All allotment areas in the district will be identified and mapped on the GIS. Potential contamination from previous use of such land will be subject to risk

assessment to identify any pollutant linkages. Similar consideration will be given to potential contamination of domestic gardens.

4.3 Preliminary Risk Assessment

A systematic approach will be taken to evaluate the information gathered on potential contaminated sites and key receptors. This approach will broadly follow the guidance provided in Contaminated Land Research Report No. 6 'Prioritisation and Categorisation Procedure for Sites which may be Contaminated' 1985, (CLR 6).

Evaluation of information obtained on potential contaminated sites and receptors will be a two-stage process. This will consist of a 'Contaminant Receptor Pathway' (CRP) assessment followed by detailed assessment of those sites where the CRP assessment indicates that contamination is certainly, or probably, present and is having, or is likely to have, an unacceptable impact on any key receptor. This approach is consistent with the principles underlying the strategic approach and should ensure that any serious problems of contamination are given greatest priority.

The preliminary risk assessment of sites will allow all the identified sites of potential contamination to be categorised according to the likelihood that a significant pollutant linkage exists. It is currently estimated that there are approximately 5,700 potentially contaminated sites in Ryedale. The task of undertaking a risk assessment of all these sites is therefore quite considerable. Once the preliminary assessment has been undertaken initial inspections, in accordance with the strategic principles, will be prioritised based on the sensitivity of receptors present.

Priorities

- 1 Urgent Sites – Strong evidence of significant harm to receptors or of pollution of controlled waters.
- 2 Group 1 Receptors - Residential areas, schools, nurseries, playing fields, parks, playgrounds, amenities and allotments.
- 3 Group 2 Receptors - Sites within Aquifer Source Protection Zones 1 or 2, sites containing controlled surface water features, public open spaces.
- 4 Group 3 Receptors - Designated Ecosystem sites.
- 5 Group 4 Receptors -Agricultural land, protected buildings and monuments, and archaeological sites.
- 6 Group 5 Receptors - Commercial, industrial and other sites.

If more than one potential receptor is identified in relation to a particular site, the most sensitive receptor shall determine the priority for an initial inspection.

Where potentially contaminated sites are identified as a result of complaints, a preliminary assessment will generally be carried out within 4 weeks. If at any time the Council receives strong evidence indicating that contamination is causing significant harm or pollution (Urgent Sites), a preliminary risk assessment will be initiated out within five working days. However, the principles of risk assessment set

out in this strategy will apply in determining whether a detailed site assessment is undertaken and the timing of any such detailed assessment.

CLARE Database

In order to prioritise sites of potential concern the Contaminated Land Risk Evaluator software (CLARE) will be used. The CLARE software has been developed by Faber Maunsell to assist Local Authorities in their duties under EPA Part IIA. The CLARE software assesses the risk of each site based on the source-pathway-receptor approach and uses information about land use, pathways and receptors to calculate a site risk score. The methodology is based on guidance in the following reports:

- CLR Report 6
- Department of Environment Industry Profiles; and
- Guidance for Safe Development on Land Affected by Contamination, Environment Agency/NHBC.

The prioritisation procedure in CLARE considers the existence and nature of each part of the pollutant linkage (source, pathway and receptor) to determine a site risk index for each site. Possible contaminants are predicted depending on the land use of the site, and a score is assigned according to the nature of the contaminants. Receptors are scored based on the distance of the receptor from the source and the sensitivity of the receptor. If a pathway is present a score of 1 is allocated whereas if no pathway is present a score of 0 is assigned. A score is then devised by source*pathway*receptor. If contaminants from a site have the potential to pose a risk to multiple receptors the risk calculation is repeated for each receptor and then added together to derive a total risk for the site. This gives a site risk index or prioritisation score. The risk value does not have an implicit meaning but is used for comparative purposes in order to identify those sites with the highest value which may potentially pose the greatest risk to human health and controlled water.

The CLARE software calculates the risk score based on certain parameters and so can over or under estimate the risk of a site. The resulting prioritisation list based on the CLARE calculated risk-score may therefore require further assessment before the final prioritisation and assignment of sites to a priority category. The CLR 6 risk assessment describes four priority categories detailed below.

Priority Category 1

- Site likely not to be suitable for present use and environmental setting.
- Contaminants probably or certainly present and very likely to have an unacceptable impact on key targets.
- Urgent assessment action needed in the short term.

Priority Category 2

- Site may not be suitable for present use and environmental setting.
- Contaminants probably or certainly present and likely to have an unacceptable impact on key targets.
- Assessment action needed in the medium term.

Priority Category 3

- Site considered suitable for present use and environmental setting.
- Contaminants may be present but unlikely to have an unacceptable impact on key targets.
- Assessment action unlikely to be needed whilst the site remains in present use or otherwise remains undisturbed.

