



**CONTAMINATED LAND INSPECTION STRATEGY  
THE BOROUGH OF DARLINGTON**

**Part 2A of the Environmental Protection Act 1990**

**January 2013**

## **EXECUTIVE SUMMARY**

In April 2000, a new statutory regime for the regulation of contaminated land was implemented, under Part 2A of the Environmental Protection Act 1990. This regime imposes a duty on each local authority to strategically inspect the land within its area for the purpose of identifying areas which could be defined as "contaminated land".

Under the provisions of Part 2A local authorities are also obliged to produce a written Strategy outlining how they intend to fulfil this inspection requirement. This is a review of Darlington Borough Council's second Contaminated Land Inspection Strategy published in July 2003 and takes account of the Contaminated Land Statutory Guidance, issued by Defra (April 2012). It details the Council's proposals for identifying, inspecting and assessing contaminated land within the Borough.

The Contaminated Land Inspection Strategy ensures the people of Darlington are healthy and supported and live in sustainable neighbourhoods.

Between July 2001 and February 2003 more than 2000 potential contaminated sites were identified within the Borough of Darlington and prioritised for inspection. Four former landfill sites were identified as highest priority sites and were subject to detailed inspections between 2008 and 2011, with the benefit of Defra funding.

To date, no sites have been determined as contaminated land under the definition contained in Part 2A of the Environmental Protection Act 1990.

There are approximately 900 sites remaining on the list of potentially contaminated sites. Priority will be given in the period 2013-2017 to former industrial sites, where there is considered to be the greatest risk to human health.

Environmental Health assumes no land within the Borough is contaminated land unless there is supporting evidence to suggest otherwise, in line with the relevant guidance.

Environmental Health will only use Part 2A as a last resort to deal with land contamination and only where no appropriate alternative solution exists.

Information relating to contaminated land is published on the Council website <http://www.darlington.gov.uk/Environment/Pollution/contaminatedland/Contaminated+Land.htm>

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## **1 INTRODUCTION**

Under the provisions contained in Part 2A of the Environmental Protection Act 1990, local authorities are required to take a “strategic approach” to inspect land within their areas for the purpose of identifying contaminated land (Section 78B).

The Contaminated Land Statutory Guidance dated April 2012, issued by DEFRA, states the strategic approach to be adopted when carrying out the inspection duty under section 78B(1), should be rational, ordered, efficient and it should reflect local circumstances.

This Strategy sets out Darlington Borough Council’s proposals for identifying, inspecting and assessing contaminated land within the Borough taking into account the statutory guidance and the Council’s Corporate Policy. It does not include information on the enforcement, determining liability and details of remediation of contaminated land. The Statutory Guidance should be read in conjunction with this Strategy.

It is the second review of the Council’s Contaminated Land Inspection Strategy. Previous inspection strategies were produced February 2003 and July 2001 in accordance with requirements of Part 2A.

Section 57 of the Environment Act 1995 created Part 2A of the Environmental Protection Act 1990. Part 2A provides a means of dealing with unacceptable risks posed by land contamination to human health and the environment, and enforcing authorities should seek to find and deal with such land. The main objectives of the Government’s policy on contaminated land and the Part 2A regime as stated in Section 1.4 of The Statutory Guidance are: -

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

### **1.1 Policy Framework**

There are seven key outcomes identified within the Community Plan, ‘One Darlington: Perfectly Placed’. The Contaminated Land Inspection Strategy ensures the people of Darlington are healthy and supported and live in sustainable neighbourhoods.

The Contaminated Land Inspection Strategy is identified in the Local Development Framework (LDF) to deliver the priorities of One Darlington: Perfectly Placed.

The Strategy also supports the health protection role of the Council and will support the objectives of the Joint Health and Well Being Strategy for Darlington.

The Environmental Health Section input to the delivery of the Strategy. Environmental Health assesses, improves and prevents physical, biological, social and psychological factors in the environment from potentially adversely affecting the health of present and future generations.

## **1.2 The Regulatory Role of Local Authorities under Part 2A**

Officers in the Environmental Health Section of Darlington Borough Council have the sole responsibility for determining whether any land is contaminated land under Part 2A. This decision is not made or approved by Cabinet or the Council.

The Statutory Guidance states there are four possible grounds for the local authority to make a determination under Part 2A: -

- (a) Significant harm is being caused to a human, or relevant non-human, receptor.
- (b) There is a significant possibility of significant harm being caused to a human, or relevant non-human receptor.
- (c) Significant pollution of controlled waters is being caused.
- (d) There is a significant possibility of significant pollution of controlled waters being caused.

Tables 1 and 2 in The Statutory Guidance describe the non-human receptors, e.g. Site of Special Scientific Interest (SSSI), crops and livestock, relevant for the purposes of Part 2A.

Where decisions under Part 2A are not straightforward, and where there may be unavoidable uncertainty underlying some of the facts of each case Environmental Health when coming to a decision must strike a reasonable balance between: -

- (a) dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and,
- (b) the potential impacts of regulatory intervention including financial costs to whoever will pay for remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people.

Officers may seek information or advice from another body, such as the Environment Agency or suitably qualified experienced practitioner appointed for that purpose (e.g. an Environmental Consultant) to reach a decision.



Environmental Health will take a precautionary approach to assess the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The various benefits and costs of taking action will be considered, with a view to ensuring that the regime produces net benefits, taking account of local circumstances, as specified in The Statutory Guidance.

Environmental Health will only use Part 2A as a last resort to deal with land contamination and only where no appropriate alternative solution exists.

### **1.3 Definition of Contaminated Land under Part 2A**

Section 78A(2) of the Environmental Protection Act 1990 defines contaminated land for the purposes of Part 2A 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 significant possibility of such harm being caused; or
- (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused”<sup>1</sup>.

#### **1.3.1 Harm**

Section 78A(4) of the Environmental Protection Act 1990 defines harm 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”.

Harm could be to human health, protected ecological systems, property (crops, produce, livestock, wild animals, subject to fishing/ shooting rights), and property (buildings).

Conditions for determining that land as contaminated land on the basis that significant harm is being caused would exist where: -

- (a) the local authority has carried out an appropriate, scientific and technical assessment of all the relevant and available evidence; and
- (b) on the basis of that assessment, the authority is satisfied on the balance of probabilities that significant harm is being caused (i.e. that it is more likely than not that such harm is being caused) by a significant contaminant(s).

The following health effects will always be considered to constitute significant harm to human health: death, life threatening diseases (e.g. cancers); other diseases likely to

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<sup>1</sup> The definition has been updated in the new statutory guidance in line with the Water Act 2003. Previous definition, “Pollution of controlled waters is being caused, or is likely to be, caused.”

have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions. Other health effects may also be considered. When deciding whether or not a particular form of harm is significant harm, Environmental Health will consider the seriousness and scale of the harm, including the impact on the health and quality of life of any person suffering the harm.

### **1.3.2 Pollution of Controlled Waters**

Section 78A(9) of the Environmental Protection Act 1990 defines the pollution of controlled waters as "the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter."

"Controlled waters", in relation to England, has the same meaning as in Part 3 of the Water Resources Act 1991 (territorial waters, coastal waters, inland freshwaters and groundwaters) except that "ground waters" does not include waters contained in underground strata but above the saturation zone.

Significant pollution is being caused if substances are continuing to enter controlled waters or substances have entered controlled waters and are likely to do so again.

The following types of pollution should be considered to constitute significant pollution of controlled waters: -

- (a) Pollution equivalent to "environmental damage" to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations but cannot be dealt with under those Regulations.
- (b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable that use.
- (c) A breach of a statutory surface water Environment Quality Standard, either directly or via a groundwater pathway.
- (d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC)).

## **1.4 The Development of the Strategy**

The Strategy aims to fulfill the requirements of the Statutory Guidance and the following objectives have been set: -

- (a) Ensure the approach taken addresses the most pressing and serious potentially contaminated land sites as a priority.
- (b) Protect receptors from significant harm.

- (c) Ensure Environmental Health efficiently plans inspections to be carried out on potentially contaminated land and identifies the requirements for making a determination or otherwise.
- (d) Inform stakeholders (e.g. landowners) of any action to be taken by Environmental Health in relation to addressing potentially contaminated land, where necessary, having regard to the Communication Strategy.
- (e) Ensure that the resources available are concentrated on investigating sites of highest priority at the time.
- (f) Promote and encourage voluntary remediation.
- (g) Prevent any further land contamination, where possible, by: -
  - a. Raising awareness about the causes and effects of land contamination.
  - b. Promoting good practice in the community and workplace.
  - c. Encourage good design and management in new developments.
- (h) Maintain an up to date public register.
- (i) Ensure all land likely to be affected by contamination is recorded for future consideration if circumstances change.
- (j) Continue with the identification of all potential contaminated land sites in the Borough of Darlington, adopting a rational, ordered and efficient approach.
- (k) Encourage the re-use and remediation of brownfield land through the planning regime in accordance with the National Planning Policy Framework to ensure that new developments are suitable for use.

## **2 PRINCIPLES OF CONTAMINANT LINKAGES AND RISK ASSESSMENT**

Environmental Health assumes all the land within the Borough is not contaminated land under Part 2A unless there is reason to consider otherwise, e.g. the identification of a significant contaminant linkage from a detailed inspection.

Under Part 2A the risks should be considered only in relation to the current use of the land. Current use can, however include informal uses and likely future/ temporary uses, which would not require a new or amended grant of planning permission.

### **2.1 Risk**

The definition of contaminated land is based upon the principles of risk assessment. "Risk" is defined in The Statutory Guidance as "the combination of: -

- (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and
- (b) the scale and seriousness of such harm or pollution if it did occur."

