



**Please ask for:** Matt Berry  
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7 June 2023

Dear Councillor,

**Cabinet**

**6:00pm on Thursday 15 June 2023**

**Meeting to be held in the Esperance Room, Civic Centre, Cannock**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,

**T. Clegg**  
**Chief Executive**

**To: Councillors:**

Johnson, T.B.	Leader of the Council
Newbury, J.A.A.	Deputy Leader of the Council and Regeneration & High Streets Portfolio Leader
Elson, J.S.	Community Wellbeing Portfolio Leader
Muckley, A.M.	Environment and Climate Change Portfolio Leader
Thornley, S.J.	Housing Portfolio Leader
Preece, J.P.T.L.	Parks, Culture, and Heritage Portfolio Leader
Prestwood, J.	Resources and Transformation Portfolio Leader
Fisher, P.A.	<i>Non-voting Observer</i>

# Agenda

## Part 1

### 1. Apologies

### 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

### 3. Updates from Portfolio Leaders

To receive and consider oral updates (if any), from the Leader of the Council, the Deputy Leader, and Portfolio Leaders.

### 4. Forward Plan

Forward Plan of Decisions for June to August 2023 (Item 4.1 - 4.2).

### 5. End of Year Performance Report 2022/23 - Priority Delivery Plans

Report of the Head of Transformation & Assurance (Item 5.1 - 5.41)

### 6. Strategic Risk Register

Report of the Head of Transformation & Assurance (Item 6.1 - 6.11).

### 7. Adoption of Contaminated Land Strategy 2023

Report of the Head of Operations (Item 7.1 - 7.103).

### 8. Permission to Spend - Tennis Courts Refurbishment - Cannock Chase Council

Report of the Head of Operations (Item 8.1 - 8.7).

### 9. Cabinet Appointed Representatives on Outside Bodies 2023-24

Report of the Chief Executive (Item 9.1 - 9.5).

### 10. Revenues and Benefits Collection Report - Quarter 4

Report of Deputy Chief Executive-Resources (Item 10.1 - 10.24).

Appendices 2 and 3 to this report (Item 10.21 - 10.24) are confidential due to the inclusion of:

- Information which is likely to reveal the identity of an individual, and
- Information relating to the financial or business affairs of any particular person (including the Council).

## **11. Exclusion of the Public**

The Leader to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

## **Agenda**

### **Part 2**

## **12. Permission to Spend - Cannock Town Centre Levelling Up Fund**

Not for Publication Report of the Head of Economic Development & Planning (Item 12.1 - 12.23).

The Report is confidential due to the inclusion of:

- Information relating to the financial or business affairs of any particular person (including the Council).

No representations have been received in respect of this matter.

## Forward Plan of Decisions to be taken by the Cabinet: June to August 2023

For Cannock Chase Council, a key decision is as an Executive decision that is likely to:

- Result in the Council incurring expenditure or making savings at or above a threshold of 0.5% of the gross turnover of the Council.
- Affect communities living or working in two or more Council Wards.

Representations in respect of any of matters detailed below should be sent in writing to the contact officer indicated alongside each item via email to [membersservices@cannockchasedc.gov.uk](mailto:membersservices@cannockchasedc.gov.uk)

**Copies of non-confidential items will be published on the Council's website 5 clear working days prior to the relevant meeting date.**

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representation Received
<b>June 2023</b>						
End of Year Performance Report 2022/23	Head of Transformation & Assurance / Leader of the Council	15/06/23	No	No		N/A
Strategic Risk Register	Head of Transformation & Assurance / Resources & Transformation Portfolio Leader	15/06/23	No	No		N/A
Adoption of Contaminated Land Strategy 2023	Head of Operations / Environment & Climate Change Portfolio Leader	15/06/23	No	No		N/A
Cabinet Appointed Representatives on Outside Bodies 2023-24	Chief Executive / Leader of the Council	15/06/23	No	No		N/A
Revenues and Benefits Collection Report - Quarter 4	Deputy Chief Executive-Resources / Resources & Transformation Portfolio Leader	02/03/23	No	Yes (Appendices only)	Information likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the Council).	

**Item No. 4.2**

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representation Received
Levelling Up Fund - Permission to Spend	Head of Economic Development & Planning / Regeneration & High Streets Portfolio Leader	15/06/23	Yes	Yes	Information relating to the financial or business affairs of any particular person (including the Council).	
<b>July 2023</b>						
Housing Assistance Policy Update	Head of Operations / Community Wellbeing Portfolio Leader	13/07/23	No	No		N/A
Energy Management Strategy	Head of Housing & Corporate Assets / Housing Portfolio Leader	13/07/23	No	No		N/A
Food Law Enforcement Service Plan 2023-25	Head of Economic Development & Planning / Environment & Climate Change Portfolio Leader	13/07/23	Yes	No		N/A
<b>August 2023</b>						
TBC						

<b>Report of:</b>	<b>Head of Transformation and Assurance</b>
<b>Contact Officer:</b>	<b>Adrian Marklew</b>
<b>Contact Number:</b>	<b>01543 464 598</b>
<b>Portfolio Leader:</b>	<b>Resources and Transformation</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23</b>

**Cabinet**  
**15 June 2023**  
**End of Year Performance Report 2022/23 -**  
**Priority Delivery Plans**

**1 Purpose of Report**

- 1.1 To advise Members on the progress of the Priority Delivery Plans (PDPs) and Council's performance as at the end of 2022-23.

**2 Recommendation(s)**

- 2.1 To note the progress and performance for 2022-23 relating to the delivery of the Council's priorities as detailed at Appendices 1a-1d and 2.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 This report summarises the progress against the four key priorities contained in the Corporate Plan for 2022-26. Each priority has a Delivery Plan which sets out the key projects and actions for delivery in 2022/23.
- 3.2 Overall, 76% of the projects have been delivered or are on target. Progress in delivering the PDPs is summarised in section 5 of the report and set out in detail in Appendices 1a to 1d.
- 3.3 With regard to the operational performance of the key services of the Council, 47% of targets have been met or exceeded. Further details can be found at 5.7 and in Appendix 2.

## Reasons for Recommendations

- 3.4 The performance information allows Cabinet to monitor progress in delivery of the Council's corporate priorities and operational services.

### 4 Relationship to Corporate Priorities





- 4.1 The indicators and actions contribute individually to the Council's priorities and objectives as set out in the Corporate Plan 2022-26.

### 5 Report Detail

- 5.1 The Council's Corporate Plan 2022-26 was approved by Council on 27 April 2022, setting out the priorities and strategic objectives. The supporting four-year delivery plans were approved on 16 November 2022.
- 5.2 The Priority Delivery Plans (PDPs) set out in Appendices 1a to 1d to this report are the annual documents that set out how the Council will achieve progress against its strategic objectives; these plans establish the actions and timetable for delivery that are the basis of the Council's performance reporting framework.
- 5.3 In addition to the PDPs, performance is also reported against the delivery of key operational services; Key Performance Indicators (KPIs) for these services are set out in Appendix 2.
- 5.4 Where applicable, we will also report on new or additional duties undertaken by the Council during the quarter, as part of this report.

## Priority Delivery Plans

- 5.5 A commentary on performance and a rating for each of the projects/actions set out in the PDPs is given in Appendices 1a-1d. A summary of progress, by rating, is given in the table below.

Delivery of Projects for Year End					
Corporate Plan Priority					Total Number of Projects
	Action completed	Project on Target	Work in progress but slightly behind schedule	Project more than 3 months behind schedule	
<b>Economic Prosperity</b>	5	8	2	1	16
<b>Health and Wellbeing</b>	11	11	3	0	25
<b>The Community</b>	12	2	6	1	21
<b>Responsible Council</b>	4	4	5	0	13
<b>Total</b>	<b>32</b>	<b>25</b>	<b>16</b>	<b>2</b>	<b>75</b>

5.6 At the end of 2022-23, of the 75 actions due for delivery:

- 43% of have been completed;
- 33% are on target to be completed;
- 24% have slipped slightly.

5.7 The key successes during 2022-23 for each of the 4 priorities are highlighted below:

Economic Prosperity:	
Development of Cannock town centre (Levelling Up Fund scheme)	Outline planning application submitted, land in process of being assembled, RIBA Stage 2 design report signed off, regular communication to residents and stakeholders on progress including managing expectations through surveys, FAQs on website and press updates.
McArthurGlen Designer Outlet	Planning application submitted for Phase 2 of this highly successful retail and leisure offer, which is attracting healthy numbers.
Health & Wellbeing:	
Commonwealth Games	Successful mountain biking event staged and the passing of the Queen's Baton Relay through the district, helping to raise the profile of Cannock Chase and engage local communities. Legacy projects being pursued include improved Heritage Trail linking Cannock to Rugeley, and further development of the Cannock Chase Can activities.
Cannock Chase Can App	The health and wellbeing app has been recognised in the national LGC Awards 2023 and has made it to the finals for the Innovation Award to be held in June 2023.
The Community:	
Improvements to the local environment and awareness of its importance to health and wellbeing	The Council's 4-year play area improvement programme has been published, tree planting has taken place with volunteers from companies and local community involvement. The Council's environmental and recycling campaigns 'Binworld' and 'Small Change Big Difference' have reached significant audiences, particularly young people.
Encourage residents to live a sustainable lifestyle	Social Housing Decarbonisation Fund: in partnership with West Midlands Combined Authority, the Council has been successful in securing £750k (50% match funding) to help in our climate change goals of reducing carbon emissions from our housing portfolio for 112 properties in three locations around the district. The works will be not only be around reducing carbon emissions but will have a direct affect and provide savings to our residents' energy bills by providing additional insulation to properties.



Responsible Council:	
Shared Services	The business case for extending the sharing of services was completed and approved by both Councils. Work is underway to implement it; beginning with the creation of a joint Leadership Team which came into operation on 1 April 2023.

### Key Performance Indicators (KPIs)

5.8 A dashboard of key performance indicators for the Council's operational services is set out in Appendix 2. In summary:

- 8 indicators show performance above target (42%);
- 1 indicators show performance on target (5%); and
- 10 indicators show performance below target (53%)

The reasons for underperformance and the corrective action to be taken is set out in Appendix 2 where this applies by individual targets.

### New / Additional Duties

5.9 During 2022-23, the Council has undertaken the following new / additional duties:

- Supporting Ukrainian families; and
- Payment of Energy Rebates

## 6 Implications

### 6.1 Financial

There are no direct financial implications arising from the report.

The financial management of the PDPs is standard in accordance with Financial Regulations and any measure to address a performance shortfall as reflected in a PDP report will require compensatory savings to be identified.

### 6.2 Legal

None.

### 6.3 Human Resources

None.

### 6.4 Risk Management

The Council's Strategic Risk Register sets out the risks the Council faces in delivering its priorities.

## 6.5 Equality & Diversity

Equality and diversity matters are addressed in individual services areas and by undertaking equality impact assessments for projects and programmes of work where this is necessary and appropriate.

## 6.6 Climate Change

There are specific objectives within all of the priority areas which address the challenge of climate change, reflecting the corporate commitment made by the Council in February 2023 for the organisation to achieve carbon neutrality by 2030.

# 7 Appendices to the Report

Appendix 1a: Economic Prosperity PDP

Appendix 1b: Health and Wellbeing PDP

Appendix 1c: The Community PDP

Appendix 1d: Responsible Council PDP

Appendix 2: Key Performance Indicators

## Previous Consideration

None





## Background Papers

Corporate Plan 2022-26 - Council 27 April 2022

4-Year Delivery Plans 2022-26 - Cabinet 15 September 2022

## Priority Delivery Plan for 2022-23

**PRIORITY 1 - ECONOMIC PROSPERITY “To reinvigorate the economy and create a District that thrives”****Summary of Progress as at end of Quarter 4**





				<b>Total Number of Projects</b>
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	
<b>5</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>16</b>

**Summary of Successes as at Quarter 4**





- Levelling Up Fund project for Cannock town centre - submission of outline planning application and sign off of RIBA Stage 2 design report.
- Progression of priority projects in year 1 of the UKSPF Investment Plan i.e., Net Zero project with Staffordshire University, Constructing Excellence initiative with South Staffordshire College.
- McArthurGlen phase 2 - planning application submission.





**Summary of Slippages as at Quarter 4**

- Levelling Up Fund project for Cannock town centre - slight delay with development and sign off of RIBA Stage 3 reports (detailed design), due to difficulties with land assembly.
- Rugeley Boardwalk - works deferred by Cabinet due to increased cost estimates.
- Cannock Railway Station - technical work undertaken by Network Rail has taken longer than anticipated; detailed business case will need to be commissioned during 2023-24, subject to funding being secured to undertake the work.

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Attract investment to develop the District's economy</b>							
Deliver the Levelling Up Fund regeneration scheme for Cannock Town Centre, creating a new cultural hub and high-quality public realm	<ul style="list-style-type: none"> <li>Sign off scheme design for main build i.e., leisure and culture hub</li> </ul>			X		RIBA Stage 2 design report has been produced for Leisure and Culture Hub, public realm and Northern Gateway, design output signed off by Project Delivery Team in December 2022. Design work is now progressing to RIBA Stage 3 (detailed design).	
	<ul style="list-style-type: none"> <li>Submit planning application</li> </ul>			X		Outline planning application was submitted in March 2023.	
Work in partnership to secure investment in major projects to create confidence in our District	<ul style="list-style-type: none"> <li>McArthurGlen phase 2 - planning applications submitted</li> </ul>			X		Phase 2 planning application (reserve matters) has been submitted by McArthurGlen	
	<ul style="list-style-type: none"> <li>Cannock Railway Station - transformational upgrade. Detailed business case and funding strategy.</li> </ul>				X	<p>Network Rail has completed a technical assessment and cost plan review of two design options to upgrade Cannock Railway Station.</p> <p>The client team (CCDC/Staffordshire County Council/ West Midlands Railways) are now working to determine next steps with the project in terms of commissioning the business case and identifying funding options.</p>	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Identify a pipeline of future projects to support economic growth opportunities and the rejuvenation of our town centres across Rugeley, Hednesford, Cannock and the surrounding villages and maximise investment and funding into the District	<ul style="list-style-type: none"> <li>Establish strategic priorities for pipeline of projects</li> </ul>		X			As part of the work to develop the Council's UKSPF Investment Plan, a priority list of projects has been established and the Council's Economic Prosperity Strategy has been refreshed and was approved by Cabinet last August.	★
	<ul style="list-style-type: none"> <li>Investment Plan approved for UK Shared Prosperity Fund and implementation of projects</li> </ul>			X		Cannock Chase UKSPF Investment Plan was approved by Government in December 2022.	★
<b>Encourage entrepreneurship, promote apprenticeships, and support business</b>							
Seek to identify and promote employment sites for new and growing businesses	<ul style="list-style-type: none"> <li>Develop proposal for business workspace in Levelling Up Fund project</li> </ul>				X	Managed workspace proposal is fully incorporated into the RIBA Stage 2 design work for the LUF project.	✓
Work with established Growth and Skills Hubs to streamline and simplify access to business support services, access to training and apprenticeships	<ul style="list-style-type: none"> <li>Promote availability of support from existing Growth and Skills Hubs to increase business referrals</li> </ul>	X	X	X	X	Ongoing promotion of available support continues including cross referrals for support to any potential customers.	✓





Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Continue to work with partners to secure additional funding to be able to continue business growth and start-up schemes	<ul style="list-style-type: none"> <li>Identify schemes to be funded via UKSPF</li> </ul>		X	X	X	Work continues to develop range of start-up businesses and grow on support for businesses with SCC and other providers.	
<b>Attract modern, green, and skilled industries and create jobs</b>							
Work with our colleges and training providers to equip young people and all residents with skills they need to access employment opportunities	<ul style="list-style-type: none"> <li>Delivery of Apprenticeship and Training initiatives with local colleges; identifying opportunities to develop green skills and green jobs</li> </ul>	X	X	X	X	The Council is working closely with South Staffordshire College to promote apprenticeship and training opportunities to local residents. The Council will be using some of its UKSPF funding to fund a new Construction Excellence facility within the Cannock Campus in 2023/24.	
Work with partners to identify and support businesses to become more carbon efficient and identify opportunities to create green jobs in our District	<ul style="list-style-type: none"> <li>Identify appropriate net zero schemes to be funded via UKSPF</li> </ul>		X	X	X	Project within UKSPF plan with Staffs University targeting net zero support for businesses. Grant agreement close to signature to secure provision and delivery.	
<b>Rejuvenate our town centres</b>							
Identify opportunities to improve public realm in our town centres	<ul style="list-style-type: none"> <li>Rugeley Boardwalk - replacement scheme</li> </ul>		X	X	X	Works to replace the Rugeley Boardwalk was deferred by Cabinet pending a wider review of costs during 2023.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Work with town/parish councils, local businesses, and traders to support the development of initiatives to increase vibrancy of our town centres and increase footfall	<ul style="list-style-type: none"> <li>Regular liaison meetings with town and parish councils to identify opportunities for joint working</li> </ul>		X	X	X	Part of UKSPF delivery - ongoing regular dialogue to help develop ideas for funding.	
	<ul style="list-style-type: none"> <li>Implement local initiatives using UKSPF funding</li> </ul>			X	X	Work has continued to support local initiatives in parish and town council areas where possible to do so.	
<b>Support the development of our visitor economy</b>							
Work with Destination Staffordshire to promote our key attractions, accommodation providers and events	<ul style="list-style-type: none"> <li>Work with DMP to develop a county-wide visitor economy strategy</li> </ul>	X	X			County-wide visitor economy strategy has been developed and approved by the DMP Board	
	<ul style="list-style-type: none"> <li>Participate in joint marketing initiatives and development of themed campaigns</li> </ul>	X	X	X	X	PR support provided for county wide campaigns e.g. Staffordshire Day.	

Priority Delivery Plan for 2022-23

**PRIORITY 2 - HEALTH and WELLBEING “To encourage and support residents to lead healthy and independent lives”**

Summary of Progress as at end of Quarter 4

				Total Number of Projects
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	
<b>11</b>	<b>11</b>	<b>3</b>	<b>0</b>	<b>25</b>

**Summary of Successes as at Quarter 4**

- Both IHL and Council teams have continued to work well with partners and schools during quarter four, in areas such as the long Covid project, activity provision and event hosting and planning. The Cannock Chase Can App continues to grow, to include cycling and even more activities, and has been shortlisted as a finalist for a national LGC award.

**Summary of Slippages as at Quarter 4**

- The work on target progress, shown against ‘encourage residents to walk or cycle to and from work and school’ is given as an indicator that the work will continue on into 2023/24 and does not have a set completion date.








Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Provide opportunities for residents to lead healthy and active lifestyles and recognise the importance of mental health and wellbeing</b>							
Work with Inspiring Health Lifestyles (IHL) leisure trust and other stakeholders to deliver campaigns/ programmes to promote the benefits of being active and living healthily	<ul style="list-style-type: none"> <li>Work with IHL, partners, stakeholders and schools on increasing participation in sports and wellbeing activities and bid for funding where appropriate</li> </ul>	X	X	X	X	Completed first phase of Long Covid project and awaiting confirmation on starting another cohort with MPFT. Augmented reality designs created to promote Cannock Chase Code and videos produced ready for sharing publicly.	★
Promote use of the `Cannock Chase Can` online app to support people in leading healthy lifestyles	<ul style="list-style-type: none"> <li>Develop evaluation tool - Cannock Chase Can portal</li> <li>Develop new app features and functionality</li> <li>Deliver activities within the community - bespoke projects</li> <li>Organise Cannock Chase Can showcase event</li> <li>Establish a Cannock Chase Can zone at Hednesford's annual festival</li> <li>Embed Cannock Chase Can into the infrastructure of IHL (wellbeing offer)</li> <li>Create a Cannock Chase Can Wellbeing Hub, using existing leisure and cultural venues</li> </ul>	X	X	X	X	Partnership with Cannock North PCN to deliver an event in May. Planning underway for Hednesford Festival. Programme of activity is ongoing, a detailed delivery plan has been compiled to share with stakeholders. Impact films have been created for LGC judging panel.  Events hosted during the quarter included the British Schools Shooting Championships as well as a variety of handball, gymnastics, dance and taekwondo competitions.	★




Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
Encourage residents to walk or cycle to and from work and school	<ul style="list-style-type: none"> <li>• Create and support green travel strategy</li> </ul>		X	X	X	Draft green travel strategy has been created and aligned with the County Council's.	✓
	<ul style="list-style-type: none"> <li>• Work with partners to create attractive and safe walking and cycling routes</li> </ul>			X	X	County Council working on the cycle way connections around the District. Council and IHL encouraging cycling along 10 miles of the heritage trail and into Chase. Partnering with Rugeley based bike hire provider.	✓
	<ul style="list-style-type: none"> <li>• Work with schools to promote walking and cycling to school</li> </ul>			X	X	Council and IHL Teams working on the Pedal Power programme with local schools and community groups including in IHL's indoor cycle fitness studios.	✓
	<ul style="list-style-type: none"> <li>• Opportunities to be identified as part of the planning application process</li> </ul>			X	X	Planning officers are actively encouraging developers to incorporate improved cycling and walking considerations and routes into their development designs, prior to publication of the local plan.	✓

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Embed health and wellbeing into all of our policies and everything that we do</b>							
Develop a Health and Wellbeing Strategy (HWB)	<ul style="list-style-type: none"> <li>Research current best practice in HWB strategies</li> </ul>	X	X			Research undertaken by Council's Health Improvement Officer, that has been fed into the development of the HWB strategy.	★
	<ul style="list-style-type: none"> <li>Engage with service managers on nature of strategy (incorporating Health in all Policies (HiAP) principles)</li> </ul>			X	X	Sessions held with LGA in January 2023 for both elected members and officers, to assist in clarifying a corporate approach and framing the HWB Strategy.	★
	<ul style="list-style-type: none"> <li>Deliver Member workshop to inform structure and delivery of strategy</li> </ul>		X			Member workshop delivered last September.	★
	<ul style="list-style-type: none"> <li>Present strategy to Cabinet for adoption</li> </ul>				X		▲

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Work with partners to address health inequalities across the District</b>							
Work with Staffordshire County Council to deliver the `Better Health Staffordshire` (BHS) Pilot Project	<ul style="list-style-type: none"> <li>Ongoing member and officer participation in BHS workshops:               <ul style="list-style-type: none"> <li>- engagement session</li> <li>- presentation of strategy</li> </ul> </li> </ul>	X	X	X	X	IHL have attended all of BHS network workshops.	✓
	<ul style="list-style-type: none"> <li>Provide input and assistance with this pilot project as requested by partners</li> </ul>	X	X	X	X	Insight and feedback from events has informed how BHS needs to engage individual partners and we await a meeting date, as several individual meetings in Q4 were postponed.	✓
	<ul style="list-style-type: none"> <li>Ensure opportunities for the Cannock Chase Can Initiative and app to contribute to BHS are maximised</li> </ul>	X	X	X	X	CCDC/IHL have arranged to meet the County Council's Better Health Staffordshire Lead and Strategic Delivery Manager to identify how this agenda can be aligned within CCDC in Q1 2023-2024.	✓

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Support residents that need our help</b>							
Work with partners to encourage the take up of benefits by residents with low incomes	<ul style="list-style-type: none"> <li>Bid for Funding (UKSPF) to appoint a Welfare Benefits Advisor</li> </ul>	X	X	X	X	Bid Successful	
	<ul style="list-style-type: none"> <li>Review service level agreement with voluntary sector partners to increase the focus on encouraging the take up of benefits</li> </ul>			X	X	New CEO appointed at Citizens Advice - action to be rolled over to 2023- 2024.	
	<ul style="list-style-type: none"> <li>New webpage to be created dedicated to encouraging benefits take up and signposting to relevant organisations</li> </ul>			X		Complete - Cost of Living signposting webpage created.	
	<ul style="list-style-type: none"> <li>Project team to initiate cross service working to promote take up of benefits</li> </ul>			X	X	County Council set up Cost of Living Group to share good practice.	
Work with Support Staffordshire and Staffordshire County Council to build on community spirit and volunteering / befriending advocacy.	<ul style="list-style-type: none"> <li>Establishment of `Anchor` arrangements with the voluntary sector to support volunteering across the District</li> </ul>	X	X	X	X	Complete and ongoing. Funding agreed for 2023-2024.	





Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Support residents that need our help</b>							
Work on fuel poverty with partners, such as Staffordshire Warmer Homes	<ul style="list-style-type: none"> <li>Bid for Funding (UKSPF) to procure / commission energy advice</li> </ul>			X	X	Bid successful.	★
	<ul style="list-style-type: none"> <li>Review of existing budgets to be undertaken to identify funding to support working with Staffordshire Warmer Homes and Beat the Cold, across the District</li> </ul>			X	X	Budget secured to commission Beat the Cold.	★
Work with partners to safeguard the most vulnerable people within our District	<ul style="list-style-type: none"> <li>Deliver Partnership campaigns to raise awareness of key issues and support pathways for key issues affecting the District: Yr 1 - Safety of Women at Night, Hate Crime, Domestic Abuse and Fraud</li> </ul>	X	X	X	X	Campaigns successfully delivered across all four quarters as planned.	★
Provide accommodation for young people leaving care and support to sustain their tenancies	<ul style="list-style-type: none"> <li>Accommodation for young people leaving care and support</li> </ul>				X	CCDC is an active member of Staffordshire Multi-Agency Leaving Care Protocol - Transition from Care. During 2022/23 we helped 22 young leavers find accommodation in the Cannock Chase area.	✓

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Progress update	Symbol
<b>Support residents that need our help</b>							
Provide an outreach service for rough sleepers	<ul style="list-style-type: none"> <li>Service for rough sleepers</li> </ul>				X	<p>The jointly commissioned Rough Sleeping and Homelessness Pathway project with Lichfield DC and Spring Housing continues to provide an outreach service to identify and support all rough sleepers who are made known to the local authority from all sources.</p> <p>Support is given to access temporary accommodation and sustain that accommodation until move-on accommodation can be secured. Specialist intensive support is also available for those with substance/alcohol misuse and mental health issues.</p>	
Provide support for veterans	<ul style="list-style-type: none"> <li>Housing support for veterans</li> </ul>				X	Housing Services assisted two armed forces applicants, both housed during 2022-23.	
Provide funding to voluntary organisations to provide free independent, impartial, and confidential advice to our residents	<ul style="list-style-type: none"> <li>Review the current service level agreements with voluntary sector agencies</li> </ul>	X	X	X	X	Funding Agreed	

## Priority Delivery Plan for 2022-23

## PRIORITY 3 - THE COMMUNITY “To ensure Cannock Chase is a place that residents are proud to call home”

## Summary of Progress as at end of Quarter 4

				Total Number of Projects
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	
<b>12</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>21</b>

## Summary of Successes as at Quarter 4


- Quarter 4 has seen success in a number of areas including, the publication of the Council’s 4-year play area improvement programme, tree planting, and the Council’s environmental and recycling campaigns ‘Binworld’ and ‘Small Change Big Difference’.



## Summary of Slippages as at Quarter 4

- The two main areas of slippage in relation to the environment are both in the publication of strategies. Both the open spaces strategy (part 2), and the environmental strategy have been delayed due to technical issues with the completion of previous reports that feed into them; and with the open spaces strategy it has been data validity assurance requirements.









Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Ensure our neighbourhoods are safe, clean, and tidy</b>							
Develop a co-ordinated response to anti-social behaviour (ASB) across partner agencies	<ul style="list-style-type: none"> <li>Refresh corporate ASB policy</li> </ul>			X	X	Policy assessed as part of pan-Staffordshire project and refreshed accordingly.	★
Engage with young people at risk of engaging in ASB through targeted diversionary activities across the District	<ul style="list-style-type: none"> <li>Deliver annual programme of diversionary activities across the District</li> </ul>	X	X	X	X	Full programme delivered, including planned activities in line with expected peaks and ad hoc activities to target emerging trends.	★
Carry out targeted campaigns to tackle specific types of waste crime and raise awareness of the Council's zero-tolerance to all types of environmental crime	<ul style="list-style-type: none"> <li>Tackling Envirocrime</li> </ul>				X	Sixteen Fixed Penalty Notices served for: littering, breach of Community Protection Notice (CPN), Fly Tipping and breach of Public Space Protection Orders. Focussed project of 90 proactive duty of care visits to premises to ensure adequate waste disposal arrangements in place; also undertaken 11 successful prosecutions for littering, fly tipping and failure to transfer waste to authorised persons. We promote and highlight our activities and results of successful prosecutions on social media to raise awareness and act as a deterrent.	★





Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<p>Work with town/parish Councils and local community groups to tackle litter and undertake litter picks</p>	<ul style="list-style-type: none"> <li>Tackling litter</li> </ul>				<p>X</p>	<p>During 2022/23 Waste &amp; Engineering Services has worked with Hednesford Town Council regarding littering concerns and has supplied 'temporary trial bins' which are being monitored. This is also being carried out in conjunction with the land developers in the area who will also be siting additional bins to manage the littering.</p> <p>WES Street Cleansing Team assisted local councillors during the recent Keep Britain Tidy community litter pick by providing them with equipment for the event which was completed successfully. This has encouraged local people to continue with community litter picks.</p> <p>WES Street Cleansing Supervisor has also supported local litter picking groups by providing picking and collection facilities and will continue to do so throughout the Corporate Plan.</p> <p>Additionally, WES has been liaising with local support groups of asylum seekers/ refugees to provide voluntary opportunities including litter picking which will boost their profile and assist with their mental health in providing a meaningful opportunity as well as raising the profile of CCDC in offering support in this area.</p>	




Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
						<p>Once confirmed, conversation will take place with Parish and Town Councils to seek assistance and guidance to enable areas of concern to be targeted.</p> <p>WES Manager will develop relationships with all local Town and Parish Councils during 2023/24 to improve the communication and responsiveness of the Street Cleansing Team.</p>	
<b>Maintain our local parks and green spaces</b>							
Undertake a review of all our play areas	<ul style="list-style-type: none"> <li>Complete Part 2 of the Open Spaces Strategy review</li> </ul>				X	The Part 1 report is currently in final draft form and the exercise has taken a considerably larger than expected resource to assess the existing CCDC data base and mapping. Some of the mapping has been modified to reflect changes on the ground since the last review in 2009. It is essential that this is correct ahead of the Part 2 being produced.	
	<ul style="list-style-type: none"> <li>Develop a sustainable 4-year capital play area refurbishment programme</li> </ul>		X	X	X	4-year play area improvement programme agreed by Cabinet in March 2023.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Encourage residents to live a sustainable lifestyle</b>							
Work with partners and the local community to support appropriate tree planting schemes	<ul style="list-style-type: none"> <li>Work with schools, internal and external partners etc to identify suitable sites for community planting schemes</li> </ul>		X	X	X	Planting schemes have/are being undertaken during the tree planting season as follows: <ul style="list-style-type: none"> <li>Byron Place - 38Lm hedgerow (190 native plants) plus 5 trees.</li> <li>Ravenhill Park - 150Lm hedge (1359 native plants)</li> <li>Hobby Way - 440 tree and 221 native shrub planting over 955m2 area.</li> <li>Hawks Green South - 77 trees via Forest of Mercia following a bequest in Heath Hayes.</li> <li>Joseph Dix Drive - 16 cherry trees. Ravenhill Park - 150Lm hedge (550 native plants).</li> </ul>	★
	<ul style="list-style-type: none"> <li>Carry out community planting at suitable identified sites</li> </ul>			X	X	Joseph Dix Drive and Byron Place involve community planting. Ravenhill Park hedge was a corporate event involving Amey (Highways).	★

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Encourage residents to live a sustainable lifestyle</b>							
Undertake campaigns to raise awareness of the ways in which residents can reduce their impact on the environment	<ul style="list-style-type: none"> <li>Carry out annual waste reduction/recycling /climate change campaigns</li> </ul>	X	X	X	X	2022/23 annual waste and recycling campaign has been completed and now rolls on in to 2023/24 with a differing theme.	
	<ul style="list-style-type: none"> <li>Work with schools, other educational establishments and partners, to promote the environment and climate change</li> </ul>		X	X	X	Binworld successfully delivered to multiple schools across the District. Plan to revisit this project biennially. The Small Change Big Difference project is also being delivered across multiple schools as a joint project, which started late 2022.  Appointment of new Waste, Recycling & Climate Change Officer will provide additional opportunities to support projects such as these.	
Develop an Environmental Strategy and action plan to reduce our impact on the climate	<ul style="list-style-type: none"> <li>Create an environmental/climate change strategy</li> </ul>				X	The Council's Climate Change Costed Action Plan was published in December 2022. Its Environmental Strategy was subsequently delayed due to the late publication of the above and the requirement for the consideration of its content.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Work with partners to support the delivery of the zero-carbon pilot scheme in Rugeley	<ul style="list-style-type: none"> <li>Continue to work with and support EQUANS, partners and other stakeholders on the delivery of the Zero Carbon Rugeley project throughout its lifecycle and various stages</li> </ul>	X	X	X	X	<p>The Council's partnership with EQUANS has continued working on Zero Carbon Rugeley and a number of meetings and workshops have been attended by officers and Members. The project was planned to end in March 2023.</p> <p>The Council has been working with partners and stakeholders on maximising the impact, learning and the community that has developed around it and looking to evolve it into a stakeholder group or some form of Cannock Chase `mini commission`.</p>	
<b>Improve the housing offer across the District</b>							
Increase housing choice	<ul style="list-style-type: none"> <li>Deliver sufficient supply of homes to provide for housing choice and ensure all people are able to live in a decent home</li> </ul>		X			Policies on housing choice and a proposed uplift in the delivery of affordable housing have been included in the Regulation 19 Local Plan. Consultation will commence in the near future with a submission for examination anticipated later this year.	
	<ul style="list-style-type: none"> <li>Help meet local need for a wide variety of housing, including: <ul style="list-style-type: none"> <li>o affordable dwellings;</li> <li>o and aspirational housing</li> </ul> </li> </ul>		X			Affordable Housing Policies are set out within Reg19 Local Plan. Consultation has been delayed (see below).	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Work with other housing providers and landlords to ensure that their properties are safe and healthy	<ul style="list-style-type: none"> <li>Review and update policies and procedures, as legislation is updated, changes and/or is created in relation to health and safety around public and private sector housing.</li> </ul>	X	X	X	X	Work is progressing on the revised Housing Assistance Policy	
<b>Ensure our communities are well designed, accessible, and inclusive environments</b>							
Adopt a new Local Plan for the District	<ul style="list-style-type: none"> <li>Pre-submission version of the Local Plan (Regulation 19 Report) for Cabinet/ Council approval</li> </ul>		X			Approval to finalise documents and commence Reg 19 consultation obtained August/September 2022.	
	<ul style="list-style-type: none"> <li>Consultation on the report</li> </ul>			X		Consultation delayed as key evidence documents still in preparation. Consultation on Levelling Up Bill and proposed changes to NPPF will require consideration.	
Ensure that our housing stock is safe and sustainable	<ul style="list-style-type: none"> <li>Quality of housing stock</li> </ul>				X	<p>Review of KPIs within Housing's (building safety) compliance team taking place for new financial year.</p> <p>Producing Consumer Standards Self-Assessment for internal reporting.</p>	





Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Support the progression of current and future Neighbourhood Plans within the District	<ul style="list-style-type: none"> <li>Neighbourhood planning</li> </ul>				X	<p>The Planning Policy team will continue to support Neighbourhood Plans and will work with Parish Councils in progressing the Cannock Chase Local Plan Review.</p> <p>Cannock Wood Draft Neighbourhood Plan to be progressed. It has been on hold during preparations for Local Plan consultation.</p>	
<b>Support and build strong connections within our local communities</b>							
Work with partners to support community events.	<ul style="list-style-type: none"> <li>Regular meetings with town and parish councils</li> </ul>		X		X	The meetings in the last quarter did not take place. A new schedule will be drawn up for 2023/24	
	<ul style="list-style-type: none"> <li>Identify options for supporting community events</li> </ul>	X	X	X	X	<p>CCDC and IHL were actively involved in the Queen's Platinum Jubilee, Queen's Baton Relay and Commonwealth Games community events. In addition, the District held its first Chase Pride event in September 2022, supported by Council staff.</p> <p>Split Mask community drama group (based at Kingsmead school) took part in five Binworld environmental theatre performances at the Prince of Wales and Red Rose Theatres in December 2022.</p>	



## Priority Delivery Plan for 2022-23

### PRIORITY 4 - RESPONSIBLE COUNCIL “To be a modern, forward thinking and responsible Council”

#### Summary of Progress as at end of Quarter 4





				Total Number of Projects
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	
<b>4</b>	<b>4</b>	<b>5</b>		<b>13</b>




#### Summary of Successes as at Quarter 4






- Completion of the shared service business case was a significant piece of work. This has been approved by both Councils and work is in progress to implement the decision. The first key step has been the creation of a joint Leadership Team which came into operation on 1 April 2023.
- Delivery of the Medium Term Financial Strategy has necessitated the identification of significant savings over the next 2 years.


#### Summary of Slippages as at Quarter 4

- Work on the development of a workforce plan has been deferred to 2023-24 pending a discussion with the new joint Leadership Team on the future vision for the workforce, culture and values.
- Whilst the trial of the hybrid working model has commenced as scheduled, the review of the trial has slipped slightly and will be concluded in quarter 1 of 2023-24.




Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Improve our customers' access to services</b>							
Develop a new customer portal to deliver better access to services online	<ul style="list-style-type: none"> <li>Procurement of new system</li> </ul>		X			The procurement of a new customer portal has been completed and the contract awarded. Work has commenced with the supplier on planning for implementation of the new software.	
Communicate with residents and stakeholders using language that is clear and easy to understand	<ul style="list-style-type: none"> <li>Effective communication</li> </ul>				X	We adopt Plain English principles ensuring acronyms are always explained if used, try to avoid jargon and aim to use language that could be understood by a person of average reading age.	
<b>Enhance the use of technology and new ways of working</b>							
Update our digital technology strategy and plan future improvements	<ul style="list-style-type: none"> <li>Review of digital strategy and development of action plan</li> </ul>				X	A draft strategy has been produced and will be discussed with Leadership Team in Quarter 1 of 2023-24.	
	<ul style="list-style-type: none"> <li>Future improvements to be prioritised once a decision has been made regarding the shared services business case</li> </ul>				X	Future improvements have been identified in the digital strategy and will be refined as the transformation work develops.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Develop our workforce to ensure they are suitably skilled</b>							
Develop and deliver a workforce plan	<ul style="list-style-type: none"> <li>Over-arching framework for workforce plan to be developed. Specific workstreams will be determined once a decision has been made regarding the shared services business case.</li> </ul>				X	Work on this has been deferred pending a discussion with the new joint Leadership Team on the future vision for the workforce, culture and values.	
	<ul style="list-style-type: none"> <li>Development and trial of hybrid working model</li> </ul>		X			The hybrid working trial is in progress. A survey has been issued to employees and the results are being analysed. A report will be considered by Leadership Team in Quarter 1 of 2023-24.	
<b>Be a responsible Council that lives within its means and is accountable for its actions</b>							
Set a Medium-Term Financial Strategy (MTFS)	<ul style="list-style-type: none"> <li>Produce a draft MTFS for 2023-26 for Cabinet Briefing by end of September that aims to eliminate the use of reserves over the period. Final MTFS to Cabinet in January.</li> </ul>		X			This has now been completed following a significant amount of work by the finance team and budget holders. While it was not possible to eliminate the use of reserves at CCDC, this was a result of a lower funding amount from central government rather than a lack of savings programmes.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
	<ul style="list-style-type: none"> <li>Development of the second stage of the business case for shared services. Further actions will depend on the decision taken by Council in December.</li> </ul>			X		The business case has been completed. Both Councils have agreed to proceed with the wider sharing of services and the creation of a joint management team. Work is underway to plan for the implementation phase.	
<b>Make the best use of our assets</b>							
Undertake a corporate wide review of our assets and develop a new Asset Strategy.	<ul style="list-style-type: none"> <li>Asset and Property Strategy to be approved by Cabinet</li> </ul>	X				Asset Strategy was approved by Cabinet in June 2022.	
	<ul style="list-style-type: none"> <li>Undertake a strategic review of the Council's non-HRA land and property assets</li> </ul>		X	X	X	An Asset Management Group has been set up and is now starting to undertake strategic asset reviews.	
	<ul style="list-style-type: none"> <li>Develop the business case to create a new Civic Hub in Cannock town centre as part of the Levelling Up Fund scheme</li> </ul>		X	X	X	Outline requirements for a Civic Hub have been identified and are being further developed as part of the LUF project. A business case will be put forward during 2023-24.	
Identify opportunities for funding for green initiatives to improve energy efficiency of our buildings	<ul style="list-style-type: none"> <li>Develop an Energy Management Strategy</li> </ul>			X	X	The AECOM baseline study is now complete (Q3) and an Energy management Strategy is now being developed, completion deferred to 2023-24	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
	<ul style="list-style-type: none"> <li data-bbox="548 209 936 316">Identify `green` funding opportunities to support asset requirements</li> </ul>				X	Options for green funding have been identified and opportunities will be progressed as asset requirements are identified through the asset review process.	

**Key Performance Indicators (KPIs) for 2022/23 - as at end of Quarter 4**

<b>Symbol</b>	<b>Description</b>	<b>Number of KPIs</b>
	Performance exceeds target	8
	Performance on target	1
	Performance below target	10

### KPIs for Priority 1 - Economic Prosperity “To reinvigorate the economy and create a District that thrives”


Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Planning</b>								
Major Planning Applications determined within time	60%	50%	100%	100%	n/a	83.3%	★	No major applications processed during Q4 period
Non-major Planning Applications determined within time	70%	87.4%	90.5%	93.8%	95.9%	91.9%	★	
<b>Building Control</b>								
Applications registered and acknowledged within 3 days of valid receipt	90%	63%	96%	97%	99%	84%	✘	Year end figure affected by Q1 performance which was below target due to 65% increase in building control applications. In subsequent quarters applications at more normal level and performance target achieved.
Full plans applications with initial full assessment within 15 days of valid receipt	70%	87%	91%	94%	80%	86%	★	


## KPIs for Priority 2 - Health and Wellbeing “To encourage and support residents to lead healthy and independent lives”





Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Leisure</b>								
Number of leisure and wellbeing service users	Out-turn (2021/22) 779,191	197,282	185,297	200,331	212,987	795,897	★	This figure includes visits to Chase and Rugeley Leisure Centres, Cannock Park Golf Course, Fives Pavilion, Museum of Cannock Chase, Prince of Wales Theatre and Wellbeing activities. This is 16,706 more users than in the previous year.
Number of individuals engaged through Cannock Chase Can activities and initiatives, including the app	N/A	1,678	1,206	1,088	1,345	5,317	N/A	1,345 attendances (engagements) at bespoke Cannock Chase Can projects/events, the figure also includes 94 new app users in quarter 4. Q4 - 830 active app users in total. Going forward this figure may be monitored separately.



## KPIs for Priority 3 - The Community “To ensure Cannock Chase is a place that residents are proud to call home”




Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Waste Collection</b>								
% Household waste sent for re-use, recycling and composting	50%	49%	47%	40%	41%	44%		Qtr. 4 performance fell due to low garden waste yields, as seen across Staffordshire and the region, and is normal during this period.
<i>Breakdown:</i>								Promotion of both dry mixed recycling and garden waste collections will continue into 2023/24 towards reaching the Councils target.
<i>Recycling (dry)</i>		21%	23%	26%	23%			There is a national downturn in recycling over recent years, which is again evidenced in the year 2022/23, with the Council not achieving its target of 50%. This pattern is also similar in other Staffordshire Councils.
<i>Composting (garden)</i>		28%	24%	14%	18%			

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
Missed bin collections (including assisted)	2021-22 out-turn 732	686	468	349	247	1,750		<p>Q4 performance has improved, along with each of the previous quarters, as the Council continues to work with our contractor following the roll out of the blue bag for paper and cardboard.</p> <p>While the annual figure is well above the target this is firmly being attributed to rollout of the new blue bag collection service in May 2022, and signs of it returning to previous year's performance are evident.</p>
<b>Environmental Health</b>								
% of food businesses inspected which are broadly compliant (rating of 3 or better)	N/A	98%	96%	97%	98%	97% (average)	N/A	Our food businesses are consistently showing high standards of compliance, though we have seen more frequent need for intervention during 2022-23 following recovery from the COVID-19 pandemic backlog.
<b>Homelessness</b>								
% of homeless cases resolved through prevention assessed under prevention duty	N/A	90%	83%	71%	76%	80%	N/A	No target as case-by-case, dependant on clients presenting and their circumstances.

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
% of homeless cases assessed under relief duty	N/A	10%	17%	29%	24%	20%	N/A	As above.
<b>Housing</b>								
Rent collected as proportion of rent due	100%	98.27%	99.15%	99.00%	99.79%	99.79%		Just shy of the target. Staff shortages throughout the year, new team members starting and cost of living crisis all contributory factors. Pro-active work of Money Management team will try to improve and meet (if not exceed) target in 2023-24.
Rent arrears - former tenants (FTA)	£500,000	£517,958	£531,94	£546,153	£559,810	£559,810		As above. Cost of living crisis affecting some tenants' ability to pay and for former tenants they are less inclined to pay former debts. Team will look to significantly reduce in 2023-24.
Average re-let time for Voids	52	81.04	84.72	77.85	63.91	76.88		Performance improved throughout the year as backlog driven down and issues slowly being ironed out. 2023-24 performance will be better.
% emergency repairs completed in time	100%	100%	100%	100%	100%	100%		

## KPIs for Priority 4 - Responsible Council “To be a modern, forward thinking and responsible Council”

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Local Taxation and Benefits</b>								
Days taken to process new HB/CT Claims	20 days	15.2	14.5	15.9	18	18.7	★	
Days taken to process new HB/CT change of circumstances	9 days	7.5	5.7	5.2	5.4	5.1	★	
% of Council Tax collected annually	98% by year end	27.8%	54.1%	80.5%	95.9%	95.9%	✘	Arrears have accrued during the past 3 years and the Revenues Team’s ability to deal with them has been impacted by the work done to pay Covid relief grants as well as Council Tax Energy Rebate payments. The current increases in cost of living and energy costs will also affect people’s ability to pay. Collections had shown signs of improvements during the first 3 quarters but this was not maintained to year end. Work has begun to improve this performance in the current year. Our Local Council Tax Reduction scheme has been temporarily enhanced and the Recovery Policy is being refreshed. Reversion to pre-pandemic performance is likely to take some time.

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
% National non-domestic rates (NNDR) collected	98% by year end	24.0%	56.6%	81.0%	96.6%	96.6%		As with Council Tax collections, arrears have accrued during the past 3 years and the Revenues Team's ability to deal with them has been impacted by the work done to pay Covid relief grants as well as Council Tax Energy Rebate payments. Collections had shown signs of improvements during the first 3 quarters, but this was not maintained to year end. Again, work is ongoing to improve performance with a view to reverting to pre-pandemic levels.
<b>Land Charges Searches</b>								
Turnaround time for land charges searches (excluding personal searches) – average no. of working days	10 working days	14.85	24.15	31.85	19.69	22.64		Delays in receiving responses from the County Council continue to affect turnaround times for local searches. Staff sickness has reduced capacity by half for all of Q4.
<b>Calls, Complaints and FOI requests</b>								
% of calls answered	94%	88.7%	85.1%	97.7%	94%	91%		During the 1 <sup>st</sup> half of the year, call answer rates for the contact centre were impacted by the speed with which calls could be transferred to relevant officers. Through work with relevant service areas, this has improved and targets were achieved in the 2 <sup>nd</sup> half of the year.

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
Average call wait time	2 min	2.36min	3.08min	1.18min	1.22min	1.44min	★	
Complaints received and upheld:								
<b>Total stage 1 complaints</b>	N/A	<b>14</b>	<b>12</b>	<b>10</b>	<b>14</b>	<b>50</b>	<b>N/A</b>	
<i>Upheld in full</i>		1	2	1	3	7		
<i>Upheld in part</i>		4	3	2	3	12		
<b>Total stage 2 complaints</b>	N/A	<b>3</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>12</b>		
<i>Upheld in full</i>		0	1	0	1	2		
<i>Upheld in part</i>		1	2	0	0	3		
FOI requests within time i.e. 20 working days	85%	88%	91%	88%	85%	87.5%	★	
<b>Finance</b>								
Percentage of invoices paid within 30 Days								Due to ongoing issues with the Finance system, these figures are not currently available

<b>Report of:</b>	<b>Head of Transformation &amp; Assurance</b>
<b>Contact Officer:</b>	<b>Stephen Baddeley</b>
<b>Contact Number:</b>	<b>01543 464415</b>
<b>Portfolio Leader:</b>	<b>Resources and Transformation</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23 Audit &amp; Governance Cttee: 27/06/23</b>

**Cabinet  
15 June 2023  
Strategic Risk Register**

**1 Purpose of Report**

- 1.1 To set out details of the Council's Strategic Risk Register as at 1<sup>st</sup> April 2023.

**2 Recommendation(s)**

- 2.1 That Cabinet approves the Strategic Risk Register and considers the progress made in the identification and management of the strategic risks.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 All strategic risks and associated action plans have been reviewed and the Council's risk profile is summarised in the table below:

<b>Risk Status</b>	<b>Number of Risks at 30<sup>th</sup> September 2022</b>	<b>Number of Risks at 1<sup>st</sup> April 2023</b>
Red (High)	<b>4</b>	<b>2</b>
Amber (Medium)	<b>2</b>	<b>4</b>
Green (Low)	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>6</b>	<b>6</b>

## Reasons for Recommendations

3.2 Cabinet are required to approve the Strategic Risk Register.

### 4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

- (i) Risk management is a systematic process by which key business risks / opportunities are identified, prioritised, and controlled so as to contribute towards the achievement of the Council's aims and objectives.
- (ii) The strategic risks set out in the Appendices have been categorised against the Council's priorities.

### 5 Report Detail

5.1 The Accounts & Audit Regulations 2015 state that:

"A relevant body must ensure that it has a sound system of internal control which:-

- (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
- (b) ensures that the financial and operational management of the authority is effective; and
- (c) includes effective arrangements for the management of risk."

5.2 Risk can be defined as uncertainty of outcome (whether positive opportunity or negative threat). Risk is ever present and some amount of risk-taking is inevitable if the council is to achieve its objectives. The aim of risk management is to ensure that the council makes cost-effective use of a risk process that has a series of well-defined steps to support better decision making through good understanding of risks and their likely impact.

#### Management of Strategic Risks / Opportunities

5.3 Central to the risk management process is the identification, prioritisation, and management of strategic risks / opportunities. Strategic Risks are those that could have a significant impact on the Council's ability to deliver its Corporate Priorities and Objectives.

5.4 The risk register has been updated as at 1<sup>st</sup> April 2023 and a summary is attached as **Appendix 1**. The risks in the summary have been aligned with the new Corporate Plan priorities.

5.5 The risk summary illustrates the risks / opportunities using the "traffic light" method i.e.

**RED** risk score 12 and above (action plan required to reduce risk and/or regular monitoring)



**AMBER** risk score 5 to 10 (action plan required to reduce risk)

**GREEN** risk score below 5 (risk tolerable, no action plan required)

5.6 There has been no change in the total number of risks although there has been movement in the rating of risks; two former Red risks have reduced to Amber. There are currently no Green Risks.

5.7 The risk register has been updated to reflect the revised risk scores and the main changes relates to:

- Risk C2 “Economy Risk” which has had its risk score reduced from a 12 Red to a 9 Amber. This is due to a stabilisation of the local economy with no major redundancies and future investment coming on stream such as the use of the Shared Prosperity Fund and investment from the Levelling-up fund.
- Risk C5 “Organisational Resilience Risk” has had its score reduced form a 20 Red to 10 Amber. The reduction in score is due to a greater certainty over the sharing of services with Stafford Borough Council which has now been agreed by both Councils. Work is in progress to implement the decision with the first key step being the creation of a shared Leadership Team.

5.8 The key information and progress for each risk is set out in the strategic risk register attached at **Appendix 2**. A full strategic risk register including detailed controls and actions for each risk is held on file by the Chief Internal Auditor & Risk Manager.

<b>6 Implications</b>
-----------------------

6.1 **Financial**

None

6.2 **Legal**

None

6.3 **Human Resources**

None

6.4 **Risk Management**

The Risk Management implications are included within the body of the report and appendices.

6.5 **Equality & Diversity**

None

6.6 **Climate Change**

None

**7 Appendices to the Report**

Appendix 1 – Summary of Strategic Risks – 1<sup>st</sup> April 2023

Appendix 2 – Strategic Risk Register Key Information – 1<sup>st</sup> April 2023

**Previous Consideration**

None

**Background Papers**

File of papers kept in the Chief Internal Auditor & Risk Manager's office.

**Cannock Chase Council**  
**Summary of Strategic Risk Register as at 1<sup>st</sup> April 2023**

**Red Risks**

Risk No	Risk	Risk Owner	Date Added to Register	Residual Risk Score at Sept 2022	Residual Risk Score at April 2023	Direction of Travel over period reported
C1	Finance Risk	Deputy Chief Executive Resources	May 2020	<b>20</b> <b>RED</b>	<b>20</b> <b>RED</b>	↔
C4	Key Contractors Risk	Head of Operations / Head of Wellbeing	May 2020	<b>15</b> <b>RED</b>	<b>15</b> <b>RED</b>	↔

**Amber Risks**

Risk No	Risk	Risk Owner	Date Added to Register	Residual Risk Score at Sept 2022	Residual Risk Score at April 2023	Direction of Travel over period reported
C2	Economy Risk	Head of Economic Development & Planning	May 2020	<b>12</b> <b>RED</b>	<b>9</b> <b>AMBER</b>	↓
C3	Partnership Risk	Head of Wellbeing	May 2020	<b>9</b> <b>AMBER</b>	<b>9</b> <b>AMBER</b>	↔
C5	Organisational Resilience Risk	Chief Executive	May 2020	<b>20</b> <b>RED</b>	<b>10</b> <b>AMBER</b>	↓
C6	Cyber Attack Risk	Head of Transformation & Assurance	May 2020	<b>9</b> <b>AMBER</b>	<b>9</b> <b>AMBER</b>	↔

**Key to Direction of Travel**

↓	Risk has decreased	↔	Risk level unchanged	↑	Risk has increased
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**Cannock Chase District Council – Strategic Risk Register Key Information as at 1<sup>st</sup> April 2023**

<b>Ref No: C1</b>	<b>Risk Name: Finance Risk</b>		
Risk Description	Poor budget planning, over commitment of financial resources or inappropriate use of reserves leading to a financial shortfall or overspends that undermine the Council's ability to deliver services, corporate priorities or leading to external intervention		
Risk Owner: Deputy Chief Executive Resources	Portfolio: Resources and Transformation		
Gross Risk Score (i.e., without controls)	Likelihood: 4	Impact: 5	Total Score: <b>20 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 4</b>	<b>Impact: 5</b>	<b>Total Score: 20 – RED</b>
<p><b>Overall Progress Summary:</b></p> <p>The medium-term financial stability of the Council is dependent upon its ability to set a 2024-25 budget that minimises the use of reserves, and the impact of changes arising from the future funding regime for local government. Details in relation to the implementation of 50% Business Rates Retention, a Business Rates Reset and Fair Funding are still awaited.</p> <p>A consultation document in relation to the Future of New Homes Bonus was published in February 2021 (a response from the Council was submitted in advance of the closing date). The Council is awaiting details of the financial Settlement for 2024-25, including New Homes Bonus, to be provided by Central Government, likely in the Autumn.</p> <p>Recent events have included the Ukraine war, energy crisis, inflation creating a cost-of-living crisis and interest rate rises. These issues, as well as uncertainty regarding national fiscal and monetary policy, the direction of the new Government and the impact on the local government financial settlement, have created substantial risk to financial sustainability.</p>			

<b>Ref No: C2</b>	<b>Risk Name: Economy Risk</b>		
Risk Description	Adverse macro-economic conditions lead to a serious impact on the performance of the District's economy		
Risk Owner: Head of Economic Development & Planning	Portfolio: Regeneration and High Streets		
Gross Risk Score (i.e., without controls)	Likelihood: 3	Impact: 5	Total Score: <b>15 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 3</b>	<b>Impact: 3</b>	<b>Total Score: 9 - AMBER</b>
<p><b>Overall Progress Summary:</b></p> <p>Economic conditions remain challenging, due largely to the current cost of living pressures and inflation growth, but the situation locally has not worsened during the last quarter. However, the District's economy continues to be resilient, with unemployment rates at a stable level and a large number of job vacancies available. There have been no major economic shocks or large-scale redundancies locally, but the Council will continue to monitor local economic conditions and respond if the situation worsens.</p> <p>Major investments such as the Levelling Up Fund scheme in Cannock Town Centre, the proposed phase 2 of the McArthurGlen Designer Outlet and re-development of the former Rugeley Power Station continue to be absolutely critical in supporting the prosperity and growth of the District. Furthermore, the £3m of UK Shared Prosperity Fund money will be invested by the Council to grow the District's economy and address current economic challenges.</p>			

<b>Ref No: C3</b>	<b>Risk Name: Partnership Risk</b>		
Risk Description	Failure to work in partnership to sustain support to vulnerable residents' leading to a reduction in the quality of life of affected residents.		
Risk Owner: Head of Wellbeing	Portfolios: Community Wellbeing		
Gross Risk Score (i.e., without controls)	Likelihood: 4	Impact: 5	Total Score: <b>20 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 3</b>	<b>Impact: 3</b>	<b>Total Score: 9 – AMBER</b>
<p><b>Overall Progress Summary:</b></p> <p>There are currently 33 rough sleepers in our TP group as at 30.04.23. 3 have been re-housed during the past 2 months. 2 are in HMP (1 recently passed away whilst in HMP).</p> <p>All rough sleeping actions are aimed at reducing and eliminating the Target Priority Group figure of 8 rough sleepers through establishment of a robust pathway out of rough sleeping. RSI funding for services to be developed over next 18 months.</p> <p>We currently have a total of 8 Housing First properties, accommodating rough sleepers. All of these properties are currently occupied. Partnership working ongoing with MPFT to fill the Mental Health Worker role and Spring to fill the now vacant Substance Abuse Worker post.</p> <p>To engage with Housing Support worker embedded within MPFT for Cannock Chase District which was in post February 2323.</p> <p>Eviction suspension now lifted although many Assured Shorthold Tenants are on extended notices cases in Court and eviction warrants are increasing. Housing Options Team successfully recruited a new post, Tenancy Support Worker in September 22. With the decision by provider to cancel the project to establish a new service 'Call Before You Serve' to mitigate the impact on homelessness from the ending of the eviction suspension the Councils involved are reviewing the option to operate part of the service in house</p> <p>The RSI funding for the 3-year period of £177k has been confirmed and work commenced on expenditure plans.</p> <p>Progress on some of the above projects are affected by the availability of suitably qualified and experienced staff.</p> <p>Ongoing liaison with the voluntary sector which is refocusing work to support refugees. Monthly meet and greet sessions with sponsors/refugees are on-going with the aim for longer term self-pollination. These sessions are supported by the Rotary Club. Additional support also being offered by Cannock Soroptimists and various community groups. Monthly VCSE meetings also ongoing.</p> <p>Work is ongoing to deliver the District Responsibilities for the Homes for Ukraine scheme.</p>			