Priority Category 4

- Site considered suitable for present use and environmental setting.
- Contaminants may be present but very unlikely to have an unacceptable impact on key targets.
- No assessment action needed while site remains in present use or undisturbed.

All data relating to each site will be recorded and maintained within the CLARE database. Any new data that is obtained shall be kept in the database to maintain its usefulness in implementing the strategy. When new information is obtained on a site a risk assessment will be carried out and the site will be re-prioritised accordingly.

Detailed assessments will be undertaken for sites in priority category 1 and then priority category 2. Detailed assessments of sites in priority category 2 will not be undertaken until all sites in priority category 1 have been investigated.

Sites identified as being Category 1 and Category 2 Priority Sites will be subject to further, more detailed assessment in order to determine whether any significant pollutant linkage exists. Priority category 3 and 4 sites will not be subject to further investigation unless a review changes the status to 1 or 2. Such reviews will be undertaken periodically and will also be automatically triggered by new information concerning the site or changes in use of the site.

Detailed assessment will be undertaken in order that the Council is able to satisfy itself that a significant pollutant linkage exists.

Preliminary Risk Assessment - To Date

Potentially contaminated sites in Ryedale have been identified using the Landmark Historic Database, Historic Maps, Trade Directories and information held by the Council. Using these sources it has been estimated that there are approximately 5,700 potentially contaminated sites in Ryedale. In order to prioritise these sites in the CLARE database, certain information regarding each site must be entered in the database, a task that is quite considerable given the number of potentially contaminated sites that have been identified.

In order to be able to progress our inspections and assessment of sites of a high priority, an Initial Risk Assessment has been undertaken on potentially contaminated sites and the risk to human health. This risk assessment was based on the source pathway receptor model (human health as the receptor) and covered potential contaminated sites in the most populated areas of the district, namely, Malton, Norton, Pickering, Kirkbymoorside and Helmsley. The risk assessment was based on a

method in CLR 6 as modified by Zero Environment Ltd (not using the CLARE software). This method involved a scoring system where a score 1-10 was awarded for each of the three elements (source, pathway, receptor) of the potential linkage where a score of 1 indicated little or no chance of contaminants/receptors/pathway being present and a score of 10 indicated a definite presence of contaminants/receptors/pathways. A total score out of 30 was then awarded. The top 15 sites which have been identified as being of the highest priority are currently being investigated further. These sites include former gas manufacture and distribution works, landfills, military land, timber processing works, road haulage sites and railway land. A detailed site assessment and inspection will be undertaken for each of these sites as detailed below.

4.4 Detailed Site Assessment and Inspection

The detailed site assessment and inspection of Category 1 and 2 sites may involve the following steps:

Desk Study

All relevant available information concerning the site will be drawn together. Sources of information are likely to include Planning and Building Control Records. Site specific information will also be sought, as appropriate, from:

- Current and previous landowners
- Current and previous occupiers
- Developers
- Environment Agency
- Natural England
- English Heritage
- Other external bodies (see Appendix 2)

It is the Council's duty to identify all significant pollutant linkages. If the Council does not have sufficient information, but considers that there is a reasonable possibility that a pollutant linkage exists, it will proceed to authorise an inspection of the land.

If the site or the pollutant linkage being considered is such that the site would be designated as a special site, the Council will arrange for detailed investigation of the land to be carried out by the Environment Agency.

Site Inspection

Detailed inspection to determine whether any contaminant is present may involve the following elements.

- Visual inspection of sites under investigation may be undertaken to assist in characterising the site and to look for the presence and nature of contamination indicators. Guidance on visual inspection and so-called walkover surveys is given in Contaminated Land Research Report No. 2 - Guidance on Preliminary Site Inspection of Contaminated Land, DoE 1985.

- Exploratory surveys may involve a degree of intrusive investigation and sampling, usually undertaken to assist in the design of a full intrusive investigation.
- Intrusive investigation is undertaken to identify the contaminants present and their distribution about the site. Intrusive investigation may only be carried out when the Council considers it likely that a contaminant is present and that given the current land use a receptor is present or is likely to be present. Intrusive investigations will be undertaken in accordance with appropriate guidance and technical procedures. The Environment Agency has produced Research and Development documents on the 'Technical Aspects of Site Investigation' and 'Secondary Model Procedures for the Development of Appropriate Soil Sampling Strategies for Land Contamination'.

The Council will seek to ensure that in carrying out any intrusive investigations all reasonable precautions are taken to avoid causing harm, water pollution or damage to natural resources or features of historic or archaeological interest.

The Council is responsible for funding site investigations. Intrusive investigations will be carried out by 'Suitable Persons' authorised by the Council under Section 108 of the Environment Act 1995. The Council will seek to ensure that any external contractor or consultant appointed is qualified to undertake site investigation by producing a specification for each contract and drawing up a shortlist of at least five company's considered to have the required expertise and capability to invite to tender for the work and in line with the Councils financial standing orders.