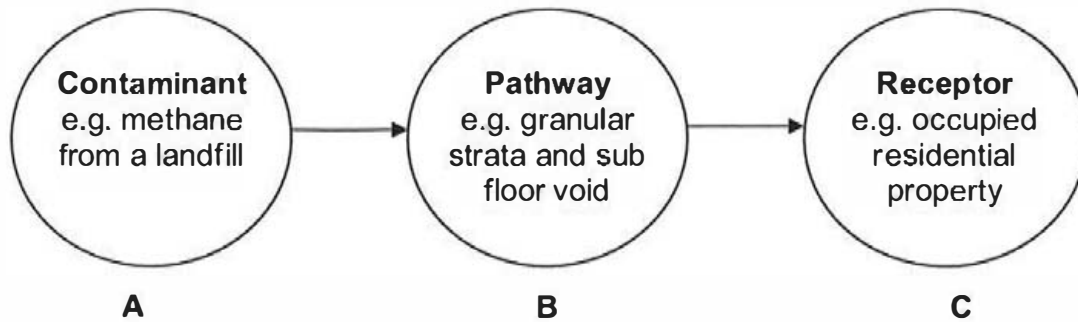
Risk assessments should be based on information which is: -

- (a) scientifically-based;
- (b) authoritative;
- (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and,
- (d) appropriate to inform regulatory decisions in accordance with Part 2A and The Statutory Guidance.

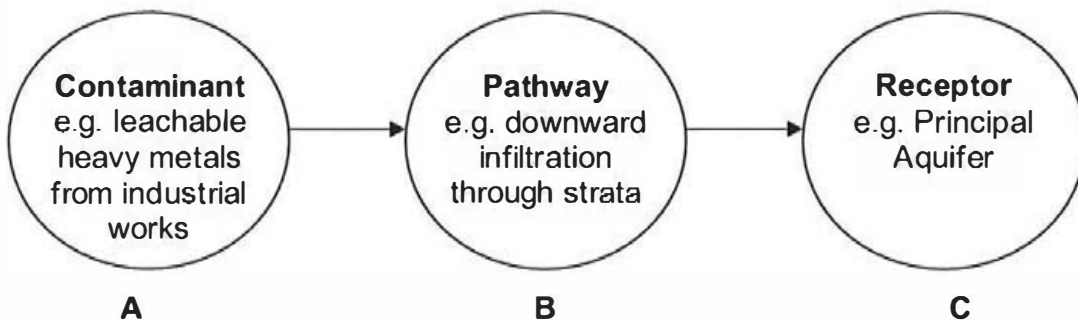
### **2.2 Contaminant Linkages**

For any land to be designated as contaminated land under Part 2A of the Environmental Protection Act 1990 a significant contaminant linkage (previously referred to as a pollutant linkage) needs to exist. Each element (contaminant, pathway and receptor) can exist independently of each other, but will only create a risk when they are linked together, i.e. a contaminant linkage. Figure 1 shows an example of a human health contaminant linkage and Figure 2 shows an example of controlled waters contaminant linkage.

The term "significant contaminant linkage" means a contaminant linkage which gives rise to a level of risk sufficient to justify the land being determined as contaminated land.



*Figure 1: Human Health Contaminant Linkages*



*Figure 2: Controlled Waters Contaminant Linkages*

It is important throughout the risk assessment process to formulate a conceptual model. A conceptual model is a representation (textual and/or graphical) of relevant information relating to contamination on a specific site. It identifies potential contamination source(s), pathway(s) and receptor(s) and the possible/significant contaminant linkages. Figure 3 shows a graphical example of a conceptual model taken from R&D66.

### **2.3 'Normal' presence of contaminants**

The Statutory Guidance states that normal levels of contaminants should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise. "Normal" levels of contaminants in soil may be the result of the natural presence of contaminants or the presence of contaminants caused by low level diffuse pollution, and common human activities other than past industrial uses.

In October 2012, Defra published a report and technical guidance sheets, produced by The British Geological Survey (BGS), on normal background concentrations for a number of contaminants in English soils. The normal background concentrations, if necessary, will be used by Environmental Health as a guide as to what are reasonable levels to support the decision of whether land within the Borough is contaminated land under Part 2A.

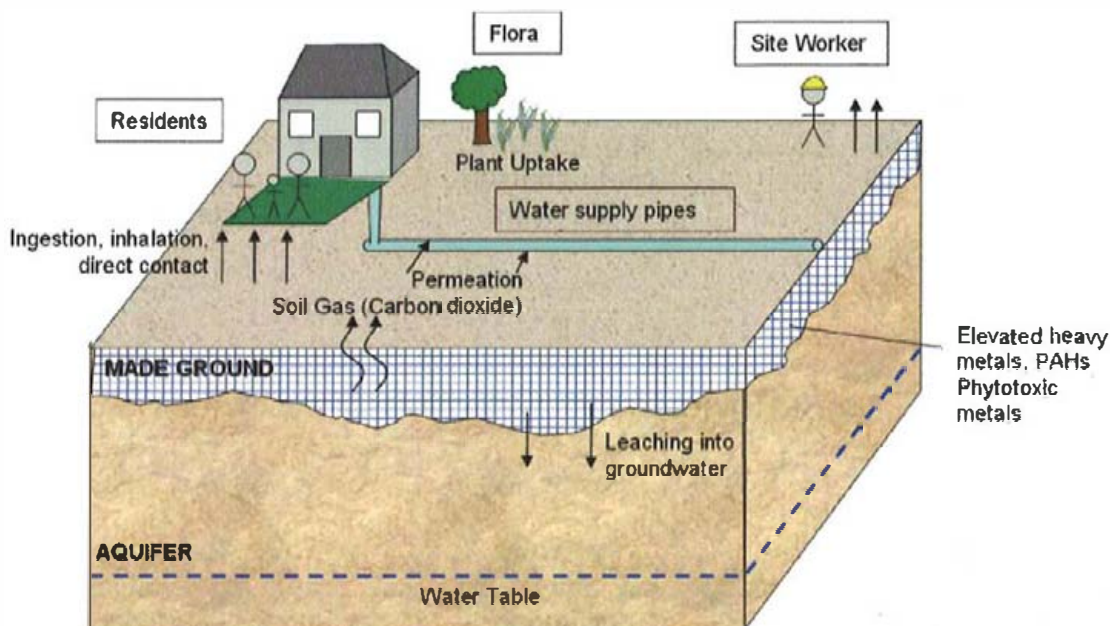


Figure 3: Graphical Conceptual Model

## 2.4 Strategic and Detailed Inspections

The Statutory Guidance recognises that there are two types of inspection likely to be carried out by the local authorities under Part 2A: strategic inspection and detailed inspection. The strategic inspection involves the collection of information and prioritisation of sites for the detailed inspection or to enable Environmental Health to make a decision as to whether the land is not contaminated land under Part 2A. An example of a strategic inspection is a Preliminary Risk Assessment (Desk Top Study) including site walkover undertaken and possible limited sampling. A detailed inspection involves obtaining detailed information on the ground conditions. For example by undertaking Site Investigation and Risk Assessment in order to support the decision as to whether or not the land is contaminated land under Part 2A.

## 2.5 Risk Categories

The Statutory Guidance has introduced the categorisation of sites investigated and risk assessed under Part 2A for use by local authorities. Environmental Health will use these categories detailed in Paragraphs 4.19 to 4.30 of The Statutory Guidance to characterise sites inspected under Part 2A. Table 1 provides a summary of the 4 categories. In brief, Categories 1 and 2 encompass land which is capable of being determined as contaminated land under Part 2A on grounds of significant possibility of significant harm and significant pollution of controlled waters and Categories 3 and 4 would encompass land which is not contaminated land.

Categories	Human Health	Controlled Waters
1	There is an unacceptably high probability supported by robust evidence of the significant possibility of significant harm occurring if no action is taken to stop it. Significant harm may have already been caused.	Strong and compelling case that a significant possibility of significant pollution of controlled waters exists. This would include cases where there is strong science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.
2	There is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm. Includes land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but available evidence suggests that there is a strong case for taking action under Part 2A on a precautionary basis.	The strength of evidence would not place the land into Category 1; however, there is sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis. This may include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.
3	The risks are not low, but regulatory intervention under Part 2A is not warranted. Owners or occupiers of the land could take action to reduce risks outside of the Part 2A regime if they choose.	Risks are such that the local authority might prefer that they did not exist but regulatory intervention under Part 2A is not warranted. This includes land where it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	There is no risk, or that the level of risk posed is low. For example there are no relevant contaminant linkages; contaminant levels do not exceed the proposed Category 4 Screening Levels.	There is no risk, or that the level of risk posed is low. For example there are no relevant contaminant linkages or the water pollution is similar to that which might be caused by background contamination.

*Table 1: Summaries of the 4 Categories*

Following a strategic inspection which will involve undertaking a Preliminary Risk Assessment (Desk Top Study) or Low Risk Proforma and/ or limited sampling, Environmental Health may be able to place some sites within Category 4 where no relevant contaminant linkage exists. For other sites, following the detailed inspection of the land (Site Investigation and Risk Assessment) Environmental Health should have a sufficient understanding of the risks in order to decide whether or not land is contaminated land on the grounds of significant possibility of significant harm and place the site into one of the four categories.

The Statutory Guidance states that where all factors are taken into account, if the local authority cannot decide whether or not a significant possibility of significant harm exists, it should conclude that the legal test has not been met and the land should be placed in Category 3.

## **2.6 Use of Generic Assessment Criteria and Other Technical Tools**

In line with common practice, Environmental Health will compare the findings of detailed inspections against generic and site specific assessment criteria for human health, generated using the most up to date version of CLEA UK (Contaminated Land Exposure Assessment) in order to interpret and risk assess the data and make an informed decision under Part 2A.

For contaminants in groundwater and surface water, depending on the environmental setting and conceptual site model, the UK Drinking Water Standards (DWS) and World Health Organisation (WHO) and River Basin Standards may be appropriate to use a generic assessment criteria. The Environment Agency recommends that the framework set out in the 'Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources' is used.

## **2.7 Investigation Procedure**

Figure 4 shows the procedure for investigating sites under Part 2A of the Environmental Protection Act 1990. Further details regarding each stage of the investigation process are provided in Sections 4 and 5.



