



SURREY HEATH BOROUGH COUNCIL CONTAMINATED LAND STRATEGY 2026



2026

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Executive Summary

This strategy updates Surrey Heath Borough Council's 2012 Contaminated Land Strategy. It reports progress made since 2012 and outlines the approach for identifying and managing land contamination risks by Surrey Heath Borough Council (SHBC). This strategy supports the Council's priorities to protect the environment, promote healthier communities, and it supports sustainable development.

Under Part 2A Environmental Protection Act (EPA) 1990 framework, SHBC has carried out comprehensive reviews to assess land contamination risk. The reviews have identified 1,480 sites of interest across the borough. The contamination risk of the vast majority of these sites is assessed as low or very low. Nineteen sites have been identified for detailed assessment due to their historical use and sensitive current use. Following evaluation, none of these sites would be determined as 'Contaminated Land' as defined in Part 2A EPA 1990.

SHBC has established mechanisms integrating land contamination management into Planning and Development Control, Building Control, Environmental Permitting, and Property Management. The Environmental Health team work with Council Departments to ensure contamination risk is adequately assessed and addressed, as appropriate. A Geographic Information System providing site contamination information has been developed and is accessible to all relevant Council Departments.

SHBC will continue to maintain and update the land contamination database and strengthen the cross-department cooperation. The Council will continue its risk-based approach to manage contamination risk and ensure relevant information is provided to the public.

This Strategy will be next reviewed in 2030.



1. Introduction

Part 2A of the Environmental Protection Act (EPA) 1990 came into effect in 2000. SHBC developed a strategy for identifying contaminated land and associated procedures, which were formally presented to the Council, approved and published in July 2001. This strategy was reviewed in 2009.

Department for Environment Food and Rural Affairs (DEFRA) issued Contaminated Land Statutory Guidance in April 2012. Following the changes specified in this statutory guidance, SHBC reviewed the arrangements for enforcing Part 2A of the Environmental Protection Act 1990 - the contaminated land regime and associated actions. A revised Contaminated Land Strategy was developed and approved in 2012 to manage the risk across development control, building control, and land ownership responsibilities.

This Strategy revises and updates the 2012 Strategy. It summarises implementation progress made since 2012 and outlines the approach for identifying and managing land contamination risks.

2. Strategic Objectives

Surrey Heath Borough Council's Strategy for 2024 – 2028 sets out the following five priorities as the vision for 2030:

1. Protect our Environment
2. Promote Healthier and More Inclusive Communities
3. Support a Strong Economy and Create More Homes
4. Campaign for Residents
5. Deliver Effective Services with Sustainable Finances

This Contaminated Land Strategy supports SHBC's priorities to protect the environment, promote healthier communities, and support growth and create



homes. At the same time, it fulfils the following objectives under the Part 2A EPA 1990 regime:

- To identify and remove unacceptable risks to human health and the environment.
- To ensure that contaminated land is made suitable for its current use.
- To ensure that the burdens faced by individuals, companies, and society as a whole in complying with the regime are proportionate, manageable and compatible with the principles of sustainable development.
- To ensure that where redevelopment of sites takes place in the Borough that the process controls any risk from land contamination to existing and future site users, as well as site workers.
- To ensure the open provision of information to the public, developers and other statutory agencies.

3. Regulatory Context

There are several regulatory frameworks managing land contamination in England. The focus and aspects of these regulatory regimes are summarised in the subsections below. It is worth noting that the Part 2A Regime is considered a last-resort option and is only applied where no alternative solutions exist. Controls under Planning Regime, Permitting Regime, and other regulatory controls shall be considered first.

3.1 The Environmental Protection Act 1990 - Part 2A Regime

Part 2A of the EPA 1990 establishes a statutory regime for the identification and remediation of contaminated land. It imposes strict and retrospective liability, to make those who caused or knowingly permitted the contamination responsible for the remediation. The overarching objectives are to ensure unacceptable risks are addressed and land is made suitable for its current use.



3.1.1 Part 2A of Environmental Protection Act 1990

All local authorities have a duty to inspect their areas for contaminated land, and to deal in a satisfactory way with any contamination that is identified. This is in accordance with the EPA 1990. Part 2A of the EPA 1990, inserted by Section 57 of the Environment Act 1995, places a duty on Local Authorities to inspect their area for contaminated land. Section 78A(2) defines contaminated land for the purpose of Part IIA as:

"any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

- (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"

Thus, land may be polluted but unless it presents a significant risk to a receptor such as a human being or an aquifer used to supply water the mere presence of a former contaminative use does not require immediate action by the Local Authority. This is commonly referred to as the 'source-pathway-receptor' approach, defining the requirement for a pathway between the contamination and the receptor and the likelihood of significant harm to the receptor, before it can be defined as contaminated land.