<b>Ref No: C4</b>	<b>Risk: Key Contractors Risk</b>		
Risk Description	Changes in the operational costs/income due to economic factors which impact on the sustainability of key Contractors to deliver the required services.		
Risk Owner: Head of Operations / Head of Wellbeing	Portfolios: Housing and Environment & Climate Change		
Gross Risk Score (i.e., without controls)	Likelihood: 4	Impact: 5	Total Score: <b>20 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 3</b>	<b>Impact: 5</b>	<b>Total Score: 15 – RED</b>
<p><b>Overall Progress Summary:</b></p> <p>Regular contact continues to be maintained with the Council's key contractors in relation to performance and operational matters.</p> <p>Leisure and culture facilities and services remain some at risk, with visitor numbers slowly recovering towards pre-pandemic levels, concerns still remain over the impact of the cost-of-living crisis and energy costs. The original Deed of Variation remains in place in regard to the pandemic recovery but requires reviewing in light of the changing support requirements towards energy costs, and as near pre-pandemic income levels return.</p> <p>The waste and recycling collection contract has been extended for a further two years, until 2025, giving additional stability, eliminating the risk of not having a suitable contract in place. There remains a risk around going to the market before the full extent of the Resources and Waste Strategy is understood but this can be mitigated against as part of the procurement. The Council successfully moved to a dual stream dry recycling collection service from May 2022, along with neighboring authorities to control disposal costs and improve quality.</p> <p>Previous concerns around COVID have been replaced with concerns over the cost-of-living increases impacting upon staffing costs / wage bills, and increasing fuel/energy costs, such as electricity, gas, and petroleum-based products, impacting upon operational costs. Increases in fuel costs have been factored into the renegotiated Deed of Variation for the waste collection contact. Changes to legislation in relation to fuel duty have had a smaller than expected impact upon operational costs over the last 12-months.</p>			

<b>Ref No: C5</b>	<b>Risk Name: Organisational Resilience Risk</b>		
Risk Description	<b>The Council doesn't have sufficient officer capacity or financial resources to sustain delivery of essential services and key projects.</b>		
Risk Owner: Chief Executive	Portfolios: Leader of the Council and Resources & Transformation		
Gross Risk Score (i.e., without controls)	Likelihood: 4	Impact: 5	Total Score: <b>20 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 2</b>	<b>Impact: 5</b>	<b>Total Score: 10 - AMBER</b>
<b>Overall Progress Summary:</b>			
<p>The majority of services are operating normally but some are continuing to experience capacity issues due to vacancies and problems in recruiting new staff. Officer capacity continues to be reviewed and work prioritised. The new shared senior management structure came into place on 1 April 2023 but it will take time to establish as we recruit to the vacant posts. This will help with strategic capacity and resilience. The next stage will be to review the operational management tier.</p>			



<b>Ref No: C6</b>	<b>Risk Name: Cyber Attack Risk</b>		
Risk Description:	Failure to repel or recover from a Cyber-attack including targeted ransomware, malware, and Distributed Denial of Service (DDoS) attacks leading to disruption to the delivery of services and communication with residents.		
Risk Owner: Head of Transformation & Assurance	Portfolio: Resources & Transformation		
Gross Risk Score (i.e., without controls)	Likelihood: 4	Impact: 5	Total Score: <b>20 – RED</b>
<b>Residual/Net Risk Score (i.e., with controls)</b>	<b>Likelihood: 3</b>	<b>Impact: 3</b>	<b>Total Score: 9 – AMBER</b>
<p><b>Overall Progress Summary:</b></p> <p>Work has been completed and actions are in progress. However, the environment means that new risks and challenges are always developing, and attacks are becoming more sophisticated. The move to homeworking has increased the risks in this area</p> <p>The Technology Team has achieved Cyber Essentials Plus. About Cyber Essentials - NCSC.GOV.UK</p> <p>A Security Officer role has been created within the team as part of the localised restructure. Cyber Essentials Plus renewal is underway. PSN certification has been renewed.</p> <p>Working with National Cyber Security Centre (NCSC) on our Cyber action plan, meetings held quarterly.</p>			

<b>Report of:</b>	<b>Head of Operations</b>
<b>Contact Officer:</b>	<b>David Prosser-Davies</b>
<b>Telephone No:</b>	<b>01543 464 202</b>
<b>Portfolio Leader:</b>	<b>Environment &amp; Climate Change</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23</b>

**Cabinet**  
**15 June 2023**  
**Adoption of Contaminated Land Strategy 2023**

**1 Purpose of Report**

- 1.1 To present for adoption a revised and updated Contaminated Land Strategy 2023.

**2 Recommendation**

- 2.1 That Cabinet approves and adopts the revised Contaminated Land Strategy at Appendix 1.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 The Council's current Contaminated Land Strategy (included at Appendix 2) was approved in 2001, in response to a statutory requirement introduced by the Environmental Protection Act 1990. The updated 2023 Strategy reflects changes to government policy, legislation, and good practice in contaminated land management. The strategy includes a revised methodology for the identification of potentially contaminated land and for how remediation of that land should be prioritised.

**Reasons for Recommendations**

- 3.2 To ensure the Council continues to meet its statutory obligations under Part 2A of the Environmental Protection Act 1990.

**4 Relationship to Corporate Priorities**

- 4.1 This report supports the Council's Corporate Priorities as follows:

**a. Health and Wellbeing - “To encourage and support residents to lead healthy and independent lives.”**

Contaminated land presents a risk to the health of the residents of the District. Identifying and ensuring remediation of contaminated land, the council can minimise those risks.

**b. The Community. - “To ensure Cannock Chase is a place that residents are proud to call home.”**

By ensuring that contaminated land is identified and remediated, the Council can ensure Cannock Chase is a place that residents are proud to call home and our neighbourhoods are safe, clean and tidy.

<b>5 Report Detail</b>
------------------------

- 5.1 The Council has a legal duty under the Environmental Protection Act 1990 to identify and remediate contaminated land. The requirements are, in brief:
- a. Identify land which is potentially contaminated.
  - b. Prioritise potentially contaminated land for inspection, so that land which presents the highest risks is inspected first.
  - c. Inspect that land to determine whether it is contaminated (this is where an intrusive investigation is undertaken to collect environmental samples for laboratory analysis).
  - d. Where land is determined as contaminated, to secure its remediation (treatment).
- 5.2 The Council is required to detail how it will carry out its duty in a written strategy. The current Contaminated Land Strategy was approved in 2001.
- 5.3 Since the original Strategy was prepared, there have been changes to:
- a. Legislation - whilst there have been no significant amendments to the Environmental Protection Act 1990 Part 2A, there have been changes to related legislation.
  - b. Policy - There have been changes to relevant policies at national, regional, and local level, particularly in Statutory Guidance on Part 2A (which was revised in 2006 and 2012, with Statutory Guidance on Radioactively Contaminated Land introduced in 2012 and 2018). Policy changes to planning and water resource management have also been introduced.
  - c. There have been significant developments in good practice in the management of land contamination.
- 5.4 The proposed Contaminated Land Strategy 2023 is a comprehensive update of the original Strategy. The proposed Strategy acknowledges the changes outlined in paragraph **Error! Reference source not found.**3 above and includes a revised description of the District, with comprehensive industrial history, geology and ecologically sensitive sites.

- 5.5 The 2001 Strategy set out a five-year plan to identify potentially contaminated land, based on a review of ‘...large towns, then small towns, then villages...’. The Council has been successful in obtaining DEFRA funding to undertake a number of site investigations across the District, all of which concluded that the respective sites did not meet the definition of contaminated land.
- 5.6 In subsequent years, good practice and IT capabilities have significantly advanced. It is proposed to review previous work undertaken and continue updating the list of potentially contaminated land, based on the use of a modern Geographic Information System (GIS). There is currently sufficient in-house capability to develop and implement the proposed prioritisation method without expending significant resources.
- 5.7 The proposed prioritisation methodology represents an evolution of the method that was used for the previous strategy. The updated method introduces a two-step process, whereby the GIS is used to screen and broadly prioritise potentially contaminated land. A desk study will then be prepared for a manageable number of the highest risk sites. Those sites will then be re-prioritised, thereby allowing for a more considered decision to be made on which sites require inspection.
- 5.8 The prioritisation will utilise information already available to the Council. This includes data acquired from a commercial provider on the historic land use of the District (e.g. where historic industries were located). Where additional information is required to support decision making such as historic maps, these will be purchased on a case-by-case basis.

## 6 Implications

### Financial

- 6.1 Approval of the proposed 2023 Strategy does not carry any direct financial implications. Should any work undertaken reveal contaminated land, any action, together with resulting potential expenditure, will be subject to a further report to Cabinet. Section 11 of the 2023 Strategy, as attached, sets out the Council’s procedures in respect of liability and costs in detail.
- 6.2 Should ‘new’ potentially contaminated land be identified, the council may need to undertake an intrusive site investigation. It may be possible to obtain assistance from the Environment Agency, subject to the nature of the contamination risk and funding availability. Otherwise, the cost of undertaking an intrusive investigation would fall on the Council; again this would be subject to a further report to Cabinet.
- 6.3 If land is determined to be ‘contaminated land’, depending on the specific circumstances, responsibility for further regulation will fall to either the Council or the Environment Agency. Where land is found to be contaminated the Council will determine what remediation is necessary and who is liable.
- 6.4 Liability for remediation is determined by the regulating authority, in line with Statutory Guidance. Where this is appropriate and reasonable depending on the circumstances and risk posed, the Council may consider bearing some costs for remediation. The responsibility for confirming who is liable for remediation and the associated costs rests with the local authority.

## Legal

- 6.5 The council has a legal duty, under Part 2A of the Environmental Protection Act 1990, to identify and remediate contaminated land. The latest Statutory Guidance, published in April 2012, states:

*“The local authority should set out its approach as a written strategy...The local authority should keep its written strategy under periodic review to ensure it remains up to date. It is up to the authority to decide when its strategy should be reviewed, although as good practice it should aim to review its strategy at least every five years”.*

- 6.6 An up-to-date Contaminated Land Strategy will ensure the Council is able to demonstrate that it is undertaking its duties under Part 2A.

## Human Resources

- 6.7 The implementation of the proposed Contaminated Land Strategy will largely be undertaken by Environmental Health & Public Protection, with assistance from colleagues in ICT. It is considered all work arising from the adoption of the new strategy can be accommodated within existing resources.

## Risk Management

- 6.8 None

## Equality & Diversity

- 6.9 None.

## Climate Change

- 6.10 The Council, working with partners, will tackle climate change and ensure sustainable resource use via the promotion and positive consideration of initiatives and development proposals that use land and building assets sustainably, including the preference for Brownfield land (provided it is not of high environmental value) whilst taking into account the need for avoidance of mineral resource sterilisation and having regard to all sources of land contamination and stability issues arising from the mining legacy.

## 7 Appendices to the Report

Appendix 1: Contaminated Land Strategy 2023

Appendix 2: Contaminated Land Strategy 2001

## Previous Consideration

None

## Background Papers

- [Environmental Protection Act 1990](#)
- [Contaminated Land Statutory Guidance](#)



Appendix 1

# Contaminated Land Strategy 2023

DRAFT



ISSUED BY:

CANNOCK CHASE COUNCIL  
CIVIC CENTRE  
BEECROFT ROAD  
CANNOCK  
STAFFORDSHIRE  
WS11 1BG

DATE: 2023

<b>Prepared by</b>	<b>Hal Sambrooke</b>	
<b>Reviewed by</b>		

**Adopted by the full council on**

<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
<b>2001</b>	<b>1</b>	<b>Stephen Moore</b>
<b>2023</b>	<b>2</b>	<b>Hal Sambrooke</b>

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## EXECUTIVE SUMMARY

The UK has a proud history as the leading industrial power of the 19<sup>th</sup> Century, before its decline with the shift towards a service-based economy. Our industrial heritage includes the unwelcome legacy of land contamination, which presents risks to people and the environment.

Under the Environmental Protection Act 1990, every local authority has a duty to identify any contaminated land in its area and to ensure that it is treated. The way in which this is done has to be set out in a written Strategy, itself to be updated periodically; this document has been written in compliance with this requirement.

This is the second Contaminated Land Strategy that the Council has adopted; it has been comprehensively re-written to reflect twenty years of progress in legislation, policy and good practice relevant to contaminated land.

Under the 2001 Contaminated Land Strategy, the Council was successful in obtaining funding for fourteen site investigations, none of which resulted in any land being defined as contaminated land.

In terms of the District's history, the most significant economic activity was coal mining, around which Rugeley, Hednesford, Cannock and Norton Canes grew; most local industry grew around Bridgtown and along Watling Street. Regarding its natural history, Cannock Chase is renowned as a large tract of forest and heathland which contains sensitive ecology and groundwater.

The Contaminated Land Strategy presents an outline of legislation and policy areas (at all levels of government) that have relevance to contaminated land.

Under this strategy, the Council will develop a geographic information system-based screening tool to identify and prioritise potentially contaminated land based on broad screening parameters. A series of desk studies will then be produced for the highest risk sites, following which the sites which are deemed to present the highest risk would be considered for intrusive investigation where necessary. This represents an update from the previous screening methodology.

This strategy sets out how the Council will address the technical and legislative aspects of contaminated land, including:

- The approach to risk assessment and how land will be determined to be contaminated land.
- How remediation will be designed and undertaken.
- The approach to liability and voluntary remediation.
- How the strategy will be funded and how progress will be monitored.

# 1 INTRODUCTION

## 1.1 BACKGROUND

The UK has a significant industrial heritage; it gave birth to the Industrial Revolution in the late 18<sup>th</sup> century to become, until the late 19<sup>th</sup> century, the world's leading economic and industrial power. However, economic development came with scant regard for the environment; air, water and land pollution were barely considered in the drive to increase output from industries based on coal and iron.

Modern industry is regulated much more stringently, and there is a greater awareness of environmental issues such as pollution and climate change. Furthermore, manufacturing output has been in decline for some time, as the UK economy shifts toward the provision of services.

An unwelcome legacy from past industry remains; the environmental impacts from abandoned factories, petrol stations, landfills, and other sites are still to be addressed.

Land contamination has significant societal costs, in so far as:

- Exposure to contamination can cause adverse health impacts.
- Contamination can migrate to water bodies, where it can cause adverse impacts on wildlife and drinking water.
- Contamination can cause damage to concrete and structures.

Whilst the first laws concerning pollution came into force with the Alkali Act of 1863, the limited understanding of the environment resulted in unintended consequences. This was to be a hallmark of environmental legislation, until the first modern environmental legislation came into force – the Control of Pollution Act 1974.

The first legislation to address contaminated land was contained in Section 57 of the Environment Act 1995; this inserted 'Part 2A' (contaminated land) into the Environmental Protection Act 1990. Section 57 was brought into force by the Contaminated Land Regulations 2001.

The intention of the Environmental Protection Act 1990 Part 2A is to require local authorities to:

- Identify land which is potentially contaminated.
- Prioritise potentially contaminated land for inspection, so that land which presents the highest risks is inspected first.
- Inspect that land to determine whether it is contaminated (this is where an intrusive investigation is undertaken to collect environmental samples for laboratory analysis).
- Where land is determined as contaminated, to secure its remediation (treatment).

Local authorities are required to prepare a written strategy that details how they will carry out their duties under Part 2A.

## 1.2 TERMINOLOGY

Most of the specific terms used in this document are defined within the text. Definitions of some of the terms and abbreviations are provided below:

- 'Part 2A' means Part 2A of the Environmental Protection Act 1990 (as amended).
- 'the Council' means Cannock Chase District Council.
- 'District' means land within the administrative area of Cannock Chase District Council.
- 'DEFRA' means the Department for Environment, Food and Rural Affairs.
- 'EA' means the Environment Agency.
- 'Statutory Guidance' means any guidance on contaminated land published for this purpose in accordance with Section 78YA of the Environmental Protection Act 1990.

## 1.3 2023 STRATEGY UPDATE

### 1.3.1 PROGRESS SINCE LAST STRATEGY

Since the 2001 Contaminated Land Strategy was adopted, the Council has been successful in obtaining DEFRA funding to undertake a number of site investigations across the District, all of which have concluded that the respective sites are not likely to meet the definition of contaminated land.

### 1.3.2 UPDATES TO THE STRATEGY

The previous Contaminated Land Strategy was approved in 2001, shortly after the enactment of Part 2A of the Environmental Protection Act 1990. In the intervening 22 years, there have been significant developments that impact on how land contamination is assessed and managed.

This revised Strategy is more comprehensive than the previous version and includes:

- The background on relevant legislation, such as the introduction of the Environmental Damage Regulations 2015.
- Updates to central government policy and guidance, including statutory guidance which has been updated twice since 2001.
- The background on relevant local government policies, such as the local plan for both Cannock District and Staffordshire County Councils.
- Updated background information, including revisions to the industrial history, geology and natural history of the district.

Over the last 22 years, there have been significant advances in how land contamination is assessed and managed. Risk assessment techniques have been updated, as have references to the available techniques for monitoring the environment and for undertaking remediation.

This strategy includes a revised methodology for the identification and prioritisation of potentially contaminated land, which reflects advances in computing power and

geographic information system capabilities. This represents an advance on the methodology undertaken under the 2001 Contaminated Land Strategy.

## 2 THE DISTRICT OF CANNOCK CHASE

### 2.1 GENERAL CHARACTERISTICS

Cannock Chase is one of eight districts located in the county of Staffordshire. Cannock Chase is found in the southwest of Staffordshire, and shares boundaries with South Staffordshire District Council, Stafford Borough Council and Lichfield District Council. To the immediate south lies the Metropolitan Borough of Walsall.

Cannock Chase has a local population of 100,500<sup>1</sup> and covers an area of 78.9km<sup>2</sup> (30.5 square miles).

The district is semi-rural, and is formed of:

- Cannock Chase, an area of outstanding natural beauty, which covers approximately 40% of the District as a continuous band of woodland and heathland.
- The towns of Cannock, Hednesford, Rugeley; villages such as Norton Canes and Bridgtown, and some smaller and outlying villages.

### 2.2 HISTORY AND INDUSTRIAL LEGACY

The District is strongly associated with Cannock Chase, an expanse of ancient woodland and heathland which was a royal hunting forest in medieval times.

The main towns in medieval times were Cannock and Rugeley, although they were modest, and remained so until the Industrial Revolution, during which the towns of Cannock Chase underwent significant growth. The brief industrial history of the District is presented below.

#### 2.2.1 MINING AND MINERALS

The most significant activity associated with the District is coal mining. Rugeley became a mining town, as did Cannock and Hednesford. There was a strong demand for coal in the industrial heartlands of what is now the West Midlands, and numerous deep coal mines were established across the District.

Coal mining no longer takes place; Lea Hall Colliery, the last remaining coal mine in the District, closed in 1990.

Mudstone was worked at Bridgtown for local brick and tile manufacture.

The sandstone and conglomerates that form the Chester Formation are quarried for use as aggregates (sand and gravel). There are two aggregate quarries in operation today, although one (CEMEX) is predominantly located in Stafford Borough, whilst another (Hanson) lies entirely in South Staffordshire, immediately to the north of the District.

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<sup>1</sup> 2021 Census



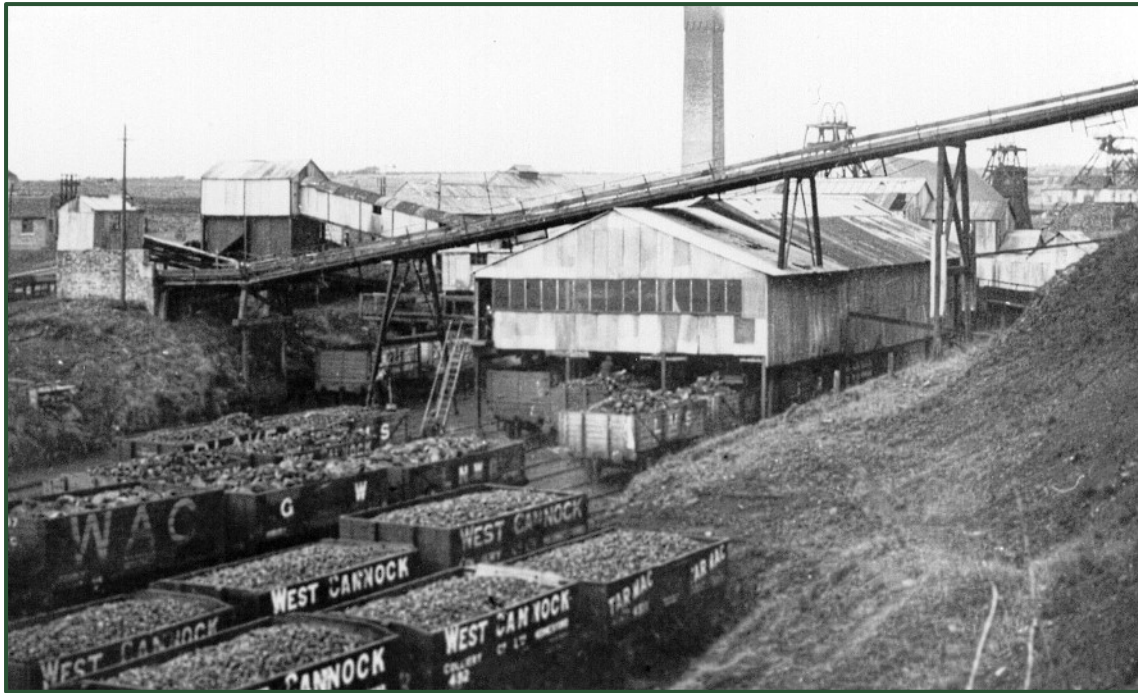


Figure 1: West Cannock Colliery (courtesy of the Museum of Cannock Chase).

### 2.2.2 OTHER INDUSTRIES

The District is not widely known for industry. Locally significant industries include:

- Town gas works at Rugeley, Hednesford and Cannock.
- Tool manufacturing at Bridgtown.
- Brick and tile manufacturing at Bridgtown and Littleworth.
- A tannery at Rugeley.
- Rugeley power station (coal).



Figure 2: Hednesford Gas Works (courtesy of the Museum of Cannock Chase).

### 2.2.3 TRANSPORT

Historic transport links which were developed in the District include:

- The Trent & Mersey Canal at Rugeley and the Birmingham Canal Navigations (Cannock Extensions), which have largely been filled.
- A well-developed railway network, a significant proportion of which served collieries and have since been abandoned.



Figure 3: Edge Tool Factory (courtesy of the Museum of Cannock Chase).

Petrol filling stations, many of which have closed, are associated with fuel storage tanks which may present an on-going source of contamination.



## 2.3 GEOLOGY

### 2.3.1 SOLID GEOLOGY

#### Rock Types and Stratigraphy

The geology of the District is broadly split into two:

- The north of the District is dominated by sandstone and conglomerates of the Chester Formation (part of the Permian-Triassic Sherwood Sandstone Group), and underlies much of Cannock Chase, Hednesford and Rugeley.
- The south of the District overlies the Pennine Middle Coal Measures, which consists of mudstone, siltstone, and sandstone, with bands of coal.

#### Geological Structures

Bedrock of the Middle Coal Measures is highly faulted, although only one significant fault passes through the District.

Subsidence associated with coal mining induced 'fault reactivation' has, in the past, necessitated the demolition of unsafe properties, although further incidents are unlikely to occur with the cessation of coal mining.

An overview of the local geology is presented as Figure 4.

### 2.3.2 SUPERFICIAL GEOLOGY

The District is partially covered by a range of superficial deposits.

Superficial deposits in Rugeley are largely formed of river terrace deposits of sand and gravel, associated with the River Trent and its tributary Rising Brook.

Hednesford, Cannock and the south of the District are largely covered by superficial deposits of diamicton (predominantly clay) and sand and gravel, both of which are glacial in origin.

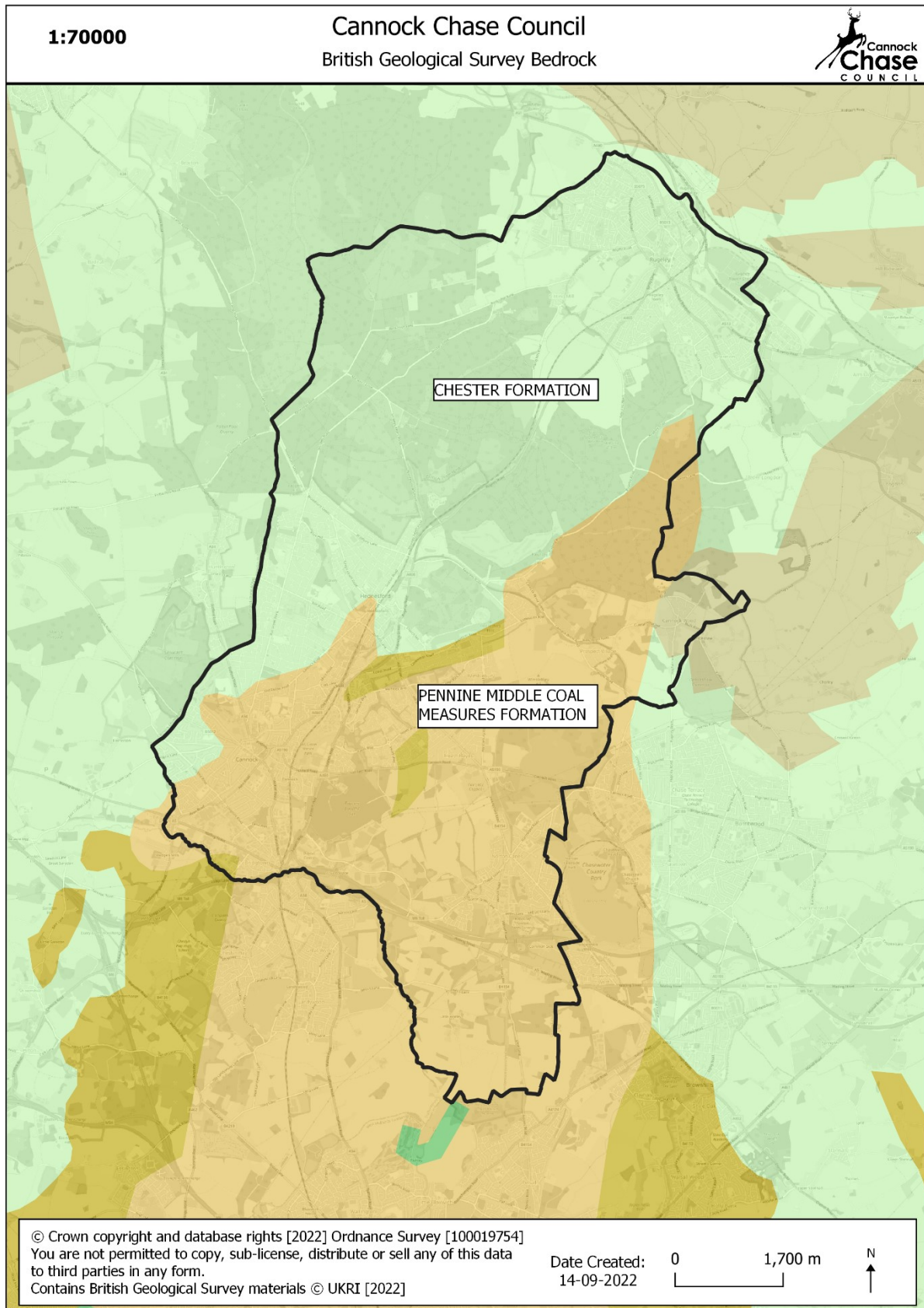


Figure 4: Bedrock Geology of the District.

### 2.3.3 MADE GROUND

Made ground (reworked natural and artificial deposits) is found throughout the District, from a diverse range of sources including:

- Colliery spoils.
- Filled mineral excavation pits (clay, sand and/or gravel pits).
- Relict foundations and demolition arisings.
- Filled canals and railway cuttings.

Common made ground constituents include ceramics (such as brick and tile), wood, glass, concrete/cement, plastic, and metal (including slag).

Abandoned mineral workings, railway cuttings and other excavations were often used to landfill wastes such as:

- Colliery spoil.
- Domestic/municipal waste.
- Industrial wastes (generally from local industries).

## 2.4 WATER RESOURCES

### 2.4.1 HYDROGEOLOGY

#### Groundwater Distribution

Most of the accessible groundwater is found in the sandstones associated with the Chester Formation, in the north of the District.

Whilst groundwater is found in the Coal Measures, it is not transmitted so easily through the mudstone dominated bedrock.

#### Groundwater Classification

The sandstones of the Chester Formation are classified by the EA as 'principal aquifers'. These are layers of rock that have high intergranular and/or fracture permeability - meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale.

The interbedded mudstones and sandstones of the Coal Measures are of lesser importance (as a source of groundwater) and are classified by the EA as 'secondary aquifers' – meaning that they support water supplies at a local scale.

#### Groundwater Utilisation

Groundwater is utilised as a resource by two different groups of users: the public water undertaker (South Staffordshire Water) and private water supply owners.

South Staffordshire Water source approximately 40% of public supplies from groundwater. Within the District, this is drawn from multiple boreholes drilled at three locations within the Chester Formation; it is important that these are protected from contamination.

The Council is not aware of any private water supplies in the District.

#### Groundwater Vulnerability

The groundwater held in the Chester Formation is vulnerable to contamination. This is because any contamination that is released into the soils is likely to percolate through superficial deposits (if present) of sand and gravel, then through the sand dominated bedrock, until it reaches the groundwater.