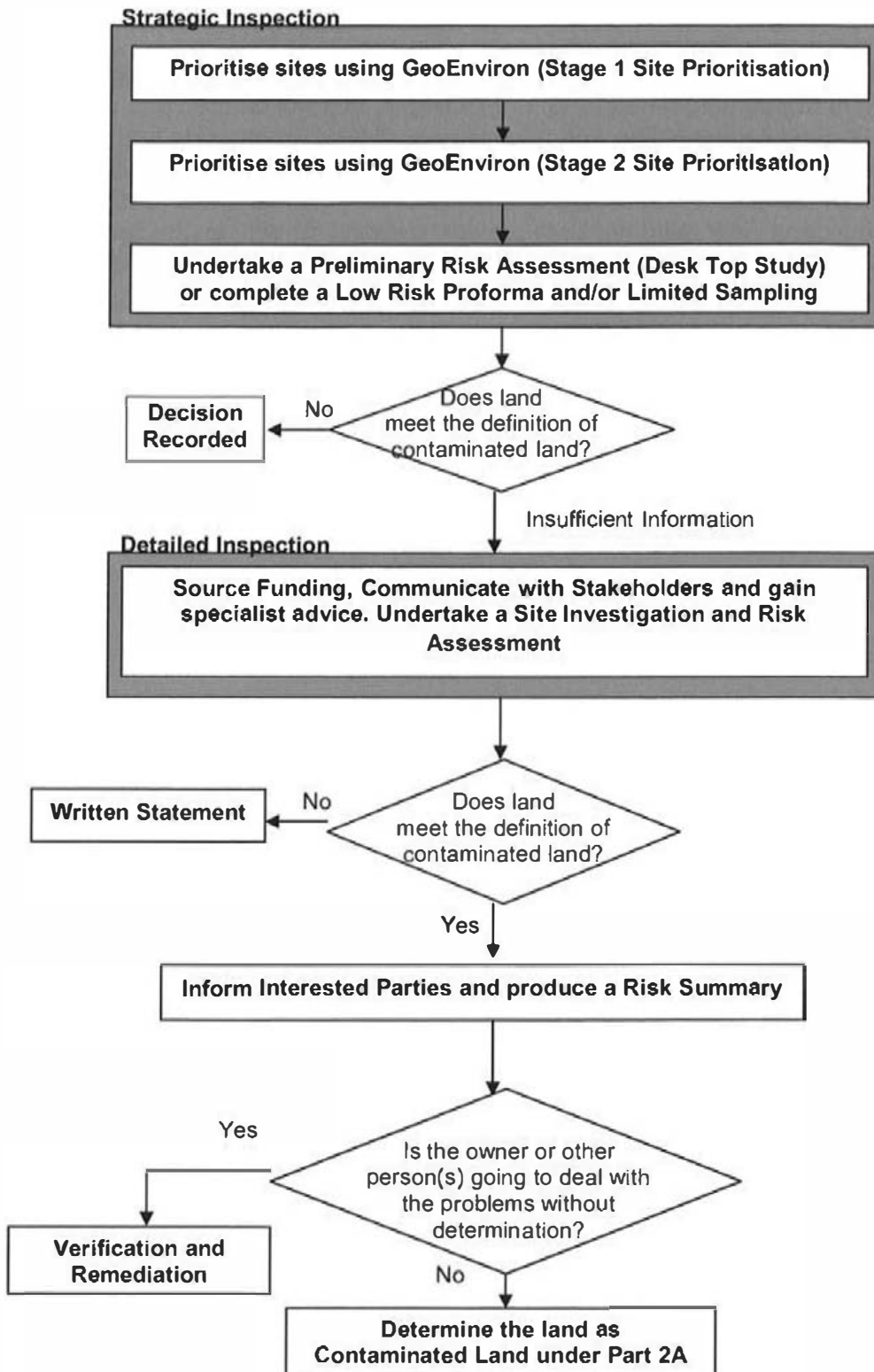


Figure 4: Investigation Procedure

## **2.8 Written Statement**

In implementing the Part 2A regime, Environmental Health is likely to inspect land that it then considers is not contaminated land. For example, this will be the case where the authority has ceased its inspection and assessment of land on grounds that there is little or no evidence to suggest that it is contaminated land. Environmental Health will produce a written statement and record to that effect to minimise unwarranted blight and unnecessary burdens. The statement will provide reasons for why on the basis of its assessment Environmental Health has concluded that the land does not meet the definition of contaminated land under Part 2A.

## **2.9 Risk Summaries**

For any land within the Borough likely to be determined as contaminated land, Environmental Health will produce a risk summary. A risk summary explains the authority's understanding of the risks and other factors considered relevant. This should be prepared in advance of a formal determination of the land as contaminated land under Part 2A. Risk summaries should be targeted towards the land owners and members of the public who may be affected by the decision. Details of what should be included in a risk summary are in The Statutory Guidance. Risk summaries are not required: -

- (a) For land which will not be determined as contaminated land (land in Categories 3 and 4).
- (b) For land which has been prioritised for detailed inspection but which has not yet been subject to risk assessment.
- (c) For land determined as contaminated land before the Statutory Guidance came into force.

## **2.10 Determining Whether Land is Contaminated Land under Part 2A of the Environmental Protection Act 1990**

At the end of the Site Investigation and Risk Assessment the conceptual model will be updated to show whether one or more significant contaminant linkages exist or otherwise. Should one or more significant contaminant linkages exist between any sources of contamination and receptors, such as human health, controlled waters and/or ecology, the Pollution Section of Environmental Health will follow the procedure for determining the land as contaminated land, as set out in Section 78A(2) of the Environmental Protection Act 1990 and The Statutory Guidance. The land would be placed in either Category 1 or 2.

Environmental Health may postpone the determination of contaminated land following informing the interested parties, should the landowner or other interested person(s)

choose to undertake the remediation to an appropriate standard and timescale agreed with Environmental Health<sup>2</sup>.

The determination may also be postponed by Environmental Health should one or more significant contaminant linkages only exist if the circumstances of the land were to change in the future within the bounds of the current use of the land (e.g. if a more sensitive receptor were to move onto the land or a temporarily interrupted pathway were to be reactivated). Alternatively, in this situation Environmental Health could determine the land as contaminated land but postpone the remediation.

Environmental Health may reconsider a determination if new information comes to light, which is significant enough to alter the original decision. In such cases Environmental Health will decide whether to retain, vary or revoke the determination.

Further details of the determination and remediation procedures are not included as they are outside the scope of this Contaminated Land Inspection Strategy. These can be found in The Statutory Guidance.

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<sup>2</sup> Environmental Health will take advice from their appointed Environmental Consultant, where appropriate.

### 3 CHARACTERISTICS OF THE DARLINGTON AREA

#### 3.1 Geographical Location

The Borough of Darlington covers an area of 197 square kilometers. It is situated in the North East of England, in the Tees Valley (Figure 5). It comprises the principal town of Darlington and its immediate rural hinterland (Figure 6), with a current population of 105,600 which is slowly rising (based on the mid-year 2011 figures from the ONS).

Household growth projections in Darlington for the next approximately 13 years vary from an increase from 43,200 in 2003 to 49,000 (about 375 a year) in 2021 to a more substantial increase from 43,000 in 2004 to 51,000 in 2021 and 53000 in 2026. It is anticipated that 70% of the developments will be on previously developed (brownfield) land.

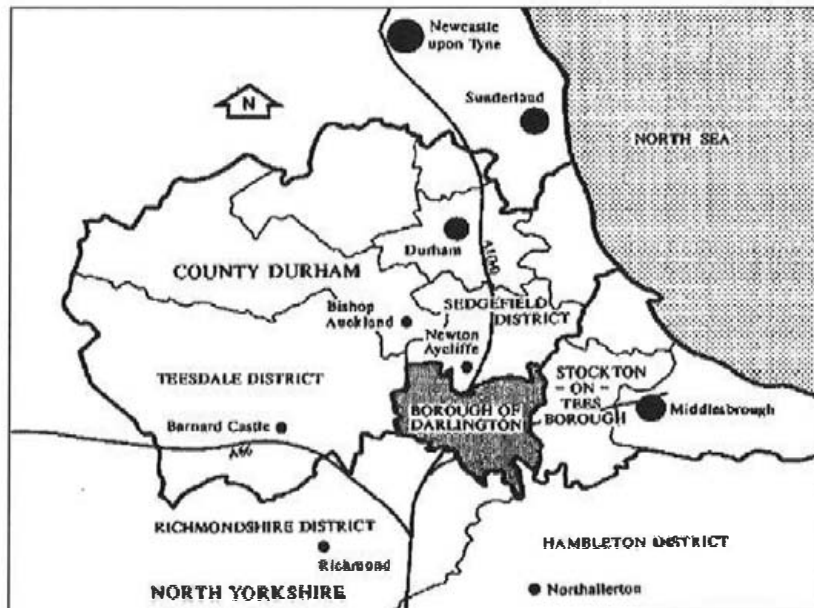


Figure 5: Regional Setting and Adjoining Authorities

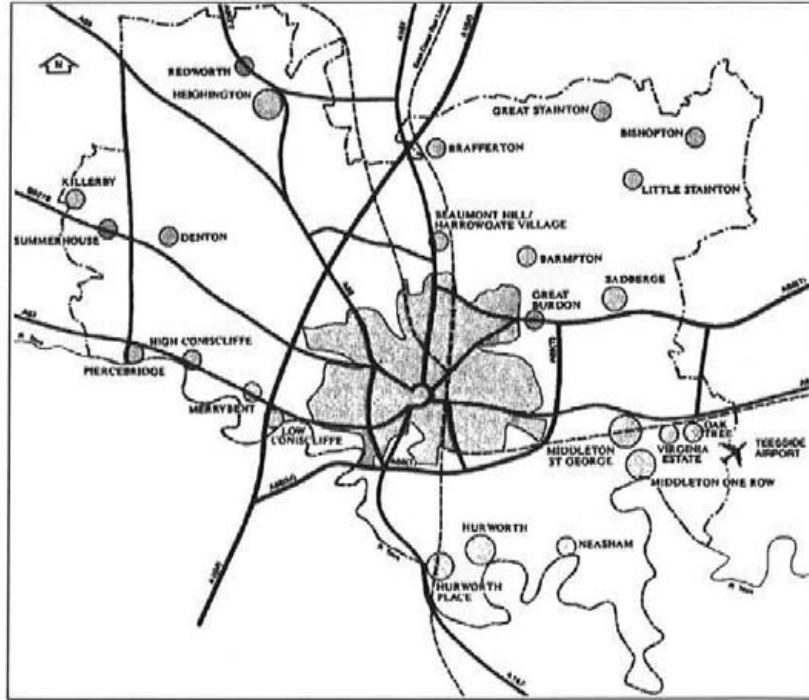


Figure 6: The Borough of Darlington

### 3.2 Geology and Hydrogeology of the Area

The rural landscape of the Borough is characterised by gently rolling glacial deposits. Inland waters include watercourses, ponds and lakes. The major topographical features being the Rivers Tees and Skerne, which play a central role in the drainage of the Darlington area (Figure 7). The River Tees forms the southern boundary of the Darlington Borough area. It rises on the eastern slope of Cross Fell in the North Pennines approximately 50 kilometers to the west of Darlington and flows eastwards to reach the North Sea between Hartlepool and Redcar near to Middlesbrough. The River Skerne is a tributary of the River Tees. It is approximately 40 kilometres long, starting in magnesian limestone hills between Trimdon and Trimdon Grange, passes through the centre of Darlington and ends at Hurworth Place where it joins the River Tees, approximately 5 kilometers south of Darlington. The Rivers Tees and Skerne Catchments include a number of tributaries (Becks) (Figure 8).

