



Contaminated Land Strategy



Environmental Protection Act 1990 Section 78B

2026

Environment and Community Protection

Executive summary

This strategy replaces Mansfield's Contaminated Land Inspection Strategy published in 2001. It provides an update on how Mansfield District Council continues to manage land within its district that may be contaminated.

The council's vision is to: "Grow an ambitious, vibrant and confident place". The council is committed to delivering actions to ensure this vision is achieved and to make the district a place where people are proud to live.

The Environment and Public Protection Team has inspected the district in line with the 2001 strategy and now deals with contamination through the planning regime or following information obtained during work throughout the district.

Identified sites will be risk-assessed so that the land can be categorised, and appropriate action taken to ensure the land does not cause harm to people, their property, or the environment.

The Environment and Community Protection Team will:

- maintain a public register of 'contaminated land' when necessary,
- maintain and review its records of all land that is potentially contaminated but is not classed as contaminated land under the legal definition, and
- provide environmental information upon request.

This updated version of the strategy has been reviewed by the **Assistant Director – Health, Communities & Insight**

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1. INTRODUCTION

1.1 Background – the history of contaminated land regulation in England

In 1985, the Department of the Environment issued a circular¹ stating that the local planning authority should hold informal discussions with an applicant for planning permission if the land being developed might be contaminated. This appears to be the first indication that contaminated land might be included in future legislation. By 1988, another planning document, the Town and Country (General Development) Order² had been issued, requiring local planning authorities to consult with waste disposal authorities if development was being proposed on land that was within 250m of land which had been used as a waste disposal site within the previous 30 years.

Following the publication of the House of Commons Environment Committee's first report on contaminated land³, Section 143 was inserted into the proposed Environmental Protection Act in January 1990. This required local authorities to compile registers of land in their districts that might be contaminated; a list of 42 possibly contaminating activities was attached. This provoked widespread concern among property owners and estate agents that land put onto the register would become unsaleable. In response, the Secretary of State first delayed the introduction of Section 143, then reduced the list of contaminating activities to eight, and finally withdrew it.

Further consultation was invited in March 1993. After the end of the consultation period, '*A Framework for Contaminated Land*'⁴ was released, which introduced the 'polluter pays principle' and the 'suitable for use' approach. It was considered that action should only be taken where the contamination posed actual or potential risks to health or the environment. The Environmental Protection Act 1990 was already in force, but 'Part IIA' was introduced into it in June 1995 by the Environment Act⁵. Lengthy consultation on statutory guidance was carried out, and Part IIA finally became law in April 2000⁶.

1.2 Definition of contaminated land

Contaminated land is defined 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:

- Significant harm is being caused or there is a significant possibility of such harm being caused; or
- Pollution of controlled waters is being, or is likely to be, caused.'

'Controlled waters' include inland freshwater, groundwater and coastal waters.

The various categories of harm are described in section 78A(4) of the statutory guidance. 'Harm' is defined as 'harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property'. Table A of the statutory guidance (see Appendix 2) further defines this and indicates which type of harm should be considered 'significant'.

A 'significant possibility' of significant harm (Table B – see Appendix 3) depends on three factors:

- The type and amount of harm,
- The susceptibility of the receptors which might be harmed, and
- The timescale within which the harm might occur.

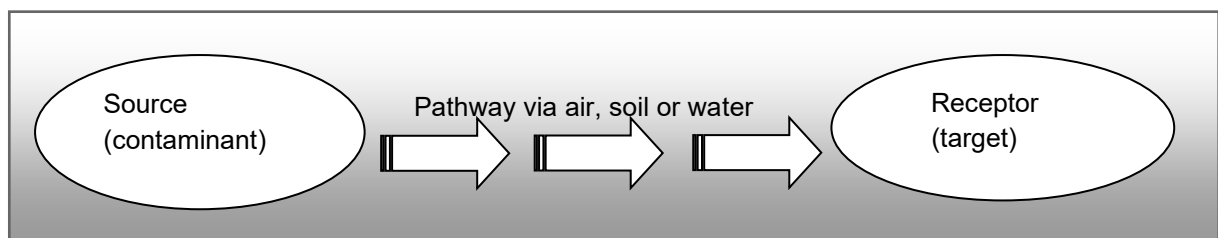
'Timescale' takes into account any evidence that the current use of the land will change or stop in the foreseeable future.

Classing land as 'contaminated'

Before land can be declared contaminated under the definition given in Part IIA of the Environmental Protection Act 1990, a 'significant pollutant linkage' must be identified. This is a sequence of contaminant (hazard) plus pathway (via air, soil or water) plus receptor (target). Unless all these three elements are present, land cannot be considered contaminated as defined by the Act.

Therefore, for 'contaminated land' to exist, the following must be present:

- One or more contaminant substances,
- One or more specified receptors,
- At least one likely pathway between contaminant and receptor, and
- A good chance that the pollutant linkage will result in significant harm to one of the specified receptors, or pollution of controlled waters.



Pollution linkage diagram – only one linkage is required for land to be declared 'contaminated land'

1.3 Regulatory roles

The local authority

The primary regulators of Part IIA are the local authorities. In Mansfield, the strategy is under the control of the Environment and Community Protection Team. The enforcement role is carried out in accordance with the section's enforcement policy.

The statutory guidance states that 'the local authority has the sole responsibility for determining whether any land appears to be contaminated land.' This role includes:

- Inspecting the area to identify potentially contaminated sites,
- Deciding whether any particular site is 'contaminated land' by definition,
- Deciding whether any land should be classed as a Special Site,
- Acting as enforcing authority for contaminated land that is not a Special Site,
- Assessing the risks of identified contaminated land,
- Deciding on appropriate remediation requirements,
- Considering costs,
- Establishing who should pay, and
- Remediating, where necessary.

The Environment Agency

Part IIA of the Act requires that local authorities and the Environment Agency (the EA) work together to share the regulatory duties under this regime. Although local authorities have the responsibility for the identification of land that meets the statutory definition, the EA has a duty to provide information and advice, in addition to carrying out inspections at Special Sites on behalf of the local authority.