Groundwater held in the Coal Measures is of lesser concern, as it is not only not utilised for drinking water, but the superficial deposits of diamicton are likely to limit contaminant mobility.

#### Contamination Sources

Contamination poses a risk to groundwater when it is mobile; the main risks are from leachable metals and hydrocarbons (including fuel and solvents).

Another source of contamination is from acid rock drainage, which is associated with coal mining. This occurs where sulphur containing minerals are exposed to both oxygen and water which, through biochemical reactions, generate acidic sulphates, which have significant environmental impacts, particularly on surface water.

The Coal Authority operate two mine water treatment schemes at:

- Cannock Wood.
- Mid-Cannock.

#### 2.4.2 HYDROLOGY

The River Trent forms the north-eastern boundary to the District; otherwise, the District contains only minor tributaries.

## 2.5 ECOLOGY

### 2.5.1 SITES OF SPECIAL SCIENTIFIC INTEREST

Three sites of special scientific interest (SSSI) are found within the District:

- Cannock Chase.

This covers a significant proportion of Cannock Chase (across Stafford Borough and Cannock Council). In the District, it is formed from four parcels of land with an approximate combined area of 388Ha (959 acres), which represent '[some of] the most ecologically valuable parts of the former Royal Chase'.

Cannock Chase is formed of a mixture of mature woodland and heathland.

- Chasewater and the Southern Staffordshire Coalfield Heaths.

This again covers a significant proportion of land, although only half lies within Cannock Chase. It is formed of two parcels of land with an approximate combined area of 267Ha (660 acres); further parcels are found in Lichfield District and Walsall.

Chasewater and the Southern Staffordshire Coalfield Heaths is important for its wet and dry lowland heath, and its open water habitats.

- The Birmingham Canal Navigations (Cannock Extensions),

This represents a 2.5km (1.5 miles) length of canal which suffers a low volume of canal traffic. This has resulted in scarce plants becoming established along its length, and along the associated banks.

### 2.5.2 LOCAL NATURE RESERVES

There are two local nature reserves in the District, those areas are:

- Hednesford Hills Common

This forms part of the Cannock Chase SSSI.

- Hazel Slade

This covers an area of 13Ha (32 acres) and is an historic wood pasture.

### 2.5.3 SPECIAL AREAS OF CONSERVATION

The majority of Cannock Chase that has been designated as a SSSI has also been designated as a Special Area of Conservation (SAC).

The Cannock Extension Canal has also been designated as a SAC.

### 3 LEGISLATION

#### 3.1 ENVIRONMENTAL PROTECTION ACT 1990

The Environment Act 1995 amended the Environmental Protection Act 1990 to insert new provisions (Part 2A of the 1990 Act) relating to contaminated land.

Part 2A places a range of obligations onto local authorities, the overall aim of which is to proactively find and treat land contamination that poses a significant risk to public health and the environment.

Broadly speaking, the duties placed on the Council under Part 2A include:

- To prepare and implement a Contaminated Land Strategy, to detail how the Council will carry out its legal duties.
- To identify all potentially contaminated land in the District and to assess the potential risks posed at each potentially contaminated site.
- To investigate potentially contaminated sites to confirm whether it is contaminated land.
- To identify the relevant parties (including those who created the contamination) and determine who is liable for remediation.
- To evaluate the ways of treating the contamination.
- To ensure that the contamination is treated.
- To maintain records of the actions that have been carried out.

The Council must consider Statutory Guidance<sup>2,3</sup> when performing its duties.

#### 3.2 TOWN AND COUNTRY PLANNING ACT 1990

The most common method of addressing land contamination is through the planning system.

When a planning application is submitted to the local planning authority, the developer must demonstrate that they understand and can manage the risks associated with land contamination. Planning applications can be conditioned to ensure that the developer undertakes their responsibilities to an appropriate standard.

The standards imposed under the planning regime are higher than those under Part 2A, as the development must be demonstrably safe (rather than not presenting an unacceptable risk), although the general principles for assessing and managing land contamination remain the same.

New development that has been constructed to a good standard should not be capable of being declared as contaminated land under Part 2A.

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<sup>2</sup> DEFRA, 'Contaminated Land Statutory Guidance', April 2012.

<sup>3</sup> Department for Business, Energy & Industrial Strategy 'Radioactive Contaminated Land Statutory Guidance', June 2018.



### 3.3 THE BUILDING REGULATIONS 2010

The Building Regulations 2010 requires the risks from land contamination to be addressed as part of construction works.

The standards are outlined in government published guidance<sup>4</sup> as 'resistance to contaminants'; this essentially mirrors the requirement of the planning regime to manage land contamination so that development is safe.

Whilst The Building Regulations 2010 is separate from development control under The Town and Country Planning Act 1990, satisfaction of planning conditions covering land contamination will usually satisfy the equivalent requirements of building control.

### 3.4 THE ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) (ENGLAND) REGULATIONS 2015

When there is an imminent threat of 'environmental damage' or actual 'environmental damage' those responsible are required to take immediate steps to prevent that damage, or further damage, and to notify the relevant authority.

'Environmental damage' under the Environmental Damage Regulations (Prevention and Remediation) (England) 2015 (EDR) is damage to one or more of:

- Protected species and natural habitats.
- Surface water or groundwater.
- Land.

The Council has (with some exceptions) responsibility for damage to land under the EDR (damage to waters is regulated by the EA, whilst damage to protected species and natural habitats is regulated by Natural England).

Damage to land is defined as:

- Contamination of land by substances, preparations, organisms, or micro-organisms that results in a significant risk of adverse effects on human health.

Once the relevant regulator is aware of a potential case of 'environmental damage', it must determine whether that 'environmental damage' exists.

The relevant regulator is responsible for deciding what remedial measures need to be implemented, taking account of any measures proposed by the operator, and will consult certain specified people before serving a remediation notice; operators are responsible for carrying out remediation measures.

The EDR only apply to operators of economic activities.

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<sup>4</sup> HM Government, Approved Document C: Site Preparation and Resistance to Contaminants and Moisture, 2013.



### 3.5 ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016

The Environmental Permitting Regulations 2016 (EPR) require certain 'regulated facilities' to obtain an environmental permit to operate.

A regulated facility is required to operate in an environmentally responsible manner. Depending on the type and scale of industrial activity, the EPR may cover issues such as:

- Emissions to air, land, and water.
- Operational efficiency.
- Management of waste.
- Procedures and operator competence.

A well-run facility should present a low risk to the environment and their site should not be impacted by contamination.

When the operator wishes to surrender their permit, they are required to ensure that their site is in the same condition as it was before the permit was granted. To evidence this, they may be required to submit a 'site condition report'. Should any contamination be found (regardless of risk), then they will be required to return the site to the pre-permit condition.

### 3.6 WATER RESOURCES ACT 1991

Under Section 161 of the Water Resources Act 1991, the EA can serve a works notice to address situations where pollution has occurred (or is likely to occur), that poses a risk to groundwater.

## 4 POLICIES

### 4.1 CENTRAL GOVERNMENT POLICY

#### 4.1.1 CONTAMINATED LAND STATUTORY GUIDANCE

The current government policy on Part 2A is detailed in the Statutory Guidance.

The overarching objectives of the Government's policy on the Part 2A regime are:

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

The Part 2A regime is one of several ways in which land contamination can be addressed; alternative mechanisms for dealing with land contamination include:

- (a) Requiring potential land contamination issues to be addressed during development under planning/building regulations.
- (b) The use of alternative legislation, such as the EDR.

Government advice is that enforcing authorities should use enforcement powers under Part 2A only where an appropriate alternative solution cannot be found.

Under Part 2A, the enforcing authority may need to decide when, and how, to act in situations where such decisions are not straightforward and where there may be unavoidable uncertainty underlying some of the facts of each case. In so doing, the authority should use its judgement to 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 the financial costs to whoever will pay for remediation (including the taxpayer where relevant), the health and environmental impacts of taking action, property blight, and burdens on affected people.

The authority should take a precautionary, but proportionate approach to the risks raised by contamination, with a view to ensuring that the regime produces net benefits.

#### 4.1.2 NATIONAL PLANNING POLICY

Current government policy on development control is set out in the National Planning Policy Framework<sup>5</sup> (NPPF).

The NPPF seeks to encourage the remediation of land contamination as a function of development, as reflected in the following excerpts:

- Section 11: Making effective use of land:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Planning policies and decisions should:

- *“give substantial weight to the value of using suitable brownfield land... and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”*

- Section 15: Conserving and enhancing the natural environment:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- *“remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Planning policies and decisions should ensure that:

- *“a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).”*
- *“after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.”*
- *“adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

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<sup>5</sup> Ministry of Housing, Communities & Local Government, 'National Planning Policy Framework', 2021.

### Brownfield Registers

The Town and Country Planning (Brownfield Land Register) Regulations were introduced in 2017; they require local planning authorities to prepare, maintain and publish registers of previously developed (brownfield) land that is suitable for residential development.

Sites may also be entered onto the register with planning permission in principle; development constraints presented by land contamination will still need to be satisfactorily addressed, as they would in any other development.

The aim of these regulations is to promote the redevelopment of brownfield land in preference to the development of greenfield land, by streamlining the planning process.

## 4.2 ENVIRONMENT AGENCY POLICY

### 4.2.1 RIVER BASIN MANAGEMENT PLAN - HUMBER RIVER BASIN

The River Basin Management Plan<sup>6</sup> (RBMP) has been developed under the Water Framework Directive (WFD), which requires EU member states to manage the water environment to a consistent standard. This legislation was retained under the European Union Withdrawal Act 2018.

The WFD Regulations require the preparation and publication of RBMP; the setting of environmental objectives for groundwater and surface waters and the devising and implementing of measures to meet those objectives.

Abandoned mines affect 4% of water bodies in the river basin district; the RBMP sets out how pollution from minewater is managed at a strategic level.

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<sup>6</sup> EA, 'River Basin Management Plan Humber River Basin District', <https://www.gov.uk/guidance/humber-river-basin-district-river-management-plan-updated-2022>

## 4.3 STAFFORDSHIRE COUNTY COUNCIL POLICY

### 4.3.1 THE MINERALS LOCAL PLAN FOR STAFFORDSHIRE 2015 - 2030

The Staffordshire Minerals Local Plan, which details Staffordshire County Council policy when determining planning applications (for mineral development) has the following strategic objectives:

- To provide minerals to support sustainable economic development.
- To locate mineral sites in acceptable locations.
- To ensure that mineral sites operate to high environmental standards.
- To ensure that mineral sites are restored and managed in a way that enhances local amenity and the environment.

Of specific relevance is Policy 4 (minimising the impact of mineral development), which is paraphrased:

*"In assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant [land contamination] will be taken into account."*

## 4.4 CANNOCK CHASE DISTRICT COUNCIL POLICY

### 4.4.1 CANNOCK CHASE CORPORATE PLAN 2022-2026

The Council Plan<sup>7</sup> defines the Council's priorities:

1. Economic Prosperity.

*"To reinvigorate the economy and create a District that thrives."*

2. Health and Wellbeing.

*"To encourage and support residents to lead healthy and independent lives."*

3. The Community.

*"To ensure Cannock Chase is a place that residents are proud to call home."*

4. Responsible Council.

*"To be a modern, forward thinking and responsible Council."*

This strategy seeks to support the Council priorities by improving the health and wellbeing of the local community by addressing significant risks to health and the environment from contaminated land.

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<sup>7</sup> Cannock Chase Corporate Plan 2022-2026.

#### 4.4.2 CANNOCK CHASE LOCAL PLAN 2014

The Local Plan<sup>8</sup> outlines the Council policy when determining planning applications; some of the policy outcomes relate to land contamination.

- Policy CP16 - Climate Change and Sustainable Resource Use.

*“The Council, working with partners, will tackle climate change and ensure sustainable resource use via the promotion and positive consideration of initiatives and development proposals that use land and building assets sustainably, including the preference for Brownfield land (provided it is not of high environmental value) whilst taking into account the need for avoidance of mineral resource sterilisation and having regard to all sources of land contamination and stability issues arising from the mining legacy.”*

The amount of derelict and/or contaminated land is a local indicator.

The Council's Local Plan is currently under review and is scheduled for adoption in 2024.

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<sup>8</sup> Cannock Chase Local Plan 2014.

## 5 STRATEGY OUTLINE

### 5.1 ROLES AND RESPONSIBILITIES

#### 5.1.1 CANNOCK CHASE DISTRICT COUNCIL

The primary regulator for Part 2A is Cannock Chase Council.

The Council will carry out its responsibilities under Part 2A in line with Statutory Guidance and any other relevant policies that may apply (including the Council's Enforcement Policy).

#### 5.1.2 THE ENVIRONMENT AGENCY

If the Council identifies land which it considers would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006, it will consult the EA and, subject to agreement, authorise them to carry out an intrusive inspection of the land (Section 7.1.3).

The Council may authorise EA colleagues to exercise the powers of entry conferred by section 108 of the Environment Act 1995.

Regulatory functions under section 78B and 78C of Part 2A (including the inspection duty and the decision as to whether land is contaminated land) remain the sole responsibility of the Council.

Where the Council determines land to be contaminated land, it will consult with the EA as appropriate; where contaminated land is a 'special site', the EA will assume all regulatory functions under Part 2A.

#### 5.1.3 OTHER AGENCIES

Other relevant organisations will be consulted on contaminated land issues as circumstances demand, as outlined in Table 1.

Issue	Organisation
Potential impact on controlled waters; investigation of a potential 'special site'	 Environment Agency
Potential impact on features of historic significance	 Historic England
Potential impact on features of ecological significance	 NATURAL ENGLAND
Staffordshire County Council owned land	 Staffordshire County Council
Impact on or from land adjacent to Cannock Chase District.	 South Staffordshire Council
	 Stafford BOROUGH COUNCIL
	 Lichfield district council
	 Walsall Council

Table 1 – Possible consultees on contaminated land issues.



## 5.2 AIMS AND OBJECTIVES

Part 2A (Section 78B) requires that local authorities cause their areas to be inspected with a view to identifying contaminated land. Relevant provisions of the Act include:

- Every local authority shall cause its area to be inspected from time to time for the purpose –
  - (a) of identifying contaminated land; and
  - (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site.
- A local authority shall act in accordance with any guidance issued for the purpose by the Secretary of State.

In line with Statutory Guidance and government policy, the aims of the Council with respect to Part 2A are:

- (1) To identify and remove unacceptable risks to human health and the environment.
- (2) To ensure that contaminated land is made suitable for its current, or proposed, use.
- (3) To ensure that the burdens faced by individuals, companies and society are proportionate, manageable, and compatible with the principles of sustainable development.

## 5.3 PRIORITIES

The Statutory Guidance suggests that the Council should take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered, and efficient and it should reflect local circumstances.

The overall aim of the strategic inspection is to identify land that is potentially contaminated within the District.

The Council has finite resources, which will be directed to sites that appear to present the greatest risk. This is in accordance with Statutory Guidance, which states:

*“When the local authority is carrying out detailed inspection of land in accordance with Part 2A, it should seek to give priority to particular areas of land that it considers most likely to pose the greatest risk to human health or the environment.”*

The methodology for prioritising sites for detailed inspection is outlined in Section 6.

## 5.4 ADDRESSING CONTAMINATION

The Statutory Guidance states:

*“Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations.”*

The Council will enforce Part 2A only where it is unavoidable. The preference of the Council when addressing contamination is:

- (1) To encourage voluntary remediation (which may include supporting site development).
- (2) Where voluntary remediation cannot be negotiated, to use alternative legislation to secure remediation.
- (3) To secure remediation through Part 2A.

The above policy conforms to the Regulators Code<sup>9</sup> and the Council's Environmental Health Division Enforcement Policy<sup>10</sup>.

The Council's work under Part 2A will be carried out in tandem with other relevant policies to identify the optimum means of addressing potential contamination.

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<sup>9</sup> Department for Business Innovation & Skills, 'Regulators' Code', April 2014

<sup>10</sup> Cannock Chase Council 'Environmental Health Division Enforcement Policy 2014'.

## 6 STRATEGIC INSPECTION

### 6.1 STATUTORY GUIDANCE

The Statutory Guidance directs the Council to take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered, and efficient and it should reflect local circumstances.

The method for carrying out a strategic inspection of potentially contaminated land can be summarised thus:

- (1) Data collection.
- (2) Data processing (initial prioritisation).
- (3) Desk studies.
- (4) Secondary prioritisation.

These steps are described below and a flowchart outlining this approach is included as Appendix 1.

The Council will start with the assumption that land is not contaminated land unless there is reason to consider otherwise.

### 6.2 DATA COLLECTION

To carry out a strategic inspection of the District, it is necessary to obtain as much information on each potentially contaminated site as possible.

For land to be contaminated, the following must be present:

- A source (of contamination).
- A receptor (something affected by contamination).
- A pathway (a way for the source to affect the receptor).

Relevant receptors are summarised in Table 2.

Type of Receptor	Definition
Humans	Human health
Ecological System	Site of Special Scientific Interest (under section 28 of the Wildlife and Countryside Act 1981)
	National Nature Reserve (under section 35 of the 1981 Act)
	Marine Nature Reserve (under section 36 of the 1981 Act)
	Area of Special Protection for Birds (under section 3 of the 1981 Act)
	'European Site' within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010
	Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949
Property	Any habitat or site accorded protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e., candidate Special Areas of Conservation, potential Special Protection Areas, and listed Ramsar Sites)
	Crops (including timber)
	Produce grown domestically or on allotments for consumption
	Livestock
	Owned or domesticated animals
	Wild animals which are subject to shooting or fishing rights
Controlled Waters	Buildings (any structure or erection and any part of a building including any part below ground level – does not include buried services such as sewers, water pipes or electricity cables)
	Part 3 of the Water Resources Act, except 'ground waters' does not include waters contained in underground strata but above the saturation zone

Table 2: Relevant Receptors under Part 2A.

The Council uses a geographical information system (GIS) to carry out the initial prioritisation and as a tool when preparing desk studies. A GIS is a computer programme that can analyse data that has a spatial element to it (for example, an area of land that was a factory). As with any GIS, if robust conclusions are to be reached, the capture of high-quality data is essential.

Some of the information that the Council requires has been acquired from third parties, which includes (but is not limited to) historic mapping, geological mapping, and aquifer classifications.

Some of the data that the Council has collected is used in the initial prioritisation, whilst some is considered when preparing desk studies. The data that the Council has collated in GIS is summarised as Table 3.

Data Source	Source	Pathway	Receptor
Ordnance Survey mapping	✓	✓	✓
Aerial photography	✓	✓	✓
Current land use	✓	✓	✓
Geology	✓	✓	✓
Potential contaminant sources	✓		
Landfills	✓		
Environmental permits	✓		
Hazardous substances & COMAH sites	✓		
Groundwater vulnerability		✓	
Groundwater source protection zones			✓
Aquifers			✓
Ecologically sensitive sites			✓
Scheduled Ancient Monuments			✓

Table 3: Sources of Information.

### 6.3 DATA PROCESSING – INITIAL PRIORITISATION

Once sufficient data has been obtained, it can be processed to screen the District for potentially contaminated sites.

The screening process involves identifying overlaps between areas with potential sources and areas with potential receptors, to obtain a list of potentially contaminated sites.

Further data processing is required to refine this list and obtain an initial prioritisation list. Data processing considers:

- The potential contamination source.
  - How likely contaminants are to have been used at the site.
  - How likely contaminants are to have escaped or migrated from containment or storage on the site.
  - How toxic or hazardous those contaminants might be.
- The receptor sensitivity.
  - Some receptors are inherently more sensitive than others.

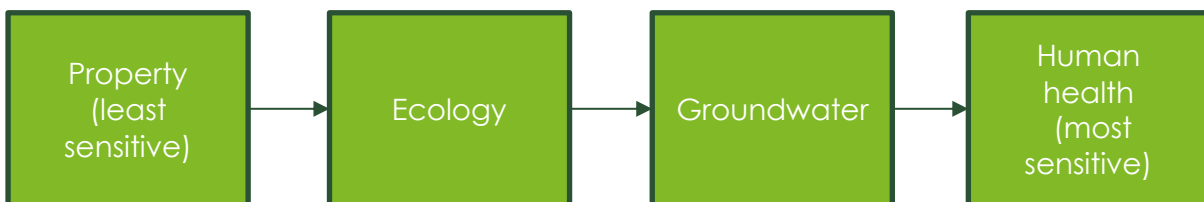


Figure 5: Receptor Sensitivity for Prioritisation.

Following the data processing, a prioritised list of potentially contaminated sites will be developed.

### 6.4 DESK STUDIES

Following initial prioritisation, a desk study report will be prepared for a manageable number of sites at which land contamination potentially poses a risk; sites where those risks are greatest will be prioritised.

The desk study is the first step when assessing whether land is contaminated; the desk study should be prepared in compliance with EA guidance<sup>11</sup> and the relevant British Standard<sup>12</sup>.

A good desk study collates all relevant information on a site and typically includes:

- Historical mapping.
- Aerial photographs.
- Planning records.
- Archive information (such as that held by Staffordshire County Council).
- Geological information.
- Previous reports (if available).
- Coal Authority records (when appropriate).
- Groundwater and environmental designations.

A site walkover survey will usually be carried out to inspect the site for any visual evidence of contamination and to confirm the current (or likely) use of the site. However, this may not always be appropriate and therefore the need for a walkover survey will be considered on a case-by-case basis.

Third parties may be approached to obtain information that they might hold (where this is considered appropriate). However, such enquiries will be considered on a case-by-case basis, bearing in mind the desire of the Council to minimise public alarm and issues of possible property blight.

Once all the information has been collated, a conceptual site model can be developed. The conceptual site model considers:

- What contamination may be present and where it may be found.
- What receptors are present (e.g., people living on the site).
- How the contaminants might impact the receptors (e.g. by people eating contaminated home grown produce).

The preliminary risk assessment follows the conceptual site model, by examining the likelihood the identified risks will come to pass.

Where the desk study finds that a significant risk is not reasonably possible, further investigation of that site will not be necessary.

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<sup>11</sup> EA, Land Contamination: Risk Management

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

<sup>12</sup> BSI, 'BS10175 Investigation of Potentially Contaminated Sites – Code of Practice', December 2017.

## 6.5 OBTAINING INFORMATION FROM RELEVANT PARTIES

Information held by the Council on a site may be incomplete – for instance, where records have been lost, or were never submitted to the Council.

Such records may include site investigation reports, or details of remediation that was undertaken. Sometimes, copies of missing records may be held by third parties, such as the consultants who originally prepared the work, or building control agents (such as the National House Building Council).

During the preparation of a desk study, the Council will identify and contact relevant persons (if possible and appropriate) to request information that they may hold. If necessary, enforcement powers will be used.

## 6.6 POWERS OF ENTRY

Under Section 108 of the Environment Act 1995, the Council, or an authorised agent of the Council (such as an EA officer or appointed consultant), may exercise the following powers of entry when undertaking an investigation:

- (a) Entry of premises.
- (b) Entry with other authorised persons and with equipment or materials.
- (c) Examination and Investigation.
- (d) Direction that premises be left undisturbed.
- (e) Taking measurements, photographs, and recordings.
- (f) Taking samples of air, water, and land.
- (g) Subjecting articles or substances suspected of being polluting to tests.
- (h) Taking possession of and detaining such articles.
- (j) Requiring persons to answer questions.
- (k) Requiring production of records or the furnishing of extracts from computerised records.
- (l) Requiring necessary facilities or assistance to be afforded.

These powers of entry will be exercised in accordance with statutory guidance<sup>13</sup>.

## 6.7 SECONDARY PRIORITISATION

When the Council has multiple sites for which a desk study has identified a potentially significant risk, then those sites will be re-prioritised for detailed inspection. A list of sites will be produced and will be periodically reviewed as additional desk studies are completed.

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<sup>13</sup> Home Office, Code of Practice. Powers of Entry, December 2014.

## 7 DETAILED INSPECTION

### 7.1 INTRUSIVE SITE INVESTIGATIONS

#### 7.1.1 GENERAL APPROACH

Where a desk study identifies a reasonable possibility that a significant contaminant linkage exists, it will be necessary to visit the site and carry out in situ testing, or to collect environmental samples for analysis, to determine whether that linkage exists. It may be necessary to conduct multiple rounds of investigation, until sufficient information has been collected to enable a decision to be made.

Intrusive investigations will be carried out by a 'suitable person' who is qualified to undertake the work. Inspections will be conducted as quickly and with as little disruption as is reasonably possible.

The Council will make reasonable efforts to consult the landowner before inspecting their land, unless there is a particular reason why this is not possible.

Should the owner refuse access, or cannot be found, the Council will consider using powers of entry as outlined in Section 6.6.

#### 7.1.2 VOLUNTARY PROVISION OF INFORMATION

If a reasonable possibility of a contaminant linkage exists on a site, then the Council will consider undertaking an intrusive site inspection of the land to obtain sufficient information to determine whether it is contaminated land or not.

However, if a relevant person were to offer to provide appropriate information within a reasonable and specified time, and does so, then the Council would not proceed with its own investigation.



### 7.1.3 POTENTIAL SPECIAL SITES

In the case of potential special sites (as set out in the Contaminated Land (England) Regulations 2006), the Council will liaise with the EA and, subject to their advice and agreement, authorise the EA to carry out an intrusive site inspection.

The definition of a special site is reproduced in Appendix 2 - Legal Definition of Special Site.

Where the EA carries out an inspection on behalf of the Council, regulatory functions under section 78B and 78C of the 1990 Act (including the inspection duty and the decision as to whether land is contaminated land) remain the sole responsibility of the Council.

### 7.1.4 COUNCIL INSPECTIONS OF LAND

Intrusive investigations will be carried out by the Council in accordance with current standards of good practice.

Where appropriate, the Council may appoint third parties (such as a drilling contractor, consultant, or legal expert) to assist in the performance of its duties.

The Council will ensure, as far as possible, that third parties who undertake work on its behalf will be able to demonstrate an appropriate level of competency. The NPPF defines a competent person as:

*“A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.”*

## 8 RISK ASSESSMENT

### 8.1 GROUNDS FOR DETERMINATION

There are six possible grounds for determining land to be contaminated:

- Significant harm is being caused.
- There is a significant possibility of significant harm being caused.
- Significant pollution of controlled waters is being caused.
- There is a significant possibility of significant pollution of controlled waters.

With respect to harm from radioactivity (which applies only to human health):

- Harm is being caused.
- There is a significant possibility of harm being caused.

In making any determination, the Council will take all relevant information into account, carry out appropriate scientific assessments, and act in accordance with Statutory Guidance. The determination will identify all three elements of the contaminant linkage and explain their significance.

### 8.2 EVALUATION OF RISK

#### 8.2.1 CURRENT USE

Under Part 2A, risks are evaluated in the context of the current use of the land. In this case, the current use is determined as:

- The current use of the land.
- Reasonably likely future use of the land which would not require planning permission.
- Any temporary use to which the land is put, or likely to be put, within the bounds of any current planning permission.
- Likely informal use of the land, whether authorised by the owners or occupiers, or not.

#### 8.2.2 CONTAMINANT LINKAGE

For there to be a risk, an appropriate contaminant linkage must exist (as outlined in

- A 'contaminant' is a substance which is in, on, or under the land and which has a potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.
- A 'receptor' is something that could be adversely affected by a contaminant – namely, a person, ecology, property, or controlled waters (as defined in Table 2).
- A 'pathway' defines how a receptor is or might be exposed to a contaminant.

A contaminant linkage is the relationship between a contaminant, a pathway, and a receptor; all three must be established before land can be declared as contaminated under Part 2A.

The Council may encounter sites with multiple contaminant linkages. In such cases, the Council may treat contaminants with similar properties as a single contaminant source, if there is a robust reason for doing so; the Council will document the reasons for adopting this approach where appropriate.

### 8.2.3 RISK ASSESSMENT

Risk assessment involves understanding the harm that contamination can cause, and the likelihood of that harm being realised.

A risk assessment may initially be made with limited information. In the first instance, this is likely to be that a site once had a potentially contaminative land use. A reasonable assumption may be that contamination is likely to be present, but at an early stage this would be unknown.

To refine the risk assessment, a site investigation is usually undertaken, to confirm the presence and distribution of contamination across a site.

It may be that the findings of a site investigation are inconclusive and further investigation is necessary; as more information is obtained on a site, the understanding of the risks increase, and the uncertainties decrease.

The collection of information continues until it is possible for the Council to make a robust decision on whether the site is, or is likely to be, contaminated land.

The Council will only pursue an investigation if it is satisfied that an unacceptable risk could reasonably exist, in accordance with Statutory Guidance:

*“Regulatory decisions should be based on what is reasonably likely, not what is hypothetically possible.”*

### 8.2.4 EXTERNAL EXPERTISE

Contaminated land is a complex subject and requires skills across numerous disciplines. It is possible that, if a site is particularly complex, the Council may not have the appropriate expertise to undertake a risk assessment.

Where appropriate, the Council may seek the assistance of external experts; expertise may come from partner organisations or be contracted in.

### 8.2.5 NORMAL PRESENCE OF CONTAMINANTS

In some circumstances, substances might be present in what would otherwise be considered ‘elevated’ concentrations naturally, for instance:

- The natural presence of contaminants that might reasonably be considered typical of an area and have not been shown to pose an unacceptable risk to health or the environment.
- The presence of contaminants from low level diffuse pollution and common human activity (for example, from historic use of leaded petrol and the spreading of ash from domestic coal fires in gardens and allotments that might have been considered typical).

The Council will not usually consider such land to be contaminated, unless there is a particular reason to consider that those contaminants might pose a significant risk.