Magnesian Limestone is the principal component of the Borough's solid geology, with areas of Millstone Grit, Triassic Sandstone, Permian Mudstones and Coal Measures. These are overlain by deposits of boulder clay in a geomorphological formation known as the Tees Lowlands. Glacial activity in the Quaternary resulted in extensive glacial and fluvio-glacial sand and gravel deposits. The approximate boundaries of the landscape areas are shown in Figure 7.

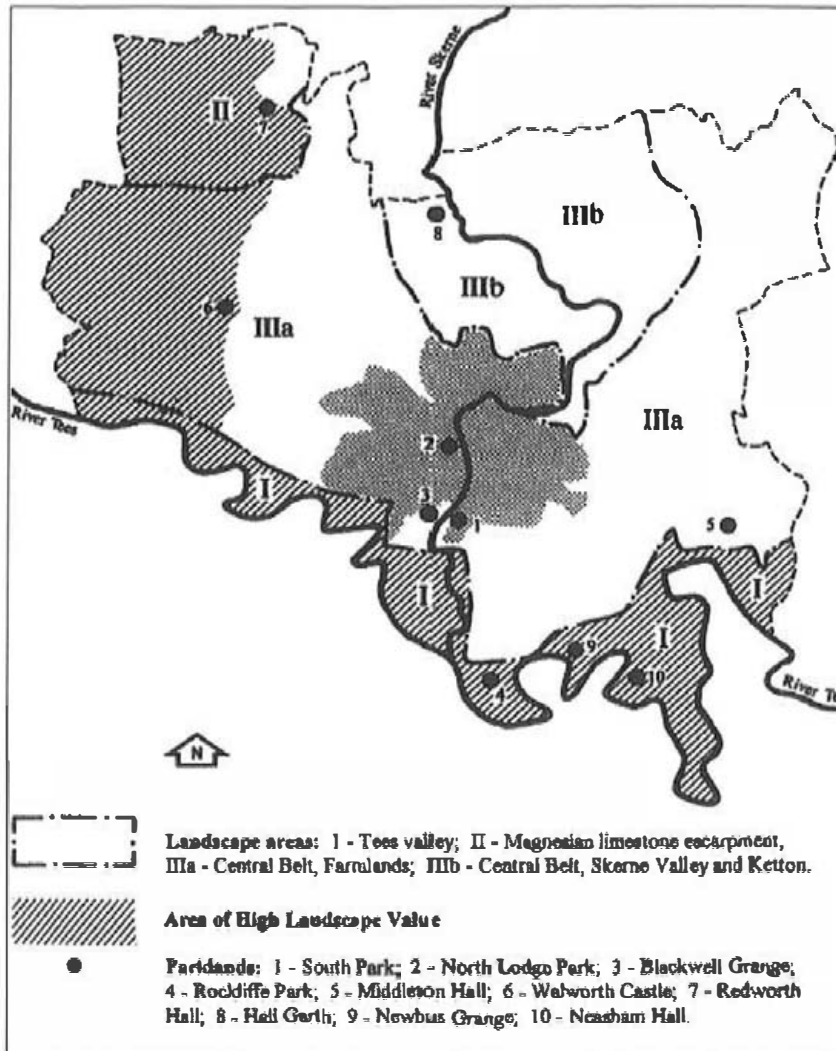
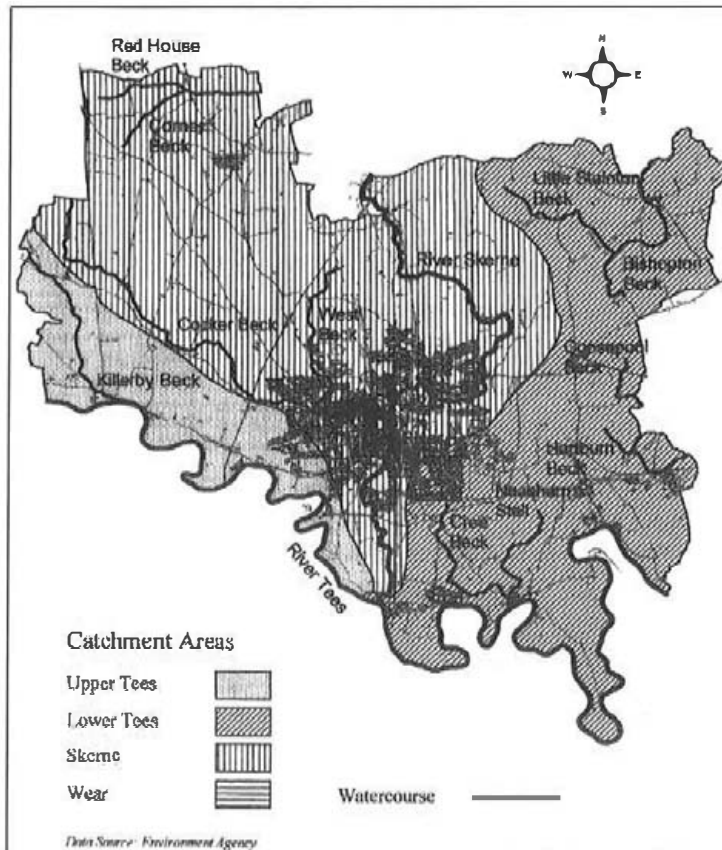


Figure 7: Landscape Types



*Figure 8: Catchment Areas*

In the Borough of Darlington the main source of groundwater is the Upper Permian Magnesian Limestone. This outcrops in the west of the Borough and gently dips towards the east below increasing depths of Permian Mudstones and the Permo-Triassic Sherwood Sandstone Group. Upper Permian Magnesian Limestone and Permo-Triassic Sherwood Sandstone are rock formations listed in Paragraph 2 of Schedule 1 of The Contaminated Land (England) Regulations 2006. Any of the pollutants listed in Paragraph 1 of Schedule 1 of the Regulations, which are likely to be present or are present in the water in these strata in concentrations that would lead them to be considered to be polluting, noxious, poisonous or solid waste matter will result in the designation of a Special Site. The Groundwater Vulnerability Map for the area shows the main conurbation of Darlington to be underlain by either a Principal or Secondary B Aquifer. The majority of the Darlington area is underlain by a Principal Aquifer. The relevant Source Protection Zones for the Borough are shown on Environment Agency's website.

There are currently 22 licensed abstraction points in the Borough of Darlington. Four are private water supplies: Acorn Dairy, Burtree Inn, Darlington Memorial Hospital and Kimberley Caravans.

### **3.3 Protected Locations**

There are four designated Sites of Special Scientific Interest (SSSIs) in the Borough: Hell Kettles, Redcar Field, Newton Ketton Meadow and Neasham Fen.

The Council manages a number of the Local Nature Reserves (LNRs) in its area. There are ten LNRs: Maidendale Nature and Fishing Reserve; Rockwell; Brinkburn; West Park; Cockerbeck; Drinkfield Marsh; Geneva Wood; Brankin Moor; The Whinnies and Redhall Wetland, and three Community Woodlands: South Burdon; Merrybent and Skenningham. Their locations and further information are shown in the Council's Discover Darlington's Parks leaflet and on the Natural England website.

Within the Borough of Darlington there are two sites on the English Heritage Register of Parks and Gardens, both assessed as Grade II: South Park and West Cemetery. In addition, the Borough of Darlington Local Plan identifies nine other parks and gardens, which are not on the English Heritage Register but are of landscape and historic interest: North Lodge Park; Blackwell Grange; Rockcliffe Park, Hurworth Place; Middleton Hall, Middleton St. George; Walworth Castle, Walworth; Redworth Hall, Redworth; Hall Garth, Coatham Mundeville; Newbus Grange, Hurworth; and Neasham Hall, Neasham.

There are sixteen Conservation Areas (CAs) within the Borough, three of which have been identified by English Heritage as being at risk; these are Northgate, Victoria Embankment and West End.

### **3.4 Brief Historical Development of the Area**

Darlington began as an Anglo-Saxon settlement on the River Skerne. At least as early as 1183, the traditional market town had woolen, linen and leather industries. By the 14<sup>th</sup> Century wealthy Darlington wool merchants were exporting bales of wool and weaving, fulling and dyeing woolen cloth. In 1585 a large fire swept through the town. By this time the wool trade was in decline and leather workers were outnumbering weavers with the linen industry growing in importance. As might be expected with a town that possessed a long standing cattle market, Darlington had a thriving leather industry with a number of tanneries lining the banks of the River Skerne. Throughout the 18<sup>th</sup> Century and the beginning of the 19<sup>th</sup> Century, Darlington was renowned for its manufacture of linen and it is probable that the town was the largest producer of linen yarn in England until the initiative was lost to other production centres.

Small foundries developed in the late 18<sup>th</sup> Century, but the advent of the Stockton and Darlington Railway on 27 September 1825 encouraged the development of new larger iron foundries adjacent to the railway line. Following the opening of the Great North Eastern Railway in 1843 an extensive area around the intersection with the Stockton and Darlington Railway at Albert Hill was developed by five separate iron-making companies between 1853 and 1864. The Rise Carr Rolling Mills opened in 1868 and the Cleveland Bridge and Engineering Company in 1877, both taking advantage of sites alongside the railway. In 1863 the Shildon Works Company opened its locomotive



building and repair shops on North Road. With the discovery of iron-stone in the Cleveland Hills, iron making in Darlington was abandoned but heavy engineering took over. The Darlington Forge took over the premises of the South Durham Iron Works and the Darlington Steel and Iron Company. The locomotive building firm of Robert Stephenson Ltd moved from Newcastle to the Springfield site in 1901. The Darlington Wire Mills Ltd acquired the site of the Skerne Iron and Steel Works in 1904. Henry Williams Ltd moved to the town in 1911. The North Eastern Railway office building on Brinkburn Road was opened in 1912 and Faverdale Wagon Works opened in 1923. These late Georgian and Victorian expansion periods led to the creation of suburbs to meet the growing demands.