Therefore, the EA has four main roles:

- To act as enforcing authority for designated Special Sites,
- To advise local authorities on the pollution of controlled waters,
- To provide site-specific advice to local authorities on other areas of contaminated land on request, and
- To publish periodic reports on contaminated land.

2. STRATEGY AIMS AND OBJECTIVES

2.1 National objectives

The national objectives when dealing with contaminated land are:

- To identify and remove unacceptable risks to human health and the environment,
- To seek to ensure that contaminated land is made suitable for its current use, and
- 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.

The regime aims to encourage voluntary remediation. Companies responsible for contamination should assess the likely requirements of regulators and plan remediation before regulatory action becomes necessary.

Part IIA of the Environmental Protection Act 1990 introduced a *risk-based* approach to the assessment of contamination, *suitable for use* standards of remediation, the *polluter pays principle* for allocating liability, and *sustainable development*. The aim is to protect human health and the environment without unnecessary remediation costs. The need for, and extent of, remediation is determined from an assessment of the risks posed to human health and the environment, taking into account the current or intended use of the site.

2.2 Local objectives

Every local authority must 'cause its area to be inspected from time to time for the purpose of identifying contaminated land' (Environmental Protection Act 1990 Section 78B). When contaminated land is identified, the local authority must ensure that it is managed in an appropriate manner. Statutory guidance tells local authorities to take a strategic approach to inspecting their areas, and to describe and publish their findings. Contaminated land strategies show how councils approach the issue of contaminated land and carry out their duties under the Act.

The aims and objectives of the Contaminated Land Strategy are:

- To meet the statutory requirement to produce a written strategy and to revise or update it as necessary,
- To ensure the environment is protected, and risks to human health are managed. This will be carried out by:
 - identifying sites that are classed as 'contaminated land' within the meaning of the Act,
 - keeping the information in a suitable format so that it can be referred to when

- required,
- remediating any council-owned land identified as contaminated land,
- ensuring that where a change of use takes place, remediation to make the land fit for its new use is undertaken where necessary, and
- encouraging voluntary remediation of contaminated land.
- To prevent any further contamination of land, and
- To generate market confidence in the redevelopment of brownfield sites and to promote their use in preference to greenfield sites.

The Contaminated Land Strategy integrates with the Mansfield Council's vision and strategic direction. It aligns with 'Towards 2030: A Strategy for Mansfield'⁷, which is Mansfield's key strategy for transforming the Mansfield district.

'Towards 2030: A Strategy for Mansfield' focusses on five themes: Our Communities, Our Organisation, Our District, Our Environment and Our Economy. The Contaminated Land Strategy is closely connected to all these aspirations, as we work with colleagues to ensure any development on land that contains contamination is identified and remediated effectively.

- Communities: our ambition is that our communities are supported to live safe, healthy and happy lives
- Organisation: our ambition is that our communities benefit from a resilient, financially sound and well-run council working in partnership
- District: our ambition is that our communities are proud of the district and promote it as a great place to live, work and visit
- Environment: our ambition is that our communities are protected and benefit from measures to tackle the impact of climate change
- Economy: our ambition is that our communities benefit from employment opportunities, skills development and investment

The **Mansfield District Local Plan (2013-2033)**⁸ identifies several key themes, one of which - Policy NE3: Pollution and land instability - is particularly relevant. The objectives are:

"1. Development proposals will be supported where they are sited, designed and constructed to avoid adversely impacting on human health and wellbeing, amenity and the natural environment through unacceptable levels of soil, air, light, water or noise pollution or land instability.

2. Developments proposed to be located where such unacceptable levels of pollution or land instability already exist will only be supported in exceptional circumstances and it can be satisfactorily demonstrated that the risks of adverse impacts have been fully assessed and mitigated to an acceptable level.

3. Development proposals for remediating and mitigating existing occurrences of despoiled, degraded, derelict, potentially contaminated and unstable land or for reducing air, water, light or noise pollution will be supported.”

Section DM12: Restoration, Aftercare and After-use of the **Nottinghamshire Minerals Local Plan (2021)**⁹ is specifically concerned with the reclamation of sites.

At a regional level, the strategy complements the work of the **Nottinghamshire Agenda 21 Strategy ‘Towards Carbon Neutrality’ (2007)**¹⁰.

3. OVERVIEW OF MANSFIELD'S DISTRICT

This overview indicates the main contaminating uses, past and present, in the district. The Mansfield strategy is designed to deal with any existing problems and to prioritise them in terms of possible impact on receptors.

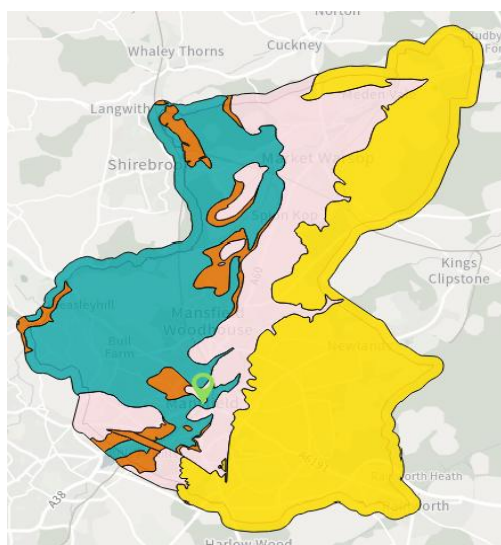
3.1 *Brief description and statistics*

The Mansfield district is situated in central Nottinghamshire, on the western border with Derbyshire. The district occupies some of the highest land in the county, with two small rivers, the Maun and the Meden, flowing through it from southwest to northeast. The district is 7,692 hectares in size with a population of 110,500, making Mansfield the smallest local authority in the county in population terms. Most residents live in Mansfield, Mansfield Woodhouse and Forest Town, in the southern half of the district; there is a smaller centre at Market Warsop in the north.