### 8.2.6 RISK ASSESSMENT METHODOLOGY

There are a range of methodologies for assessing risks from different contaminants to different receptors.

Current methodologies which would typically be used by the Council are outlined below, although such use would depend on their specific relevance to the site being investigated. The use of alternative risk assessment methodologies will be considered if there are justifiable reasons for doing so.

- Human Health – Soil Contamination

The Contaminated Land Exposure Assessment (CLEA) model<sup>14</sup> is used to assess the risks from land contamination to human health.

The Council may also consider:

- Category 4 Screening Values (C4SL)
- Soil Guideline Values (SGV)

C4SL and SGV were both developed by the EA using the CLEA model to define contaminant concentrations that do not pose a significant risk to human health. Where a C4SL or SGV is not available, generic assessment criteria (GAC) may be used instead, such as the 'Suitable for Use Levels'<sup>15</sup>.

Screening values will only be used where the assumptions used to generate those values are appropriate to the site.

- Human Health – Ground Gas

When assessing risks from ground gas, the Council may consider guidance offered in BS8485<sup>16</sup> and CIRIA C665<sup>17</sup>.

<sup>14</sup> EA, Updated Technical Background to the CLEA model – Science Report SC050021/SR3, 2009

<sup>15</sup> Land Quality Press, The LQM/CIEH S4ULs for Human Health Risk Assessment, 2014

<sup>16</sup> BSi, BS8485 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, 2019

<sup>17</sup> CIRIA, CIRIA C665 Assessing Risks Posed by Hazardous Ground Gases to Buildings, 2007

- Human Health - Radioactivity

The risk assessment of potential radioactive contaminated land will be undertaken using the methodology outlined in the Radioactive Contaminated Land Exposure Assessment Model<sup>18</sup> (RCLEA).

- Groundwater

Risk assessments for groundwater will be undertaken using the EA Remedial Targets Methodology<sup>19</sup> where appropriate.

- Ecology

When considering risks to ecological systems, the Council would seek to follow the Ecological Risk Assessment<sup>20</sup> (ERA) methodology set out by the EA.

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<sup>18</sup> EA, Using RCLEA – the Radioactively Contaminated Land Exposure Assessment Methodology, 2011

<sup>19</sup> EA, Remedial Targets Methodology – Hydrogeological Risk Assessment for Land Contamination, 2006

<sup>20</sup> EA, An Ecological Risk Assessment Framework for Contaminants in Soil, 2008

## 8.2.7 CATEGORISATION OF RISK

Following each phase of risk assessment, land can be placed into one of four categories for human health or controlled water, as outlined in Table 4.

Category	Human Health	Controlled Water
1	A significant possibility of significant harm exists in any case where the Council considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action were taken to stop it.	There is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists.
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; based on the available evidence, including expert opinion, there is a strong case for acting under Part 2A on a precautionary basis.	The strength of evidence to put the land into Category 1 does not exist; but nonetheless, based on the available scientific evidence and expert opinion, considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis.
3	The strong case described above does not exist, and therefore the legal test for significant possibility of significant harm is not met.	The risks are such that the tests set out above are not met, and therefore regulatory intervention under Part 2A is not warranted.
4	There is no risk, or the level of risk posed is low.	There is no risk, or the level of risk posed is low.

Table 4: Risk Categorisation for Human Health and Controlled Water.

In the case of radioactive land contamination, harm is being caused where lasting exposure gives rise to a dose that exceeds at least one of the following:

- (a) An effective dose of 3 millisieverts per annum.
- (b) An equivalent dose to the lens of the eye of 15 millisieverts per annum.
- (c) An equivalent dose to the skin of 50 millisieverts per annum (over any area of at least 1 cm<sup>2</sup>).

Risk assessments for ecological systems and property are not categorised in the same way as above, but instead are considered as outlined in Table 5 and Table 6.

Significant Harm	Significant Possibility of Significant Harm
Harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location.	Significant harm of that description is more likely than not to result from the contaminant linkage in question.
Harm which significantly 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.	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 practicable possibility of restoration.
In the case of European sites, harm which endangers the favourable conservation status of natural habitats at such locations or species typically found there.	

Table 5: Risk Categorisation for Ecological Systems.

	Significant Harm	Significant Possibility of Significant Harm
Crops, Produce, Livestock, Domestic Animals and Game	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease, or other physical damage.</p> <p>Significant harm would be considered when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose.</p> <p>Food will be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990.</p> <p>Where a diminution in yield or loss in value is caused by a contaminant linkage, a diminution or loss of over 20% will be regarded a substantial diminution or loss.</p> <p>For domestic pets, death, serious disease, or serious physical damage.</p> <p>For other property in this category, a substantial loss in its value resulting from death, disease, or other serious physical damage.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptors where the Council considers that significant harm is more likely than not to result from the contaminant linkage in question, considering relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
Buildings	<p>Structural failure, substantial damage, or substantial interference with any right of occupation.</p> <p>Substantial damage or substantial interference as occurs when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage will also 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.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptors where the Council considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), considering relevant information for that type of contaminant linkage.</p>

Table 6: Risk Categorisation for Property.

## 9 DETERMINATION OF CONTAMINATED LAND

### 9.1 PRE-DETERMINATION

#### 9.1.1 NOTIFICATION OF DECISIONS

Where the Council inspects land and determines that it is not contaminated land, it will prepare a written statement confirming that it does not consider the land to be contaminated land.

The Council will maintain records of its decisions, including the reasons for deciding that land is not contaminated land.

The Council will also provide a copy of the written statement to the owners of the land; it will consider providing the same to other interested parties as appropriate and with due regard to its legal obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Where the Council considers that land meets the definition of contaminated land, it will inform the owners and occupiers of the land, as well as any other liable persons, of its intention to determine the land as contaminated land, unless there is an overriding reason not to do so.

The Council may consider representations from interested parties before making a formal determination.

#### 9.1.2 RISK SUMMARY

In accordance with the Statutory Guidance, the Council will produce a risk summary for any land where it considers it likely that the land may be determined as contaminated.

The risk summary will explain how the Council understands the risks and other factors which are relevant in a way that is understandable to non-experts; this will be prepared before a determination is made.

The risk summary will include:

- A summary of the Council's understanding of risk, including a description of:
  - The contaminants involved.
  - The identified contaminant linkages or a summary of the linkages.
  - The potential impacts.
  - The estimated possibility that impacts may occur.
  - The timescale over which risks may become manifest.
- A description of how the Council understands the uncertainties behind the risk.
- A description of the risks put in context.



- Initial views on possible remediation. This will include:
  - What remediation might entail.
  - How long remediation might take.
  - The likely effects of remediation work on local people and businesses.
  - How much difference it might be expected to make to the risks posed by the contaminated land.
  - An assessment of whether remediation would be likely to produce a net benefit.

### 9.1.3 PHYSICAL EXTENT OF LAND TO BE DETERMINED

The Council will identify the area of land that it is considering determining as contaminated land, based on the available information regarding historic land use boundaries and information from site investigations.

Large areas of contaminated land may be sub-divided into smaller plots, with separate determinations for each area, where appropriate. For instance, divisions may be based on the nature of the contaminant linkages which have been identified, historic and current land ownership, liability and the nature of any remediation which may be required.

### 9.1.4 VOLUNTARY REMEDIATION

The Council may decide not to determine the land, if there were an offer to deal with the contamination on a voluntary basis, although such a decision would be taken on a case-by-case basis, and would involve consideration of multiple factors including (but not limited to):

- Timescales.
- Technical acceptability.
- Proposed remediation standards.

## 9.2 DETERMINATION

If, after consultation, there are no valid reasons to delay determination, the Council will formally determine land as contaminated land.

### 9.2.1 PUBLIC REGISTER

The Council maintains a public register of contaminated land, as prescribed by Section 78R of Part 2A.

Information on the public register may also be published on the Council's website.

### 9.2.2 SPECIAL SITES

Where a site is determined to be a special site (Appendix 2 - Legal Definition of Special Site), the EA will formally assume the responsibilities of the Council with regards to the enforcement of all aspects of Part 2A.

## 10 REMEDIATION

### 10.1 OUTLINE

Once land has been determined as contaminated land, the Council must consider how it should be remediated and, where appropriate, it must issue a remediation notice.

Remediation works by breaking the contaminant linkage, thus ensuring that the site no longer poses an unacceptable risk to any receptors; remediation may also involve taking reasonable steps to remedy harm or pollution that has been caused by a contaminant linkage.

### 10.2 REMEDIATION WORKS

#### 10.2.1 REMEDIATION AIMS

The aim of remediation is to demonstrably address contaminant linkages. Such works may involve the following:

- Reducing or treating the contaminant part of the linkage (e.g., by physically removing contaminants or contaminated soil or water, or by altering the chemical or physical form of the contaminants).
- Breaking, removing, or disrupting the pathway parts of the linkage (e.g., a pathway could be disrupted by removing or reducing the chance that receptors might be exposed to contaminants, for example by installing gas membranes in a property, or by sealing land with a material such as clay or concrete).
- Protecting or removing the receptor (e.g., by changing the land use or restricting access to land it may be possible to reduce risks to a more acceptable level).

Remediation may be completed in one operation or split across several phases.

As well as carrying out remediation, further site investigation may be required to confirm that remediation has been carried out to a satisfactory standard (known as verification), or to identify where further work is required. Further investigations may involve site monitoring, especially where groundwater or ground gas are involved, over a prolonged period to obtain sufficient information on which to make a robust decision.

### 10.2.2 REMEDIATION STANDARDS AND REASONABLENESS

The overall aim of remediation works is to break the contaminant linkage that has been identified on a site.

The Council will assess the reasonableness of requiring remediation, taking into account:

- The practicability, effectiveness, and durability of remediation.
- The health and environmental impacts of the chosen remedial options.
- The financial cost which is likely to be involved.
- The benefits of remediation balanced against the seriousness of the harm or pollution of controlled waters in question.

Where the Council finds that it is not practicable or reasonable to remediate land to a standard where it stops being contaminated land, a lesser standard of remediation may be considered as an alternative.

## 11 LIABILITY AND COSTS

### 11.1 OUTLINE

The Council is responsible for identifying liable persons and apportioning liability amongst those groups; the Council may also recover its costs where it has had to carry out remediation. This section outlines the process that the Council will follow when doing so.

### 11.2 IDENTIFICATION OF LIABLE PERSONS

For each identified significant contaminant linkage, the Council will make reasonable enquiries to identify persons who caused or knowingly permitted that linkage. Those persons are classified as follows:

- Class A persons – Generally the polluters and those who knowingly permit contamination; this includes developers who leave contamination on a site.
- Class B persons – The current owners or occupiers of the land.

If no Class A persons can be identified for a given contaminant linkage, then liability may fall to Class B persons (except for contaminant linkages that fall solely to controlled waters).

Once all the liable persons have been identified, they are placed in a liability group, based on their class (i.e., a 'Class A liability group' or a 'Class B liability group').

If no liable persons can be established, that contaminant linkage becomes an orphan linkage; the Council may undertake remediation of orphan linkages, at its own cost.

### 11.3 REMEDIATION

Following identification of the liable persons for each contaminant linkage, the Council will identify the remediation that is necessary for each contaminant linkage.

Where there is only one contaminant linkage on the contaminated land, all remediation actions will refer to that contaminant linkage. However, if there are two or more contaminant linkages, the Council will establish if that remediation action relates to a single contaminant linkage (a single linkage action) or multiple contaminant linkages (a shared action).

Where remediation is a shared action, the Council will establish whether the shared action is:

- A common action – that which addresses contaminant linkages to which it is referable and would have been part of the remediation works if each contaminant linkage had been addressed separately.
- A collective action – that which addresses contaminant linkages to which it is referable but would not have been part of the remediation for one or more of those contaminant linkages if they had been addressed separately.

This distinction may be important when considering how costs may be split between liable persons.

### 11.4 ATTRIBUTING LIABILITY

Where a liability group has been established for a contaminant linkage, that group will be responsible for carrying the cost of remediation.

The Council will determine specific liabilities (in terms of exemptions and or the apportionment of costs) in accordance with the requirements of Part 2A and Statutory Guidance.

## 11.5 RECOVERY OF COSTS

Under Part 2A, if the Council carries out remediation it is entitled to recover its reasonable costs for doing so.

### 11.5.1 COST RECOVERY DECISIONS

When deciding on whether to pursue recovery of costs, the Council will have regards to the following principles:

- That the recovery of costs should be as fair and equitable as possible to all stakeholders, including the taxpayer.
- That the 'polluter pays principle' should apply.

The Council will seek to recover all its reasonable costs for remediation; however, the Council may waive or reduce the recovery of its costs where it considers this appropriate and reasonable – for instance, in circumstances where:

- The recovery of costs would cause undue hardship to the appropriate person.
- There is a threat of business insolvency or closure.
- There could be adverse impacts on the activities of charities.
- There could be adverse impacts on registered social landlords.
- In the case of Class B persons (and where the presence of contamination was not known about or reasonably foreseeable), where recovering full costs appears to be unreasonable.

The Council may be willing to consider deferring the recovery of costs and instead secure them by a charge on the land in question.

When making decisions on the recovery of costs, the Council will require relevant information on that person's financial status; when making such requests, the Council will consider:

- Accessibility of the information.
- The cost of obtaining the information
- The likely significance of the information.

Any personal financial information obtained by the Council will be held in accordance with the requirements of the Data Protection Act 2018.

The Council will inform relevant persons of the outcome of cost recovery decisions, and the reasons for making those decisions.

## 12 MISCELLANEOUS PROVISIONS

### 12.1 FUNDING FOR CONTAMINATED LAND STRATEGY

The Council will seek to advance the Contaminated Land Strategy in line with its statutory duties, as budgetary constraints allow.

Where possible, the Council will seek external sources of funding for the investigation of potentially contaminated land. External sources of funding may be available from central government or the EA.

### 12.2 PROGRESS ON STRATEGY

Progress on addressing contaminated land will be subject to an annual review completed by Environmental Health. Key matters, outcomes and investigations (including any identified budget allocation required as a result of the Strategy implementation) will be reported to Head of Service as appropriate.

The review will contain information relating to remediation of potentially contaminated sites through the actions of the planning process, as well as through other means (such as Part 2A or the Environmental Damage Regulations 2015).

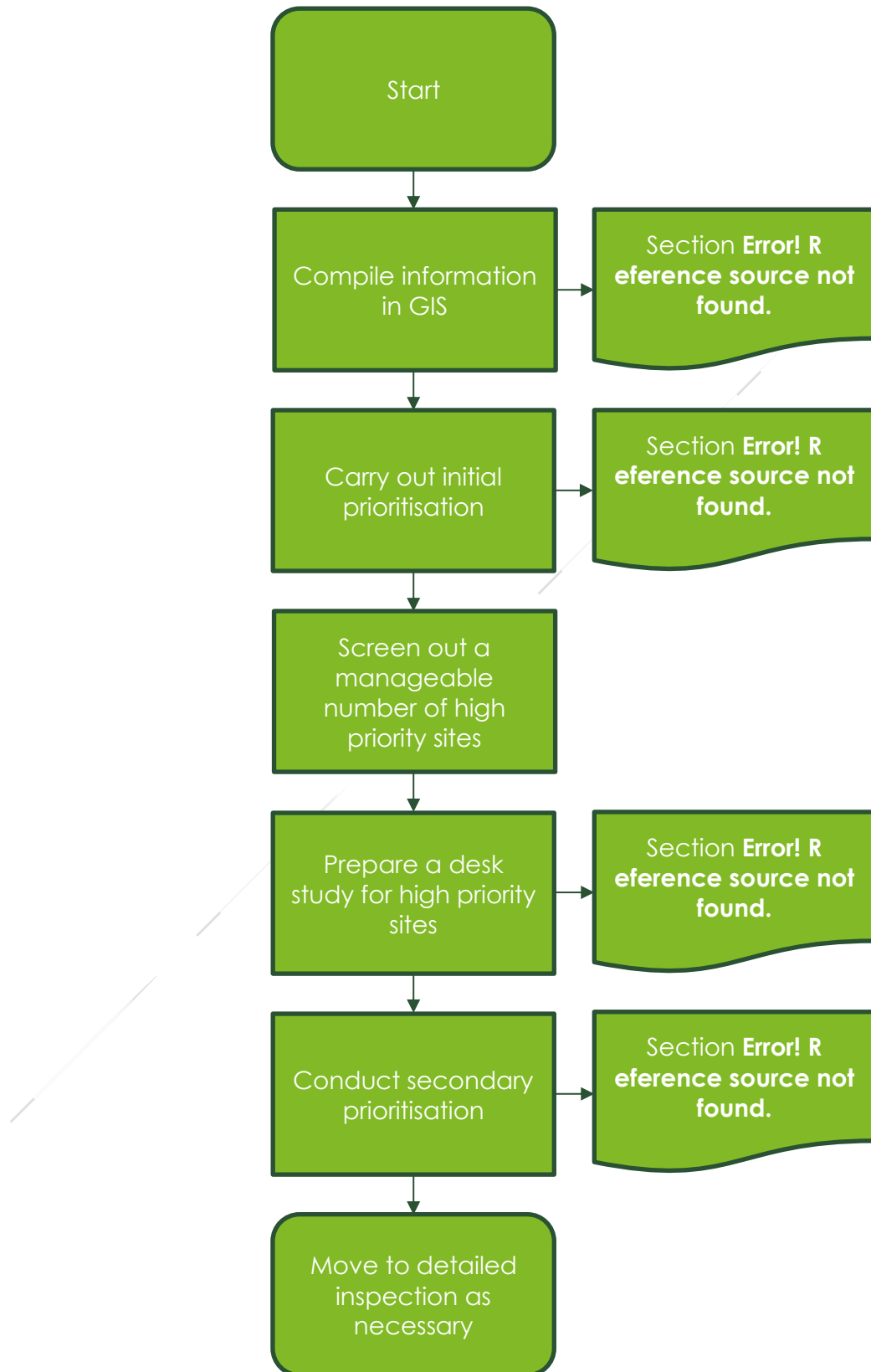
The Council has published the results of its investigations under Part 2A on its website and will continue to do so as appropriate.

### 12.3 CONFLICTS OF INTEREST

When implementing this Strategy, the Council may find itself to be a relevant person, or have some other association with the land (for instance, through a precursor Council).

In such circumstances, the Council will endeavour to treat such sites on the same basis as it would any other.

## APPENDIX 1 - PRIORITISATION FLOW CHART





## APPENDIX 2 - LEGAL DEFINITION OF SPECIAL SITE

The following is an extract from the Contaminated Land (England) Regulations 2006.

Land required to be designated as a special site

2.—

- (1) Contaminated land of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site—
- (a) land affecting controlled waters in the circumstances specified in regulation 3;
  - (b) land which is contaminated land by reason of waste acid tars in, on or under the land;
  - (c) land on which any of the following activities have been carried on at any time—
    - (i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or
    - (ii) the manufacture or processing of explosives;
  - (d) land on which a prescribed process designated for central control has been or is being carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
  - (e) land on which an activity has been or is being carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
  - (f) land within a nuclear site;
  - (g) land owned or occupied by or on behalf of—
    - (i) the Secretary of State for Defence;
    - (ii) the Defence Council,
    - (iii) an international headquarters or defence organisation, or
    - (iv) the service authority of a visiting force, being land used for naval, military or air force purposes;
  - (h) land on which the manufacture, production or disposal of—

- (l) chemical weapons,
  - (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974(1) (restriction on development of biological agents and toxins), or
  - (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons), has been carried on at any time;
- (i) land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991(2) (arrangements for development etc of nuclear devices);
  - (j) land to which section 30 of the Armed Forces Act 1996(3) (land held for the benefit of Greenwich Hospital) applies;
  - (k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
  - (l) land which—
    - (i) is adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k); and
    - (ii) is contaminated land by virtue of substances which appear to have escaped from land of such a description.
- (2) For the purposes of paragraph (1)(b), 'waste acid tars' are tars which—
- (a) contain sulphuric acid;
  - (b) were produced as a result of the refining of benzole, used lubricants or petroleum; and
  - (c) are or were stored on land used as a retention basin for the disposal of such tars.
- (3) In paragraph (1)(d), 'authorisation' and 'prescribed process' have the same meanings as in Part 1 of the 1990 Act (integrated pollution control and air pollution control by local authorities) and the reference to designation for central control is a reference to designation under section 2(4) (which provides for processes to be designated for central or local control).
- (4) In paragraph (1)(e), 'Part A(1) installation', 'Part A(1) mobile plant' and 'permit' have the same meanings as in the Pollution Prevention and Control (England and Wales) Regulations 2000(4).

- (5) In paragraph (1)(f), 'nuclear site' means—
- (a) any site in respect of which, or part of which, a nuclear site licence is for the time being in force; or
  - (b) any site in respect of which, or part of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end.
- (6) In paragraph (5), 'nuclear site licence', 'licensee' and 'period of responsibility' have the meanings given by the Nuclear Installations Act 1965(5).
- (7) For the purposes of paragraph (1)(g), land used for residential purposes or by the Navy, Army and Air Force Institutes must be treated as land used for naval, military or air force purposes only if the land forms part of a base occupied for naval, military or air force purposes.
- (8) In paragraph (1)(g)—
- 'international headquarters' and 'defence organisation' mean, respectively, any international headquarters, and any defence organisation, designated for the purposes of the International Headquarters and Defence Organisations Act 1964(6);
- 'service authority' and 'visiting force' have the same meanings as in Part 1 of the Visiting Forces Act 1952(7).
- (9) In paragraph (1)(h), 'chemical weapon' has the same meaning as in subsection (1) of section 1 of the Chemical Weapons Act 1996(8), disregarding subsection (2) of that section.

### **Pollution of controlled waters**

3. The circumstances to which regulation 2(1)(a) refers are where—
- (a) controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land and, as a result, require a treatment process or a change in such a process to be applied to those waters before use, so as to be regarded as wholesome within the meaning of Part 3 of the Water Industry Act 1991(1) (water supply);
  - (b) controlled waters are being affected by the land and, as a result, those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 82 of the Water Resources Act 1991(2) (classification of quality of waters); or

- (c) controlled waters are being affected by the land and—
  - (i) any of the substances by reason of which the pollution of the waters is being or is likely to be caused falls within any of the families or groups of substances listed in paragraph 1 of Schedule 1 to these Regulations; and
  - (ii) the waters, or any part of the waters, are contained within underground strata which comprise wholly or partly any of the formations of rocks listed in paragraph 2 of Schedule 1 to these Regulations.

## SCHEDULE 1

### SPECIAL SITES

1. The families and groups of substances relevant for the purposes of regulation 3(c)(i) are—
  - organohalogen compounds and substances which may form such compounds in the aquatic environment;
  - organophosphorus compounds;
  - organotin compounds;
  - substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;
  - mercury and its compounds;
  - cadmium and its compounds;
  - mineral oil and other hydrocarbons;
  - cyanides.
2. The formations of rocks relevant for the purposes of regulation 3(c)(ii) are—
  - Pleistocene Norwich Crag;
  - Upper Cretaceous Chalk;
  - Lower Cretaceous Sandstones;
  - Upper Jurassic Corallian;
  - Middle Jurassic Limestones;
  - Lower Jurassic Cotteswold Sands;
  - Permo–Triassic Sherwood Sandstone Group **[this geological unit is found within the District]**;
  - Upper Permian Magnesian Limestone;
  - Lower Permian Penrith Sandstone;
  - Lower Permian Collyhurst Sandstone;
  - Lower Permian Basal Breccias, Conglomerates and Sandstones;
  - Lower Carboniferous Limestones.



# CONTAMINATED LAND STRATEGY

June 2001

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**EXECUTIVE SUMMARY**

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Under the new regulations, the Council is required to inspect land in its District for contamination and undertake further duties to deal with contaminated land subsequent to identification. A strategy must be adopted and published by the Council by the end of June 2001, and a copy sent to the Environment Agency. This will detail how the authority will take a rational, ordered and efficient approach to this inspection.

The Council's priorities in dealing with contaminated land will be:

- To protect human health.
- To protect controlled waters.
- To protect designated ecosystems.
- To prevent damage to property.
- To prevent any further contamination of land.
- To encourage voluntary remediation.
- To encourage re-use of brownfield land.

A five-year programme of inspection will be undertaken, running from July 2001 to July 2006. An inspection programme based on the anticipated highest contamination incidence is proposed, with the largest towns being inspected first, followed by the smaller towns and villages. Priority will be given to inspecting land owned by the Council and land scheduled for development in the Council's Local Plan. Controlled waters and protected areas of the environment will also be examined and a final prioritisation exercise undertaken to establish the order in which problem sites should be cleaned up.

It is recognised that some sites may be identified outside the general approach to inspection. These sites will be dealt with as they arise. The Council will support parties wishing to undertake voluntary remediation and will encourage re-use of brownfield land for development in preference to greenfield development.

The District Council is the lead regulator on contaminated land but, wherever necessary, the Council will work in partnership with other organisations, particularly the Environment Agency. Detailed consultation will be undertaken with Parish Councils and all statutory consultees between Mid-April 2001 and the end of May 2001.

The regulations set clear criteria that must be met before land can be formally designated as contaminated land. The Council must also maintain a public register that must contain only certain information. It is possible that the expectations of some members of the public will not be met by the powers local authorities may exercise under contaminated land legislation.

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## 1 INTRODUCTION

Cannock Chase Council is required to inspect land in its District for contamination under new regulations that came into force on 1st April 2000. This strategy details how this inspection will be undertaken.

### 1.1 CANNOCK CHASE COUNCIL CORPORATE AIMS

The Inspection Strategy is presented in the context of the Council's Corporate Aims & Visions:

We intend to:

- Improve the health of the community.
- Work in partnership with the community
- Keep local people informed
- Provide services that are accessible to our customers.
- Develop a strong sustainable environment for the District
- Ensure that the best services possible are available to all sections of the community
- Invest in the training and development of employees

Cannock Chase is here to:

- Improve the quality of life for all individuals living and working within the District
- Provide leadership and promote the interests of all it's communities
- Enable the provision of quality public services

Land contamination has significant impacts on both the environment and the economy, so these policy areas are therefore key considerations in developing this Inspection Strategy.

The Council's approach to local government consistently emphasises the need to be open and accountable for its actions. This document has therefore been presented as a consultation draft and made available to all interested sections of the community, businesses and developers. Comments received will be considered before the strategy is finalised and submitted to the Environment Agency by the end of June 2001.

### 1.1.1 Development of Contaminated Land

Government encourages the use of brownfield sites for development purposes. As such the Staffordshire and Stoke-On-Trent Structure Plan 1996-2011 (adopted May 2001) recommends, as a policy target, that 55% of all housing development across Staffordshire should be on brownfield land. To achieve this end each District is set a target. Cannock Chase has been set a target of 46%. Analysis of current trends suggests that this figure is realistic. As brownfield sites are more likely to be contaminated than greenfield sites, this clearly has an impact on this strategy.

The Cannock Chase Local Plan 1997 states that the location of identified areas of contaminated land will influence land use allocations and other policies in the local plan. Furthermore, the following aims and objectives within the Cannock Chase Local Plan Replacement, 2000 are those which will influence the use of potentially contaminated land:

*Table 1: Key Aims & Objectives for the CCDC Replacement Local Plan*

AIMS	KEY OBJECTIVES
To Protect, conserve and enhance the District's environmental character, whilst enabling high quality development to take place in the most sustainable way.	To protect, conserve and enhance landscape character, including the restoration of damaged areas of countryside and urban land and creating new landscape.
To provide sufficient new housing to meet identified needs, set within a high quality residential environment, in sustainable locations.	To make the best use of land within urban areas, maximising the use of previously developed land and the conversion of existing buildings.
To help create a strong and diverse economy with high and stable levels of economic growth and employment.	To identify good quality employment land in appropriate sites, capable of attracting inward investment and meeting the needs of local businesses.

## 1.2 REGULATORY CONTEXT

Contaminated land regulations have been under development since the early 1990's. Following consultation on a 1993 White paper entitled 'Paying for our past', The Environment Act 1995 inserted a new section (Part IIA) into the Environmental Protection Act 1990. Another period of detailed consultation followed this enabling legislation, and the regulations and statutory guidance finally came into force in April 2000. It is the introduction of this new regulatory regime, generally referred to as the Part IIA regime, that has prompted the production of this strategy document.

### 1.2.1 *The Roles of the District Council and the Environment Agency*

Local authorities have been given the primary regulatory role under the Part IIA regime as local authorities have historically had responsibility for dealing with any statutory nuisance caused by land contamination and are also the lead authorities on land use planning.

The local authority has a duty:

- To cause their areas to be inspected for contaminated land.
- To determine whether any particular site meets the statutory definition of contaminated land.
- To act as the enforcing authority for all contaminated land, unless the site meets the definition of a 'special site' (in which case the Environment Agency will act as the enforcing authority).

The Environment Agency has a secondary regulatory role in assisting local authorities, providing site-specific local guidance, dealing with "special sites" and publishing periodic reports on the state of land contamination nationally.

### 1.2.2 *Defining Contaminated Land*

A legal definition of contaminated land is given in Section 78A(2) of Part IIA of the Environmental Protection Act 1990.

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

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

Section 78A(5) requires the regulatory authority to act in accordance with guidance issued by the Secretary of State in determining significance and likelihood.

### 1.2.3 *Dealing with Contaminated Land*

If an area of contaminated land has been identified, the approach for dealing with it will be the same regardless of whether the local authority or the Environment Agency is the regulator. There are four main stages to this approach:

- i. To establish who is the "appropriate person" to bear responsibility for the remediation (or "clean-up") of the land.
- ii. To decide what remediation is required and to ensure that this occurs, through:
  - Reaching a voluntary agreement
  - Serving a remediation notice, if agreement cannot be reached

- Carrying out work themselves, in certain circumstances
  - Potentially changing land use in certain circumstances
- iii. To determine whom should bear what proportion of the liability for meeting the costs of the work.
- iv. To record certain information about regulatory action on a public register.