Throughout the late 1960s into the 1990s the railways declined and industries gradually ceased. Many of the above sites were cleared for redevelopment for a mixture of new housing and industrial uses. This included the woolen industry, which continued until the mill in Priestgate finally closed in 1972.

Today, Darlington has an employed workforce of approximately 49,000. There are around 3,000 businesses, the majority of which are in the service sector. Generally the economy of the area consists of small, owner-managed businesses, which co-exist with branch factories, offices and shops located on a mix of brownfield and greenfield sites.

#### 4 DEVELOPMENT OF THE CONTAMINATED LAND INSPECTION STRATEGY

Between July 2001 and February 2003 more than 2000 potential contaminated sites were identified within the Borough of Darlington. The sources used to collect and collate information regarding potential sites of contamination, pathways and receptors are described in detail in Appendix 1.

Since the publication of the 2003 Contaminated Land Inspection Strategy these sites have been risk assessed and prioritised for inspection under Part 2A using GeoEnviron software. The initial prioritisation which produced a Stage 1 Risk Assessment score and site prioritisation list is based on cross referencing the current use of the site with the past industrial/ historical use(s). This was completed for all sites dependant on receptor types in June 2006.

The 2003 Contaminated Land Inspection Strategy prioritised landfill sites on the basis of risk and the potential for problems with soil contamination, landfill gas and leachate being able to affect receptors if a pathway is present. Four former landfill sites<sup>3</sup> known to have household waste deposited were identified as highest priority sites and were selected for detailed inspection (see Section 2.4 for definition). The extensive site investigation works funded by capital grants from Defra was undertaken on the sites between October 2008 and September 2011. A decision was made that the four sites do not meet the definition of contaminated land under Part 2A. Further details regarding the works can be found on the Council's website<sup>4</sup> and in-depth reports are held by Environmental Health.

To date, no sites have been determined as contaminated land under the definition contained in Part 2A of the Environmental Protection Act 1990.

A summary of the work programme achieved by Environmental Health between 2007 and 2012 is outlined in Table 2 with more detailed information on each task provided in the following section.

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<sup>3</sup> Former Shearwater Landfill Site, Former Summerhouse Landfill Site, Former Highside (Heighington) Landfill Site, Bensham Park (Former Salters Lane North) Landfill Site

<sup>4</sup> <http://www.darlington.gov.uk/Environment/Pollution/contaminatedland/siteinvestigation/siteinvestigationworks.htm>

<b>Task</b>	<b>Work</b>	<b>Date Achieved</b>
Stage 2 Site Prioritisation in GeoEnviron	Achieved for 771 Sites, including all landfills and areas of unknown filled ground	2007-2008
Working Files	Collated information on the high priority sites from the Stage 1 site prioritisation in GeoEnviron and saved the information into <b>working files</b>	2007-2008
Site Walkovers	Carried out Site Walkovers for the high priority sites from the Stage 1 site prioritisation in GeoEnviron	2007-2012
Site Investigation and Risk Assessment	Site Investigations and Risk Assessments carried out for 4 sites for which desk top study reports had identified further works were required - Shearwater Landfill site, Highside (Heighington) Landfill site, Summerhouse Landfill site and Bensham Park (former Salters Lane North) Landfill site	2008-2011
Preliminary Risk Assessment (Desk Top Study)	Preliminary Risk Assessments produced for 3 of the high priority sites from the Stage 1 site prioritisation in GeoEnviron	2010-2012
Review of High Priority Sites (Stage 1 Site Prioritisation)	Using information held in old Planning Files and GeoEnvironmental/ GeoTechnical Reports to review the high priority sites identified in the Stage 1 site prioritisation to either lower the sites in GeoEnviron or archive sites that would not be determined as Contaminated Land under Part 2A. The Stage 1 Inspection Priority List produced in GeoEnviron is used to work down the list from high to low priority sites	2011-2012
Low Priority Sites	Proforma developed for assessing Low Priority Sites. Archived 277 Sites, relating to unknown filled ground (such as infilled watercourses: ponds; streams and ditches) as a decision has been made that they do not require detailed inspection and do not meet the definition of contaminated land under Part 2A.	2011-2012

*Table 2: The Work Programme for 2007-2012*

## **5 PRIORITY ACTIONS AND TIMESCALES FOR 2013–2017**

At the time of publication of this strategy approximately 900 sites of potential land contamination remain within the Borough of Darlington. Environmental Health previously prioritised landfill sites where human health and controlled waters were of greatest concern from the Stage 1 site prioritisation in GeoEnviron. Lessons learnt in gas risk assessment from carrying out the detailed inspections at the four former landfill sites have changed the Council's focus. Landfills are no longer to be given priority particularly when the dates of infilling are known to be several decades ago. Throughout 2013-2017 Environmental Health will focus on high priority, former industrial sites where human health is of greatest concern. Table 3 summarises the five year programme of work for 2013 to 2017. Further details of each task are provided below.

Environmental Health will only use Part 2A as a last resort to deal with land contamination and only where no appropriate alternative solution exists.

### **5.1 Review of High Priority Sites (Stage 1 Site Prioritisation)**

Following the completion of the site prioritisation in GeoEnviron, a review was required to be undertaken focusing on those sites, which were identified as high priority sites. The Stage 1 Inspection Priority List produced in GeoEnviron was used to work down the list from high to low priority sites. This work began in 2011.

The review of the high priority sites in the Stage 1 site prioritisation is to continue throughout 2013 and 2017. This will involve four main areas of work:

- Review old Planning Files and GeoEnvironmental/ GeoTechnical Reports, including the Derelict Land Programme Files from high priority to low priority sites.
- Assess all the incidents of pollution within the Borough and create new sites of potential land contamination if they do not exist at present.
- Update the Groundwater Receptor Score in Stage 1 site prioritisation for all sites of potential land contamination starting from high priority to low priority sites with the new aquifer classifications from the Environment Agency.
- Progress down the inspection priority list created in the Stage 1 site prioritisation in GeoEnviron, updating the Other Factors Score where more information has been gathered about each site. The Other Factors Score was developed in GeoEnviron Version 6.0 to allow sites to be further risk assessed. It will be used to aid the risk assessment process, by lowering or increasing the score assigned to the site where appropriate.

Information on the number of high priority sites based on the current use and past industrial uses are detailed in the tables in Appendix 2. These sites will be reviewed first, particularly where a site has both a high priority current use and past industrial use.

<b>Task</b>	<b>Work</b>	<b>Target Date</b>
Review of High Priority Sites (Stage 1 Site Prioritisation)	Continue to review the high priority sites identified in the Stage 1 site prioritisation to either lower the sites in GeoEnviron or archive sites that would not be determined as Contaminated Land under Part 2A. Create new sites if necessary and update existing information. The Stage 1 Inspection Priority List produced in GeoEnviron is used to work down the list from high to low priority sites.	End of 2017
Stage 2 Site Prioritisation in GeoEnviron	Continue to carry out the Stage 2 site prioritisation in GeoEnviron, starting with the high priority sites.	Ongoing
Continue to collate Working Files and carry out Site Walkovers	Collating information on the high priority sites from the Stage 1 and Stage 2 site prioritisation in GeoEnviron and saving the information in Working Files. Site Walkovers will be undertaken. All collated information will be used to aid with carrying out Preliminary Risk Assessments (Desk Top Studies)	Ongoing
Preliminary Risk Assessment (Desk Top Study)	Produce Preliminary Risk Assessments for high priority sites from the Stage 1 site prioritisation in GeoEnviron. With the aim of completing 5 or more Preliminary Risk Assessments per year.	Ongoing
Limited Sampling	Carry out limited sampling, when the Category 4 screening levels are released, funding available and all the necessary measures are in place.	When Available/ Required
Funding (Site Investigation)	Source funding (currently available annually through the Capital Grants Programme) for sites which have been identified as requiring a Site Investigation and Risk Assessment.	When Available/ Required
Site Investigation and Risk Assessment	Carry out Site Investigations and Risk Assessments in accordance with CLR11, once all the necessary measures are in place.	When Required
Continued assessment of Low Priority Sites	Continue to assess Low Priority Sites (Category 4) using GIS and GeoEnviron and complete the proforma.	Ongoing
Written Statements	Produce written statements for site which have been assessed under Part 2A, and do not meet the definition of contaminated land. Produce and maintain a table, which will be made available on the Council's website for sites assessed by a strategic inspection.	Ongoing
Deal with Urgent Sites	Undertake a Preliminary Risk Assessment (Desk Top Study), source funding and undertake a Site Investigation and Risk Assessment for those sites where information comes to light to deem them as urgent.	As they Arise

*Table 3: The Work Programme for 2013-2017*

## **5.2 Stage 2 Site Prioritisation**

The Stage 2 site prioritisation allows an assessment of individual sites in more detail. The following information will continue to be inputted into GeoEnviron for each site:

- Identification of likely contaminants based on previous industrial use
- Distance to the nearest surface water, groundwater and/or buildings
- Surface conditions at the site (e.g. hard standing, soft standing, clay cap etc.)

This information is used to produce a Stage 2 Risk Assessment Score for each site and subsequently an 'Action Priority List'.

## **5.3 Working Files**

Working files will continue to be created for the high priority sites identified through Stage 1 and Stage 2 site prioritisation in GeoEnviron. As well as the information detailed in Appendix 1, working files will be used to store the following information if available: -

- GeoEnvironmental and Geotechnical Reports from the Council's Planning and Highways Section.
- Information on ground conditions from the Council's Building Control Section.
- Site Walkover form.
- Information from Kelly's Directives.
- Other sources of information obtained from the developer, historical society etc.

An environmental search will also be undertaken collating together all the information held on GIS and GeoEnviron for the site, this is invaluable information for producing a Preliminary Risk Assessment (Desk Top Study) and carrying out a strategic inspection (see Section 2.4 for definition). Section 8.5 discusses environmental searches in more detail.