The provisions made under the 1990 Act became effective on the 1st April 2000, in conjunction with the Contaminated Land Regulations 2000. All local authorities were required to produce a strategy by the 1 July 2001, for identifying potentially contaminated land which is relevant to their area. The strategy document was to be produced in line with the former Department of the Environment, Transport and the Regions (DETR) Technical Advice Note "Contaminated Land Inspection Strategies" and revised in accordance with changes in guidance or legislation. Surrey Heath produced their original Strategy in 2001 and revised this strategy in 2009.

The strategy sets out local authorities' approaches to their legal duties regarding contaminated land, including how they will:

- i. Inspect their area for any land which may be contaminated.
- ii. Notify affected persons of any identified contaminated land.



- iii. Decide, in consultation with the Environment Agency, whether any contaminated land is a 'special site' due to the presence of conditions such as waste, acid or polluted controlled waters.
- iv. Consult on, and formally require, appropriate action when contaminated land has been found.
- v. Take enforcement action against those who fail to comply with any necessary measures.
- vi. How they would make information in respect of contaminated land available to the public.

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

- i. be rational, ordered and efficient;
- ii. be proportionate to the seriousness of any actual or potential risk;
- iii. seek to ensure that the most pressing and serious problems are located first;
- iv. ensure that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land; and
- v. ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

Sites contaminated by radioactivity are managed by the Environment Agency.

3.1.2 The Contaminated Land (England) (Amendment) Regulations 2012

This Instrument amends The Contaminated Land (England) Regulations 2006. This Amendment sets the circumstances under which contaminated land affecting controlled waters should be designated as 'special sites'. Effectively this brings the land contamination regulatory regime in line with the Water Resources Act 1991, applying the requirement to those waters that do not meet the criteria set under that Act as a result of contamination.



3.1.3 EPA 1990 Part 2A - Contaminated Land Statutory Guidance 2012

In 2012, the Government published revised statutory guidance in respect of contaminated land. The guidance set out the overarching objectives of the Government's policy on contaminated land and the Part 2A regime as follows:

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

This Statutory Guidance introduces the following

- i. A requirement for local authorities to produce risk summaries before declaring land to be contaminated.
- ii. A new four category assessment to assist regulators in navigating the broad and continuous spectrum of risk in determining whether land is contaminated.
- iii. Clarification of technical screening levels and how to use them.
- iv. Clarification of what would constitute a 'reasonable' level of remediation.

3.2 The National Planning Policy Framework

Under the NPPF, Local Planning Authorities are responsible for the preparation of local development frameworks and for the control of development. The NPPF requires developers to ensure land is suitable for its intended use, and land contamination risk is one of the material considerations. When considering development on land with known or suspected contamination, the principal planning objective is to ensure that any unacceptable risks to human health, buildings and other property and the natural and historical environment from the contaminated condition of land are identified so that appropriate action can be considered and then taken to address those risks.

Where a site is, or is suspected to be, affected by contamination, the Developer would be responsible to investigate, manage, and remediate the site as appropriate.



This approach means that the vast majority of remediation in England takes place through redevelopment and the planning process.

3.3 Building Control

The Building Regulations 2010 (as amended) stipulate that reasonable precautions should be taken to avoid risks to health and safety caused by contaminants in the ground to be covered by buildings and associated ground. Specifically, *Approved Document C* provides guidance on requirements regarding site preparation and resistance to contaminants and moisture, e.g. assessing the risk, remediation against ground contamination and ground gas, for building work carried out in England to achieve compliance.

However, the Building Control regime offers no control over development areas outside the building footprint, e.g. landscaping areas. Contamination risk in such areas is considered as an integral part of the development; thus, it is essential to have a multi-disciplinary approach to approval involving Building Control, Planning, and Environmental Health.

3.4 Environmental Permitting Regulations

The Environmental Permitting (England and Wales) Regulations (EPR) 2016 require operators of regulated facilities to address land contamination and/or water pollution caused by their operations. This includes setting permit conditions to control the operation, setting emergency response procedures to manage environmental incidents, and the obligations to restore the site to pre-permit condition when a permit is revoked or surrendered.

The Environment Agency is the primary enforcing authority for most regulated facilities, with local authorities regulating Part A2 installations and Part B activities. The enforcement under the EPR regime is robust. For a breach of permit conditions, the permit can be revoked and continued operation without a permit can be prosecuted.



3.5 Land Contamination Risk Management

In 2020, the EA issued guidance for managing land contamination risks, i.e. Land Contamination Risk Management (LCRM). This LCRM approach is based on the former *Model Procedures for the Management of Land Contamination (CLR 11)* and the EA expects it to be followed by regulators, developers, planners, landowners, persons responsible for remediation under EPA 1990 Part 2A, and all professionals involved in managing land contamination in England. As with CLR 11, the LCRM adopts a three-staged approach, and each stage is structured into tiers or steps. Figure 1 below illustrates the steps under LCRM to manage land contamination risks.

