



Land Quality Statement for Conveyancing Solicitors and Homebuyers

Newcastle under Lyme Borough Council Position Statement November 2024

Background

Local Authorities in the UK have a statutory duty to investigate the presence of any 'contaminated land' within their administrative areas.

'Contaminated land' has a very specific meaning in law and is defined as land *"in such a condition that significant harm is being caused or there is a significant possibility of such harm being caused"*.

Councils have a legal duty to follow guidance issued by the Secretary of State for the Environment to investigate potential contaminated land and to take proportionate action to deal with any significant possibility of significant harm.

The way in which this Council has carried out that duty is set out in a Contaminated Land Strategy. The current version of the Strategy is published on our website at [Contaminated land – Newcastle-under-Lyme Borough Council](#)

Identifying and Dealing with Historical Land Uses

North Staffordshire has a proud history as a centre of UK industry. Pottery, coal, gypsum and glass were all manufactured in the area well before the start of the industrial revolution. As well as these sectors the industrial revolution led to the emergence in the area of newer industries such as iron, metal, tile and brick, leather and textiles as well as local specialist industries such as felt hat production and silk throwing. More recently the area has been a centre for the manufacture of adhesives, heavy engineering, diesel engines and components for power stations.

The extensive minerals deposits of coal, ironstone and clay in the area have been extracted and the voids have been exploited to enable waste materials to be landfilled.

All of these activities have the potential to leave an environmental legacy. The challenge for the contaminated land regime is not to understand if every former land use has left a legacy of pollution, but to understand if any legacy is likely to cause significant harm to human health or sensitive eco-systems.

In the early part of 2000, the Council carried out a process of identifying and mapping all former land uses which had the potential to leave a legacy of contamination. In addition other relevant factors such as local geology, hydro-geology, human habitations and sensitive ecological locations were mapped. By combining these datasets, the Council developed a contaminated land database which sought to risk assess every former land use and prioritise their investigation based on a "Source – Pathway – Receptor" model.

The initial screening review identified 948 sites in the Borough of Newcastle under Lyme with a former use with the potential for an environmental legacy. These sites were risk assessed and, based on the relative risk identified were dealt with either by:

1. Council officers proactively investigating the risk of the sites being 'contaminated' based on either a Phase I desktop assessment or a Phase II site walkover and / or intrusive survey of the site.

2. A watching brief to ensure that if the site came forward for redevelopment that an appropriate site investigation was carried out as part of the planning application process.
3. No further action due to the risk being negligible.

41 proactive Phase I and / or Phase II site investigations have been completed by the Council, with appropriate recommendations and mitigations made on a site by site basis. Some of these sites were chosen because they are or were owned or occupied by the Council and the investigations were part of the Councils own asset management responsibilities.

At the request of the Council, many Phase I and Phase II site investigations have also been undertaken by developers to enable developments to come forward through the planning system in a way which manages the risk from any former land use. The Council has reviewed, commented on, and retained copies of over a thousand technical reports on land quality across the Borough.

Through a proportionate use of planning conditions, the Council has been able to provide confidence that sites which have been redeveloped through the planning process have been subject to a level of investigation and remediation which ensures that they are fit for purpose and that any risk of *'significant possibility of harm'* has been addressed.

It is a legal responsibility under the Environmental Protection Act that the Council keeps register of all land which has been designated as 'contaminated'.

There is no land in Newcastle under Lyme which has been designated as contaminated.

Currently the Council has no plans to carry out any further pro-active investigations.

Further investigations will be carried out if additional information comes to light which requires further investigation, if the Councils statutory duties change as a result of changes in law or statutory guidance or if the Council decides to vary the way in which it implements the current or future version of the Contaminated Land Strategy.

Newcastle under Lyme Borough Council Environmental Protection Service,

December 2024