4.5 Risk Assessment and Controlled Waters

Where controlled waters are the receptor in a potential pollutant linkage the advice of the Environment Agency will be sought when a risk assessment is being made. Regard will be had to guidance contained in the Agency's publication 'Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources'. Guidance is also provided in the Environment Agency document 'Policy and Practice for the Protection of Groundwater' and CLR1.

4.6 Contaminated Land Determinations and Notifications

In reaching any determination that land is contaminated the Council will act in accordance with the statutory guidance, take account of all relevant information and carry out an appropriate technical and scientific assessment of the condition of the land.

The Council will produce a written record of all contaminated land determinations detailing:

- The three elements of each pollutant linkage identified (i.e. pollutant, pathway and receptor);
- A summary of the evidence that the linkages exist;
- A summary of the assessment of the evidence, i.e. details of the significance of the linkages; and

- A summary of the way in which the Council considers that it has satisfied the requirements of the statutory guidance.

- The Council will notify all relevant parties of its determination. These parties include:
 - The landowner(s);
 - The occupier(s);
 - Appropriate persons (i.e. those liable responsible for remediation of contamination) for each significant linkage; and
 - The Environment Agency.

If the Council considers that the land is a Special Site, it will inform the Environment Agency accordingly. If the Agency agrees, or does not object within 21 days, the land will be designated as a special site. If the Agency objects within 21 days, the Council will refer the decision to the Secretary of State.

4.7 Liability for Remediation and Apportionment of Costs

Persons liable for remediation, appropriate persons, as determined in accordance with Section 78 of the Act, include:

Class A Persons - persons who have caused or knowingly permitted a pollutant to be in, on or under the land and Class B Persons - persons who own or occupy land in circumstances where no Class A person can be found with respect to a particular remediation action.

The matter of appropriate persons must be considered for each significant pollutant linkage. Therefore where a site has had a series of contaminative uses over the years, each significant pollutant linkage will be identified separately and liability considered for each.

Generally speaking, the members of a liability group will have the total costs falling on the group as a whole apportioned between them. It may also be necessary to apportion costs between liability groups.

The Council will also inform appropriate persons about the tests for exclusion from, and apportionment of liabilities, for the cost of remediation action as detailed in Chapter D of the statutory guidance.

There are six tests specified to identify Class A persons who should be excluded from liability. These will be applied in sequence and separately for each pollutant linkage. The exclusion of Class B persons simply involves exclusion of those who

do not have an interest in the capital value of the land. Tenants therefore are excluded.

4.8 Remediation and Enforcement

Following formal notification the Council will begin extensive consultation with relevant parties in order to identify and reach agreement on appropriate remediation. To encourage co-operation and voluntary remediation the Council will provide the relevant parties with as much information as possible regarding the site.

In determining the remediation package for designated contaminated land the Council will seek to ensure that the package can be carried out without damaging the environment and in particular:

Without risk to water, soil, air, and plants and animals;
Without causing a nuisance through noise or odours;
Without adversely affecting any listed building, building within a conservation area, or a site of archaeological interest.

Where protected locations, protected buildings and other potentially sensitive receptors are identified as being at risk of suffering any adverse effect from remediation, the appropriate bodies (English Nature, English Heritage and the County Archaeologist) will be afforded the opportunity to propose ways of mitigating the effects.

Remediation notices will be served only as a last resort (not withstanding urgent cases) and after a thorough and exhaustive consultation process. Remediation notices will be served on each appropriate person specifying what remediation measures are to be carried out.

4.9 Orphan Sites

Orphan Sites are sites where either it is not possible, after reasonable enquiry, to find anyone responsible the site or where persons can be found but they are exempted from liability for specified reasons. These are described in the statutory guidance as 'orphan linkages'.

Exemptions apply where:

The land is contaminated by reason of pollution of controlled waters only and no Class A Persons can be found (Class B Persons cannot be held liable for polluting water from land;

The land is contaminated because of the escape of a pollutant from one piece of land to another and no Class A persons can be found;

The land is contaminated land by reason of pollution of controlled waters from an abandoned mine; and

The person was acting in a relevant capacity (insolvency practitioner, /official receiver etc...).

In such cases, the enforcing authority should bear the cost of remediation in accordance with the Secretary of States Guidance.

5 Time Scales for Prioritised Activities

Details of the plan of action are shown below. Focus will be given to sites identified as high priority.