1.2.4 Pollutant Linkages and Risk Assessment

For a site to meet the definition of contaminated land, a pollutant linkage must be established. A pollutant linkage consists of three parts:

- i. A source of contamination in, on or under the ground.
- ii. A pathway by which the contaminant is causing significant harm (or which presents a significant possibility of such harm being caused), except in the case of pollution of controlled waters, when significance does not have to be demonstrated.
- iii. A receptor of a type specified in the regulations



The receptors recognised as being potentially sensitive are:

<ul style="list-style-type: none"> <li>• Human beings</li> <li>• Ecological systems or living organisms forming part of a system within certain protected locations, including:             <ul style="list-style-type: none"> <li>❑ Sites of Special Scientific Interest (SSSIs)</li> <li>❑ National Nature reserves</li> <li>❑ Marine Nature Reserves</li> <li>❑ Nature Reserves</li> <li>❑ Special Areas of Conservation (SACs)</li> <li>❑ Special Protection areas (SPAs)</li> <li>❑ Candidate SACs</li> <li>❑ RAMSAR sites</li> <li>❑ Areas of special protection for birds</li> <li>❑ Sites of Biological Importance</li> <li>❑ Sites of Protected and Endangered Species</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Property in the form of buildings, including:             <ul style="list-style-type: none"> <li>❑ Ancient Monuments</li> </ul> </li> <li>• Properties in other forms             <ul style="list-style-type: none"> <li>❑ Crops</li> <li>❑ Livestock</li> <li>❑ Home-grown produce</li> <li>❑ Owned or domesticated animals</li> <li>❑ Wild animals subject to shooting or fishing rights</li> </ul> </li> <li>• Controlled waters             <ul style="list-style-type: none"> <li>❑ Surface waters (e.g. rivers, lakes, streams)</li> <li>❑ Drinking water abstractions</li> <li>❑ Source protection zones</li> <li>❑ Groundwater - private abstractions</li> <li>❑ Groundwater - major aquifers</li> </ul> </li> </ul>
--	---

If the three components of the pollutant linkage exist, a risk assessment will be undertaken to determine the likelihood of harm being caused if the predicted event actually occurred. An area of land can only be designated contaminated land if a significant risk has been proven.

### 1.2.5 *Special Sites*

The most seriously contaminated sites, as defined in the Regulations, and grouped into land uses, and grouped into land uses, state ownership and controlled waters.

## 1.3 DEVELOPMENT OF THE STRATEGY

All local authorities are required to take a strategic approach to inspecting land in its area for contamination.

The statutory guidance requires that the approach adopted should:

- Be rational, ordered and efficient.
- Be proportionate to ensure the most pressing and serious problems are located first.
- Ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land.
- Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

This strategy has been developed to meet these requirements. Particular reference has been made to "Contaminated Land Inspection Strategies - Technical Advice for Local Authorities" issued by the Department of the Environment, Transport & the Regions. It has been prepared in a number of stages:

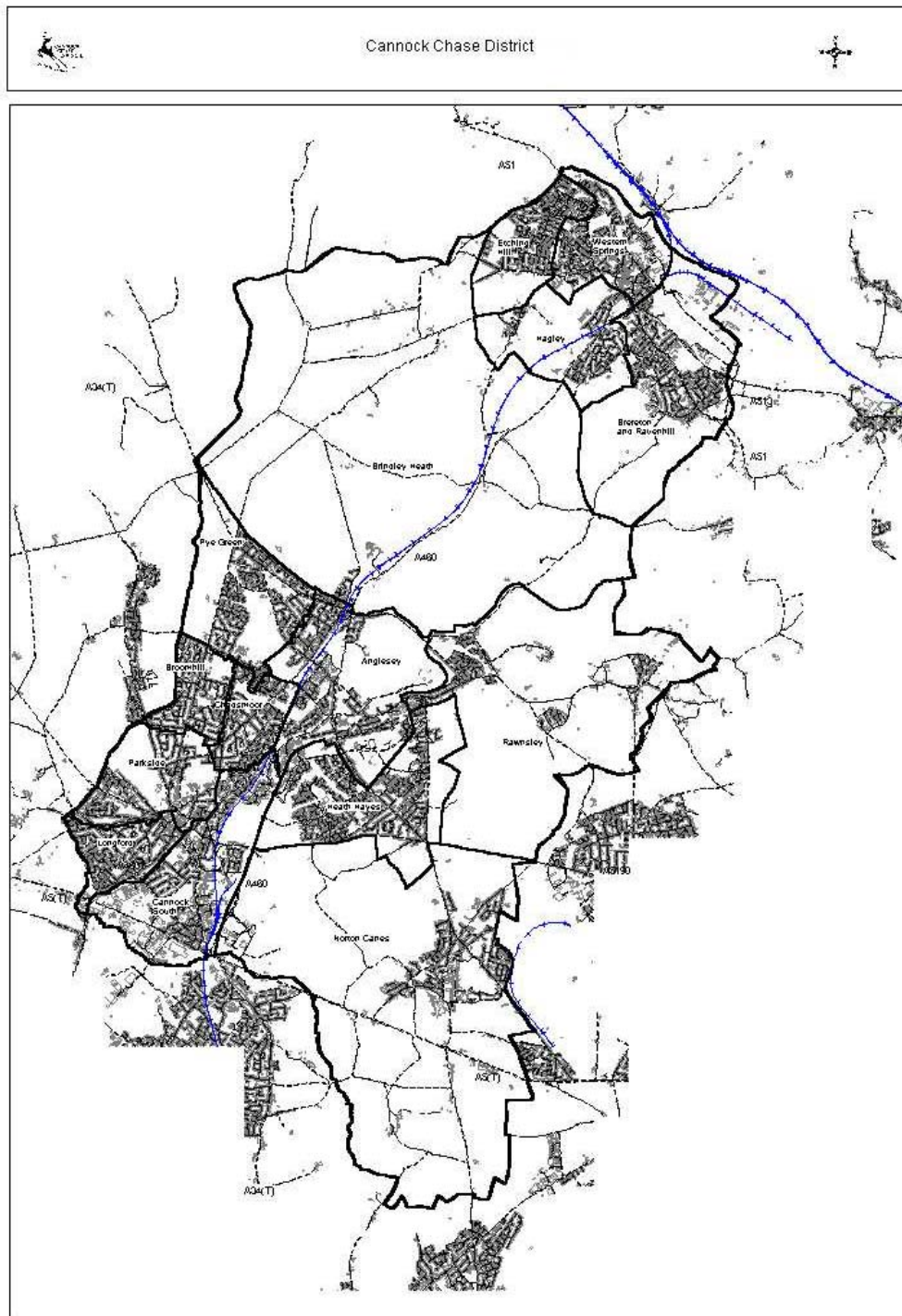
- i. A draft strategy for consultation has been prepared by CCDC's Environmental Protection Section (February - April 2001).
- ii. The Council's internal Contaminated Land Working Group will be invited to comment on this consultation draft. This group is made up of officers from Environmental Protection, Local Plans, Development Control, Building Control and I.T. sections (April 2001).
- iii. To bring the draft strategy to the attention of the Cabinet prior to consultation.
- iv. Comments will be invited on the consultation draft from formal consultees and informal consultees, including other sectors of the community and businesses. Parish Councils are seen as particularly important sources of information and a proactive consultation exercise will be undertaken to involve them (May 2001).
- v. A final version of the strategy will be submitted to the Environment Agency.

**2 CHARACTERISTICS OF CANNOCK CHASE DISTRICT**

**2.1 GEOGRAPHICAL LOCATION**

Situated in the south of the Staffordshire, the district extends from a southern boundary with the Walsall Metropolitan Borough Council to a northern boundary along the River Trent. At the two ends of the district are the towns of Cannock and Rugeley with between them, large tracts of the wooded and heathland area of Cannock Chase. The district also includes the smaller communities of Brereton, Heath Hayes, Hednesford and Norton Canes.

Figure 1: Map of Cannock Chase District



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## 2.2 BRIEF DESCRIPTION / HISTORY

### 2.2.1 *Cannock Chase District*

The district has a long history, which is closely interwoven with that of the Chase itself. In Saxon and Norman times the Chase was a Royal hunting forest that was far greater in extent than it is today. From the earliest times coal and iron were won from this area but only in the 19th century did the mining of coal assume major importance. The canal network facilitated this expansion. Today no coal mining activities exist. Deep mining ceased in the early 1990's and opencast mining in 2000.

Around 250 hectares of derelict land exists within the District as a reflection of the District's past association with the coal mining industry. Since the mid-1970's the council has promoted a reclamation programme, attracting Government grant aid.

### 2.2.2 *Cannock & Hednesford*

The town of Cannock grew around the convergence of roads from Stafford, Penkridge, Lichfield, Wolverhampton and Walsall during the 17th century, although its origins can be traced back to 1259. Hednesford and Cannock's initial prosperity was largely dependent on their roles as coaching towns.

### 2.2.3 *Rugeley*

In the period to 1800 Rugeley was the more prominent of the two principal towns in the district, due to its location on the River Trent. Early prosperity was due to the cattle and horse market in the town. During the middle ages industrial activity included wool spinning, tanning (using oak bark from the forests), smelting of iron ore from the Walsall area. The decline of the iron smelting industry in Rugeley during the 18th century was followed by the rise of the coal mining industry. During the 19th century the first deep coalmines were sunk in Brereton and Rugeley.

Other modern, industrial activities have developed, taking advantage of the motorway network in the region. These are characterised by haulage, superstores and out of town developments.

## 2.3 SIZE

Cannock Chase District covers 7,800 hectares.



## 2.4 POPULATION DISTRIBUTION

The current population of the district is estimated to be 91,755 (Office of National Statistics - mid 1999) and the number of households 35,262 (Staffordshire County Council - 1996). However, the population has continued to grow as significant housing development has taken place. Staffordshire County Council predicts continued growth in the population and the number of households to 2011. The 1991 census data indicated the following population breakdown:

*Table 2 : Population Breakdown by Town*

TOWN	POPULATION
Cannock	28653
Rugeley, Brereton & Brindley Heath	24455
Hednesford & Rawsley	19783
Heath Hayes	9404
Norton Canes	6551

In recent years the proportion of new housing development on brownfield land has been high. 67% of all dwellings developed since April 1995 have been on brownfield sites. At April 2000 approximately 50% of the committed housing land supply (including sites under construction) was located on brownfield land.

Pressure for development is illustrated by Staffordshire County Council who estimate that 67% of Staffordshire's projected housing need is generated in the southern districts of the county.

## 2.5 LAND OWNED BY THE DISTRICT COUNCIL &amp; STAFFORDSHIRE COUNTY COUNCIL

*Table 3: Summary of Green Space Network Management in Cannock Chase District (Excluding Cannock Chase AONB)*

LAND MANAGEMENT	HECTARES
CCDC - Leisure	214.28
CCDC - Housing (not including houses or gardens)	27.55
CCDC - Planning	155.00
Staffordshire County Council	160

The District Council has land holdings in the District, held by the Council's Leisure, Planning and Housing Departments. Council owned housing stock consists of 6980 dwellings with no new dwellings have been built for over 10 years. Rather, it works in partnership with housing associations to provide new social housing.

## 2.6 CURRENT LAND USE CHARACTERISTICS

Approximately 60% of the Cannock Chase District is situated within the southern portion of the West Midlands Green Belt. The land use is divided approximately equally between urban, agricultural and forestry land uses.

The main areas of residential land use are the towns of Cannock, Rugeley, Hednesford, Heath Hayes and Norton Canes. Only small numbers live in outlying areas because of the operation of planning policies regarding protection of the countryside, Cannock Chase AONB and the Green Belt. Industrial land use is concentrated on the peripheries of the urban areas, to the north and east of Rugeley, north-east of Cannock town centre, along the A5 corridor and south of Norton Canes.

Forestry is a major land use within the district. The majority portion of Cannock Chase Area of Outstanding Natural Beauty within the district consists of commercial forestry operations, together with significant areas of heathland. The remaining part of the AONB is largely country park managed by Staffordshire County Council. Part of the District is included in the Forest of Mercia, which is one of the three lead Community Forests launched by the Countryside Commission, the Forestry Commission and local authorities. This initiative aims to improve areas of poor landscape on the fringes of major conurbations and increase opportunities for recreation.

Agricultural activity is restricted to land in the south of the district south and east of the district and to the south and west of Rugeley.

## 2.7 PROTECTED LOCATIONS AND SPECIES

A wide variety of habitat types exist throughout the District, ranging from forest and internationally important heathland. The protected areas consist of:

- 40% of Cannock Chase District is situated within the Cannock Chase Area of Outstanding Natural Beauty (AONB).
- Three sites of Special Scientific Interest (SSSI), namely Cannock Chase, Cannock Extension Canal and Biddulph's Pool & No Man's Bank.
- The Cannock Extension Canal is currently designated as a European Union candidate Special Area for Conservation (SAC).
- The Cannock Chase SSSI has recently been put forward as a proposed SAC.
- A number of sites contain internationally and nationally recognised rare and endangered species, which are severally threatened by natural predation and development activities.
- There are two Local Nature Reserves (LNR) within the District at Hazelslade and Hednesford Hills. Subject to confirmation by English Nature, a new LNR at Mill Green and Hawks Green Valley will soon be designated.

## 2.8 KEY PROPERTY TYPES

- Within the district there are:
- 5 Conservation Areas: Rugeley Town Centre; Church St., Rugeley; the Trent & Mersey canal, Rugeley; Cannock Town Centre and Bridgtown.
- 65 Listed Buildings
- 4 Scheduled Ancient Monuments

## 2.9 KEY WATER RESOURCES / PROTECTION ISSUES

South Staffordshire Water Plc supplies water to properties in the district and has a number of abstraction points. The Environment Agency has made information on licensed groundwater and surface water abstraction, and public water supplies available. There are no known private drinking water supplies in the area.

## 2.10 KNOWN INFORMATION ON CONTAMINATION

The Council holds some information on contaminated land in the District. This information is principally past and present landfill site location and has been provided by Staffordshire County Council. It is held in digital format on the corporate GIS system.

This is primarily used in the planning control process. Where developments are in the vicinity of known contamination, the Council will often request a site investigation as part of a planning condition. If development proceeds on these sites, remedial works will often have been carried out to improve the site conditions. Planning records will therefore form a valuable resource during the investigation process.

## 2.11 CURRENT AND PAST INDUSTRIAL HISTORY

### 2.11.1 *Coal Mining*

Historical records date the primitive coal mining industry back to the 13<sup>th</sup> century.

Early extraction of coal on Cannock Chase was from 'bell pits'; typically thirty feet in depth. Once exhausted, these were back filled, using spoil from adjacent new extractions. As time progressed, more advanced techniques were employed, including the first deep mine at Beaudesert and advanced operations in Brereton.

Rapid growth of the industry occurred during the 19<sup>th</sup> century with pits being developed in Brereton, Norton Canes, Burntwood, Hednesford, Cannock Wood, Anglesey and Rawsley. Peak activity was seen in the inter-war period, although productivity reached its peak during the post war period, when Lea Hall colliery and Rugeley Power Station were opened.

All coal-mining activities have now ceased. The site of the former Lea Hall colliery is now being developed as Towers Business Park.

Closure of the collieries can give rise to mine water rebound, with associated contamination issues. Although mines are all currently being pumped of mine water, consideration will obviously have to be given to the current and future issues arising.

### 2.11.2 *Iron Working*

Historical records show that the primitive iron and coal mining became established in the 16<sup>th</sup> century although the earliest iron working industry had become established before coal mining.

The industry was originally centred on Rugeley, later spreading along Rising Brook Valley towards Hednesford and Cannock. The erratic fortune of the industry during the 16<sup>th</sup> and 17<sup>th</sup> centuries being due to the over exploitation of the forests.

During the 19<sup>th</sup> century, the iron and steel developed along the Watling Street at Churchbridge. A tramway was built to connect the factory with the Wyrley and Essington canal. Associated growth in the edge tool industry also developed in the Bridgtown and Churchbridge area.

### 2.11.3 Power Generation

Two power stations have operated adjacent in Rugeley, adjacent to the former Lea Hall colliery and River Trent. Today, only the second, 'B', station is operational.

### 2.11.4 Railways

The present railway system consists of the Birmingham - Walsall - Hednesford - Rugeley - Stafford line (formerly the Cannock Mineral Railway). However, a number of privately owned railways previously operated to serve the coal industry. These fed into the Cannock Mineral Railway (now a passenger & mineral line).

### 2.11.5 IPC & LAPC Processes

Integrated Pollution Control (IPC) is a system established, under Part I of the Environmental Protection Act 1990 (known as 'the Act'), to control pollution from industry. It applies to the most potentially polluting or technologically complex processes in England and Wales and is enforced by the Environment Agency. A parallel but separate system of IPC is used in Scotland and enforced by the Scottish Environment Protection Agency, SEPA. IPC is concerned with the release of polluting substances to air, land and water.

**The main objectives of IPC are:**

- To use the Best Available Techniques Not Entailing Excessive Cost in order to prevent or minimise the release of prescribed substances and to render harmless any such substances which are released
- To ensure consideration of releases from industrial processes to all media in the context of the effect on the environment as a whole

A separate regime for controlling emissions to air alone from generally less polluting processes was also introduced under Part I of the Act. For such processes local authorities (district and borough councils and in some cases port health authorities) are the enforcing body and the system is known as Local Air Pollution Control (LAPC).

Both IPC and LAPC will eventually be replaced by a new Pollution Prevention and Control (PPC) regime that will implement the requirements of the EC Directive 96/61 on integrated pollution prevention and control.

Table 4: IPC Processes

PROCESS CATEGORY	NO. PROCESSES
1.3 Combustion processes	1
2.2 Non-Ferrous Metals	2

Table 5: LAPC Process

PROCESS CATEGORY	NO. PROCESSES
1.4b Service Stations	15
2.1 Iron & Steel	1
2.2 Non-Ferrous Metals	1
3.1 Cement & Lime	2
3.4 Other Minerals	2
3.6 Ceramic	1
6.2 Di-isocyanate	1
6.5 Coating	9
6.7 Timber	3
6.9 Animal & Plant Treatment	1
1.3 Waste oil Burners (under 0.4MW)	4

#### 2.11.6 IPPC Processes

The system of Integrated Pollution Prevention and Control (IPPC) applies an integrated environmental approach to the regulation of certain industrial activities. This means that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, must be considered together. It also means that regulators must set permit conditions so as to achieve a high level of protection for the environment as a whole. These conditions are based on the use of the 'Best Available Techniques' (BAT), which balances the costs to the operator against the benefits to the environment. IPPC aims to prevent emissions and waste production and where that is not practicable, reduce them to acceptable levels. IPPC also takes the integrated approach beyond the initial task of permitting, through to the restoration of sites when industrial activities cease. PPC will systematically replace the system of IPC and LAPC over the forthcoming years.

The enforcement and administrative duties are divided as follows:

**Environment Agency** - Integrated Pollution Prevention & Control (IPPC) will apply to (Part A1 installations).

**Local Authority** - Local Authority Pollution Prevention & Control (LAPPC) will be applied in a two tier system. Part A2 processes are those which will be subject to an integrated system of control, which will include waste minimisation responsibilities. Part B processes are those which will be subject to a system of air pollution control only.

The number of industrial activities, presently located in the district, which are identified as being classified as PPC installations are as follows:

*Table 6 : Pollution Prevention & Control Installations*

Part A1	Combustion	1
	Non-Ferrous Metals	2
	Waste Licensed	2
Part A2	Ceramic Production	1
	<i>Animal Rendering</i>	<i>1 proposed</i>
Part B	Small Waste Oil Burners	4
	Non-Ferrous Metals	1
	Cement & Lime	2
	Other Mineral Industries	1
	Organic Chemicals	2
	Coating Activities	5
	Motor Vehicle Refinishing	4
	Timber Processes	3
	Animal & Vegetable Waste	1
	Petroleum Filling Stations	23

### 2.11.7 *Current Industrial Development projects*

#### **Kingswood Lakes, (Poplars Phase II), Cannock.**

The Cannock Chase Local Plan 1997 allocates 36 hectares for new employment at this location for which outline planning permission has been granted. The site is considered to be a strategically important and highly accessible site of 'premium' site scale. The site is jointly owned by Staffordshire County Council and a private developer.

#### **Orbital Centre, (Poplars Phase I), Cannock.**

20 hectare site, 1 mile south of Cannock town centre, located at an important transport node - A34/A5 trunk roads/ A460 Cannock Eastern Bypass, proposed junction with Birmingham Northern Relief Road (BNRR) and the junction with the BNRR (currently under construction) and the proposed Bridgtown Railway station, which has potential for park and ride facilities. This development is now largely complete; comprising of industrial floorspace with retail and leisure development.

#### **Towers Business Park, Rugeley.**

Former colliery site; closed in 1991 with the loss of 1,100 jobs. 56.6 hectare site 1 mile east of Rugeley town centre. 30 hectares are to be redeveloped for employment purposes, following reclamation by English Partnerships.

#### **Keys Business Park (Former Hednesford Brickworks)**

Former brickworks; located 2 miles northeast of Cannock. This has been reclaimed, allowing for redevelopment for industrial purposes.

#### **Mill Green**

Largely council owned 7.6hectare site, 1/2 mile east of Cannock town centre, located at the junction of the A5190 Lichfield Road / A460 Cannock Eastern bypass. The intended use for this site is high quality office, commercial or leisure development.

#### **Park Farm North, Cannock.**

Council owned 2.0 hectare site abutting the A460 Cannock Eastern Primary Route.

#### **Wharf Road, Rugeley.**

1.1 hectare reclaimed site and adjacent to the new Rugeley Town railway station. The site has planning permission for housing use.

## 2.12 BROAD GEOLOGICAL CHARACTERISTICS

The geology of the district can be summarised as follows:

- Cannock Chase AONB predominantly lies over soft sandstone.
- Cannock town is positioned over glacial boulder clays and stratified sands / gravels over carboniferous coal seams. Similar geological characteristics are found beneath Brereton, Beaudesert and Wimblebury.
- Rugeley is largely situated over Triassic sandstones with marl bands. There are occasional drifts of boulder clay and unbedded gravelly clays. Along the Trent valley are glacial gravels over pebble beds.

At the time of writing, the Authority is considering the purchase of digital maps of geological data from the British Geological Survey. This will show solid geology, drift geology, artificial ground and mass movement and will be compatible with the corporate Map-info GIS system.

## 2.13 BROAD HYDROLOGICAL AND HYDROGEOLOGICAL CHARACTERISTICS

The principal watercourses within the Cannock Chase District are the River Trent, Ridings Brook and the Saredon Brook.

The biological and chemical water quality of the District's waterways range from fairly good to poor.

The Cannock Chase Local Plan 1997 recognises the importance of protecting floodplains, aquifers, watercourses, ponds and rivers from pollution and degradation, and proposes buffer zones against development to achieve this aim.

Groundwater can act as both a pathway and receptor for contaminants. The Environment Agency Groundwater Vulnerability Map shows major aquifers in the area.

There are a number of groundwater abstraction points located within the district, which are surrounded by source protection zones. These cover large tracts of the district.

## 2.14 AREAS OF NATURALLY METAL ENRICHED SOILS

The soil survey and Land research Centre based at Cranfield University have undertaken a national soil survey. This information is available in digital form, and consideration is being given to the purchase of the relevant data set for the district, possibly in combination with the other local authority members of the Staffordshire Pollution Group. Soil maps will enable the identification of naturally metal enriched soils, enabling a high baseline level to be applied wherever the harmful effects of metal contamination are assessed. The risk assessment process is referred to in section 4.6.



### 3 THE CANNOCK CHASE DISTRICT COUNCIL STRATEGY

#### 3.1 THE COUNCIL'S PRIORITIES

The Council's priorities in dealing with contaminated land will be:

1. To protect human health
2. To protect controlled waters
3. To protect designated ecosystems
4. To prevent damage to property
5. To prevent any further contamination of land
6. To encourage voluntary remediation
7. To encourage re-use of brownfield land

#### 3.2 WORK PROGRAMME

The inspection process has been broken down into a series of milestones:

##### ***Stage 1 - Purchase of Historical Maps, Historic Land Use Database & Information Handling Database Software (July 2001 - January 2002)***

To begin the process of investigation, the Council intends to purchase a set of historic maps in a digital format, which can be used with the Council's Geographical Information System (GIS), Map-Info. There is a possibility that the Authority may be eligible for maps free of charge from Ordnance Survey, which may preclude the requirement to purchase historical maps. This option is being explored.

Historic maps for a number of years from the latter 19th Century to the mid-20th Century would be of value in showing the presence of potentially contaminative activities during the most significant period for industrial growth. To allow for the inaccuracies of historical maps these are 'geo-rectified' so that they correctly match contemporary maps.

Consideration will also be given to the acquisition of an historic land use database to identify areas of potentially contaminated land from historic ordnance survey maps, following governmental advice on the identification and classification of potentially contaminative land uses.

Historic maps may contain limited information for the purposes of identifying such land. For example, an industrial site may be referred to as 'works'. Detail can be added to this by researching local records in the Staffordshire libraries such as the William Salt Library, Stafford. Kelly's Directories contain historical adverts for services and goods. They would therefore assist in identifying these anonymous 'works'.

Consideration will also be given to the purchase of database software to handle the data acquired during the inspection process.

It should be emphasised that only a small proportion of sites subject to potentially contaminative land use will meet the strict definition of contaminated land. Due to the past uses of the land, many of these sites will contain substances in, on, or under the ground, which have the potential to cause harm. However, in order to be designated as contaminated land these sites must have a pathway by which significant harm may be caused and a receptor on which significant harm can be inflicted. If either the pathway or the receptor is missing from the pollutant linkage, the site may be land in a contaminated state but can not be designated as contaminated land under Part IIa.

***Stage 2 - Draft Consultation Strategy (Date April 2001)***

This first version of the strategy is written as a draft document for consultation purposes.

***Stage 3 - Consultation (May 2001 to December 2001)***

The consultation process will be undertaken in two stages.

Firstly, this draft document will be issued to identified consultees and made available for the wider public to comment on the approach to the inspection strategy. These comments will be taken on board in writing the final version prior to the beginning of July 2001.

A second phase of consultation will subsequently commence aimed at acquiring local knowledge of contamination issues from the wider public. The data sources cited later in section 4 might not identify all potentially contaminated sites. It is feasible that an area of land may be used for high-risk contaminative activity (e.g. waste disposal) without ever being recorded on a map. Local consultation will therefore play an important role in identifying the gaps in this knowledge.

It is hoped that a programme of visits to Town and Parish Councils can be scheduled to occur during the period July to December 2001. Town and Parish Councils will be asked to provide any relevant information or local knowledge they may possess on potentially contaminative land uses that have occurred in their parishes.

Local history societies will be contacted as another source of information. Consultation on the strategy will also be publicised in the local press and it is anticipated that a number of interested residents will come forward with information on past land uses.

Outstanding decisions regarding the inspection process will be addressed during the consultation process timetable.

***Stage 4 - Publish Final Inspection Strategy (June 2001)***

The final strategy will be finalised and published during June 2001 and submitted to the Environment Agency as the representatives of the DETR in relation to contaminated land issues.

***Stage 5 - Dealing with Urgent Sites (July 2001 - July 2002, and ongoing)***

If there is any verifiable report of sites causing harm that are identified through consultation, the general approach to inspection will be secondary to dealing with such sites. The regulations recognise this scenario as realistic and the proposed approach is in line with the guidance.

This stage may include declaring some 'special sites' and passing the lead regulatory role for these inspections to the Environment Agency.

***Stage 6 - General Approach to Inspection (July 2001 - July 2005)***

The Council's first priority in dealing with contaminated land is to protect human health as clearly stated in 3.1. To achieve this goal, it is proposed that land within the District will be inspected in an order based on the anticipated highest contamination incidence, with the largest towns being inspected first, followed by the smaller towns and villages. These towns are therefore at the highest risk of having all three elements of a pollutant linkage (source, pathway, receptor) of an area of contaminated land, which could cause significant harm to human health.

The order of detailed inspection can only be determined after an initial 'screening' survey of the district reveals which urban areas have had the most significant concentration of potentially contaminative activities. Upon completion of the initial screening exercise a prioritisation map will be published.

***Stage 7 - Council Owned Land (July 2001 - December 2004)***

The council has some land holdings within the District. There are other areas of land within the District, which the Council (or its predecessors) has owned in the past where potentially contaminative activities (e.g. waste disposal or coal mining) may have occurred. The Council also acquired derelict and previously used land in order to develop this or to improve the overall quality of an area.

Within the general population based approach to investigation, it is appropriate that these types of sites are subjected to investigation (and if necessary, remediation) as a priority. This follows the Council's general approach to "putting its own house in order" before expecting others to follow suit.

Staffordshire County Council also holds land within the district. It is proposed that these will be inspected as a priority and referred to the County Council so that they may have the opportunity to also follow the same approach as Cannock Chase Council.

***Stage 8 - Local Plan Land (July 2001 - July 2005)***

As the Local Planning Authority for the area, the Council must draw up a local Plan (which with the Structure Plan, the Minerals and Waste Local Plans, forms the development plan). The Local Plan specifies which areas of land should be used for which type of development and contains other policies controlling the use and development of land.

At the time of writing the Local Plan is the Cannock Chase Local Plan which was adopted in March 1997. Work is underway on the preparation of a replacement Local Plan for the period up to 2011. Consultations were carried out on the Issues Paper between January and March 2001. The first Deposit Draft Local Plan is to be published by March 2002.