Approximately 40% of land is urban, another 40% is agricultural, and the remainder is woodland, grassland and heath. Approximately 5% of land and 9,000 properties are owned by the council, making it a major landlord and landowner. A significant proportion of the council-owned land is used as public parks and allotments. Details of all council-owned land are held in the Property Services section.

3.2 *Geology*

The geology of the district can be divided roughly into two halves, the limestone of the west and the sandstone of the east. The sandstone is a major aquifer (water source). A small number of properties near the Derbyshire border may be affected by naturally occurring radon gas from the underlying limestone. The district is underlain with extensive coal seams, usually at a depth of 400-900m, which are no longer being mined.



Key to map	
Blue	Cadeby Formation limestone
Orange	Cadeby and Edlington Formation mudstones
Pink	Lenton Formation sandstone
Yellow	Nottingham Castle Formation sandstone
Green pinpoint	Mansfield town centre

3.3 Protected sites

The Mansfield district contains a variety of protected sites. These are:

- Seven Ancient Woodlands covering 66 hectares, all but one in the northwest of the area,
- Six Sites of Special Scientific Interest covering 171 ha in the northwest and southeast of the area,
- Nine Local Nature Reserves, more than 80 Local Wildlife Sites, and 13 Local Geological Sites,
- 50 Tree Preservation Orders covering hundreds of trees,
- Ten Building Conservation Areas,
- 243 Listed Buildings, and
- Four Ancient Monuments.

3.4 Water resources

The whole district is in a Water Source Protection Zone, as 80% of Nottinghamshire's water is extracted from sandstone. There are four abstraction points for public supply, but no registered private water supplies, although some water is abstracted under licence for agricultural purposes. The district is also classed as a Nitrate Vulnerable Zone, where the EA requires farmers to put nitrate management practices in place (nitrate is a common ingredient of fertilisers).

3.5 Industrial information

Local industry since 1900 was centred on the three coalmines at Mansfield Crown Farm, Sherwood, and Warsop Main collieries, all of which are now closed. Warsop Main Colliery was just outside the district but was a large employer of people in the Warsop area.

Although Nottinghamshire was noted for coalmining, a wide range of other trades existed. Important ones in Mansfield are or were:

- Metal box manufacturing – a large factory opened in 1873 and closed in 1996. It made metal tins for various products (usually food-related),
- Textile manufacturing and related industries such as fulling and dyeing – there is now only one factory (a large company using man-made fibres) but the trade was once a widespread local industry,
- Foundries – the last working foundry closed in spring 2024. 15 former sites have been identified,
- Quarrying – the local sand and stone were very highly regarded in the foundry and building industries; as a consequence, over 40 quarries for sand or stone have been identified. No working quarries exist today,
- Tanning of leather – five former tanneries have been identified, all near the River Maun in Mansfield town centre,

- Brewing – the brewery opened in 1855 and closed in 2001, and
- Shoe-making – there were five factories in the area, of which the largest (and the longest-surviving) was the Mansfield Shoe Company, which opened in 1867 and closed in 2004. It produced up to 25,000 pairs a week.

Many shopkeepers once manufactured their own goods for sale in a workshop at the rear of their premises; the vast majority of these workshops had closed by the 1940s. Many of the larger industries have also closed since the 1980s, to be replaced with smaller units on purpose-built industrial parks.

Mansfield has three Part A1 businesses (as classified by the Environmental Protection Act 1990) in the district; these are considered to be in the highest risk category for possible contamination, and are regulated and inspected by the EA. There are no A2 businesses, which are medium-risk and would be regulated and inspected by the council. There are 32 Part B processes (lowest risk), including petrol filling stations and cement batching plants.

From the 1930s through to the 1960s, many disused stone and sand quarries were used for landfill by the three local councils. At the time, they were out of the built-up areas; urban development has meant that many are now close to housing. Most of the council-owned landfills were capped, grassed over, and made into public parks in the mid-1970s following local government reorganisation. Little information is available about the majority of the private landfills that were in operation prior to licensing in 1974.

The local gasworks manufactured gas from coal between 1824 and 1934. After this, gas was brought onto the site from other manufacturing locations, stored, purified and distributed until 1971. The two remaining gasholders (out of an original total of six) were demolished in 1975.

3.6 *Redevelopment history and remediation*

Several large remediation projects have been carried out in the district following the establishing of the contaminated land regime, mainly during the redevelopment of a site:

- The Crown Farm colliery site in Forest Town is partly an industrial estate and partly public open space. The Sherwood Colliery site in Mansfield Woodhouse has been remediated and redeveloped with housing with two areas of open space. In addition, the Warsop Main colliery site (which is just beyond the district's northern boundary) has been cleared of buildings and is partly public open space and partly a large solar power generating facility,
- Two areas of the gasworks site have been remediated,
- A pre-1974 landfill has been cleared to the original ground level and

- redeveloped with housing,
- A pre-1950s tar works has been cleared and redeveloped with housing, and
- A former filling station site that was heavily contaminated with petrol has been remediated and redeveloped with a drive-through food premises.

Mansfield District Council's Brownfield Register identifies 17 'brownfield sites' (those which had a possibly contaminating use in the past) and gives a high priority to their redevelopment, mostly for retail or office uses, but including some residential developments. Several of these sites have already been redeveloped. However, there are buildings on sites used for contaminating purposes in the past, where redevelopment is unlikely to take place in the foreseeable future, and where the extent of previous remediation (if any) is unknown. All brownfield land redeveloped recently has been dealt with through planning controls.

4. HOW MANSFIELD DISTRICT COUNCIL DEALS WITH CONTAMINATED LAND

4.1 *The original strategy*

The first version of the strategy, published in 2001, was developed through the Nottinghamshire Pollution Working Group and a corporate Contaminated Land Steering Group.