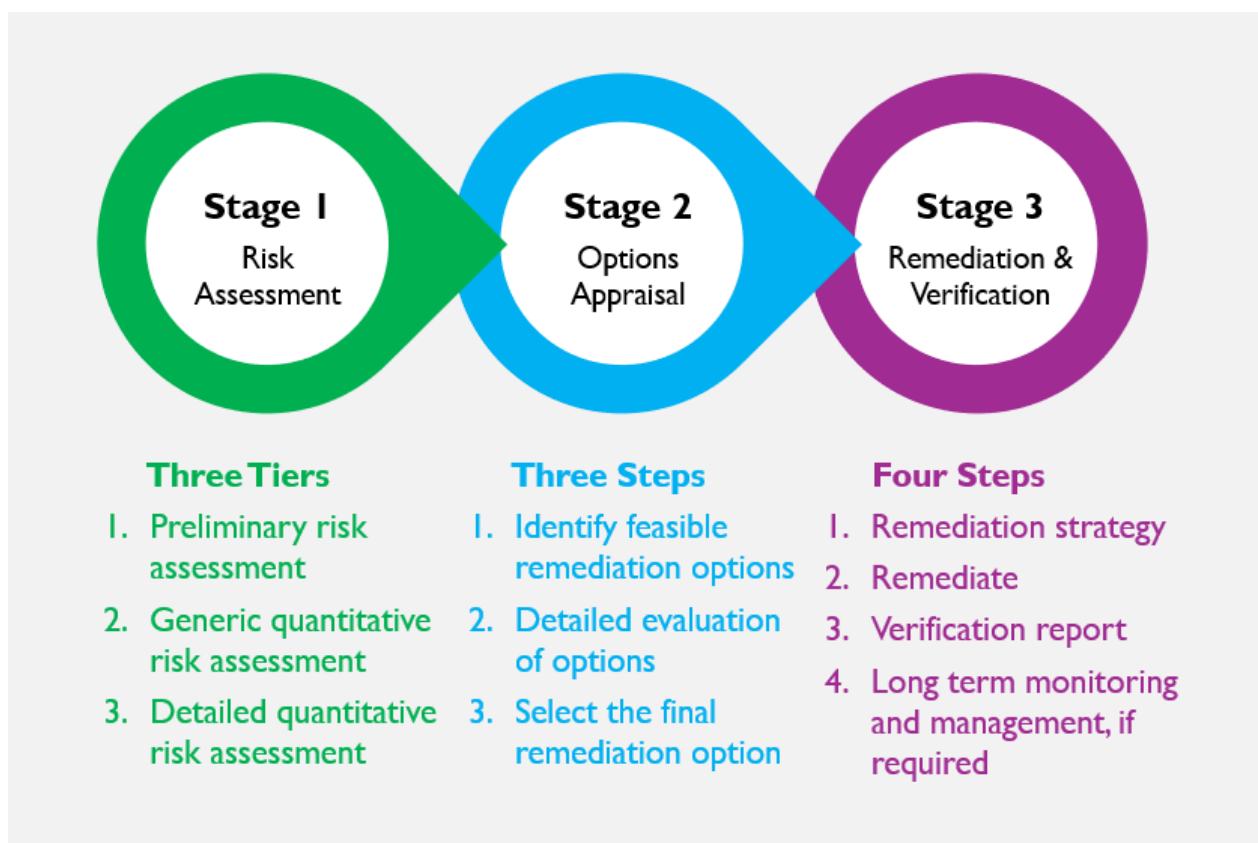


Figure 1 Land Contamination Risk Management (LCRM)

4. Characteristics of Surrey Heath



Surrey Heath lies in the north-west corner of Surrey, with an area of approximately 9,507 hectares, and a population of around 90,500.¹ The eastern half of the Borough is largely rural with a few settlements and villages. The western side of the Borough is mainly urban and suburban in character.

Surrey Heath has extensive areas of heathland which are recognised as important at national and international level, e.g. the Colony Bog and Bagshot Heath, Broadmoor to Bagshot Woods and Heaths, Chobham Common designated for Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI). The characteristic heathlands of Surrey have developed on a sequence of Thames Valley deposits - sands, sandstone, pebbles, silts, and clays that overlie the London Clay. This area comprises, successively, the Bagshot Beds (sands), Bracklesham Beds (silts and clays) and Barton Beds (sands and pebbles). Superficial deposits overlie the solid geology in places. Narrow tracts of alluvium line most of the river valleys and older fluvial sands and gravels form terraces adjacent to the alluvium. There are two River floodplains in Surrey Heath, Blackwater River Floodplain to the western boundary of the borough and the Windlebrook and Southern Bourne River.

Soils are free draining, and mainly acidic. Heathland develops easily on these soils. Soils are graded on physical and chemical properties, which affects their potential for downward passage of water and contaminants. Potentially high leaching soils will readily transmit liquid discharges but may still have the ability to adsorb some pollutants. Potentially low leaching soils are those in which pollutants are unlikely to penetrate the soil layer, either because the water flow is largely horizontal or they have the ability to adsorb pollutants. Urban areas are considered to have high leaching potential, unless proved otherwise, due to the volume of made-up ground. The remainder is considered to have intermediate leaching potential.