As the Council will be making recommendations about the future use of land, it is logical to undertake investigation of the emerging sites as a priority within the general population based approach to contaminated land investigation. The land will therefore be specifically considered as development potential is considered.

***Stage 9 - Threats to Controlled Waters, Protected Areas of the Environment and Buildings (April 2005-April 2006)***

It is anticipated that the investigation of towns and villages will bring to light information that would reveal any imminent threats to controlled waters or protected areas of the environment posed by contaminated land. If the evidence demonstrates a need for urgent action, this will be taken as soon as practicable alongside the rolling programme of inspections. All evidence of risks to controlled waters will be referred to the Environment Agency, whether or not evidence of a need for urgent action is evident.

If, however, the evidence is not conclusive then these areas will be included in a specific investigation of such threats, to be undertaken once the investigation of urban areas is complete. This will include areas of the district with low population density such as Cannock Chase forest.

***Stage 10 - Final Prioritisation (January 2006 - June 2006)***

The regulations require the remediation of contaminated land sites to be prioritised. This prioritisation can only occur at the end of the investigation stage, currently timetabled for January 2006.

It is likely that a proprietary risk assessment package will be required for this stage but it is not possible to identify a specific package at the time of writing.

## 4 PROCEDURES

## 4.1 INTERNAL MANAGEMENT ARRANGEMENTS FOR INSPECTION AND IDENTIFICATION

Within the District Council, the Environmental Health and Public Protection Services Department has responsibility for the implementation of Part IIA EPA 1990.

The Environmental Protection Section will deal with the day-to-day implementation of the strategy once approved by elected members. The Environmental Protection Section will also be responsible for serving remediation notices, subject to consultation with the Council's Legal Services Section.

Elected members will be informed at the earliest opportunity of any plans to designate an area of Council-owned land, or land where the Council is the "appropriate" person and may be liable for remediation costs.

## 4.2 CONSIDERING LOCAL AUTHORITY INTERESTS IN LAND

As indicated in section 3, investigation of Council-owned land will be carried out alongside the inspection schedule, and this land will be amongst the first investigated in each area.

## 4.3 INFORMATION COLLECTION

Many sources of information will be required to identify potential sources of contamination and potential receptors. A consultant will be appointed to capture data held within the authority. However, the principle sources are likely to be as detailed below:

*Table 7: Principle Sources of Information*

RESOURCE	DISTRICT SPECIFIC	USE
Hydrogeological maps	The groundwater vulnerability maps produced by the Environment Agency	To identify receptors.
Source Protection Zones	Areas of groundwater that receive special protection by the Environment Agency are identified on the EA website, and can be used with a GIS	To characterise receptors (controlled waters).
Licensed Water Abstractions	Spreadsheet providing details of all licensed water abstractions located within the district provided by the Environment Agency.	To identify receptors.

Licensed Radioactive Sources	Spreadsheet providing details of all licensed radioactive sources located within the district provided by the Environment Agency.	To identify sources of contamination.
Pollution Incidents	The Environment Agency maintains a database of pollution incidents. Information on a site by site basis may be acquired from this source.	To identify sources of contamination.
River Quality data	Biological and chemical water quality data provided by the Environment Agency, which can be used with the Council's GIS system.	To identify receptors and pathways.
Environmental Health records	The District Council maintains records of complaints and investigations	To identify known information on contamination.
District Local Plan	An issues paper has been published prior to revising the existing local plan. The plan is a valuable source of land use policies and future proposals.	To identify receptors (particularly historic monuments and protected areas of the environment).
Integrated and Local Authority Pollution Control register	The Council has maintained a public register of authorised industrial processes in the district since 1990.	To identify sources of contamination.
Waste Management Licences.	The Environment Agency maintains a public register of sites licensed for waste management activities.	To identify sources of contamination.
Register of closed landfill sites	The Environment Agency expects to provide information regarding closed landfill sites by the end of 2001.	To identify sources of contamination.

Maps of known landfill sites	Staffordshire County Council has provided maps of current and known former landfill sites in the district. This is available via the Council GIS system.	To identify sources of contamination.
County archives	Available via County libraries.	To identify sources of contamination.
Agricultural Land Classification (ALC) System	Site specific agricultural land classification information includes long term limitations resulting from contamination.	To identify sources of contamination and receptors.

#### 4.4 INFORMATION MANAGEMENT

The Council's Geographical Information System (or GIS) will be the primary tool used to manage contaminated land information. The Council currently operates the Map-Info system corporately. This allows the efficient exchange of information between departments.

This system will be used to correlate all information and determine the proximity of potential receptors (residents, controlled waters) to sources of contamination. The GIS will be linked to an Access database, which will allow statistical information to be drawn together for reporting and comparison with other authorities.

#### 4.5 COMPLAINTS AND VOLUNTARY INFORMATION PROVISION

From time to time, the Council may receive a complaint regarding contaminated land from a member of the public, business or community group. Interested residents may also voluntarily supply information relating to land contamination that is not directly affecting themselves, their families or their property. These complaints or acts of information provision may impact on the approach to inspection and so the procedures to be adopted are detailed here.

##### 4.5.1 *Complaints*

A complaint regarding contaminated land will be dealt with following the same procedures currently used by the Environmental Health and Public Protection Services Department to deal with statutory nuisance complaints.

All complainants may expect:

- Their complaint to be logged and recorded.
- To be contacted by an officer regarding their complaint within 5 working days of receipt.
- To be kept informed of progress towards resolution of the problem.

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does, however, present a number of obstacles to speedy resolution of problems:

- i. Proof of a viable pollutant linkage before any formal designation as contaminated land is permissible, which might only be possible with detailed investigation.
- ii. Prior consultation with interested parties before designation as contaminated land.
- iii. A minimum of a three month period between designation and serving of a remediation notice.
- iv. The requirement for the enforcing authority to make every effort to identify the original polluter of the land (or 'Class A' person).

The regulations allow conditions (ii) and (iii) to be waived in extreme cases, but not conditions (i) or (iv).

#### *4.5.2 Confidentiality*

All complainants will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the complainant will remain confidential. The only circumstance in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and an adverse effect on the complainant's health was an important reason for the original contaminated land designation.

#### *4.5.3 Voluntary Provision of Information*

If a person or organisation provides information relating to contaminated land that is not directly affecting their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice.

#### *4.5.4 Anonymously supplied Information*

The Council does not normally undertake any investigation based on anonymously supplied information, and this general policy will be adopted for contaminated land issues. This does not, however, preclude investigation of an anonymous complaint in exceptional circumstances.

#### *4.5.5 Anecdotal Evidence*

Any anecdotal evidence provided to the Council relating to contaminated land will be noted, but no designation of contaminated land will occur without robust scientific evidence. In all cases, knowledge and experience will be used to decide what, if any, further investigation is required following a complaint or a provision of information.



#### 4.6 RISK ASSESSMENT

All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current governmental guidelines.

##### 4.6.1 *CLEA, ICRL, SNIFFER Guidelines*

A new set of guidelines - the Contaminated Land Exposure Assessment or CLEA guidelines - are expected from the DETR shortly. These guidelines are intended for human health risk assessment only and, as such, are not appropriate for assessing harm to other receptor types. Until these guidelines are available, however, the Council will evaluate all information against the guidelines issued by the Interdepartmental Committee on Redevelopment of Contaminated Land (ICRCL).

ICRCL 59/83 (2nd Edition, July 1987) - "Guidance on the assessment and redevelopment of contaminated land" - gives the most widely used set of trigger and action levels for a range of contaminants and is likely to remain a key reference document, even with the introduction of CLEA.

The Framework for Deriving Numeric Targets to Minimise the Adverse Human Health Effects of Long-term Exposure to Contaminants in Soil ('SNIFFER' ) may also be an appropriate tool for assessment.

##### 4.6.2 *Risk Assessment for Other Substances*

Risk assessments may also be required for substances not covered by ICRCL or CLEA guidelines. In these cases, reference may be made to occupational exposure levels issued by the Health and Safety Executive or other authoritative sources of information, such as guidelines adopted in other countries. If guidelines from other countries are referred to, it will be important to bear in mind the significant difference in remediation standards between the UK and these other countries.

##### 4.6.3 *Risk Assessment for Controlled Waters*

Advice will be sought from the Environment Agency on risk assessment if controlled waters are the receptor in a particular pollutant linkage. It is anticipated that risk assessments and remediation will be carried out in accordance with Environment Agency guidance as laid down in "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" (EA R&D Publication 20, 1999) or other suitable package.

##### 4.6.4 *Risk Assessment for Agricultural Land*

The uptake of contamination by plants and animals may not be easily predicted from soil concentration of contaminants. Therefore the MAFF Code of Good Agricultural Practice for the Protection of Soil may be utilised for this purpose.

#### 4.7 INTERACTION WITH OTHER REGULATORY REGIMES

There are other regulatory actions that can be taken to deal with contamination on land. Overlaps with planning, water pollution and IPPC legislation are considered the most important

and are addressed here. Any issues of land contamination that may previously have been dealt with under the statutory nuisance regime will now be dealt with through Part IIA processes. Where pollution can be prevented or alleviated under an authorisation issued under another regulatory regime, a remediation notice can not be served under Part IIA.

#### 4.7.1 *Planning*

To a large degree contaminated land issues are currently addressed through the planning regime where contamination is a material consideration. While the introduction of Part IIA will undoubtedly lead to the problems of additional sites being addressed, it is anticipated that redevelopment of brownfield sites, and the associated planning controls, will remain the primary mechanism for dealing with contaminated land. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part IIA.

The Environmental Protection Section is consulted by Development Control and Building Control on issues relating to pollution.

#### 4.7.2 *Water Pollution*

The Water Resources Act 1991 gives the Environment Agency powers to deal with harm to controlled waters being caused by contaminated land. While part IIA legislation does not revoke these powers, the DETR have indicated that such problems should now be dealt with under the new contaminated land regime. The following steps will be taken:

- The Council will consult with the Environment Agency before designating any contaminated land as a result of risk to controlled waters and will take into account any comments made with respect to remediation.
- If the Agency identifies a risk to controlled waters from contaminated land, the Council will be notified to enable designation of the land and remedial action will be taken under Part IIA.

#### 4.7.3 *Integrated Pollution Prevention and Control (IPPC)*

Under new legislation to regulate pollution from industrial processes, site operators are required to undertake a site condition survey prior to receiving a licence to operate. If the site condition is such that areas of land meet the definition of contaminated land, then submission of a site survey may trigger action under part IIA. Furthermore, should an operation cease, then a closure site report would be required. This would highlight whether contamination has occurred during the lifetime of the operation. This being the case, then remediation measures would be required under the terms of the permit. Existing processes will be brought under this legislation in stages over the next seven years, although it will apply immediately to any new processes or if substantial changes are undertaken to an existing process.

#### 4.7.4 *Waste Management Licensing*

There are three areas of potential interaction between the Part IIA regime and the waste management licensing system under Part II of the Environmental Protection Act 1990.

Firstly, there may be significant harm or pollution of controlled waters arising from land for which a site licence is in force under Part II. Where this is the case the Part IIA regime does not normally apply; that is, the land cannot formally be identified as "contaminated land" and no remediation notice can be served. If action were needed to deal with a pollution problem in such a case, this would normally be enforced through a "condition" attached to the site licence. However, Part IIA does apply if the harm or pollution on a licensed site is attributable to a cause other than a breach of the site licence, or the carrying on of an activity authorised by the licence in accordance with its terms and conditions.

Secondly, an enforcing authority acting under Part IIA cannot serve a remediation notice in any case where the contamination results from an illegal deposit of controlled waste. In these circumstances, the Environment Agency and the waste disposal authority have powers under section 59 of the 1990 Act to remove the waste, and to deal with the consequences of its having been present.

Thirdly, remediation activities on contaminated land may themselves fall within the definitions of "waste disposal operations" or "waste recovery operations", and be subject to the licensing requirements under the Part II system.

#### *4.7.5 Nature Conservation and Heritage Legislation*

It is recognised that remediation work may not always be in the best interest of nature or heritage conservation. This potential conflict of interest will be accounted for in the risk assessment process. Various statutory instruments and legislation require the Council, to take nature conservation and heritage interests into account in discharging its functions. Principally, these include:

- The Conservation (Natural Habitats, &c.) regulations 1994
- The Wildlife and Countryside Act 1981 (and amendments)
- The Countryside and Rights of Way Act 2000
- The UK Biodiversity Action Plan 1994
- Planning Process Guidance Note PPG9

## 5 LIAISON AND CONTROL

Much of the work proposed in this strategy will be collaborative and require effective liaison with other bodies.

### 5.1 STATUTORY CONSULTEES

Contacts have already been established with officers of all statutory consultees.

Statutory consultees for the Contaminated Land Inspection Strategy are:

- Environment Agency
- English Nature
- English Heritage
- Ministry of Agriculture, Fisheries and Food
- Food Standards Agency
- Regional Development Agency
- Staffordshire County Council

Each organisation will be invited to comment on the consultation draft of the strategy.

In the event that contaminated land or potentially contaminated land is identified, that may affect a neighbouring authority, liaison will take place with the lead officer as appropriate to ensure a consistent and satisfactory outcome.

### 5.2 NON-STATUTORY CONSULTEES

There is great scope for members of the public, businesses and voluntary organisations to play an important role in dealing with contaminated land in the District. The consultation exercise to be undertaken with Parish Councils has already been described in Section 2. Efforts will be made to encourage participation in the process of identifying and investigating contaminated land, recognising the valuable contribution of these sectors.

### 5.3 COMMUNICATING WITH OWNERS, OCCUPIERS AND OTHER INTERESTED PARTIES

The District Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach will be adopted for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement than by enforcement. The regulations provide an incentive to undertake voluntary action, in that any materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes. This exemption does not apply to materials generated as a result of a remediation notice having been served.

This approach requires effective communication with owners, occupiers and other interested parties. The Environmental Protection Section will be the central contact point within the authority on contaminated land issues and as such will work to keep owners, occupiers and other interested parties informed at each stage of an investigation, regardless of whether there is a formal designation of contaminated land.

Where a formal designation of contaminated land is required, the following actions will be undertaken:

***Designating an Area of Contaminated Land***

- Write to the owner and / or the occupier of the land at least 5 working days prior to designation, explaining in summary the reason for designation.
- Write to the owner and / or the occupier explaining the land has been designated as contaminated land and seeking appropriate remediation without service of a notice.
- Notify the Environment Agency that the land has been designated as contaminated land.
- If requested, dispatch a copy of the written risk assessment to the owner and / or occupier of the land within 5 working days of receipt of a request.
- Write to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of designation.

***Serving a Remediation Notice***

- Provide a written remediation notice to the owner / occupier specifying action required.
- Write a written remediation notice to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of notice being served.
- Provide the Environment Agency with a copy of all notices served.

Should an urgent designation of contaminated land be required, these steps will be observed as far as practicable although some deviation from the timescale specified is to be expected.

**5.4 POWERS OF ENTRY**

Under Section 108(6) of the Environment Act, the Council has been granted powers of entry to carry out investigation. At least seven days notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment.

During site investigations the Council may be accompanied by other persons, including officers of the Environment Agency, on a site by site basis as appropriate.

**5.5 ENFORCEMENT ACTION**

Cannock Chase Council has signed up to the Enforcement Concordat and will implement its principles across all areas of regulatory services. The concordat sets out a blue print for fair, practical and consistent enforcement and represents existing best practice. Monitoring and auditing will enable the Council, in consultation with users, to assess how far it is fulfilling these elements.

**5.6 RISK COMMUNICATION**

The complex nature of contaminated land issues does not lend itself to easy explanation to the lay person. Development of effective methods of risk communication is therefore essential.

The Council will treat any concerns raised by a member of the public seriously and with respect, recognising the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barriers to effective risk communication:

- **Familiarity** - decreased concern regarding familiar issues. i.e. familiarity breeds contempt.
- **Control** - increased concern if the individual is unable to exert any control over events.

- **Proximity in space** - decreased concern over future consequences rather than immediate effects.
- **Proximity in time** - increased concern about immediate consequences rather than long term effects.
- **Scale** - particularly in terms of media coverage, where one large incident appears much worse than several small incidents.
- **"Dread factor"** - lack of understanding can lead to stress and make further explanation more difficult.

These regulations grant only limited powers to local authorities to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their home, and it is to be expected that some members of the public will have difficulty accepting this.

*Every effort will be made to provide information in a readily understandable format with officer availability to answer questions. This should ensure that the public has sufficient detail to reach an informed decision on the issues in question.*

#### 5.7 PUBLIC REGISTER

Under the regulations, the Council is required to maintain a public contaminated land register. The register will be held by the Environmental Health and Public Protection Department at the Civic Centre, Beecroft Rd., Cannock. It will be paper based (rather than electronic) and be accessible on request by members of the public during office hours, Monday to Friday.

The regulations clearly specify the information that can be recorded on this register. This register will therefore include:

- Remediation notices.
- Details of site reports obtained by the authority relating to remediation notices.
- Remediation declarations, remediation statements and notifications of claimed remediation.
- Designation of sites as "special sites".
- Any appeals lodged against remediation and charging notices.
- Convictions.

The public register will not include details of historic land use and other records used in the investigation of potentially contaminated land. These are research documents and as such will not be made available to the public.

#### 5.8 PROVISION OF INFORMATION TO THE ENVIRONMENT AGENCY

The Environment Agency is required to periodically prepare report for the Secretary of State on the state of contaminated land in England. This report will include:

- A summary of local authority inspection strategies, including progress against the strategy and its effectiveness.
- The amount of contaminated land and the nature of the contamination.
- Measures taken to remediate land.

As local authorities are the lead regulators on contaminated land, with the EA regulating only some categories of sites, the national survey will clearly be reliant on information provided by local authorities. A Memorandum of Understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the local authority and the Environment Agency. The Council will therefore provide information to the Environment Agency following the guidelines agreed through this national forum.

The local authority must provide information to the Environment Agency whenever a site is designated as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed. The Environment Agency has provided standard forms allowing this information to be provided in a consistent format and the Council will adopt these to fulfil its reporting requirements.

## 6 REVIEW MECHANISM

This strategy outlines the general approach to be taken in inspecting land in the District for contamination. This section will describe instances when inspections will occur outside this general approach framework, circumstances under which previous inspection decisions should be reviewed and measures taken to ensure the strategy remains effective and up-to-date.

### 6.1 TRIGGERS FOR UNDERTAKING INSPECTION

The strategy has already recognised there may be occasions where inspections may have to be carried out outside of the general inspection framework.

Triggers for undertaking non-routine inspection will include:

- **Unplanned events** - e.g. if an incident such as spill has occurred.
- **Introduction of new receptors** - e.g. if housing is to be built on a potentially contaminated site, designation of a new protected ecosystem, persistent trespass onto a site by young people.
- **Supporting voluntary remediation** - e.g. a potentially liable party wishing to undertake clean up before the local authority has inspected their land.
- **Identification of localised health effects** that appear to relate to a particular area of land.
- **Responding to information** from other statutory bodies, owners, occupiers, or other interested parties.

While these occurrences may trigger non-routine inspections, if this strategy is to prove effective, they must not be allowed to significantly interfere with the milestones laid down in the general inspection framework. It will be important to consider this issue in all strategy reviews.

### 6.2 TRIGGERS FOR REVIEWING INSPECTION DECISIONS

In addition there may be occasions where the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were

- Significant changes in legislation.
- Establishment of significant case law or other precedent.
- Revisions of guideline values for exposure assessment.

It is important therefore that all decisions are made and recorded in a consistent manner that will allow efficient review.

### 6.3 REVIEWING THE STRATEGY

As part of the overall quality management of this work, it is important to consider the need to review the strategy from time to time.

The strategy will be finalised following consultation during late April and May 2001, and work will then begin in earnest in the form of a desktop inspection. It will be appropriate to review the milestones in light of progress after the first full year of operation. This review will therefore take place in June May 2002 and the findings will be reported to the Council. If there are significant changes to the strategy, it may be appropriate to carry out further annual reviews in the following years.



If the strategy is found to be operating satisfactorily throughout the period of the five-year workplan, the next review date will be June 2006 when the first inspection of the District has been completed and the remediation of contaminated sites has been prioritised.

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APPENDICES

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**APPENDIX A: INSPECTION TIMETABLE**

		2001			2002			2003			2004			2005			2006												
		March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June
<b>Purchase Database</b>						■	■	■	■	■	■																		
<b>Draft Consultation Strategy</b>		■																											
<b>Consultation</b>		■	■																										
<b>Publish final inspection strategy</b>			■																										
<b>Deal with urgent sites</b>						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Town by Town Inspection</b>	South & East Cannock					■	■	■	■	■	■	■	■	■	■	■	■												
	Heath Hayes							■	■	■	■	■	■	■	■	■	■												
	Norton Canes											■	■	■	■	■	■												
	Hednesford																	■	■	■	■	■	■						
	Eugeley																	■	■	■	■	■	■						
	West & North Cannock																							■	■	■	■	■	■
	Other villages & settlements																	■	■	■	■	■	■	■	■	■	■	■	■
<b>Council-Owned Land</b>						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Local Plan Land</b>						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Controlled waters, protected areas final prioritisation</b>																													
<b>Final Prioritisation</b>																													

KEY: ■ Action timetable for this period      ■ Action may occur during this period

**Appendix B:  
Glossary**

Appropriate person	"Any person who is an appropriate person, determined .....to bear responsibility for any thing which is to be done by way of remediation in any case"
AONB	Area of outstanding natural beauty
Brownfield site	A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. This does not include land previously in use but where structures or activities have blended into the landscape in the process of time to the extent that it can reasonably be considered as part of the natural surroundings. Only a small proportion of brownfield sites will meet the definition of contaminated land.
CCDC	Cannock Chase District Council
CLEA	Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment.
Contaminated Land	Any land which appears to the local authority in whose area it is situated to be in such 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	These include: Inland waters (rivers, streams, underground streams, groundwaters, canals, lakes and reservoirs)
DETR	Department of the Environment, Transport and the Regions.
Drinking Water Abstraction	The taking of water from a source (in this case, primarily an underground source) for drinking water.
EA	The Environment Agency.
Eco-system	A biological system of interacting organisms and their physical environment.

GIS	Geographical information system.
Groundwater	Any water contained in underground strata, wells or boreholes.
ICRCL	Interdepartmental Committee on Remediation of Contaminated Land.
NNR	National Nature Reserve.
Pathway	One or more routes by which a receptor can be exposed to a contaminant
Pollutant Linkage	The relationship between a contaminant, a pathway and a receptor.
Ramsar Site	A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed.
Receptor	Sometimes referred to as 'a target' - the health of a person, waters, ecosystem or property type that could be affected by contamination.
Remediation	Generally accepted as being the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land.
Risk Assessment	The study of: The probability, or frequency, of a hazard occurring; and The magnitude of the consequences.
SAC	Special area of conservation.
Source	A substance in, or under the ground with the ability to cause harm.
Source Protection Zone	Protection zones around certain sources of groundwater used for public water supply and certain other private supplies e.g. brewery boreholes. Within these zones, certain activities and processes are prohibited or restricted.
SPA	Special Protection Area for Birds.
Special Site	Any contaminated land designated due to: (i) The presence of: <ul style="list-style-type: none"> <li>• Waste acid tar lagoons</li> <li>• Oil/petroleum refining</li> <li>• Explosives</li> <li>• Integrated pollution control sites</li> <li>• Nuclear sites</li> <li>• Chemical &amp; biological weapons</li> <li>• Defence land</li> </ul>

	(ii) Certain controlled waters are affected by contaminated land.
SSSI	Site of Special Scientific Interest

**Appendix C:  
Details of Statutory Consultation Contacts**

STATUTORY CONSULTEES	
Graham Walker, English Nature, West Midlands Team, Attingham Park, Shrewsbury, Shropshire. SY4 4TW	Mr J. Watkiss, Scientific Officer, Units 10 & 11, Greyfriars Business Park, Frank Foley Way, Stafford. ST16 2ST
Mr A Murray, Staffordshire County Council, Development Services Dept., Riverway, Stafford. ST16 3TJ Contaminants Division,	English Heritage, 44 Derngate, Northampton. NN1 1UH
Ms F. Reynolds / Mr G. Beckwith, Sustainable Agriculture Branch, Rural & Marine Environment Division, MAFF, 16 Palace St., London. SW1E 5FF	Advantage West Midlands, 3 Priestley Wharf, Aston Science Park, Holt Street, Birmingham. B7 4BN
Dr Patrick Miller, Contaminants Division, Food Standards Agency, 7 <sup>th</sup> Floor Aviation House, 125 Kingsway, London. WC2B 6NH	

NEIGHBOURING LOCAL AUTHORITIES	
South Staffordshire District Council, Council Offices, Codsall, Wolverhampton. WV8 1PX	Walsall Metropolitan Borough Council, Challenge Building, Hatherton Rd., Walsall. WS12 5PL
Lichfield District Council, District Council House, Frog Lane, Lichfield. WS13 6YX	Stafford Borough Council, Civic Offices, Riverside, Stafford. ST16 3AQ

## **Appendix D: References**

- 'River Water Quality in the Midlands 1998', Environment Agency.
- 'A History of the Community of Cannock Chase', K.J. Peden.
- 'Cannock Chase District Profile, Factsheet July 1998', CCDC - Local Plans & Policy Section.
- 'Some Guidance on the Use of Digital Environmental Data', P.J. Hooker, R.A. Ellison, A.P. Marchant, R.P. Shaw, R.U. Leader, R. Newsham & M.J. Brown (British Geological Survey), R.S. Ward, N. Veitch, A.J. Hart and J.L.Morris (Environment Agency).
- 'Contaminated Land Inspection Strategy, Consultation Draft, November 2000', Forest of Dean District Council.
- 'Cannock Chase Local Plan (Replacement), December 2000', CCDC - Local Plans & Policy Section.

## **Legislation and Guidance**

- The Environment Act 1995, HMSO (1995)
- SI 2000/227, Environmental Protection, England, The Contaminated Land (England) Regulations 2000, HMSO (2000).
- DETR Circular 02/2000, Environmental Protection Act 1990: Part IIA Contaminated Land, HMSO (2000).
- Contaminated Land Inspection Strategies, Technical Advice for Local Authorities, DETR (Draft comment for April 2000).
- Cannock Chase Council Publications



<b>Report of:</b>	<b>Head of Operations</b>
<b>Contact Officer:</b>	<b>Tom Walsh</b>
<b>Contact Number:</b>	<b>01543 464 482</b>
<b>Portfolio Leader:</b>	<b>Parks, Culture and Heritage</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23</b>

**Cabinet**

**15 June 2023**

**Permission to Spend - Tennis Court Refurbishment - Cannock Chase Council**

**1 Purpose of Report**

- 1.1 To provide details of the outcome of the continuing negotiations with the English Lawn Tennis Association (LTA) relating to the provision of improved quality tennis facilities across the district.
- 1.2 To agree to the inclusion of the scheme into the Capital Programme and permission to spend on the Council's contribution to the Project.

**2 Recommendation(s)**

2.1 That Cabinet:

- (i) Notes the contents of this report and agrees to receive a further report on concessions for tennis fees.
- (ii) Delegates authority to the Parks and Open Spaces Manager to finalise the process of the bid application to the LTA and enter into Contractual agreements under the LTAs Framework Agreement.
- (iii) Approves adding budget to the Capital Programme and granting permission to spend the expenditure on the Tennis Courts and path in Cannock Park, Ravenhill Park and Hednesford Park as set out in 5.5 and 5.6.
- (iv) Delegate authority to the Parks and Open Spaces Manager to enter into a separate agreement to procure the necessary path work in Cannock Park which is outside the scope of the LTA.
- (v) Approves an additional revenue maintenance budget of £1,900 per annum and contributions to a new sinking fund for future repairs to the value of £15,600 per annum.

### 3 Key Issues and Reasons for Recommendations

#### Key Issues

- 3.1 In 2020, following a visit from the Lawn Tennis Association (LTA) to review the Council's tennis courts provision, the Council was encouraged to investigate the further potential of a partnership approach to allow for the refurbishment of its tennis courts across the district and bid for an LTA grant.
- 3.2 Cabinet on the 16 of November 2022 approved the scheme detail included in this Report.
- 3.3 The Council's Health, Wellbeing, and Community Scrutiny Committee called in the decision on the 23 November 2022. At its meeting on the on the 19 December 2022 the Health, Wellbeing, and Community Scrutiny Committee subsequently approved the scheme detail contained in this report, subject to the charging arrangements been reviewed to consider possible concessionary schemes. This decision was taken to allow the scheme to go ahead as the LTA at that meeting made it clear that any delays in the funding bid could see Cannock Chase Council go back on the waiting list for potential funding.
- 3.4 Cannock Chase Council currently has 13 full size courts and 4 junior courts, at 4 locations across the district, Cannock Park (6), Hednesford Park (4 adult / 4 junior), Heath Hayes Park (2) and Ravenhill Park (1).
- 3.5 As part of the scheme proposal the LTA have agreed to fund a considerable proportion of the work and appoint specialist approved national contractors on behalf of the Councils, clubs, and other bodies, taking part.
- 3.6 The tennis courts at Heath Hayes Park are in a particularly poor condition, they are no longer considered to be fit for purpose by the LTA and will require significant funding to rebuild them completely.