The original strategy was mainly concerned with the inspection of the district to identify land which had been subjected to possibly contaminating uses and decide if any of this land required further assessment to see if it should be classed as 'contaminated land'. The preliminary inspections were carried out in a voting ward-based process, as it was considered the best way to split the district into manageable sections. The first ward to be assessed was in the south-east of the town where the council's decommissioned domestic waste incinerator was located; all wards have now been covered. A database has since been put together with sites logged alphabetically by street name rather than by voting wards, as there have been considerable changes to these since 2001.

Potentially contaminated land is categorised following a risk assessment, which takes into account of the probability of harm occurring, the likely severity of that harm, and the frequency of contributing factors occurring. Preliminary assessments of land may have been made using a limited amount of information, such as old maps and surveys, geological data, etc. If more knowledge of sites is obtained, the assessments will be reviewed and may require revising.

4.2 *Strategic approach*

In its strategic approach, the council considers:

- The history, scale and nature of potentially contaminating uses,
- The location of human, ecological, property, and water receptors,
- Relevant geology, hydrogeology and hydrology, and
- Any pollution control regimes already in place.

Consideration will also be given to the existence of sites that should be designated Special Sites as defined by the Act, which would be dealt with by the EA.

Specifically, the council:

- Evaluates information on the possible presence of contamination and its effects, whether the source of the information is other statutory bodies, the public, businesses, or other organisations,
- Identifies receptors and whether they could be affected by any contamination,

- Carries out a risk assessment at each possibly contaminated site at which a pollutant pathway has been identified, to establish the probability, frequency and severity of harm occurring from the contamination,
- Identifies land in council ownership or for which it has responsibility.

4.3 *The suitable-for-use approach*

In Mansfield, the majority of work on 'land which may be contaminated' is carried out following the receipt of a planning application. National policy is that local authorities should use the suitable-for-use approach, which consists of three main elements:

- *Ensuring that land is suitable for its current use*

Identifying any land where contamination is causing unacceptable risks to human health or the environment, assessed on its current use, and returning this land to a condition where these risks are no longer present.

- *Ensuring that land is made suitable for a new use*

The current council policy is that all planning applications are submitted to Environmental Health for assessment. Potential risks from contamination will be assessed on the basis of the proposed use before development permission is given, to avoid unacceptable risks to human health or the environment. Land can then be remediated, if necessary, before any new use begins.

- *Limiting requirements for remediation to necessary works only*

The risks from contaminated land can only be assessed properly by considering specific uses of the land (current or proposed), and any attempt to predict future needs may result in unnecessary work.

4.4 *Considerations when evaluating sites and information*

The following considerations are taken into account:

- Contaminant sources, pathways and receptors

These are the most important elements in the accurate assessment of contaminated land. If a pollutant linkage does not exist, or exists but is not significant, then the site is not 'contaminated land' as defined under Part IIA of the Environmental Protection Act 1990. If it is considered that a significant pollutant linkage could occur in the future, or if it is not possible to decide if a pollutant linkage is significant, the site will be kept under review.

Where a pollutant linkage has been confirmed at a site, a risk assessment will be

carried out. If this process suggests that action is required quickly, a more-detailed risk assessment will take place. Consultants may be used for this process.

- Information on actual harm or water pollution

All information will be assessed in the light of additional local data and circumstances. The amount of actual harm or pollution of water will be assessed in terms of its frequency, probability and severity. The source of any information given to the council will be checked and, where necessary, supporting information will be requested. Anonymously provided information will be treated with caution due to the possibility of malicious intentions.

- Effectiveness of previous remediation

If major changes occur to a previously remediated site, it will be re-assessed to ensure that appropriate measures were taken, particularly if the remediation took place before the current contaminated land regulatory regime was finalised.

- Geographical areas

Although the district is roughly split into the limestone region to the west and the sandstone region to the east, this does not appear to cause any differences in terms of possible land contamination. However, in river valleys, sands and gravels may act as pathways, and therefore such areas will be given priority.

- Gaps in information and their remedies

Where there is a lack of information on a particular site, further research and possible intrusive investigations (exploratory excavations) will be carried out to enable assessments to be made. Any additional information obtained will be used to help determine if the site is 'contaminated land'.

4.5 Distance of possible receptors from site

If the possibility of contamination is found on a site, investigation for receptors (as detailed in Table A, Appendix 2) will be carried out within a radius of 250m from the centre of the site, except for groundwater, where a radius of 1km will be searched. Beyond these distances, a contaminant is not likely to present a significant risk. The geology within this radius will also be taken into account where it is likely to affect contaminant distribution and pathways. Detailed consideration will be given to every identified plausible pathway.

4.6 Arrangements for carrying out detailed inspections

Under Section 108 of the Environment Act 1995, authorised officers of the council may

exercise specific powers of entry. These include:

- To enter at any reasonable time (or in urgent cases, at any time, and if need be by force) any premises or land to carry out examinations and investigations that are considered to be necessary, and
- To take samples and photographs, install monitoring equipment, and carry out tests or other procedures that are considered to be necessary.

As much notice as possible will be given to residential occupiers and occupiers of land whenever an intrusive investigation is needed. Where there is an immediate possibility of significant harm or pollution of controlled waters, a maximum of seven days' notice will be given. Consent to enter land will be requested from the occupier; if it is not given, a warrant will be obtained under Schedule 18 of the Act.

The council will not use these powers of entry to obtain information about the condition of land if it can obtain it without needing to enter the site. The council will take all reasonable precautions to avoid harm, water pollution or damage to natural resources or features of historical and archaeological interest while carrying out an intrusive investigation. Before carrying out investigations in Areas of Special Scientific Interest or at Scheduled Ancient Monuments, the council will consult with Natural England or English Heritage.

If no significant pollutant linkages have been found, the investigation of an area of possibly-contaminated land will end. If one significant pollutant linkage is identified, the council will declare the land contaminated. In such cases, action should be taken as soon as possible to break the pollutant pathway. Further investigation of other possible pollutant linkages will be carried out to ensure that they have all been assessed and, if necessary, broken, and that appropriate persons have been identified for those linkages.