¹ Office for National Statistics 2021 Census



There are no Principal Aquifers in Surrey Heath. The whole borough is designated as Secondary A Bedrock Aquifer, with Secondary A Superficial Drift Aquifers scattered across.

The main land uses in Surrey Heath are agricultural, which include farming and commercial nursery. Industry is scattered and limited, and mainly in the western side. There is no known history of serious contamination. However, the presence of MoD land parcels, infrastructure activities supporting development e.g. waste disposal, gas works, transport activities, some surface water features, and some limited commercial and industrial activities will contribute to the potential for land contamination.

5. Implementation of the 2012 Strategy

The 2012 Strategy set out a cross-departmental approach to gather information and address contamination risk involving Environmental Health, Planning, Building Control, Environment & Leisure. The progress made to date in the following four aspects are outlined in the subsections below.

- Identifying contaminated land under Part 2A Regime
- Planning and development
- Building control
- Council property

5.1 Identifying Part 2A Contaminated Land

The 2012 Strategy sets a strategic approach to identify contaminated land in three phases. The subsections below describe the progress made to date.

5.1.1 Phase One – Desktop Study of the Borough

The Environmental Health Department has applied Part 2A methodology to assess the contamination risk. After reviewing the following information, a total of 1,480 sites of varying sizes and risk levels have been identified.



- Historic Ordnance Survey Maps: OS1, OS2, OS3, OS4, Post War OS5, OS6, and OS7
- Aerial Imagery: 1945, 1968 (Camberley /Frimley), 1971, 1983, 1992, 1998, 2006, 2009, 2010, 2012/13, 2015)
- Environment Agency historic landfills register
- The Environment Agency waste management licence
- Environment Agency datasets on historic and current regulated industrial processes
- Planning History Records
- Contaminated land risk assessment reports submitted under Planning Regime
- Local knowledge and other records held at SHBC

A Geographic Information System (GIS) database has been developed to display the boundaries of these sites, and the main risk associated with this site. This GIS layer is accessible by Environmental Health, and other Departments at SHBC including Planning and Development, Planning Policy, Building Control, Housing, Community and Recreation, Property and Economic Development.

The risk of each site has been screened based on its historic and current land use. Risk screening has taken into consideration various factors that could affect the risk rating, e.g. the nature of former uses, the duration of such use, the size and maturity of former pits and landfills, the sensitivity of current site use.

Following this Phase One risk screening, the vast majority of the 1,480 sites are categorised as low or very low risk sites, such as electricity substations, former nurseries. A total of 19 sites could potentially fall within the 'High / Very High' risk category due to the combination of hazardous historic use and high sensitivity of current use. These 19 sites have been prioritised for Phase Two assessment, as they are considered most likely to pose greater risk to human health.

5.1.2 Phase Two – Risk Assessment of Individual Sites



19 sites have been identified for Phase Two risk assessment. These are former landfills, sites with landfilling history, sites with former industrial uses which may have introduced underlying contamination risk. When combined with their high sensitivity use rating, i.e. residential dwelling and school, these sites have a higher potential of being determined as Part 2A contaminated land.

Individual risk assessments have been carried out for each of these 19 sites. The assessment considers the geology, hydrogeology and topography of each site, available site use history dating back to 1870s, contamination sources typically associated with each of the former uses, notable off-site sources, and current site use. The assessment follows the Source – Pathway – Receptor approach.

Following the risk assessment, it was concluded that while there is insufficient evidence to eliminate the risk in full, these sites would not be categorised as Very High risk sites - Category 4 sites - as defined in Part 2A EPA1990.

5.1.3 Phase Three – Intrusive Investigation of High-Risk Sites

As stated in the 2012 Strategy, there is no strong evidence to suggest any land in Surrey Heath would be categorised as Contaminated Land, as defined by Part 2A EPA1990. Following the phased risk assessment, no Part 2A Very High-risk sites have been identified. Therefore, no intrusive investigations have been undertaken.

Figure 2 below provides a breakdown of the risk category of sites in Surrey Heath.