▪ Publication of Contaminated Land Strategy	<i>Completed</i>
▪ Review and Identification of Potentially Contaminated Sites & Relevant Receptors	<i>Completed</i>
▪ Input of all available information on sites of potential concern into CLARE software	<i>Ongoing</i>
▪ Prioritisation of Sites using CLARE software	<i>Ongoing</i>
▪ Investigation of Urgent Sites*	<i>To commence within 28 working days</i>
▪ Preliminary Risk Assessment and Categorisation of sites which are the subject of complaints concerning potential contamination complaint	<i>Within 4 weeks of complaint</i>
▪ Detailed Assessment and Inspection of Priority Category 1 Sites	<i>to begin within 4 months of identification by preliminary assessment</i>
▪ Detailed Assessment and Inspection of Category 2 Sites	<i>to begin within 12 months of identification by preliminary assessment</i>
▪ Assessment and Inspection of Category 3 Sites	<i>Not necessary unless change of use or review triggers re-assessment</i>
▪ Assessment and Inspection of Category 4 Sites	<i>Not necessary unless change of use or review triggers re-assessment</i>

*In the context of Preliminary Risk Assessment Urgent Sites are sites in respect of which the Council receives strong evidence indicating that contamination is causing significant harm or pollution.

6 PROCEDURES

6.1 Internal Management Arrangements

Primary responsibility for the implementation of the new contaminated land regime by Ryedale DC lies with the Pollution Control Section of the Environmental Health Service Unit. However, interdepartmental communication on contaminated land issues is of vital importance to the success of the programme set out in this strategy document. This will be achieved primarily by means of a multi-disciplinary working group, made up of representatives of the relevant departments and sections.

The identification of potentially contaminated land, preliminary risk assessment of such sites and detailed site assessments will be undertaken by Pollution Control Section of the Environmental Health Service Unit. Where appropriate specialist consultants appointed by the Department will be engaged to undertake detailed site inspections, including in particular any intrusive investigations.

Contaminated land determinations and written records of determinations will be made by the Environmental Protection Officer (EPO) subject to authorisation by the Management Unit Head. Remediation notices will be served on the authority of the Management Unit Head. Maintenance of the Public Register shall be the responsibility of the Pollution Control Section.

The Head of Legal Services will be consulted prior to any enforcement action. The Property Services Manager or appropriate Management Unit Head will be consulted in relation to property belonging, or formerly belonging, to the Council.

6.2 Inspection and Assessment of Land with Local Authority Interest

In accordance with the risk assessment based approach to inspection, the assessment and inspection of potentially contaminated local authority property will be undertaken strictly in accordance with the programme set out in Section 4. The Pollution Control Section will act in the capacity of the 'Enforcing Authority' and other Departments as the owner/occupier of the land, or 'appropriate person' in the case of land previously owned by the Council. The purpose of these arrangements is to separate the Council's roles as landowner, polluter and regulator.

6.3 Transfer of Potential Special Sites to the Environment Agency

Designation of land as a special site may only be made by a local authority. If, after having consulted the Environment Agency and having regard to any advice received, the Council determines that any land should be designated as a Special Site, the Council must give written notice of its determination to: the Agency; the land owner; any occupiers of the land or any part of it; and each person who appears to be an appropriate person.

If the Agency disagrees with the Council's determination, it must notify the Council within 21 days giving reasons for the disagreement. The Agency must also copy its notification to the Secretary of State for DEFRA. The local authority must then refer its decision to the Secretary of State. If the Agency agrees with the determination, or does not notify its disagreement within 21 days, the land in question will be designated as a special site. Once a special site designation has been made and come into effect, the Environment Agency forthwith becomes the enforcing authority for the site rather than the Council.

If the Environment Agency at any time considers that any contaminated land should be designated as a special site, the legislation provides for the Agency to notify the local authority accordingly. If the local authority agrees with the Agency it must then notify the persons identified above before making the designation. If the local authority disagrees, it must notify the Agency, which is then entitled to an opportunity to reaffirm its view that the land should be designated. If it wishes to do this, it must notify the local authority within 21 days of receiving the Council's notification. The Agency must then provide a statement for the Secretary of State giving the reasons for its view that the land should be designated.

Upon notification of the Agency's disagreement, the Council must provide its own statement to the Secretary of State of the reasons for its decision. The Secretary of State must then decide whether the land or any parts of it should be designated as a Special Site. If the Secretary of State decides that any land should be designated as a Special Site, the notification of the decision constitutes the designation.

6.4 Information Gathering

Information of relevance to the identification of contaminated land will be sought from many different sources. The statutory guidance requires the Council to arrange for information to be obtained from certain other regulatory bodies.

The following list details external bodies from which information will be sought and the type of information they hold. Information will be sought to identify potential sources of contamination, pathway characteristics and receptors so that the preliminary risk assessment can be undertaken for a comprehensive list of potential contaminated sites. Further site specific information will also be sought as part of any detailed site assessment.