## **5.4 Site Walkovers**

Site walkovers will continue to be undertaken to aid the Stage 2 Site Prioritisation. Site walkovers are site visits allowing a visual inspection of the land and surrounding area, enabling information to be gathered such as ground conditions, fuel tanks, signs of vegetation stress, drains, access restrictions etc. Appendix 3 shows the form, which is completed by the Contaminated Land Officer, whilst carrying out a site walkover. This information is inputted into GeoEnviron and compliments the Preliminary Risk Assessment (Desk Top Study) and Site Investigation and Risk Assessments, if necessary.

## **5.5 Preliminary Risk Assessment (Desk Top Study)**

Preliminary Risk Assessment (Desk Top Studies) will continue to be produced in accordance with the risk assessment principles based on the contaminant-pathway-receptor approach, to identify a contaminant linkage or linkages as detailed in CLR 11. They are carried out either by the Contaminated Land Officer or an Environmental

Consultant who develop a conceptual model for each site to identify whether or not there are any potentially unacceptable risks. Environmental Health aims to produce five Preliminary Risk Assessments (Desk Top Study) per year between 2013 and 2017.

## **5.6 Limited Sampling**

Following the completion of a Preliminary Risk Assessment (Desk Top Study), identifying the potential for one or more significant contaminant linkage and the release of the new Category 4 screening levels (not expected to be released before Summer 2013), Environmental Health will carry out limited sampling/ visual inspection of soils on high priority sites within the Borough, based on available resources. This will allow sites to be placed in Category 4 if they do not exceed the screening levels or if it is considered that there is no risk or that the level of risk posed is low. Alternatively the results of the limited sampling will be used to further prioritise sites for a future detailed inspection (Site Investigation and Risk Assessment) and aid in securing the funding for such works.

## **5.7 Funding (Site Investigation)**

Continue to source funding (currently available annually from the Environment Agency through the Defra Capital Grants Programme) for sites which have been identified as requiring a Site Investigation and Risk Assessment. Information with regard to how the programme works and relevant documents can be found on the Environment Agency's website.

## **5.8 Site Investigation and Risk Assessments**

Where land is identified as having the potential for one or more significant contaminant linkage to exist, a Site Investigation and Risk Assessment is required. This is based on information from the Preliminary Risk Assessment (Desk Top Study) and possible limited sampling.

The decision to carry out a Site Investigation and Risk Assessment is taken by the Contaminated Land Officer and the Principal Environmental Health Officer (Pollution) with the agreement of the Environmental Health Manager and is dependant on receiving external funding. Environmental Health employs Environmental Consultants to carry out this work following a tendering process, although the final decision as to whether the land constitutes contaminated land lies with Environmental Health.

Prior to any work being undertaken all stakeholders will be notified, appointments made, availability of consultants and contractors booked and Health and Safety Procedures put in place. Site Investigation and Risk Assessments are carried out in accordance with CLR11 and BS10175:2011. The results will be compared against relevant assessment criteria. Environmental Health will then assign the land into one of the four categories detailed in paragraphs 4.19 to 4.30 of The Statutory Guidance and a decision made as to whether or not the land is contaminated land under Part 2A.

Site Investigations and Risk Assessments are invariably time consuming and expensive, therefore once sufficient information has been obtained, which confirms that no contaminant linkage exists, or if it does, it is not significant, the investigation will stop and no further investigative action will be taken.

Following a detailed inspection, where land does not meet the definition of contaminated land under Part 2A, Environmental Health will issue a written statement to the owners and other interested parties.

### **5.9 Continued Assessment of Low Priority Sites**

The Statutory Guidance states that local authorities should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. Such land is referred to as a Category 4 site.

As a result Environmental Health has developed a proforma to risk assess low risk sites identified through the Stage 1 and Stage 2 site prioritisation in GeoEnviron, e.g. small ponds infilled some time ago or former ponds now beneath hardstanding. The proforma follows the contaminant-pathway-receptor approach, however allows a robust but quicker assessment to be undertaken than the Preliminary Risk Assessment (Desk Top Study). Details of the current use, past industrial use, additional information such as nearest building receptor, groundwater vulnerability, whether a report or borehole logs are held for the site and a risk assessment are included. Appendix 4 shows the Proforma form which is completed by the Contaminated Land Officer.

The assessment of low priority sites will continue throughout 2013-2017, however this work will not be given priority and will only be undertaken when resources are available. Information regarding the potentially low risk contaminative uses selected by Environmental Health for which the proforma will be considered is shown in Appendix 2. However, the final decision of whether or not a low risk proforma is completed for these sites will also be dependant on the sensitivity of the current use.

Should any information come to light when completing the Proforma or in the future that would identify an increased risk at the site, a review of the Stage 1 and Stage 2 prioritisation will be then be undertaken.

### **5.10 Written Statements**

Following a strategic inspection Environmental Health will produce and maintain a table of sites, which have been assessed under Part 2A, and do not meet the definition of contaminated land. This table will be made available on the Council's website and updated on a regular basis. Due to resource implications, a decision has been made that this will be the format by which Environmental Health will notify owners and other interested parties of sites assessed by a strategic inspection. Further information will be made available on request.



Following a detailed inspection, where sites do not meet the definition of contaminated land under Part 2A, Environmental Health will produce a written statement and provide the owners of the land and other interested parties (e.g. occupiers of the land) with a copy to inform them of the findings and conclusions of the site investigation and risk assessment.

#### **5.11 Dealing with Urgent Sites and Imminent Risk of Harm or Water Pollution**

If information is received alleging significant harm or pollution, for example, if there is a chemical spillage, unplanned change of use (such as persistent unauthorised use of the land or the site or the site being designated as a Site of Conservation Importance), a Preliminary Risk Assessment (Desk Top Study) will be produced. Where it is identified that a significant contaminant linkage may exist, urgent action to carry out further investigation will be necessary and an action plan produced.

This work would take priority over the scheduled programme of work for 2013-2017.

## **6 DEALING WITH LAND CONTAMINATION WITHIN THE BOROUGH OF DARLINGTON OUTSIDE PART 2A OF THE ENVIRONMENTAL PROTECTION ACT 1990**

Prior to the introduction of Part 2A of the Environmental Protection Act 1990, the Derelict Land Reclamation Programme, Contaminated Land Supplementary Credit Approval and the Planning Regime were used to remediate land affected by contamination. The introduction of Part 2A led to an increase in the number of sites needing to be assessed, specifically addressing the historical legacy of contamination. There are several ways in which land contamination can be addressed, however, the planning regime remains the primary mechanism for dealing with sites affected by land contamination.

### **6.1 Voluntary Action**

Environmental Health aims to encourage owners to deal with contamination by voluntary action so as to seek to minimise unnecessary burdens on the taxpayer, businesses and individuals. Environmental Health where appropriate will encourage problematic land to be dealt with as part of wider regeneration work.

### **6.2 The Planning Regime**

Contamination is a material consideration under the planning and development management regime in the UK. In accordance with the National Planning Policy Framework local planning authorities have to consider the implications of contamination when developing local plans and when considering applications for proposed developments. The planning regime addresses the risks in relation to future use of land and it is the responsibility of the landowner/ developer to ensure the land is suitable and safe for its intended use. The land should not be capable of being determined as contaminated land under Part 2A following any development under a planning consent. Planning conditions require the developer and/or landowner to risk assess their development land for any contamination, provide an assessment of contamination and if necessary remediate the land. Works are agreed with the Environmental Health Section on behalf of the Planning Section at Darlington Borough Council prior to commencement. The landowner/ developer is also required to provide a validation report, to show that the agreed remediation has been carried out to an acceptable standard following completion of the development.

### **6.3 Building Regulations**

The Building Regulations 2000, and associated Approved Documents, contain specific requirements regarding contamination and landfill gas issues. These require measures to be taken to protect new buildings, and their future occupants, from the effects of contamination, including hazardous ground gases. Approved document Part C (Site Preparation and Resistance to Moisture) published in 2004 gives guidance on these requirements.

## **6.4 Pollution of Controlled Waters**

The Water Resources Act 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters and is particularly useful in cases where there is historic pollution of groundwater, but where the Part 2A regime does not apply. For example where the pollutants are entirely contained within the relevant body of groundwater or where the source site cannot be identified.

## **6.5 Environmental Permits and Waste Management**

Powers are available under the Integrated Pollution Prevention and Control (IPPC) and Local Authority Integrated Pollution Prevention and Control (LA-PPC) regimes for dealing with contamination, which results from a breach of an operating permit. The Part 2A provisions will not apply where the regulator can take action under these regimes to remedy the effects of a breach of a permit or the carrying out of an activity authorised by the permit in accordance with its terms and conditions. Under IPPC the permit holder is required to produce a site condition report to ensure that on the surrender of the Permit the land and groundwater are in a "satisfactory state" (i.e. the condition of the land when the permit was issued).

An enforcing authority acting under Part 2A cannot serve a remediation notice in any case where the contamination results from an illegal deposit of controlled waste. Instead, the Environment Agency and the waste disposal authority have powers under section 59 of the Environmental Protection Act 1990 to remove the waste and to deal with any contamination caused by it being present.

## **6.6 Environmental Damage Regulations 2009**

The Environmental Damage (Prevention and Remediation) Regulations (EDR) 2009 provide additional enforcement powers for the prevention and regulation of land contamination.

The regulations ensure that businesses or other responsible operators identify when there is an imminent threat or actual damage and take immediate action. EDR specifically defines environmental damage as:

Damage to

- a) protected species or natural habitats, or a site of special scientific interest, or
- b) surface water or groundwater with a deterioration in the water's status, or
- c) contamination of land that results in a significant risk of adverse effects on human health.

The Environment Agency, Natural England, Local Authorities and the Secretary of State are the enforcing authorities responsible for administering and enforcing the regulations in England and Wales, depending on the type of damage involved. The enforcing authority must establish whether damage is 'environmental damage' and identify a

responsible operator in order to serve a remediation notice taking account of any measures proposed by the operator.

The Regulations only apply to damage which has taken place after 1 March 2009 and are usually applied to allow a more rapid reactive resolution to land contamination caused by for example a pollution incident, whereas Part 2A generally deals with historic contamination.

## **7 INTERNAL MANAGEMENT ARRANGEMENTS FOR INSPECTION AND IDENTIFICATION**

The Environmental Health Section is responsible for implementing Part 2A of the Environmental Protection Act 1990 including site prioritisation, inspections and determinations of contaminated land under Part 2A of the Environmental Protection Act 1990. The Head of Regulatory Services and the Assistant Director (Policy and Regeneration) are responsible for the work area. The Cabinet Member with the portfolio that includes Regulatory Services maintains a political overview of decisions made.