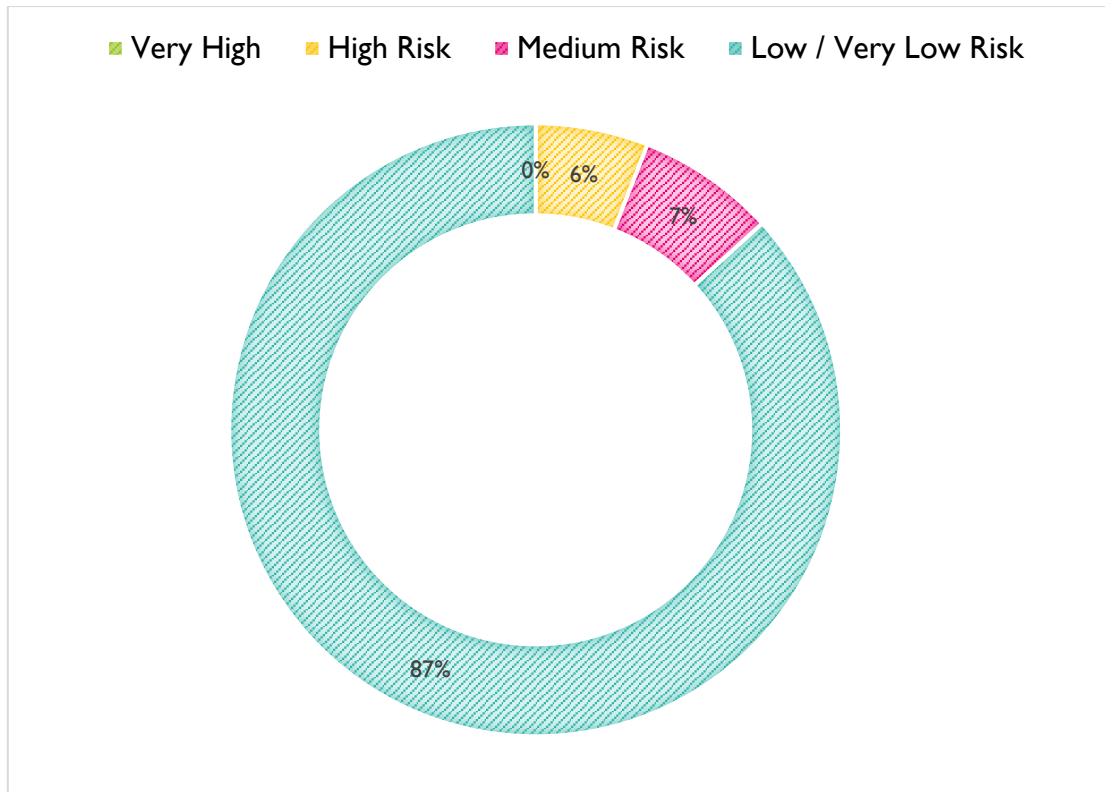


Figure 2 Risk category of sites of potential interest in SHBC

5.2 Planning and Development

SHBC has established the mechanism to ensure that land contamination is taken into account at the earliest point in the development of any land.

The Planning Department consult Environmental Health on redevelopment proposals on land with contamination risk, as outlined in the GIS database, and all proposals which are required to consider contaminated land issues as set out in the Town and Country Planning Framework. Environmental Health review existing information and advise whether the site would be suitable for the proposed new use based on available evidence. SHBC expect investigation and risk assessment submissions to comply with current LCRM Guidance and with the British Standard BSI0175:2011+A2:2017 Investigation of potentially contaminated sites - code of practice. All reports should be completed by a Competent Person as defined in LCRM.



Planning permission is only granted subject to conditions requiring appropriate site investigation and suitable remediation proposal prior to the commencement of the development, and validation of site remediation prior to occupation of the development, where such is found to be necessary.

Where planning conditions are attached to planning consents, Environmental Health work closely with the Planning Department to ensure that the requirements are satisfactorily fulfilled and in line with the agreed development stage.

5.3 Building Control

The Building Regulations 2010 Approved Document C sets out the requirements to consider land contamination and necessary remedial measures to mitigate the risk, including the proper installation of gas protection measures.

Since the 2012 Strategy, Building Control and Environmental Health have established a mechanism to review how site history could affect the contamination risk and ground gas risk. Most major building works would require planning consents, with planning requirements attached to assess site contamination risk and ground gas risk and remediation as appropriate. To avoid introducing a disproportionate burden on the applicants, Building Control and Environmental Health have established an approach to triage applications. Building Control consults the Contaminated Land GIS database and consult Environmental Health when there is material risk.

5.4 Council Property

Some of the land owned and/or managed by the Council may have underlying contamination issues, including former landfill sites. In line with the approach outlined in the 2012 Strategy, SHBC has carried out site inspections and appointed consultants to undertake intrusive site surveys at several high sensitivity use sites with landfilling history. Based on findings from these site investigations, SHBC is satisfied that the sites are suitable for their current use. The work was carried out



under a joint approach between the Environmental Health and Housing, Community and Recreation.

6. Current and Future Focus

6.1 Addressing contamination risk under Part 2A Regime

The risk assessment under Part 2A Regime is by nature an iterative process. SHBC will continue to identify and prioritise sites following the Statutory Guidance. The assessment will be carried out in a staged approach, in accordance with the LCRM as described in Section 5.1.

SHBC has developed a database of potential sites of interest across the Borough. Future work will focus on maintaining and updating the database when new information becomes available. Such information may include further information relating to historic use, site investigation and remediation carried out by third parties, information relating to major incidents and change of site use.

For sites that affect controlled waters and may be designated as 'special sites', SHBC will liaise with the Environment Agency regarding the designation.

For any sites that are to be determined as Part 2A Contaminated Land, Environmental Health shall prepare risk summaries to justify the determination. Where possible, SHBC will contact Appropriate Person(s) and seek to remediate the site through voluntary actions. Formal Part 2A remediation will only be taken where no alternative options are available.