Source and Nature of Information

Purpose of Information

Environment Agency

Catchment Plans	To identify and characterise Receptors
Source Protection Zones	To identify and Characterise Receptors
Location of Sewage Treatment Works	To identify Contamination Sources
Details of Consents to Discharge	To identify Contamination Sources
Location of Licensed Water Abstractions	To identify Receptors
Information on river quality objectives	To characterise Receptors
Location and details of Licensed Waste Management operations	To identify Contamination Sources
Location and details of closed landfill sites	To identify Contamination Sources
Location and details of sites with IPC authorisations/IPPC Permits	To identify Contamination Sources
Location of closed landfill sites	To identify Contamination Sources
Location of areas prone to flooding	To assess pollutant linkage pathway

English Nature

Location and nature of Designated Protected Organisms/Ecosystems	To identify Receptors
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English Heritage

Records of Historic/Protected Buildings and Monuments	To identify Receptors
Records of Archaeological Sites	To identify Receptors

DEFRA

Assessment of Crop Effects	To Characterise Receptors
Pesticide Usage	General guidance on Use and Effects
Agricultural Land Classification (ALC) Surveys	To identify Contamination Sources

Health and Safety Executive

Releases from Premises	To identify Contamination Sources
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British Geological Survey

Geological Maps	To characterise sources and pathways
Geochemical Records	To identify Contamination Sources

North Yorkshire County Council

Waste Disposal Local Plan	To identify Receptors and characterise Contamination Sources
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North York Moors National Park Authority

Planning Records	To identify Receptors and Contamination Sources
County Archaeologist – Scheduled Ancient Monument and other Archaeological sites	To identify and Characterise Receptors

Parish and Town Councils

Historical Records and local knowledge	To identify and characterise Contamination Sources
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6.5 Complaints and Information Volunteered by Members of the Public

Procedures

The Council has established and documented procedures for dealing with complaints made by members of the public, or other external bodies, concerning public health, nuisance and environmental protection issues. Complaints concerning contaminated land will be responded to in line with the established complaints procedures. The relationship between complaints and volunteered information with the programme for the identification and assessment of potentially contaminated sites is described in Sections 4.1.4 and 4.3.

Confidentiality

The Council respects the confidentiality of complainants and unless the consent of a complainant has been given, their identity will not be made public or disclosed to any third party

Anonymous Complaints

All complainants are encouraged to provide their name and address. The Council is under no obligation to investigate anonymous complaints or information. However, the priority of the Council is to identify contaminated land rather than the identity of persons making allegations. Where information is provided anonymously, the Council will exercise its discretion to investigate, having regard to the potential significance of the information and any other relevant considerations.

7 LIAISON AND COMMUNICATION

7.1 Internal Communication

As the work programme is implemented, communication with the internal contacts will take place through the Contaminated Land Multi-disciplinary Working Group. Regular briefing notes will be produced by the Pollution Control Section to keep internal contacts informed of significant developments.

7.2 Other Statutory Bodies

Appropriate levels of contact with external public bodies including:

Environment Agency
English Nature
English Heritage
DEFRA
HSE
Food Standards Agency
North Yorkshire Moors National Park
North Yorkshire County Council
North Yorkshire Contaminated Land Group

It is anticipated that to varying degrees these bodies will have an ongoing input in terms of the identification of potentially contaminated sites and the detailed assessment of sites.

7.3 Landowners, Occupiers and Other Interested Parties

Other bodies, including landowners, industry, business representatives, and Parish Councils are considered highly significant sources of information. All these groups will be consulted on the strategy and invited to contribute to the task of identifying potentially contaminated sites. These groups will also be consulted, where appropriate, in relation to any detailed site assessments that are required.

The co-operation of these parties is recognised by the Council as having the potential for significant benefit. The Council will adopt an open and inclusive approach to dealing with these matters in the interests of encouraging the participation of these groups.

7.4 Wider Community

The strategy will be made available to the public through several channels. Its publication will be announced through a press release and details of it will be published on the Councils Web site. Copies of the strategy will be placed all public libraries in the district and will also be available on request either as hard

copies or by e-mail as text document attachments. Progress with implementation of the strategy will be reported to Members and the community on a regular basis.

8 REVIEW MECHANISMS

8.1 Triggers for Inspection Review

Besides the routine review of inspection findings, which are set out in 8.2 below, there are various events or circumstances that may arise which will justify the review of preliminary assessment and detailed inspection findings for particular sites. These triggers include:

- Proposed land use changes introducing new receptors or linkages
- Evidence or reports of localised health effects which may relate to a particular area of land
- Newly received information from other statutory bodies, landowners, and members of the public or other organisations.
- Unusual or unforeseen events such as flooding, landslip, fire or other incident with the potential to affect the source, path, receptor linkage. Areas prone to flooding will be identified on the contaminated land GIS.