In relation to all site investigations, a Safe Working Code of Practice will need to be produced by all contractors and developers and agreed with the council before any works begin.

4.7 The formal notification of 'contaminated land'

If land has been declared contaminated under Part IIA of the Act, the council will produce a written report of its findings. The council will then notify all relevant parties that the land has been declared contaminated, including:

- The owner(s),
- The occupier(s),
- Those liable for remediation ('appropriate persons'), and
- The EA.

At the notification stage it may not be possible to identify all the relevant parties, particularly the appropriate persons. The council will act on the information available to it at the time and keep the situation under review.

4.8 *Informing stakeholders of the council's intentions*

If a site has been designated as 'contaminated land', a formal notification procedure will be followed, and consultation will begin on which type of remediation is most appropriate. To help with this process, the council will provide interested parties with relevant information concerning the site and, where available:

- A copy of the written record of determination,
- Copies of site investigation reports (or details of their availability),
- An explanation of the selection of 'appropriate persons' (i.e. those considered responsible for carrying out remediation), and
- Details of all other parties notified.

4.9 *Liabilities and apportionment of costs*

Full liability cannot be determined until all significant pollutant linkages on a site have been identified. When this is complete, the process of apportionment of liability and costs will take place. The stages of apportionment of liability are:

- Identify potential 'appropriate persons' and 'liability groups',
- Identify remediation requirements,
- Decide on responsibility and apportion liability, and
- Apply exclusion criteria.

All appropriate persons for any one linkage are a 'liability group'. These may be Class A or Class B persons (see below).

The members of a liability group will generally have the total remediation costs divided between them. The basic principles that apply to exclusion and apportionment are:

- The financial circumstances of those concerned have no relevance,
- The council will justify any decisions it has made, but will consult persons affected by these decisions and will consider any comments made by them, and
- Where agreements already exist between appropriate persons, the council will adhere to these agreements.

4.10 *'Appropriate persons'*

- Class A persons

These are the polluters, and persons who 'knowingly permit'; this includes anyone who leaves contamination on a site that results in the land being declared contaminated, and anyone who has allowed something to take place, knowing that it might cause contamination.

- Class B persons

Where no Class A persons can be found, liability reverts to the owner or the occupier. These are known as Class B persons. The council will make all reasonable enquiries to identify Class A persons before liability reverts to owners or occupiers.

The identification of appropriate persons must be carried out for each significant pollutant linkage. Where a site has had a series of contaminating uses over the years, each significant pollutant linkage will be dealt with separately, and liability considered for each.

If a Class A or Class B person cannot be found, or the only persons that can be found are exempted from liability, the site will become an 'orphan site'. In such cases, the council will bear the costs of any necessary remediation, in accordance with the statutory guidance.

4.11 *Exemptions from liability for remediation of contaminated land*

There are criteria to identify Class A groups who should be excluded from liability. These should be applied separately for each pollutant linkage.

Exemptions apply where:

- The land is contaminated only by pollution of controlled waters,
- The land is contaminated only by the escape of pollution from one piece of land to another,
- The land is contaminated by pollution of controlled waters from an abandoned mine, or
- The Class A person was acting in a 'relevant capacity', e.g. as an insolvency practitioner, official receiver, etc.

The exclusion of Class B persons consists of one test, which excludes anyone who would not benefit financially if the land was sold. Tenants are therefore excluded, nor can they be held responsible where land they rent is polluting water.

4.12 Contaminated land for which the council may be the ‘appropriate person’

If land owned by the council is found to be ‘contaminated land’, the council will undertake consultations and assessments, and carry out remedial works if necessary. A formal relationship will be maintained between the Environment and Community Protection Team and that responsible for council-owned land.

At this time we do not know of any land previously owned by the council where we have caused or knowingly permitted contamination to occur. If any such land is identified, it will be prioritised for inspection following liaison with the current owner.

4.13 Potential Special Sites

Once the council has identified land as ‘contaminated land’ by definition under the Act, it must consider whether the land could be a Special Site. The definition of Special Sites is given in Section 2 of the Contaminated Land (England) Regulations 2006¹¹. They include land:

- Polluting controlled waters (as defined in Section 104 of the Water Resources Act 1991¹²),
- On ‘Part A1’ sites subject to the Environmental Permitting Regulations (England and Wales) 2010 (as amended)¹³,
- Containing waste sulphuric acid tar lagoons,
- Used as an oil refinery,
- Used to manufacture or process explosives,
- Used to manufacture or dispose of atomic, chemical or biological weapons, or
- Owned or occupied by a defence organisation for naval, military or air-force purposes (not off-base housing or NAAFI).

Contaminated land beyond the boundary of these premises but contaminated by them also forms part of the Special Site.

Where the council considers an area of contaminated land is a Special Site, it will inform the EA, and the EA will decide whether it agrees. If it does not agree, it will notify the council and the Secretary of State within 21 days, and the Secretary of State will decide if the land is a Special Site. The responsibility for a Special Site passes to the EA.

4.14 Enforcement

The council carries out enforcement in line with the Government’s recommended Concordat of Good Enforcement¹⁴. The council will ensure that all affected individuals meet their responsibilities. The methods used may progress through education, advice and guidance, to warning letters, remediation notices and prosecutions. The council

will generally only prosecute in the most serious cases, as prosecution is regarded as a last resort when all other options have failed.

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the council will authorise urgent action. The procedures identified in the statutory guidance will be followed, which may involve forced entry into the premises. The terms 'imminent' and 'serious' are not defined, therefore the council will need to judge each case using the normal meaning of these words and the facts of that case. The statutory guidance does define what may constitute 'seriousness' when assessing the reasonableness of remediation.

In urgent cases, if the council believes that the risk would not be prevented in an acceptable time by using the statutory enforcement procedure, the council will undertake remediation. In such cases, efforts will be made to recover costs in relation to the works carried out.