Person(s) that caused or knowingly permitted an area of land to be contaminated are liable for the remediation costs. Where such person(s) cannot be found, the owner or occupier of this land become responsible for the remediation. Where two or more members are considered to be responsible, the authority will set out how the liability is apportioned.



Funding to remediate specific contaminated land through central government's Capital Grants Programme has been closed. The Council will seek to recover all reasonable costs associated with remediating the site under the Part 2A regime from liable person(s). However, the Council will take into account any hardship that any full cost recovery would cause in accordance with the 2012 Statutory Guidance Section 7 and Section 8.

A register of all land identified as contaminated shall be made public. The Register shall also include risk summary, and information relating to remediation, including remediation planned and carried out. Relevant information about local contaminated land information is available on SHBC's website.²

6.2 Planning and Development

In order to ensure that land contamination is considered at the earliest point in the development of any land, SHBC will reinforce the following measures:

Where appropriate, SHBC encourages developers to utilise the paid pre-application service whereby for an optional charge they can obtain officer's advice regarding contaminated land issues on a site.³ Pre-application service could clarify the information required for a formal submission and effectively save time and cost by identifying issues early.

SHBC has issued a Local Validation List which sets out requirements for all types of planning applications, including requirements to address land contamination issues.⁴ This guidance is reviewed and updated regularly to reflect up-to-date national and local requirements.

² <https://www.surreyheath.gov.uk/environment/pollution/contaminated-land>

³ <https://www.surreyheath.gov.uk/planning-and-building-control/pre-application-advice>

⁴ <https://www.surreyheath.gov.uk/planning-and-building-control/apply-or-comment-planning-application/local-validation-list>



Full liaison will take place between the Planning Officer and the Environmental Health Manager where available information indicates a potential for contamination or where the Environmental Health Service holds information indicating such potential – such information should be provided both to the Planning Officer and the developer.

Planning permission shall only be granted subject to conditions requiring appropriate site investigation prior to the commencement of the development, and site remediation prior to occupation of the development, where such is found to be necessary. It is difficult if not almost impossible to undertake a site investigation or implements remedial measures once development is underway, so all works required by the conditions must be agreed at an early stage.

Where contamination is expected or suspected, SHBC shall consider the use of three-stage conditions for developers that aim to:

- i. provide for further investigation and characterisation of the site to confirm the nature and extent of contamination and validate the conceptual model and allow more refined risk assessment and appraisal of remedial options.
- ii. to propose and receive approval for a remediation scheme that ensures the removal of unacceptable risks to make the site suitable for use; and
- iii. to submit and receive approval for a validation report that demonstrates the effectiveness of the remediation carried out, preferably before building begins and certainly before the site is occupied by future users.

The Local Planning Authority is required by the Town and Country Planning Act to consult with the Environment Agency in respect of certain types of application and with the local authority in respect of the determination of 'special sites'. It is likely that such a requirement will only arise on limited occasions, given groundwater conditions in the area and the relative lack of 'special sites'. However, it would be helpful to ensure that appropriate liaison arrangements are established with the



Environment Agency, particularly as they are likely to be involved in the development of some of the MoD sites in the Borough.

6.3 Building Control

Where historical maps or existing site investigation data indicate that the proposed development is/or may be located on greater than one metre of made ground, Building Control approval will only be granted subject to the developer either:

- i. incorporating basic passive gas protection measures into the building design/construction, or
- ii. undertaking an appropriate level of site investigation.

Where the ground investigation reveals any methane or significant organic material within the ground the developer must provide a report by a competent person experienced in the development of buildings on gassing sites. The investigation report must include gas monitoring on at least 6 separate occasions at appropriate locations over a minimum period of 3 months, over a variety of weather conditions and atmospheric pressures and include at least two periods of low and falling barometric pressure (falling below 1005mB). The competent person should provide written confirmation that the building design provides adequate protection for the gas regime recorded at the site.

Building Control, only consider contamination risks under building footprints. Most building development and major alteration are subject to planning consents. Therefore, it is essential to have a cross-departmental approach to approval of remediation schemes involving Building Control, Planning, and Environmental Health.

6.4 Environmental Permitting

Under the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016), SHBC is responsible for regulating Part A(2) installations, Part A(2) mobile plants, and Part B installations and mobile plants. For these operations,



Environmental Health follows Defra's statutory guidance *General Guidance Manual on Policy and Procedures for A2 and B Installations* to ensure compliance of the operation. Environmental Health takes a risk-based approach to manage the inspection, monitoring, and reporting to ensure operations comply with statutory process guidance notes issued by Defra. If an operator contravenes or is likely to contravene permit conditions, Environmental Health may issue enforcement notices requiring remedial steps to address the contravention.

For operations holding A1 permits issued by the Environment Agency, SHBC would have limited enforcement power under EPR regime. When pollution is caused by an A1 operation, Environmental Health would liaise with the EA to discuss the issues and whether any permit conditions have been contravened. Where possible, SHBC and the EA would share information and coordinate enforcement efforts to address such issues.