Such events or circumstances will be given urgent consideration in order to determine whether they justify carrying out a review.

8.2 Timetable and Triggers for Strategy Review

The Council will begin a review this strategy no later than 12 months after its formal adoption by members. Thereafter for the next 4 years, the strategy will be reviewed at least every 12 months. Matters to be considered in such reviews will include

Strategy Content
Priorities for further investigation
Potential for new receptors
Potential for new contamination
The Enforcement Process
Identification of Special Sites
Implementation Progress

Such reviews will monitor the effectiveness of the strategy in the light of practical experience of its implementation.

Besides these regular reviews, a review may be triggered in response to changes in legislation or significant changes in guidance or in the light of practical experience warranting a prompt review of policy, for example as a result of legal proceedings.

8.3 Audit of Inspection Procedures

The Government is expected to develop performance indicators to assess overall progress in the identification and remediation of contaminated land and intends to establish targets for overall progress.

The Councils strategy will be subject to critical assessment by the Environment Agency.

Progress in implementation of the strategy will be assessed in relation to the timetable set out in Section 5 which sets targets for the identification and assessment of potentially contaminated sites in Ryedale.

The Pollution Control Section will seek to assess the quality of its inspection strategy through its links with other local authorities in an Environment Agency led Contaminated Land Regional Discussion Forum and the Yorkshire and Humberside Pollution Advisory Council (YAHPAC). The review mechanisms outlined in 8.2 will provide the opportunity to introduce any desirable changes identified through these links.

9 INFORMATION MANAGEMENT

9.1 General Principles

The Geographical Information System (GIS) ArcView will provide a geo-spatial reference of all potential sources, pathways and receptors. The Contaminated Land Risk Evaluator Software (CLARE) will be used to compile and manage a comprehensive database of all potentially contaminated sites. Each site of potential concern will be allocated a contaminated land reference number (i.e. CLM/0001). This reference number will assist in the identification of sites on the GIS system and provide a link between the GIS system and the CLARE software.

All data relating to each site will be recorded and maintained within the CLARE database. Any new data that is obtained shall be kept in the database to maintain its usefulness in implementing the strategy. Information may come directly to the council from voluntary remediation notices, through enforcement of Part IIA and through redevelopment of brownfield land. Data shall be kept in the database irrespective of the source of information, as the majority of the sites are likely to be remediated through the planning regime.

9.2 Public Register of Contaminated Land

Under The Contaminated Land Regulations 2000, Ryedale District Council must maintain a Public Register of Contaminated Land. The required contents of the Public Register are specified in Schedule 3 of the Regulations. The information to be held on the Public Register relates strictly to regulatory and remediation action only.

The Register will include the following information

- Remediation Notices
- Appeals against Remediation Notices
- Remediation Declarations
- Remediation Statements
- Appeals against Charging Notices
- Special Site Designations
- Remediation Claim Notifications
- Convictions
- Guidance issued to the Council by the Environment Agency under Section 78V (1)
- Site Reports obtained by the Council which concern remediation notices

Before placing any information onto the Public Register the Council must satisfy itself that its inclusion would not be against the interests of national security and that the information is not commercially confidential.

The Secretary of State may issue directions to enforcing authorities specifying information that must be excluded from the Public Register. Any person can

notify the Secretary of State if they consider that the inclusion of certain information would be against the national interest. The Secretary of State will then decide whether the information should or should not be excluded from the Register.

Copies of documents in the Register will be provided on request within five working days, subject to payment of the appropriate photocopying charge.

9.3 Other Information

The Council will gather and collate large volumes of information in the course of implementing this inspection strategy. Although only the specific details described above will be placed on the Public Register of Contaminated Land, the Council is subject to certain obligations under The Environmental Information Regulations 2004.

Under the Regulations, the Council, like all other public bodies, has a general duty to provide environmental information on request. The Regulations identify certain exempt categories of information. However, there is a general presumption in favour of disclosure and therefore the onus is on the Council to set out clearly the grounds for any refusal of a request for information. Details of the Councils policy and procedures for dealing with requests are described in more detail in Section 1.2.

Undoubtedly the Environmental Information Regulations will provide a means by which external bodies and individuals will seek access to data, including site reports, concerning land that has been assessed or is under investigation. All such requests shall be dealt with in accordance with current established procedures.

9.4 Confidentiality

The Environmental Information Regulations provide for the withholding of information from any third party in certain circumstances, including instances where disclosure would affect legal proceedings. Direct access to information held on the Contaminated Land GIS and CLARE Contaminated Land Management database will be restricted to authorised Council employees. Information held on the GIS or management database will not be made available to any other person or organisation other than through the established procedures for disclosure of environmental information. An authorised employee must clear the disclosure of such information.

Information held in paper form, other than that contained in the Public Register, will be subject to similar restrictions to ensure that the Council does not compromise any legal proceedings, security concerns or breach any commercial confidence.