### **7.1 Use of Consultants**

Environmental Health uses consultants to carry out Site Investigations and Risk Assessments selected through a tendering process from the English Partnership list. Consultants are invited to submit Environmental Health with a quote using the Homes and Communities Agency (HCA) Geotechnical and Remediation Framework Agreement for undertaking a Site Investigation and Risk Assessment for a specific site.

The successful consultant is notified in writing; however the award is subject to Environmental Health obtaining the relevant and appropriate funding for the Site Investigation and Risk Assessment through the Defra Capital Grant Programme.

If necessary, consultants will also undertake Preliminary Risk Assessments (Desk Top Studies) and remediation work.

### **7.2 Delegated Powers**

The Environmental Health Manager has delegated powers under Part 2A of the Environmental Protection Act 1990 and Section 108 of the Environment Act 1995.

### **7.3 Powers of Entry**

The requirements regarding Section 108 of the Environment Act 1995 relating to the Statutory Powers of Entry regarding the inspection of land under Part 2A are detailed in Sections 2.10-2.11 of The Statutory Guidance. Authorised Officers carry a certificate of appointment that includes their name, job title and photograph to confirm their authority to use these powers in the situation where the landowner refuses entry or cannot be found.

### **7.4 Health and Safety**

A written risk assessment will be carried out by an appropriate person, of the risks to personnel in carrying out the various phases of site investigation works, and referred to the Council's Health and Safety Unit for comment. All necessary control measures highlighted in the risk assessment will be implemented prior to the works commencing and will be reviewed during the works.

## **7.5 Information and Complaints**

Upon receipt of information or a complaint regarding land contamination or water pollution, Officers from Environmental Health aim to respond to 88% of all service requests within one working day. All information received will be recorded. The complainant or information provider will be contacted by an officer in order to verify the source and content of the information and to check on timescales, observations etc. Complainants will be kept updated on actions taken.

Anonymously supplied information will be recorded and assessed but may not be investigated.

## **8 INFORMATION MANAGEMENT**

### **8.1 Risk Assessment Software**

In 2005, Environmental Health purchased the GeoEnviron Contaminated Land Module linked to Arcview Geographical Information System (GIS) to risk assess and prioritise potentially contaminated sites under Part 2A. GeoEnviron replaced the previous software CLARA (Contaminated Land Assessment Risk Analyst) due to a number of software compatibility and technical issues. The risk assessment software is managed by the Contaminated Land Officer.

### **8.2 Data Confidentiality**

The security of GeoEnviron and the list of sites of potential land contamination are critical.

Incomplete data and reports, including conclusions based on preliminary or incomplete data, particularly sites that are considered to be potentially contaminated, will be treated as confidential. While respecting legal rights of access to information, the process of information gathering will be classified as 'work in progress' until such time when a decision can be made as to whether land is contaminated land or otherwise.

Information given to the Council by a third party in the course of its inspection and assessment of land for potential contamination, will be classified as confidential and will only be disclosed for public inspection with the prior agreement by the information provider.

General inspection information such as site specific reports will be dealt with through requests for environmental searches (Section 8.6).

### **8.3 Public Register**

Section 78R of the Environmental Protection Act 1990 requires local authorities to keep a public register of the regulatory actions and remediation in respect of land that has been declared as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

The public register is kept in paper format in Environmental Health at the Town Hall, Darlington, DL1 5QT. It can be inspected free of charge at the Council's offices between 08:30 and 17:00 Monday - Thursday and 08:30 and 16:30 on Friday, except on Bank Holidays when the offices are closed.

### **8.4 Requests for Environmental Information**

In responding to requests for environmental information, Environmental Health will comply with the provisions of the Environmental Information Regulations 2004, the

Freedom of Information Act 2000 and the Data Protection Act 1998. Particular care will be taken to ensure that the information provided is accurate.

Requests for environmental information regarding land contamination are usually dealt with as environmental searches, of which there are two types. Environmental Search 1 is typically regarding contamination and environmental issues in relation to a property sale; and Environmental Search 2 is typically regarding contamination and environmental issues in relation to land usually for the purposes of development. Environmental Search 2 requests tend to be requested by consultants/ companies undertaking a Preliminary Risk Assessment (Desk Top Study). Appropriate charges are made for the provision of environmental searches under "Business as Usual". A full written response in the form of a report is sent within 20 working days following receipt of the fee. The report is created using MapEagle, a GIS based spatial analytical and report writing tool. Further information on environmental searches is detailed on the Council's website.



## **9 GENERAL LIAISON AND COMMUNICATION STRATEGIES**

### **9.1 Internal Liaison**

Environmental Health will liaise throughout the inspection process with other Sections of the Council in particular Planning, Building Control, Estates and the Legal Services Section. Ward Councillors and the Cabinet Member for Regeneration will be informed of site investigation works and the outcome of these works.

### **9.2 External Liaison**

The Statutory Guidance advises local authorities to consult external expertise as part of the risk assessment process in complex cases. Environmental Health will liaise with the Environment Agency, Health Protection Agency, Natural England and relevant Building Control Bodies/Inspectors during the inspection process.

#### **9.2.1 Environment Agency**

Whilst undertaking a Preliminary Risk Assessment (Desk Top Study) and prior to planning site investigation works Environmental Health will consult the Environment Agency on controlled waters on all sites. The site specific guidance provided by the Environment Agency will be fed back into the Preliminary Risk Assessment (Desk Top Study) and used should funding be required to be sourced for a Site Investigation and Risk Assessment. The Environment Agency will be consulted on the proposed site investigation works relating to the controlled waters risk assessment and will be notified and consulted on the outcome following the Site Investigation and Risk Assessment.

Environmental Health will formally consult with the Environment Agency when it considers (if the land were to be determined contaminated land) it would be likely to meet one or more of the descriptions of a 'Special Site' set out in the Contaminated Land (England) Regulations 2006. Subject to the Environment Agency's advice and agreement Environmental Health may request that the Environment Agency carry out intrusive inspection of the land on behalf of the Environmental Health.

#### **9.2.2 Health Protection Agency**

If Environmental Health is considering whether the land might be contaminated land, where there is the potential for risk to human health, such as residential housing, allotments, a park or a school, it will consult the Health Protection Agency. The Health Protection Agency will work with Environmental Health to assist in the communication of advice, in particular with regard to health affects and if necessary, information, such as leaflets and information packs aimed at the interested parties.

### **9.2.3 Natural England**

If Environmental Health is considering whether the land might be contaminated land by virtue of an Ecological System Effect, such as a SSSI, Environmental Health will consult Natural England for their views and recommendations.

### **9.3 Communication Strategies**

The Council's Communications Unit and Environmental Health have and will continue to develop communication strategies prior to site investigation works under Part 2A at the highest priority sites. The strategies aim to: -

- Address the site investigation works.
- Inform, and wherever possible, reassure and gain support of residents, landowners, land users and the wider public about the investigations.
- Manage perceived risk to residents, landowners and land users.
- Inform Cabinet Members, Local/Ward Councillors and other relevant stakeholders about the investigation works.
- Anticipate and manage any potential crisis situations that may generate negative publicity for the investigation works.

The communications strategies are written to communicate effectively with relevant stakeholders such as the general public, including local residents, landowners, Darlington Borough Council staff, Councillors, Local MP and other organisations, such as the Health Protection Agency/ Primary Care Trust. It will include key messages/ key milestones and identify communication methods to be used throughout the site investigation works, and to notify stakeholders of the outcome of the investigation. The Communication Strategy is regularly reviewed throughout the site investigation works.

When a site under detailed inspection includes a large number of residential properties the Communications Section and Environmental Health will produce an Information Pack for residents. This will include historical information on previous land use; details of the site investigation works, frequently asked questions and contact details. An information pack was produced for residents as part of the site investigation works at the former Shearwater Landfill site.

The Contaminated Land page on the Council's website will be kept up to date with details of sites investigated under Part 2A and information regarding ongoing site investigations.

#### **9.4 Review and Consultation of the Contaminated Land Inspection Strategy**

Statutory bodies, other sections of the Council and those with interests in land use and ownership were provided with a draft copy of the reviewed Contaminated Land Inspection Strategy and were invited to provide further comments. The list of consultees is shown in Appendix 5. The Strategy has been updated to reflect the comments received.

The Contaminated Land Inspection Strategy proposes a five year period for the inspection process, detailed in Section 6. The next review of the strategy is expected to be undertaken at the end of 2017.

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## SOURCES OF INFORMATION

Many sources of information are utilised to identify potential sources of contamination, potential receptors and pathways. These are listed below.

<b>Sources</b>	<b>Information Provided</b>
Historic Maps - Digital maps purchased from Ordnance Survey (through Landmark)	Location of potentially contaminated land
Historic Land Use Database - Landmark digital format in conjunction with GIS	Location of potentially contaminated land
Environmental Health records of complaints and investigations	To identify known information on contamination
Planning records of development in the Borough, including any ground condition investigations and remediation schemes. Building Control records and Engineering records	To identify known information on contamination and the location of receptors
The Council's Derelict Land Programme - past industrial sites assessed and remediated in the 1980s and early 1990s to be sold for housing development	To identify known information on contamination and remediation
Integrated Pollution Control and Local Air Pollution Control registers	To identify potential sources of contamination
Waste Management License details, including closed landfill sites, provided by the Environment Agency	To identify sources of contamination
Registers of active and redundant underground petrol storage tanks	To identify potential sources of contamination
Geological Maps 1:50,000 solid and drift geology maps obtained from the British Geological Survey	To identify pathways
Hydrogeological Maps - 1:100,000 Groundwater Vulnerability Maps provided by the Environment Agency	To identify groundwater receptors
Source Protection Zones - Areas of groundwater with abstraction points which receive special protection by the Environment Agency. Information provided by the Environment Agency	To identify groundwater receptors
Location of Sewage Treatment Works GIS To identify potential sources of point data provided by the Environment Agency	To identify potential sources of contamination
Consent to Discharge. GIS point data provided by the Environment Agency General Quality Assessment (GQA) and River Quality Objective (RQO) data provided as GIS polyline data by the Environment Agency	To identify potential sources of contamination  To identify surface water receptors