6.5 Council Property

6.5.1 Works and Maintenance on Council Building and Land

The Council has significant land and property holdings and must ensure that when works are carried out on these properties any potential contamination is considered and that the Council fulfils its duty of care to its own staff and also provides the fullest information to contractors to enable the Council and contractors to comply with:

- i. Relevant health and safety legislation/guidance, including the Construction, Design & Management Regulations (Note: the CDM Regulations place duties on the Council as client as well as the contractor).
- ii. The duty of care with respect to carriage of waste and waste disposal.

Any Council officers responsible for works or maintenance to Council property or land should ensure that they have available information of the site history and use or:



- i. establish the site history using historic maps and the GIS/trades database held within Environmental Health,
- ii. determine if previous site investigation data is available within the Planning or Environmental Health departments,
- iii. where enquiries made under 'i' indicate a potential for contamination, but no site investigation data is available then provision must be made to obtain the necessary information before works commence and if it involves letting a contract make allowance within the contract for the contractor to carry out such investigations.

Former landfill sites owned by the Council may be suitable for their current use but may need works to maintain vegetation cover or litter pick where cover is eroded. Controls should be included in the normal operating procedures or the contractual arrangements covering reporting processes for when surfaces are found to be worn or damaged and what action needs to be taken in these cases and if there is any need for additional measures or restrictions on a site-specific basis e.g. football pitches which tend to wear in the goal areas. Regular inspections of such sites should be undertaken by the responsible service on at least a bi-annual basis.

Where services are being repaired or replaced on Council owned sites with contamination risk, the opportunity should be taken to ensure the trench is lined with geotextile and backfilled with clean non-porous material. Any arisings should be either removed immediately or placed on polythene sheeting to avoid contaminating the ground surface and disposed in accordance with advice from the Environment Agency. Advice on water services should be sought from Thames Water.

Where an easement is requested across a Council owned site with contamination risk, the organisation requesting the easement must be provided with full information about the condition of the site. A scheme of works must be submitted to Environmental Health for approval before any works commence to ensure that



the site conditions are taken into account and the works must be completed in accordance with the approved scheme.

6.5.2 Property Transactions

The Council has significant land and property holdings some of which have former uses which may have resulted in contamination. In addition, the Council leases property to private organisations which by their legitimate use of the land may have caused or be causing new contamination. This strategy helps the Council to deal with:

- i. Contamination associated with existing land holdings.
- ii. Ensures that the Council does not unwittingly purchase any additional contaminated land without appreciating the long-term implications of such a purchase, with the price of the land reflecting the site's condition.
- iii. Contamination caused by persons/companies who lease our land.

As part of the on-going programme of site prioritisation set out earlier in this report, consideration will be given to all Council owned sites. Where sites are found to have potentially significant levels of contamination a quantitative risk assessment will be undertaken to determine if there is a need for remediation for the current land use or any proposed land use.

Prior to committing the Council to any new land purchases or acquisitions the acquiring service must ensure that the full site history is known. This must include:

- i. A search of all available historical maps.
- ii. A review of any information held by Environmental Health or Planning in relation to previous uses of the site.
- iii. Detailed enquiries from the vendor as to the former activities at the site, location of storage tanks, details of materials, fuels, wastes etc. stored and information on any spillages.



If there is any information that indicates that the land is on or adjacent to land which has the potential to be contaminated, competent consultants shall be appointed to undertake an appropriate site investigation. The acquisition should only proceed once the implications of any contamination are fully understood, including any future liabilities and these are reflected in the purchase price.

Where land such as public open space is to pass to the Council as part of a planning agreement the Planning Officer must require the developer to provide full site history information on the land to transfer, and where necessary an appropriate level of site investigation data should be agreed with the Environmental Health Manager.

Some of the commercial organisations to whom the Council lets property or land may undertake potentially contaminating activities which may result in the land becoming contaminated. If the original polluter cannot be found (for example, because the company no longer exists) the landowner becomes the person liable for the contamination and any site remediation required. If the Council as a landowner does not take steps to prevent the occurrence of further off-site migration of contaminants, then the Council can also be found to be liable for the remediation of adjacent land.

In order to protect the value of its land holdings and to prevent the Council incurring additional costs a strategy covering the following issues should be put in place:

- i. That prior to letting or leasing a site the Council has information on the quality of the site.
- ii. Where this information shows that there have been previous contaminative uses these should be fully documented.



- iii. Include an appropriate clause in the letting/leasing agreement requiring the tenant to comply with all relevant environmental legislation and to clean up any contamination that occurs during their occupation.
- iv. Include an appropriate clause in the letting/leasing agreement for uses that have a significant risk of contamination requiring that prior to relinquishing the site the tenant/lessee provides evidence that the site has been cleaned up. Where the use of the site has a potential for contamination this may include a site investigation.
- v. Require any tenant/lessee to provide plans showing the position of any storage tanks, the storage of any chemicals or wastes and service or fuel lines; a copy of any Health and Safety files related to these locations/facilities and details of any spillages/accidents. If locations are moved these should be notified to the Council.