9.5 The Data Protection Act 1998

The Data Protection Act applies to all personal data. The Act seeks to give some protection to persons (known as data subjects) in respect of three potential dangers:

- The use of personal information that is inaccurate, incomplete or irrelevant
- The possibility of access to personal information by unauthorised persons
- The use of personal information in a context or for a purpose other than that for which the information was collected

Personal data is defined as data consisting of information that relates to a data subject who can be identified from the information, or from that and other information in the possession of the data user (the Council). Every individual member of the public can be considered a data subject, there is no age limit.

It should be noted that just about all information held on computers is considered as being, 'processed automatically', for the purposes of the Act. Therefore, should the Council be unsure as to the legality of maintaining data on a computer it will keep a paper record only.

The implications of holding information relating to the condition of potentially polluted property and the persons associated with that property and pollution could be significant. This matter will therefore be considered in detail with the Council's Solicitor and Data Protection Administrator before records begin to be compiled.

9.6 Arrangements for Access to Information

The Public Register of Contaminated Land will be maintained and held by the Environmental Health and Housing Services Department at the main offices of Ryedale District Council, Ryedale House, Malton. The Register will be paper based and will be available for inspection, without charge, by any person or organisation, during normal office hours, namely on Monday to Friday between 9-00 am and 4-30 pm. The register will not be available for inspection on Bank Holidays or any other days when the Offices are closed.

9.7 Dealing with Requests for Information

Each request for information from the Public Register or from the Contaminated Land GIS, the Management database or paper records shall be recorded by the person receiving the request on 'Request Monitoring Form EI2'. The request, if in written form, and Form EI2 shall then be passed on to the appropriate officer, normally the Environmental Protection Officer.

A full response to requests for information should normally be made within 2 months. However, unless a full response is made within five working days, the person making the request should be sent a written acknowledgement within five

working days. The acknowledgement should give an indication of when a full response can be expected.

Appropriate charges will be made for providing information. The person or organisation making a request should be advised of any likely charge, including an estimate of the charge, prior to preparation of a detailed response so that they are able to indicate their agreement to payment of the charge.

Full details of procedures for dealing with requests are detailed in the Councils Guidance Note for Staff dealing with requests for Environmental Information, document ref. H&HRAD1 180195.

9.8 Provision of Information to the Environment Agency

The Environment Agency is required to produce a 'State of Contaminated Land in England and Wales' Report for the Secretary of State. In order to do this the Agency will need to obtain information from local authorities about the implementation of their strategies, the identification of any contaminated land and remediation measures taken.

The Council will provide information to the Agency in accordance with a Memorandum of understanding drawn up between the Agency and the Local Government Association, which sets out how information will be exchanged.

The Council is obliged to notify the Agency whenever a site is designated and whenever a remediation notice, statement or declaration is issued.

The Agency has drawn up Standard Forms for the exchange of information. These cover contaminated land designations, remediation notices and action, and an annual summary of local authority regulatory activity. The Council will make notifications using the Agency's standard formats.

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Guidance on Preliminary Site Inspection of Contaminated Land, Vols. 1 & 2, CLR 2 DoE 1994.

Prioritisation & Categorisation Procedures for Sites which may be Contaminated, CLR 6, DoE 1995.

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Environmental Protection Act 1990: Part 2A –Contaminated Land .Defra Circular 01/2006.Defra. September 2006.

APPENDICES

APPENDIX 1

List of Potentially Contaminative Land Uses

This list provides an indication of the type of land use activities that are known to use, or to have used in the past, materials that could contaminate the soil. The list is not exhaustive, and inclusion on this list does not necessarily mean that contamination will be found on any particular site or that any pollutant linkage(s) will exist.