In non-urgent cases where the council is the enforcing authority, a remediation notice is necessary. When all the required consultations have been completed, a notice will be served on the appropriate person(s) no earlier than three months after the site has been declared contaminated land. The notice may require further investigation of the site, which in turn may identify more remediation requirements and appropriate persons.

4.15 Works carried out in default

In certain circumstances, the local authority may need to carry out remediation. Generally, it has this power where:

- Urgent action is necessary,
- No 'appropriate person' can be identified,
- Enforcement action cannot be taken, for reasons specified in 'Limitations on Remediation Notices' in the statutory guidance,
- The local authority agrees to carry out the works on behalf of an appropriate person, or
- A remediation notice has not been complied with.

When carrying out works in default, Mansfield District Council will ensure that all statutory regulations and guidance are adhered to. All possible attempts will be made to recover costs for works in default when an appropriate person has been found.

5. REVIEW PROCESS

5.1 *Strategy document*

The council's policy is to review its strategy at five-yearly intervals. The matters that will be reviewed include:

- The content of the strategy in the light of its use,
- Changes to the strategy following the issuing of new guidance,
- Priorities for further investigation of potentially contaminated sites,
- The enforcement process, and
- Progress of its implementation.

As part of the review mechanism, any proposed changes will be agreed with the Head of Service.

5.2 *Site inspection and re-inspection*

Whilst the council has a duty to inspect its district 'from time to time' to identify contaminated land, the frequency of inspection is not defined. The council aims to:

- Inspect all previously unknown sites that come to its attention,
- Re-inspect all known or suspected sites where planning permission has been applied for,
- Re-inspect all known or suspected sites where changes not requiring planning permission have taken place,
- Respond to any requests to re-inspect land, and
- Re-inspect all other known or suspected sites every ten years.

5.3 *Assumptions and information*

The council's aim is to review assumptions and information as required, and particularly in the light of:

- New information,
- Change of use of surrounding land,
- Introduction of new receptors, and
- The potential for pollutant linkages to become significant or urgent as a result of unexpected events (e.g. flooding, subsidence, spillages) or a change in circumstances.

6. INFORMATION MANAGEMENT AND THE REGISTER OF CONTAMINATED LAND

6.1 *Public access to information, and confidentiality*

The handling and release of information regarding sites which are or may be contaminated will be carried out in line with the requirements of the Environmental Information Regulations 1992¹⁵ and the Data Protection Act 1998 (GDPR)¹⁶. These regulations require local authorities to make any environmental information they hold available on request, subject to certain exemptions.

Requests for information made to the Environmental Health section regarding historic land-uses and site investigation data will be acknowledged within five days. The section can:

- refuse the request,
- supply the information, or
- tell the applicant that they will receive the information within four weeks of the original request.

A disclaimer will be attached to the written reply indicating that the information is based on that which is currently available to the council, and that the council accepts no responsibility for the use of the information or the outcome of its use. The wording of the disclaimer has been agreed with Legal Services.

The disclosure of information relating to a site which is likely to be classed as 'contaminated land' will be agreed with a council solicitor before any information is released.

There is provision in the regulations for the council to charge for the supply of environmental information. The cost varies according to the amount of information requested; charges are reviewed annually.

6.2 *Providing information to other local authority departments*

The contaminated land regime may have an impact on many of its departments. The exchange of information and expertise will take place as required.

6.3 *Providing information to the Environment Agency*

The council is required to notify the EA when sites are determined to be 'contaminated land'. This information is needed for the EA to compile an annual report. In addition, the council will supply information regarding any regulatory action taken, with summary information for the report.

6.4 Administration

The day-to-day administration of information management is carried out within the Environmental Health section of the council.

6.5 Complaints

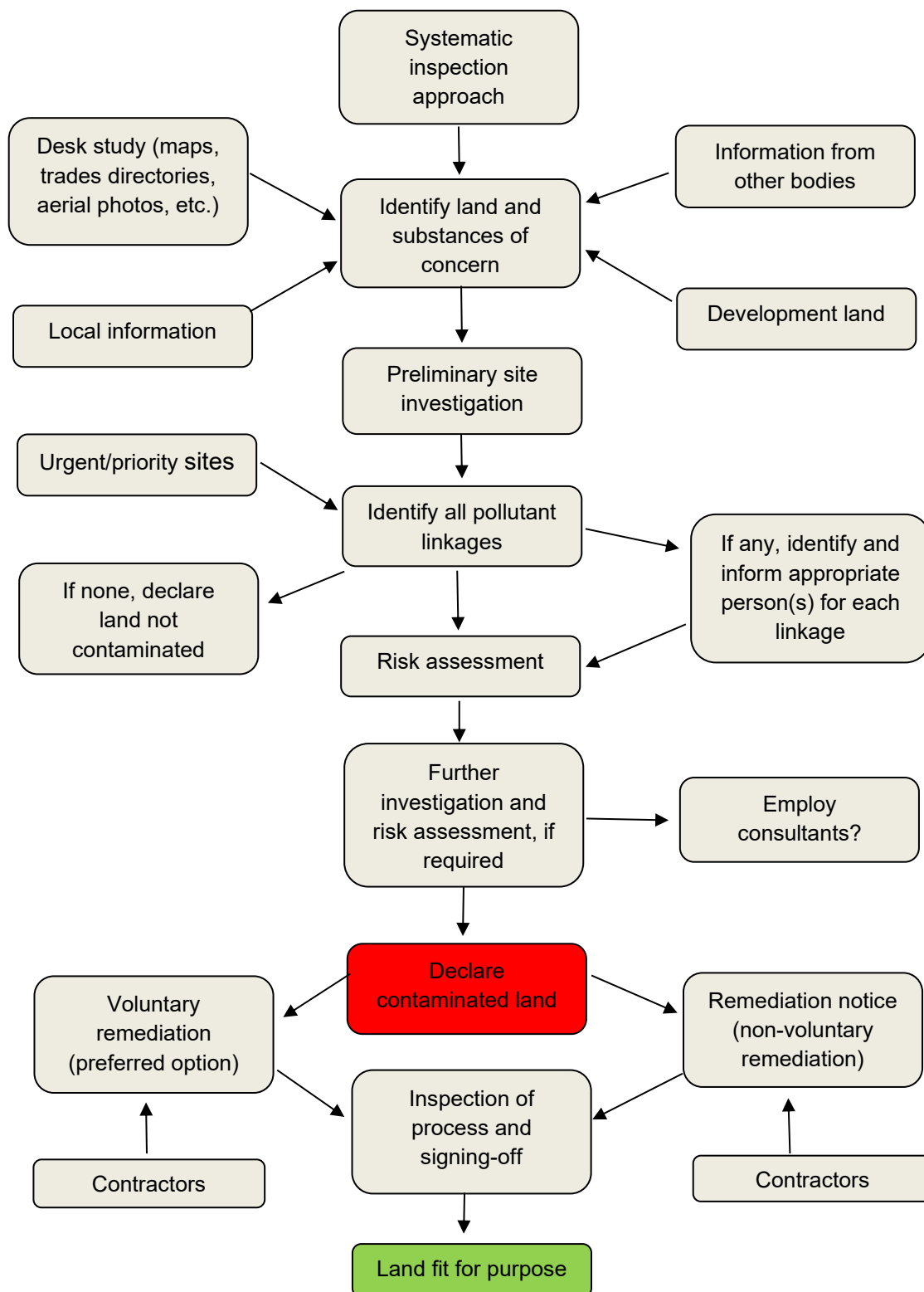
An official complaints procedure has been drawn up which ensures that complaints about the council are dealt with in line with corporate policy.