Water Abstractions. GIS point data To identify water abstraction receptors provided by the Environment Agency	To identify water abstraction receptors
Location of Environmentally Sensitive Areas, protected sites such as SSSI, SPA, SAC etc identified from Local Authority records and from English Nature	To identify receptors
Records of historical protected buildings and archaeological sites. Identified from Local Authority records and from English Heritage	To identify receptors
Agricultural land use and assessment of animal or crop effects. Identified from Local Authority records and from MAFF	To identify receptors
Aerial photographs in various data sets from 1947 up until the present time	To identify potential sources of contamination and receptors
The National Land Use Database for the Borough	To identify potential sources of contamination and receptors
Designated Conservation Areas, listed buildings, historic park and Scheduled Ancient Monuments Records and DCC Sites & Monuments List	To identify key properties
National Soil Survey by the Soil Survey and Land Research Centre	To identify areas of naturally metal enriched soils
Darlington Borough Council's Highways Data	To identify known information on contamination and receptors
Kelly's Directories	To identify sources
The Contaminated Land Officer attends regional meetings (CLANNERS - Contaminated Land North East Regions), where local authorities share their experiences in investigating and risk assessing sites	To gain knowledge to assist in identifying and prioritising sites for inspection

## ASSESSMENT OF SITES

<b>High Priority Current Use</b>	<b>Number of Sites</b>
Residential (with gardens)	140
Mixed Residential (with private gardens)/ Industrial/ Commercial	2
Allotment/ Play Area	1
Allotments	4
School	11
Playground/ Park (some soft standing)	8
Sports Field/ Recreation	3
<b>Total Number of Sites to be Assessed</b>	<b>170</b>

<b>High Priority Past Industrial Use</b>	<b>Number of Sites</b>
Chemical Works/Other	3
Waste: Household	6
Gas Works, Coke Works, Coal Carbonisation Plants	9
Textile Works and Dye Works	10
Timber Treatment Works	3
Chemical Manufacturing General	1
Metal Works	5
Waste: Construction and Other Inert Wastes	31
Power Station (excluding nuclear power stations)	1
Road Vehicles: Transport and Haulage Centres	31
Waste: Landfills and Other Waste Treatment and Disposal Sites	24
Waste Recycling, Treatment and Disposal: Metal Recycling Sites	15
Dry-Cleaners	1
Metal Recycling	1
<b>Total Number of Sites to be Assessed</b>	<b>147</b>

<b>Low Priority Past Industrial Use</b>	<b>Number of Sites</b>
Unknown Filled Ground (Ponds)	321
Railway Lines	104
Factory or Works - Use Not Specified	67
Sewage Works and Sewage Farms	32
Mining and Quarrying General	110
Military Land	30
<b>Total Number of Sites to be Assessed</b>	<b>665</b>



**SITE WALKOVER SURVEY FORM**



**SITE WALKOVER  
GEOENVIRON & DETAILED INSPECTION  
PART 2A  
ENVIRONMENTAL PROTECTION ACT 1990**

\* Photographs

DATE OF INSPECTION	
INSPECTED BY	
SITE NAME	
SITE ID	
SITE ADDRESS Note: Include occupier.	
CURRENT USE Note: Indicate if residential with gardens (front, back or both) and if there are any signs of growing vegetables or if landscaped areas. Any street, house or industrial names, warning signs etc.	
BUILDING CONTROL Note: Include types of buildings, e.g. terrace, bungalow, semi or detached. Are buildings in a good state of repair or dilapidated or there are none.	
BOUNDARIES AND ENTRANCES Note: If fences are secure/in good repair.	Fenced and Guards
	Fenced
	Guards
	No Security
GROUND COVER Note: Include type	Hard Standing (%)
	Made Ground (%)
ADJOINING LAND USE Note: Include any street, house or industrial names.	North
	East
	South
	West
	Any Additional Comments, e.g. hard cover or made ground.
DISTANCE TO (m)	Residential
	Surface Water

SITE ACCESSIBILITY Note: If difficult explain why.	Easy	
	Difficult	
SERVICES	Overhead Cables	
	Manholes	
	Underground Services	
	Storage Tanks	
STORAGE TANKS Note: If the tanks are bunded if known, if they are on hard or soft standing, types of leakage etc.	Underground	
	Above Ground	
	Signage/Previous Fill	
	Signs of Leakage	
	Comments	
ABANDONED MATERIAL  If Yes: Note: Include Physical state, e.g. Powder, fibrous, soil, aqueous liquid, non-aqueous, liquid only, colour, odour, location, e.g. indoors, outdoors.	No	
	Yes	
	Remnant Structures, Buildings, Foundations	
	Demolition Debris, Rubble, Spoil Heaps	
	Disused Equipment	
	Former Boundaries, Former Entrances	
	Signage	
	Oil Drums	
	Containers	
	Fill or Cover Layers	
	Ancient Monuments	
	Other/Comments	
	WELLS	On site
Nearby		
ANY CONSTRAINTS FOR GROUND INVESTIGATION Note: If yes, comment on how and why.	No	
	Yes	
	Comments	

<b>POTENTIAL CONTAMINATION</b>  If Yes:	No	
	Yes	
	Pollution Discharges	
	Ground Staining	
	Discoloured Ground	
	Visible contaminants, e.g. Asbestos, Oils, Drums, Refuse, Spoil, Tars, Solvents etc.	
	Comments Include: If Onsite or from Adjacent Site	
<b>WATER COURSES</b>  If Yes: Note: Include Flow Direction.	No	
	Yes	
	Water Filled Ditches	
	Streams	
	Rivers	
	Ponds	
	Springs/Sinks	
	Ponded Water	
Comments Include: If onsite or from adjacent site, evidence of previous flooding.		
<b>SURFACE WATER QUALITY IMPAIRMENT</b> Note: Include Colouration, Signs of Continuous Rapid Bubbling, Oily Substances/Sheen, Foam, Discolouration, Sediments, Odours, Eutrophication, Sewage Fungus, Absence of Aquatic Flora and Fauna, Sewage Discolouration, Maggots, Bloodworms, Flies etc.	No	
	Yes	
	Comments Include: If Onsite or on Adjacent Site.	

GASES AND ODOUR  If Yes:	No	
	Yes	
	Vapours, Steam	
	Smoke, Particulates	
	Temp Diff e.g. Lack of Ice, Snow or Greener Vegetation.	
	Odour Characteristics, e.g. Sulphide, LFG, Tars/Resins, Solvents, Sewage etc.	
	Controlled Evidence of LFG, e.g. Flares, Vents, Caps, Barriers/Trenches. Comments	
DUST	No	
	Yes	
	Comments	
SOIL DISCOLOURATION Note: Include Colour.	No	
	Yes	
	Comments	
SOIL DWELLING ANIMALS If Yes:	No	
	Yes	
	Burrowing	
	Worms, Worm Casts	
	Woodlice	
	Insects	
	Mole Hills	
Other/Comments		

<b>VEGETATION</b>  If Yes: Note: Include % of Area and Locations. Note: Indicator Species include <i>Juncus</i> (Landfill), Sandwort (Pb, Zn), <i>Calluna</i> (acidic).	No	
	Yes	
	Trees	
	Hedges	
	Dense Vegetation/Scrub	
	Invasive Weeds	
	Grasses	
	Crops	
	Indicator Species	
	Comments	
<b>DIAGRAM (If Necessary)</b>	See Photos	
<b>EFFECTS ON VEGETATION</b> If Yes: Note: Include Tree Stress, e.g. Die Back, Uncharacteristic Vegetation, Chlorosis, Reddening, Yellowing Leaves, Stress, Poor Diversity, Patchy Cover Needles, Leaf Fall, Dead Branches, Shedding Bark.	No	
	Yes	
	Management Regimes Undertaken	
	Comments	

TOPOGRAPHY	Slopes Include: Slope Gradient and Potential Runoff Pathways.	
	Terraces	
	Surface Hollows Include: Mine Entrances.	
	Concave Profile	
	Convex Profile	
	River Terraces	
	Other/Comments	
	DIAGRAM (If Necessary)	
GROUND DISTURBANCE If Yes:	No	
	Yes	
	Signs of Landfilling, e.g. Hummocky Ground.	
	Cracking. Distortion, e.g. Settlement.	
	Over Compaction	
	Regrading	
	Discontinuities within Sub-Area	
	Discontinuities with surroundings	
	Poor Soil Structure	
Other/Comments		

ANY FURTHER  
COMMENTS



**APPENDIX 4**

**LOW PRIORITY SITES PROFORMA**

**PROFORMA FOR ASSESSING LOW PRIORITY SITES UNDER  
PART 2A OF THE ENVIRONMENTAL PROTECTION ACT 1990**

Site ID	
Site Name	
Site Address	
Current Use (incl. % hardstanding & % softstanding)	
Number of past industrial uses	
Details of the past industrial use(s)	
Nearest building receptor (incl. Use of the building)	
Nearest surface water course (incl. Details)	
Groundwater vulnerability	
Maximum stage 1 risk score	
Maximum stage 2 risk score (if completed)	
Are any SIs/BH logs held for the site?	
Was a site walkover carried out?	
<b>Risk assessment</b>	
Human health from potential soil contamination	
Human health from potential ground gas	
Controlled waters	
Ecological	
Officer(s):	Date:

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Development Manager

Planning, Town Hall, Darlington, DL1 5QT

Head of Property Asset Management

Estates, Town Hall, Darlington, DL1 5QT

Head of Parks and Countryside

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**Environment Agency**

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Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR

**Hartlepool Borough Council**

Engineering Consultancy, Bryan Hanson House, Lynn Street, Hartlepool, TS24 7BT

**Health Protection Agency**

North East Health Protection Unit, Health Protection Agency - North East, Floor 2,  
Citygate, Gallowgate, Newcastle upon Tyne, NE1 4WH

**Hambleton District Council**

Environmental Health, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU

**Middlesbrough Council**

Environmental Protection Department, Vancouver House, Gurney Street, Middlesbrough, TS1 1JL

**Natural England**

North East Region, The Quadrant, Newburn Riverside, Newcastle upon Tyne, NE15 8NZ

**Redcar and Cleveland Borough Council**

Regulatory Services, Belmont House, Rectory Lane, Guisborough, TS14 7FD

**Stockton-on-Tees District Council**

Environmental Health Unit, P.O. Box 232, 16 Church Road, Stockton on Tees, TS18 1XD

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