Aircraft manufacture	Gas mantle manufacture	Rubber manufacture
Airports	Gas works	Scrap metal dealers
Animal Burial	Glass works	Sealing compound manufacture
Animal and animal products processing	Glue manufacture	Sewage works and disposal areas
Asbestos products	Gum and resin manufacture	Sheet metal merchants and works
Asphalt works	Hatters	Ship breakers
Automotive engineering	Hide and skin processors	Ship builders
Battery manufacture	Ink manufacture	Shooting grounds
Bearings manufacture	Iron founder	Small arms manufacture
Blacksmiths	Iron works	Smokeless fuel manufacture
Boiler makers	Knackers Yards	Soap manufacture
Brass and copper tube manufacture	Leather manufacture	Solvent manufacture
Brass foundries	Metal coating	Solvent recovery
Brewing	Metal manufacture	Steel manufacture
Car manufacture	Metal sprayers and finishers	Stove enamellers
Carbon products manufacture	Mining	Synthetic fibre manufacture
Cement works	Mirror manufacture	Tank cleaning
Chemical manufacture and storage	Motor vehicle manufacture	Tanneries
Chrome plating	Oil fuel distributors and suppliers	Tar and pitch distillers
Ceramics manufacture	Oil merchants	Textile manufacture
Coal carbonisation	Oil refineries	Thermometer makers
Coal merchant	Oil storage	Timber treatment
Concrete batching	Paint and varnish manufacture	Timber preservatives manufacture
Coppersmiths	Paper works	Tin plate works
Dockyards	Pesticides manufacture	Transport depots
Drum cleaning	Petrol stations	Tyre manufacture and retreading
Dry cleaners	Photographic film works	Vulcanite manufacture
Dye works	Photographic processing	Vulcanisers
Dyers and finishers	Paper manufacture	Waste disposal
Electricity generation	Plastics works	Waste recycling
Electrical engineers	Plating works	Waste treatment
Electro platers	Power stations	Zinc works
Explosives manufacture (including fireworks)	Print works	
Fertiliser manufacture	Printed circuit board manufacture	
Fellmongers	Radioactive materials processing	
Fibre glass works	Railway land	
Lacquer manufacture	Railway locomotive manufacture	
Food processing	Refiners of nickel and antimony	
Foundries	Resin manufacture	
Fuel manufacture		
Fuel storage		
Garages and depots		

APPENDIX 2

Contacts and Consultees

The following were consulted on the first version of the Ryedale District Council Contaminated Land Inspection Strategy in 2001.

RYEDALE DISTRICT COUNCIL

Head of Development Control:	Mr G Housden
Head of Local Plans	Mr J Rudd
Head of Building Control Services	Mr L Chapman (01904 655372)
Council Solicitor	Mr A Winship
Data Protection Administrator	Mrs M Burchell
Property	Mr T Holmes
Finance	Mr T Anderson
Engineer	Mr D Summers
Head of Commercial Services	Mr J Davison

NORTH YORKSHIRE COUNTY COUNCIL

Environmental Services Directorate
County Hall
Northallerton DLO7 8AD

Tel: 01609 780780

County Archaeologist
County Hall
Northallerton DL7 8AD

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NORTH YORK MOORS NATIONAL PARK AUTHORITY

Chief Planning Officer
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Helmsley
York

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ENGLISH HERITAGE

Local contact:

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York YO1 6WP

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Chief Scientist
23 Saville Row
London W1X 1AB

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Enquiries: 0207 973 3000

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ENGLISH NATURE

Local contact:

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Special advisory teams:

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English Nature
Roughmoor
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Taunton
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Environmental Impacts & Marine Team (Peterborough)
English Nature
Northminster House
Peterborough
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PE1 1UA

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ENVIRONMENT AGENCY

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Area Contaminated Land Officer
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Aviator Court
Amy Johnson Way
York YO30 4UZ

Tel: 01904 822608

Ms R Percy
Tactical Planning Officer
Coverdale House
Aviator Court
Amy Johnson Way
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National Part IIA process manager:

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National Head Quarters

Land Quality
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National Centre for Groundwater and Contaminated Land

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10 Warwick Road
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Fax: 0121 711 5925

National Centre for Eco-toxicology and Hazardous Substances

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Fax: 01491 828 427

National Centre for Risk Analysis and Options Appraisal

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London SW1H 9NF

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Fax: 0207 664 6911

Food Standards Agency

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WC2B 6NH

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E-mail: Nigel.Harrison@foodstandards.gsi.gov.uk

Health & Safety Executive

8, St. Pauls Street
Leeds LS1 2LE

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Department of Environment Food and Rural Affairs

National policy advisor:

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Farming & Rural Conservation Agency
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Statutory Regeneration Bodies

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English Partnerships Head Quarters

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APPENDIX 3

SPECIAL SITES

Once a local authority has identified land as contaminated land by definition, it must also consider whether it falls into the category of a special site.

What constitutes a special site is specified in the Contaminated Land (England) Regulations 2000 and such sites include land: -

- Polluting certain controlled waters, as specified in Regulation 3 of the Contaminated Land (England) Regulations 2000;
- On sites subject to Integrated Pollution Control (see Environmental Protection Act 1990 Part I - Prescribed Processes and Substances Regulations 1991 schedule 1 part A);
- With waste sulphuric acid tar lagoons (on sites used for refining benzole, used lubricants or petroleum);
- Used as an oil refinery;
- Used to manufacture or process explosives;
- Used to manufacture or dispose of atomic, chemical or biological weapons
- Used for other nuclear purposes;
- Owned or occupied by a defence organisation for naval, military or air force purposes (not off base housing / NAFFI);
- Held for the benefit of Greenwich Hospital.

Contaminated land beyond the boundary of these premises (but contaminated by them) also forms part of the special site.