6.6 Register of contaminated land

The work done so far has shown that the council does not need to set up a public register, as no land has been identified as contaminated land under the definition given in Part IIA of the Environmental Protection Act 1990. If a register becomes necessary, it will be kept at the council offices and will be available for viewing, free of charge, during normal office hours. A charge will be made for providing copies of register entries; charges will be reviewed annually in line with council policy.

A question concerning contaminated land forms part of the standard land search enquiries undertaken when property is being sold¹⁷. According to the current guidance, information only needs to be provided when a site has been identified as 'contaminated land'.

Appendix 1 - Flow chart of the contaminated land identification and remediation process



Appendix 2 - Table A of the statutory guidance: categories of significant harm

Type of receptor	Description of harm to that type of receptor that is to be regarded as significant harm
1 Human beings	Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions. For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned. In this chapter, this description of significant harm is referred to as a 'human health effect'
2 Any ecological system, or living organism forming part of such a system, within a location that is: ▪ an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; ▪ any land declared a national nature reserve under section 35 of that Act; ▪ any area designated as a marine nature reserve under section 36 of that Act; ▪ an area of special protection for birds, established under section 3 of that Act; ▪ any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas); ▪ any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; ▪ any habitat or site afforded policy protection under paragraph 13 of Planning Policy Guidance Note 9 (PPG9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or ▪ any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949	For <u>any</u> protected location: ▪ harm which results in an irreversible change, or some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location: or ▪ harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there. In determining what constitutes such harm, the local authority should have regard to that advice of English Nature and to the requirements of the Conservation (Natural Habitats etc.) Regulations 1994. In this chapter, this description of significant harm is referred to as an 'ecological system effect'.
3 Property in the form of: ▪ crops, including timber; ▪ produce grown domestically, or on allotments, for consumption; ▪ livestock;	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in

▪ other owned or domesticated animals; ▪ wild animals that are the subject of shooting or fishing rights	its value resulting from death, disease or other serious physical damage. The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In this chapter, this description of significant harm is referred to as an 'animal or crop effect'
4 Property in the form of buildings. For this purpose, 'building' means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building	Structural failure, substantial damage or substantial interference with any right of occupation. For this purpose, the local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled. In this chapter, this description of significant harm is referred to as a 'building effect'

Appendix 3 - Table B of the statutory guidance: significant possibility of significant harm

Description of significant harm (as defined in Table A)	Condition for there being a significant possibility of significant harm
1 Human health effects arising from the intake of a contaminant, or other direct bodily contact with a contaminant	If the amount of pollutant in the pollutant linkage in question: ▪ which a human receptor in that linkage might take in, or ▪ to which such a human might otherwise be exposed, as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. Such an assessment should take into account: ▪ the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; ▪ the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and ▪ the duration of intake or exposure resulting from the pollutant linkage in question. The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure. Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties
2 All other human health effects (particularly by way of explosion or fire)	If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning: ▪ that type of pollutant linkage, or ▪ that type of significant harm rising from other causes. In making such an assessment, the local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give particular weight to cases where the pollutant linkage might cause significant harm which: ▪ would be irreversible or incapable of being treated; ▪ would affect a substantial number of people; ▪ would result from a single incident such as a fire or an explosion; or ▪ would be likely to result from a short-term (that is, less than 24-hour) exposure to the pollutant
3 All ecological system effects	If either: ▪ significant harm of that description is more likely than not to result from the pollutant linkage in question; or ▪ there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practical possibility of restoration. Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant

4 All animal and crop effects	If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant
5 All building effects	If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or, in the case of a scheduled Ancient Monument, the foreseeable future), taking into account relevant information for that type of pollutant linkage

Appendix 4 - List of potentially-contaminating land uses

This list provides an indication of the types of site where substances that could pollute the land might be found. Inclusion on it does not mean that contamination is present or that a pollutant linkage exists.