Where the Council is selling a site, it is important that all available and relevant information as to the site history, any previous investigations or reports and the location of any tanks, waste disposal areas or soakaways are provided to the purchaser. If there is a possibility that the site may be contaminated, then the purchaser should be given the opportunity to carry out their own site investigation. This will help to protect the Council from any future claims as the land has been 'sold with information'.

7. Information Management

The Environmental Protection Act 1990 requires the Council to maintain a public register to record information on sites where formal notices have been issued or a formal Part 2A Remediation has been prepared and/or carried out. Following a phased risk assessment, the Council has determined that no sites within the borough would meet the statutory Part 2A definition of contaminated land nor the definition as a Special Site. Therefore, the register is empty. It is worth noting that the absence of an entry on the register does not guarantee that the land is free from



contamination, nor does it mean it would not be determined as a Part 2A contaminated land in the future. Further information on land contamination within the borough, including the public register, is available at SHBC's Contaminated Land webpage.

The Council is committed to openness and transparency in relation to all information and the Environment Information Regulations 2004 encourage disclosure. Enquiries seeking site specific information can be submitted on SHBC website.⁵ Environmental Health respond to specific written requests for information held by the service on historic land uses and investigation data for a charge. However, there are a range of circumstances where an authority may decide not to disclose information set out in the regulations. These cover such issues as the information no longer held, the request is unreasonable, information is still in preparation, the request covers internal communication, or the request is covered by a confidentiality because of legal, commercial, or intellectual property issues.

Furthermore, Environmental Health has been collating and maintaining information held by the Council on historical and current land uses, site investigations, etc. Such information is held on a geographical information system accessible to all Council services.

8. Review of Strategy

The Council will review this strategy periodically to ensure it remains up-to-date and reflects any significant changes in legislation, statutory guidance, best practice, or any other relevant matters. The strategy will be reviewed at least every five years, as recommended in the Defra 2012 Contaminated Land Statutory Guidance. However, this may be brought forward should any statutory changes, new guidance or economic climate require it.

⁵ <https://surreyheath.jotform.com/230642399133052>



9. Roles and Responsibilities

Role of Environmental Health and Licensing Manager (as delegated)

Implementing contaminated land Strategy,
Maintaining Contaminated Land Register,
Identification of site boundaries,
Answering Land Charges enquiries,
Replying to solicitors and other members of the public seeking information about contaminated land,
Identification of potentially contaminated land,
Reviewing and determining suitability of remediation proposals,
Ensuring compliance with statutory requirements and Council Standing Orders,
Organising and supervising remediation works,
From time to time re-inspecting potentially contaminated sites to check if there has been a change,
Liaison with consultants on testing and reports received,
Managing environmental permits issued by the SHBC
Providing consultation response to Planning & Development
Providing comments to Building Control as required
Reviewing Contaminated Land Strategy
Liaison with Environment Agency and other bodies.

Role of Head of Built Environment & Regulation

Provision of resources to undertake the work,
Ultimate decision in respect of Registration and Remediation,
Confirmation of Strategy,
Reports to the Council on progress.
Providing technical backup on legal and practical aspects,
Acting in a challenge role



Role of Building Control

Implementing the Building Regulations.

Role of Planning & Development Control

Contaminated land, or the possibility of it, is a material consideration for the purposes of Town and Country Planning. The planning authority must consider the potential implications of contamination when developing its structure plans for the Borough and in determining individual applications for planning permission. The planning officer should be satisfied that the potential for contamination is properly assessed, and the development incorporates any remediation. Planning permission would include appropriate site investigation and remediation requirements on the basis of the current and proposed use of the land.

Delegated Powers

Item	Function	Exercised by
A	Sampling, investigations and seizure of articles or substances under Parts I & IIA of the Environmental Protection Act 1990 as amended.	Any Environmental Health Officer
B	Power of entry and inspection under Part I & IIA of the Environmental Protection Act 1990 as amended.	Any Environmental Health Officer, Technician or Assistant



Item	Function	Exercised by
C	Designation of 'Special Sites' under section 78C of the Environmental Protection Act 1990 as amended.	Head of Built Environment & Regulation after consultation with the Environment Agency and the Portfolio Holder
D	Determination of appropriate person(s) to bear responsibility for remediation and the service of Remediation Notices and other Statutory Notices including undertaking urgent remediation and default works in respect of contaminated land under Part IIA of the Environmental Protection Act 1990, as amended by the Environment Act 1995.	Head of Built Environment & Regulation after consultation with the Head of Services
E	Determination if land is contaminated including the production and maintenance of the necessary register of contaminated land required under Section 78R.	Head of Built Environment & Regulation



Item	Function	Exercised by
F	Determination of hardship (in accordance with Statutory Guidance) and service of Charging Notices under section 78P of the Environmental Protection Act 1990.	Head of Built Environment & Regulation
G	Authorisation of the taking of all necessary legal proceedings in respect part IIA of the Environmental Protection Act 1990 as amended.	Head of Built Environment & Regulation after consultation with the Portfolio Holder