Abattoirs	Adhesives manufacture	Agriculture	Aircraft manufacture
Airports	Animal burial	Animal by-product processing	Anodisers
Anti-corrosion treatment	Asbestos products	Asphalt works	Automotive engineering
Battery manufacture	Bearings manufacture	Blacksmiths	Boilermakers
Bookbinding	Brass and copper tube manufacture	Brass founders	Brewing
Brickworks	Car manufacture	Carbon products manufacture	Cement works
Chemical manufacture and storage	Chrome plating	Ceramics manufacture	Coal carbonisation
Coal merchant	Concrete batching	Coppersmiths	Descaling contractors (chemical)
Detergent manufacture	Distilleries	Dockyards	Drum cleaning
Dry cleaners	Dye works	Dyers and finishers	Electricity generation
Electrical engineers	Electroplaters	Engineering works	Explosives manufacture (including fireworks)
Farms	Fertiliser manufacture	Fellmongers	Fibreglass works
Food processing	Foundries	Fuel manufacture	Fuel storage
Garages and depots	Gas mantle manufacture	Gas works	Glass works
Glue manufacture	Gum and resin manufacture	Hatters	Hide and skin processors
Incinerators	Ink manufacture	Iron founders	Iron works
Knackers' yards	Lacquer manufacture	Laundries	Leather manufacture
Metal coating	Metal manufacture	Metal sprayers and finishers	Mining (coal and metals)
Mirror manufacture	Motor vehicle manufacture	Oil fuel distributors and suppliers	Oil merchants
Oil refineries	Oil storage	Paint and varnish manufacture	Papermaking
Pesticides manufacture	Petrol stations	Photographic film works	Photographic processing
Paper manufacture	Plastics works	Plating works	Power stations
Printed circuit board manufacture	Printing works	Radioactive materials processing	Railway land
Railway locomotive manufacture	Refiners of nickel and antimony	Resin manufacture	Rubber manufacture
Scrap metal dealers	Sealing compound manufacture	Sewage works	Sewage sludge disposal areas
Sheet metal merchants and works	Ship breakers	Ship builders	Shooting grounds
Skein silk dyers	Small arms manufacture	Smokeless fuel manufacture	Soap manufacture
Solvent manufacture	Solvent recovery	Steel manufacture	Stove enamellers
Synthetic fibre manufacture	Tank cleaning	Tanneries	Tar and pitch distillers
Textile manufacture	Thermometer makers	Timber treatment	Timber preservatives manufacture

Tin plate works	Transport depots	Tyre manufacture and retreading	Vehicle manufacture
Vulcanite manufacture	Vulcanisers	Waste disposal	Waste recycling
Waste treatment	Zinc works		

Appendix 5 - Glossary of terms

NB the definitions below are given as a quick reference guide. In practice, all terms will be interpreted according to the definitions given in the EPA Part IIA or in available guidance.

Appropriate person	Someone held to be responsible in some way for the remediation of an area of contaminated land
Class A person	A person who caused or knowingly permitted a pollutant to be in, on or under designated contaminated land
Class B person	A person who is the owner or occupier of designated contaminated land, where no Class A person can be found
Contaminant (or source)	A substance that is in, on or under land and which has the potential to cause harm or pollution of controlled waters
Contaminated land	Any land which, due to the substances in, on or under it, is causing significant harm or pollution of controlled waters, or there is a significant possibility of harm or pollution being caused
Controlled waters	Territorial and coastal waters, inland fresh waters and ground waters, as defined in section 78A(9) of the Environmental Protection Act 1990 by reference to Part III (section 104) of the Water Resources Act 1991
Current use	Any use which is currently being made, or is likely to be made, of land, in line with any existing planning permission or lawful under Town and Country Planning legislation
DETR	The former Department of the Environment, Transport and the Regions (now Defra – the Department for Environment, Food and Rural Affairs)
EA	The Environment Agency
Enforcing authority	The local authority, or in the case of a Special Site, the EA
GIS	Geographical Information System – a computerised mapping programme
Groundwater	Water contained in underground rocks, wells and boreholes
Harm	Harm to the health of living organisms, interference with the ecological systems of which they form a part, and harm to property
Human health effect	Significant harm of a type listed in Table A above
Intrusive investigation	Investigation of land going beyond visual inspection or limited sampling, e.g. excavations or boreholes
Orphan site	An area of contaminated land for which no appropriate person can be found, or for which the appropriate person(s) is/are exempted from liability
Pathway	One or more routes through which a receptor is being or may be exposed to or affected by a contaminant
Pollutant	A contaminant forming part of a pollutant linkage
Pollutant linkage	The relationship between contaminant, pathway and receptor
Pollution of controlled waters	The entry into controlled waters of any polluting or solid waste matter
Receptor	A living organism, an ecological system or a piece of property, as listed in Table A above, which is being or could be harmed by a contaminant, or controlled waters which are being or could be polluted by a contaminant
Remediation	Carrying out works to prevent or minimise the effects of contamination
Risk assessment	The study of the probability and frequency of occurrence of a defined hazard and the seriousness of the consequences
Semi-quantitative risk assessment	A risk assessment where numbers on a sliding scale are allotted to help quantify the probability of harm occurring, the likely severity of harm, and the frequency of contributing factors occurring in a particular situation

Significant harm	Defined in section 78A(5) of the Environmental Protection Act 1990. Any significant harm meeting one of the descriptions of types of harm in Table A (see above)
Special Site	Land designated as contaminated due to certain criteria. Special Sites are dealt with by the EA rather than the local authority

Appendix 6 – References

1. 11th report of the Royal Commission on Environmental Pollution, 1985
2. Town and Country Planning (General Development) Order, 1988
3. House of Commons Environment Committee, First Report on Contaminated Land, 1990
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5. Environment Act, 1995
6. Environmental Protection Act 1990 Part IIA, 'Contaminated Land', 2000
7. Towards 2030: A Strategy for Mansfield, Mansfield District Council, 2024
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11. Contaminated Land (England) Regulations, DETR, SI 227/2000
12. Water Resources Act, 1991
13. Environmental Permitting Regulations (England and Wales) 2010, Statutory Instrument 2010 No. 675
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15. Environmental Information Regulations, DoE, 1992
16. Data Protection Act, 1998
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