#### Reasons for Recommendations

- 3.7 The Council's tennis courts are in need of significant investment. Partnering with the LTA on their ClubSpark programme is a way of achieving that with a minimum capital requirement from the Council, allowing capital funds to be spent elsewhere.
- 3.8 By introducing the ClubSpark system and electronic gating the Council will improve its tennis provision and accessibility for residents across the district.
- 3.9 Some of the work at Hednesford Park and all the work at Ravenhill Park is out of scope so the works so will need funding by the Council. It is important to consider completing the works at the same time so that all the courts are available for play under the new Clubspark system. It also offers the Council a secure route into accessing the LTAs contractors who have won the tender for regional contracts.
- 3.10 The path network in Cannock Park was refurbished int 2011 but the path from the Stafford Road entrance enroute to the Courts was not, due to various discussions with interested parties around the issue of tree removal. The path has now reached the end of its life and is becoming a trip hazard. It has therefore been

agreed by all concerned that the trees should now be removed, and the path refurbished. This will need doing regardless of any grant from the LTA.

#### **4 Relationship to Corporate Priorities**

4.1 This report supports the Council's Corporate Priorities as follows:

- (i) **Health and Wellbeing - To encourage and support residents to lead healthy and independent lives.**
  - a. The availability of high-quality tennis courts within our Parks may encourage more people to use the parks, helping them to improve their physical and mental health and well-being.
  - b. The offer of a family ticket will encourage the playing of tennis to a younger generation of players which is at the heart of the LTAs drive for the game.
- (ii) **The Community - To ensure Cannock Chase is a place that residents are proud to call home.**
  - a. It will help to maintain our local parks to a high standard.
- (iii) **Responsible Council - To be a modern, forward thinking, and responsible Council.**
  - a. Income from the charge for tennis court hire will be in-part reserved to fund future maintenance and refurbishment of the tennis courts, thus making the facilities more sustainable.

#### **5 Report Detail**

##### **Background**

- 5.1 The national ClubSpark concept offers users the opportunity to review availability at their preferred tennis venue and book a court online at their convenience. Payment for the court is made online and a code is sent to their smart phone, device, or PC. The electronic gates on the courts contain the necessary software to recognise the code from the smart phone / device and will allow access to the court for a set time. Once the court time has expired the gates will automatically lock as the players leave.
- 5.2 The LTA are currently promoting to local authorities, clubs, and other bodies / providers, the use of the ClubSpark system to improve grass-root take up of the sport across the country.
- 5.3 The LTA see this as a step to encourage people to play tennis as there is a guaranteed court availability when they wish to play. It also means that tennis can be played up to the twilight hours in the summer, as opposed to the courts been locked at 7pm, when parks staff normally finish work. As the gates are self-locking there will be no free access, which should deter anti-social behaviour around them.

- 5.4 As part of the scheme proposal the LTA have agreed to fund a large proportion of the work and appoint specialist approved national contractors on behalf of the Councils, clubs and other bodies taking part.
- 5.5 The path work is necessary in Cannock Park if the Council are expecting more people to use the Tennis courts as well as preventing a trip hazard to users. This is deemed to be outside of the scope of the LTA works.
- 5.6 Table 1 below, shows the works required, as identified with the LTA, their approximate cost, and whether the works are proposed to be funded by the LTA.

**Existing Tennis facilities and works identified within Council-owned Parks (Table 1).**

<b>Court/s Site</b>	<b>No. of Courts</b>	<b>Work required</b>	<b>Cost (£)</b>	<b>Funded by LTA (Y/N)</b>
Cannock Park	6	Tree removal in between Courts due to root damage		Y
		New Nets-all courts		Y
		Resurface 3 courts, apply binder and remark		Y
		Clean, resurface root ingress areas and paint/remark 3 Courts		Y
		Install 2 Smart Access Lite Gates		Y
		<b>TOTAL</b>	<b>£112,624.10</b>	
Hednesford Park	4	Close off Junior courts with fencing	£1,000	N
		Install power 1 Smart access gate (lite)		Y
		Clean, add binder and remark		Y
		<b>TOTAL</b>	<b>£19,640.20</b>	
Heath Hayes Park	2	New Built tarmac Courts		Y
		New Fencing		Y
		Recoat surface and remark		Y
		Install 2 Smart Access Lite Gates		Y
		<b>TOTAL</b>	<b>£75,913.25</b>	

<b>Court/s Site</b>	<b>No. of Courts</b>	<b>Work required</b>	<b>Cost (£)</b>	<b>Funded by LTA (Y/N)</b>
Ravenhill Park	1	Clean and remove previous markings	£2,500	N
		Install 1 Smart Access gate/frame	£2,500	N
		Install Aco drain to solve water run off	£7,000	N
		Break out existing posts, concrete sockets and refix, supply new net	£2,500	N
		Apply binder and remark	£3,000	N
		Extend path to new gate	£1,000	N
		<b>TOTAL Project CCDC</b>	<b>£18,500*</b>	
		<b>TOTAL CCDC Costs for all Courts</b>	<b>£19,500</b>	
		<b>TOTAL LTA Costs</b>	<b>£207,177.55</b>	

*\* Estimated Costs.*

## 6. Future Maintenance Requirements

- 6.1 Table 1 (above) only shows capital costs; however, it is recognised by the LTA that revenue will be required to maintain the tennis courts that they have invested in across the country. To that end, the LTA have insisted on a sinking fund been established as part of the bidding process This is to ensure that their investment into top quality facilities will be maintained.

## 7 Implications

### 7.1 Financial

- 7.1.1 The report is seeking to add a £18,500 capital budget for Ravenhill Park Tennis Courts to the 23-24 capital programme, this is to be financed by an existing Section 106 receipt Q284. The report is also seeking to add a £25,000 capital budget for Cannock Park path works to the 23-24 capital programme, this is to be financed by an existing Section 106 receipt Q246. If the Council is unable to take the opportunity to enter into the proposed agreement with the LTA, the courts will remain in their current condition unless an alternative source of funding is found.
- 7.1.2 The report is also requesting to apply existing £889 HLF reserve to finance revenue expenditure at Hednesford Park to close off the Junior courts with fencing.
- 7.1.3 The Council will be required to pay the maintenance costs of the ClubSpark gates and software (£320 per gate or £1,900 per annum for all 5 gates). These costs are to maintain the software, transfer income to the Council and provide usage

figures for the LTA and the Council. The Council will get a logon to the system operator who provide a breakdown of income at regular intervals. This analysis of usage will be used to target when free usage can be allowed, by opening gates remotely, during the free period. An additional revenue maintenance budget of £1,900 per annum is therefore required.

- 7.1.4 The LTA suggest that a sum of £1,200 per annum per court (13 courts totalling £15,600 per annum) is retained so that courts can be refurbished in the future. A sinking fund will be required with an annual £15,600 contribution to a reserve for future repairs. The path refurbishment at Cannock Park will also be met from Section 106 funding and will be in the region of £25,000.

## 7.2 **Legal**

Two framework agreements have been procured by the Football Foundation on behalf of the LTA for the tennis court refurbishment works and the provision and installation of the ClubSpark gates respectively. CCDC will need to call-off contracts from these respective framework agreements.

Legal Services are to provide advice relating to these call-off contracts.

The Tennis Courts at Cannock Park are situated on land held by the Council as Trustee for the Cannock Public Recreation and Pleasure Ground Charity and although the cost of the refurbishment is to be borne by the LTA, the consent of the Council acting as Trustee is required before the proposed refurbishment works to the tennis courts can be undertaken.

The path refurbishments at Cannock Park will need to be procured via a separate contract, as these works are outside of the scope of the LTA framework agreements. Such procurement will be in accordance with the Public Contracts Regulations 2015 and the Council's internal procurement regulations.

## 7.3 **Human Resources**

The LTA will tender the work although there will still be a requirement to clerk the Contracts on the ground especially as two of the schemes are mostly outside the scope of the LTA works. The Parks and Open Spaces Section will undertake this from within existing resources.

## 7.4 **Risk Management**

As the LTA provide the funding up front there is limited risk to the Council. The issue of price changes because of national/international factors is covered in the main by the LTA. The Council's funding is already secured for these purposes in Section 106 accounts or reserve accounts. Ensuring the courts are kept locked will reduce the amount of ASB that occurs in the courts.

## 7.5 **Equality & Diversity**

All new gates and court improvements will be DDA compliant.

## 7.6 **Climate Change**

There are no climate change implications in this report.

**7 Appendices to the Report**

None.

**Previous Consideration**

None.

**Background Papers**

Cabinet Report Review of Tennis Provision 10 November 2022

Health, Wellbeing, and Community Scrutiny Committee 19 December 2022

<b>Report of:</b>	<b>Chief Executive</b>
<b>Contact Officer:</b>	<b>Matt Berry</b>
<b>Contact Number:</b>	<b>01543 464 589</b>
<b>Portfolio Leader:</b>	<b>Leader of the Council</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23</b>

**Cabinet**  
**15 June 2023**  
**Representatives on Outside Bodies 2023-24**

**1 Purpose of Report**

- 1.1 To consider the appointment of representatives to outside bodies for 2023-24 as set out in the schedule of nominations as attached at Appendix 1.
- 1.2 To confirm the Chief Executive's authority, in consultation with the Leader of the Council to make appointments to any other outside bodies throughout the municipal year and amend existing appointments as necessary.

**2 Recommendation(s)**

- 2.1 That Cabinet determine the appointment of representatives to outside bodies for 2023-24, as set out in Appendix 1 of the report.
- 2.2 The Chief Executive, in consultation with the Leader of the Council, be authorised to make appointments to additional outside bodies and amendments to any existing outside bodies, as necessary, throughout the municipal year, that would otherwise be determined by Cabinet.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 Each year Cabinet is required to appoint representatives to several outside bodies as detailed in the schedule included at Appendix 1. This is normally done at the first Cabinet meeting following the Annual Council meeting.

**Reasons for Recommendations**

- 3.2 To reflect the wishes of the Cabinet as to which Members it wishes to appoint to those outside bodies as listed in Appendix 1 of the report.
- 3.3 For practical purposes, Cabinet is also requested to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to make appointments to any additional outside bodies, and amend existing appointments.



## 4 Relationship to Corporate Priorities

- 4.1 The Council, through its democratic process, contributes to the Council's Corporate Priorities and promotes community engagement through the appointment of representatives to outside bodies.

## 5 Report Detail

- 5.1 Determination of appointments to representatives on certain outside bodies (as detailed in Appendix 1) is a matter for Cabinet in the first instance. This is normally done at the first Cabinet meeting following the Annual Council meeting. The Chief Executive will consult with the Leader of the Council to make appointments to any additional outside bodies, or amend existing appointments, as necessary, subject to recommendation 2.2 being agreed.
- 5.2 As identified in the schedule of proposed appointees, the following outside bodies require a named substitute member to also be appointed:
- Cannock Chase AONB Joint Management Committee – **substitute must be a Cabinet member.**
  - Local Government Association General Assembly
  - Staffordshire Police, Fire & Crime Panel
  - Staffordshire & Stoke-on-Trent Joint Waste Management Board

## 6 Implications

### 6.1 Financial

There are no direct financial implications arising from this report. Any costs which arise from appointments determined as an approved duty, and thereby subject to travel and subsistence claims, will have to be met from existing Members' budgets.

### 6.2 Legal

Unless otherwise specified by statute, Section 101(1) of the Local Government Act 1972 empowers the Council to arrange for the discharge of any of its functions by an officer of the Council in that:

“subject to any express provision contained in this act or any act passed after this Act, a local authority may arrange for the discharge of any of their functions-

- (a) by a committee, a sub-committee or an officer of the authority...”

In respect of appointments related to executive functions, the power to delegate the making of such appointments to the Managing Director rests with the Cabinet in accordance with section 14 of the Local Government Act 2000.

**6.3 Human Resources**

None.

**6.4 Risk Management**

None.

**6.5 Equality & Diversity**

None.

**6.6 Climate Change**

None.

<b>7 Appendices to the Report</b>
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Appendix 1: Schedule of proposed outside bodies appointments by Cabinet for 2023-24.

## Cannock Chase Council

## Proposed Cabinet Appointed Representatives to Outside Bodies for 2023-24

## Notes:

- All the below listed positions are appointed on an annual basis at the first Cabinet meeting after Annual Council.
- All bodies have one seat available unless otherwise stated.

Name of Body	Current Representative(s)	Proposed Representatives(s)
Cannock Chase AONB Joint Management Committee	Environment & Climate Change Portfolio Leader <b>Substitute</b> - Housing, Heritage, and Leisure Portfolio Leader	Environment & Climate Change Portfolio Leader <b>Substitute: TBC</b>
Cannock Park Golf Club Committee	Housing, Heritage, and Leisure Portfolio Leader	Parks, Culture, and Heritage Portfolio Leader
Local Government Association General Assembly	Leader of the Council <b>Substitute</b> - Deputy Leader and Community Safety & Partnerships Portfolio Leader	Leader of the Council <b>Substitute: TBC</b>
Local Strategic Partnership (Chase Community Partnership) <b>5 seats to be filled</b>	<ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Deputy Leader of the Council and Community Safety &amp; Partnerships Portfolio Leader</li> <li>• Health, Wellbeing, and Community Engagement Portfolio Leader</li> <li>• Housing, Heritage, and Leisure Portfolio Leader</li> <li>• Leader of the Opposition</li> </ul>	<ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Community Wellbeing Portfolio Leader</li> <li>• Housing Portfolio Leader</li> <li>• Parks, Culture, and Heritage Portfolio Leader</li> <li>• Leader of the Opposition</li> </ul>
Norton Canes Community Partnership	Health, Wellbeing, and Community Engagement Portfolio Leader	Community Wellbeing Portfolio Leader
PATROL (Parking and Traffic Regulations Outside London) Joint Committee	Environment & Climate Change Portfolio Leader	Environment & Climate Change Portfolio Leader

Name of Body	Current Representative(s)	Proposed Representatives(s)
Poplars Landfill Site Liaison Committee	Environment & Climate Change Portfolio Leader	Environment & Climate Change Portfolio Leader
Staffordshire Destination Management Partnership	District and High Street Development Portfolio Leader (or Head of Economic Development & Planning as nominee)	Regeneration and High Streets Portfolio Leader (or Head of Economic Development & Planning as nominee)
Staffordshire Police, Fire and Crime Panel	Deputy Leader and Community Safety & Partnerships Portfolio Leader <b>Substitute</b> - Health, Wellbeing, and Community Engagement Portfolio Leader	Community Wellbeing Portfolio Leader <b>Substitute: TBC</b>
Staffordshire and Stoke-on-Trent Joint Waste Management Board	Environment & Climate Change Portfolio Leader <b>Substitute</b> - Deputy Leader and Community Safety & Partnerships Portfolio Leader	Environment & Climate Change Portfolio Leader <b>Substitute: TBC</b>
Staffordshire Playing Fields Association	Housing, Heritage, and Leisure Portfolio Leader	Parks, Culture, & Heritage Portfolio Leader <i>(Note: Councillor Elson has been appointed to this body separately by full Council).</i>
West Midlands Employers	Leader of the Council	Leader of the Council

<b>Report of:</b>	<b>Deputy Chief Executive - Resources</b>
<b>Contact Officer:</b>	<b>Rob Wolfe</b>
<b>Telephone No:</b>	<b>01543 464 397</b>
<b>Portfolio Leader:</b>	<b>Resources &amp; Transformation</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 15/06/23</b>

**Cabinet**  
**15 June 2023**  
**Revenues and Benefits Collection Report - Quarter 4**

**1 Purpose of Report**

- 1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards:
- collections of Council Tax during the last financial year.
  - collections of Business Rates during the last financial year.
- 1.2 To seek approval of the updated Billing, Collection and Recovery Policy, annexed to this report.
- 1.3 To seek approval to the write off of the arrears listed in the **confidential appendices 2 and 3**.

**2 Reasons for Appendices being 'Not for Publication'**

- 2.1 In accordance with the provisions of Schedule 12A of the Local Government Act 1972 (as amended), the Appendix is considered 'not for publication' under the following categories of exemption:
- Exempt Paragraph 2 – Information which is likely to reveal the identity of an individual.
  - Exempt Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the Council).

**3 Recommendation(s)**

- 3.1 That the information regarding collections be noted.

- 3.2 The updated Billing, Collection and Recovery Policy, as included at Appendix 1, be approved.
- 3.3 That the arrears listed in the **confidential appendices 2 and 3** be written off.

#### **4 Key Issues and Reasons for Recommendations**

##### **Key Issues**

- 4.1 Efficient collection of the Council's revenues is of major importance to the funding of Council services and those provided by our preceptors.
- 4.2 Council Tax due for the 2022/2023 year amounted to £60.4M of which some **95.9%** was collected by the end of March. This is slightly less than last year's performance in the same period (96.2%).
- 4.3 Business Rates due for the current year amounts to £36.7M of which some **96.6%** was collected by the end of March, showing a slight decrease on the previous year (97.2%).

##### **Reasons for Recommendations**

- 4.4 Whilst our collection rates are traditionally good, regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write off bad debts which cannot be recovered.

#### **5 Relationship to Corporate Priorities**

- 5.1 Not applicable.

#### **6 Report Detail**

##### **6.1 Council Tax**

- 6.1.1 Council Tax is collected on behalf of the District Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Cannock Chase Council retains around 12.4% of the council tax collected.
- 6.1.2 Council Tax due for the current year amounts to £60.4M and we have collected 95.9% within the year. The knock-on effect of underpayments during the past two years, (in which collection rates of 96% and 96.2% were achieved), the current economic climate and backlog of work that accumulated whilst Revenues staff managed Covid related payments and Council Tax Energy Rebate awards, will add to the difficulty in achieving our target in the current year. Action will continue to collect arrears after the end of the financial year, with around 99% traditionally being recovered.
- 6.1.3 In accordance with the Council's approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this involves the issue of bills, reminders and final notices, followed by Summonses in the

Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will consider personal bankruptcy action against individuals.

- 6.1.4 The recovery powers available to the Council are considerable but not completely infallible. Some of the limitations which lead to debts being written off are described below.
- 6.1.5 Statutory safeguards such as Debt Relief Orders, Individual's Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.
- 6.1.6 For any of our powers to be effective we need to know the whereabouts of a debtor and this is not always the case. Where debtors abscond we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include;

- Checking our internal Council systems, and following any information which may help us to trace the debtor.
- Use of Transunion credit reference agency data.
- Trace and collect facilities offered by our Enforcement Agencies
- Visits to the last known address by the Council's Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

Data protection legislation allows us to receive information as to a debtor's whereabouts but we cannot disclose information to other creditors. Reciprocal arrangements with utility companies and similar are not therefore workable.

- 6.1.7 4 Irrecoverable council tax debts in the sum of £9,571.70 are listed in the **confidential appendix 2** to this report.

## 6.2 Business Rates

- 6.2.1 Business rates income now forms a part of the Council's core funding, with around 29% of receipts being retained by this Council. The remainder is collected on behalf of Central Government and our major preceptors.

- 6.2.2 Business Rates due for the current year amounts to £36.8M of which some **96.6%** was collected by the end of the March. This represents a slight decrease on last year's performance (97.2%).
- 6.2.3 The recovery powers available to us are again contained in the Council's approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described above, with the exception that deduction from individuals' benefits and earnings are not permissible, even if the debtor is an individual.
- 6.2.4 Where rates are owed by an individual, similar safeguards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described above.
- 6.2.5 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.

Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Your officers continue to actively monitor these issues.

- 6.2.6 5 Irrecoverable business rates debts in the sum of £18,205.00 are listed in the **confidential appendix 3** to this report.

### **6.3 Housing Benefit Overpayments**

- 6.3.1 The Council manages the Housing Benefit scheme on behalf of the Department for Work and Pensions, who fund the cost of benefits paid to claimants.
- 6.3.2 From time to time a claimant will receive too much Housing Benefit, this is called an overpayment. Overpayments can occur for the following reasons:
- **Claimant Error** - where wrong information is provided by the claimant or more commonly a claimant does not tell us about a change of circumstances in a timely manner. DWP will fund 40% of these overpayments by way of subsidy. This means that we need to recover at least 60% of the amounts raised to avoid a financial impact for the Council.
  - **Fraud** - where a claimant deliberately misleads the Council by providing false information or withholding relevant information. Again DWP will fund 40% of these overpayments.
  - **DWP Error**. When an overpayment is caused by DWP error, DWP will pay for it in full and we need to write off the overpayment, rather than attempt recovery.
  - **Local Authority Error or Delay** - where the council makes a mistake in assessing the claim. Also, and more commonly, the time from our being notified of a change, to that change being actioned is categorised as LA Error. These errors are recoverable from the claimant, provided that it would not have been reasonable for the claimant to know that he/she was being overpaid at



the time the overpayment occurred. There is a duty placed upon benefit claimants to check the calculation of their benefits and let us know that we are using accurate information about them. When the error is of a particularly technical nature, or the claimant lacks the capacity to recognise the Council's error, we should not recover it. A decision to recover such an overpayment can be challenged via Social Security Tribunal. The DWP funding of LA Error overpayments depends on the level of errors that we make in the year.

- Where the annual error rate is less than 0.48% of Housing Benefit expenditure, we receive 100% DWP funding.
- Where the annual error rate is more than 0.48% but less than 0.54% of Housing Benefit expenditure, we receive 40% DWP funding.
- Where the annual error rate is more than 0.54% of Housing Benefit expenditure, we receive 100% DWP funding.

Our error rates have been less than 0.48% for a number of years and have attracted full subsidy.

6.3.3 Recovery of overpaid Housing Benefit continues to progress well, with some £512,174.23 being collected in the year, compared to the £474,575.47 new overpayments that were raised.

6.3.4 There are no irrecoverable Benefit Overpayment debts included in the **confidential appendices** to this report.

#### **6.4 Updated Billing Collection and Recovery Policy**

6.4.1 A revised policy document is attached at **Appendix 1** to this report for approval by Cabinet. It was last updated in 2014 and the underlying legislative rules are largely unchanged, a refreshment of the policy is timely as we begin to return to more normal billing and recovery methods post-pandemic and as residents continue to deal with increased costs of living.

6.4.2 The updated policy is largely unchanged, and the Council continues to reserve the right to use all of the powers available to recover unpaid bills. The main differences from the previous version are:

- Some figures have been updated to reflect changes to the underlying legislation.
- The document describes more clearly, how the Council will vary its actions to accommodate the needs of vulnerable residents.
- The previous Billing Collection and Recovery Policy and the Insolvency Policy are combined into a single document, for ease of reference.

## **7 Implications**

### **7.1 Financial**

Under the Business Rates Retention Scheme, business rates write offs will no longer be offset against the National Non-Domestic Rating Pool. Write offs will now form part of the costs of collection of business rates.

Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write-offs on this report are 4 cases totalling £9,571.70. This represents less than 0.1% of the outstanding collectable debit as at the 1 April 2022.

The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action.

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommended.

## 6.2 Legal

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommended.

## 6.3 Human Resources

None.

## 6.4 Risk Management

The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

## 6.5 Equality & Diversity

None.

## 6.6 Climate Change

None.

# 7 Appendices to the Report

Appendix 1: Billing, Collection, and Recovery Policy - April 2023

Appendix 2: **(Confidential)** Council Tax write offs over £1,000

Appendix 3: **(Confidential)** Business Rate write offs over £1,000

## Previous Consideration

None.

## Background Papers

None.

**CANNOCK CHASE COUNCIL**  
**LOCAL TAXATION AND BENEFITS**  
**SERVICES**

**Billing, Collection and Recovery Policy**

**April 2023**

## Council Tax and Business Rates Collection and Recovery Policy

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# Billing Collection and Recovery

## 1. Introduction

Cannock Chase Council is fully committed to ensuring that all aspects of the collection and recovery processes are delivered in the most efficient and effective ways, to the highest standards of customer care and having regard to the individual needs of customers and the interests of the residents and businesses that we serve.

The Council is also committed to ensuring that its taxpayers' interests are properly protected by maximising the income that can be generated for receipts of Council Tax and Business Rates.

This document sets out the policy guidelines that the Council will follow, in the billing, collection and recovery of Council Tax and Business Rates.

## 2. Statement of Objectives

- We will issue a prompt, correct bill that is understandable and easy to pay
- We will collect monies outstanding quickly and efficiently
- We will treat all liable persons with courtesy, respect and sensitivity.
- We will ensure any person experiencing legitimate difficulty in paying has the opportunity to agree flexible payment arrangements.
- We will attempt to contact the tax payer as early as possible after payment default occurs to avoid formal recovery action where possible.
- At all stages of our recovery action are an attempt to contact the tax payer to arrange mutually acceptable payment arrangements.
- We will ensure those who attempt to avoid paying without legitimate reason will be pursued using all legal means.
- We will recover all costs incurred in recovery action from the relevant tax payer.
- We will provide clear advice at every stage of recovery including tax payers' rights and responsibilities and also sources of independent advice.
- We will promote regular Direct Debit payments and other regular payment schemes that ensure all amounts due are collected in the year due.
- We will ensure that any exemptions, discounts and reductions are paid only to those who are genuinely entitled to them.

### **3. Background**

The collection and recovery of Business Rates and Council Tax is prescribed by the Local Government Finance Acts of 1988 and 1992 respectively, and subsequent regulations.

The Council must undertake collection and recovery within this legal framework, but it does allow for some degree of discretion regarding the manner and emphasis of administering the procedures.

Procedures are designed to take account of several basic principles, which are crucial to ensure a successful process and make sure that there is a fair and equitable service to the taxpayers of the Council.

Maximising the Council's income through receipts of Council Tax and Business Rates is essential to facilitate the services provided by this Council, and by other preceptors. We will achieve this by:

- Ensuring that all chargeable property is brought into the rating list or valuation list promptly.
- Ensuring that only legitimate claims for reductions are accepted.
- Ensuring that "scams" designed to avoid liability for charges are countered.
- Ensuring that Bills are issued promptly and collected.
- Promoting efficient collection methods.
- Taking swift, but fair and proportionate action against defaulters.
- Ensuring that any discretionary reliefs granted, support the Council's priorities, comply with our policy and are supported by the appropriate business justification.

### **4. The Policy**

Prevention is the first essential step in a sensitive and cost-effective recovery process. There are several measures that can be taken to minimise indebtedness at an early stage which reduce the necessity for costly enforcement action which not only reduces costs but works towards avoiding potential hardship for taxpayers. Our main priority is to make early contact with taxpayers to establish the correct amount that is payable and make a mutually acceptable arrangement to pay, which does not increase indebtedness.

We will endeavour to distinguish between those who have genuine difficulty in paying their debts and those who are deliberately withholding, delaying or giving false evidence in respect of payment of debt. All taxpayers will be given the opportunity to make arrangements to pay and any sanctions will only be taken after attempts to make satisfactory arrangements have failed.

We will ensure that those who have the means to pay are required to do so on the due date specified on their bill and procedures will be in place to ensure that recovery action is taken uniformly against anyone who fails to pay for no good reason, thereby ensuring that all taxpayers are treated equitably.

We will ensure that all available allowances, discounts, rebates and reliefs are granted in appropriate cases at the earliest possible time in order to ensure the amount owed is correct. We will make all reasonable attempts at all stages of recovery to identify taxpayers who may be entitled to claim discounts or other reductions. Taxpayers will be encouraged and assisted to make appropriate applications.

We will identify payment default as early as possible and will then contact the taxpayer, to attempt to make arrangements to pay.

We will ensure that all of our documentation is clear and easy to understand, and that appropriate publicity is undertaken to encourage people to pay early or to contact us promptly in order to avoid their debt building up.

We will consider the taxpayer's financial and personal circumstances at every stage of contact, particularly as early as possible after the debt is established to allow reasonable timescales in which to settle the outstanding debt.

All statutory notices will be issued as early as possible within the legal framework to ensure maximum cash flow (having taken account of the various exceptions within this policy document).

Whilst in general payments will be required in accordance with the regulations, where taxpayers pay regularly, but not in accordance with the statutory instalment scheme, we will be as flexible as possible to their needs of when it is suitable for them to pay. Our policy aim is to ensure payment of the full bill for the year, within the year.

We will monitor outstanding debts and take appropriate recovery action. Where there is default on an arrangement, we will attempt to contact the taxpayer in order to either review the arrangement or to take further recovery action.

We will make all reasonable attempts to identify and bill partners and other individuals (where they exist) who may be jointly liable for a charge in order to recover against the person who has the greatest ability to pay.

This policy will be available on the Council's website and in appropriate circumstances, the Council will issue press releases on specific cases.

## **5. Dealing with Vulnerable People.**

The Council recognises and takes very seriously its duty to support vulnerable people, to ensure that our services are provided fairly and equitably to all. This responsibility is of particular importance, when considering the actions that we take in terms of issuing bills and the actions needed to enforce unpaid debts.

Vulnerability takes several different forms and there can be no single solution that can be applied in all circumstances. All instances of vulnerability that are brought to the attention of the Revenues Team will be considered on their own merits and where specific actions are considered necessary and are reasonable, they will be taken. It is often the case that an individual's particular vulnerability will not remove their liability to pay or the necessity of recovery action, but help will be given when appropriate.

Ordinarily, the Council would expect specific actions and adjustments to be made in the case of vulnerability caused by disability, old age, illness or an inability to deal with financial matters, though this list is not exhaustive.

The actions that the Council would ordinarily expect to take include but are not exclusive to:

- Noting the vulnerability, to enable identification of it when dealing with ongoing issues, with a particular resident.
- Issuing bills and correspondence in alternative formats or languages other than English.
- Having bills and correspondence directed to an agreed third party such as family member, friend appointee or attorney.
- Contacting and/or discussing issues with those third parties as they arise.
- Ensuring, as far as is reasonably practicable, that the individual is receiving any discounts or reductions that they may be able to claim.
- Referring individuals to voluntary organisations or other third-party agencies when specialist help may seem to be needed.
- Individual consideration of specific circumstances prior to the commencement of Enforcement action.
- Notifying enforcement agents of known vulnerabilities when they are engaged to enforce debts against vulnerable people.
- Ensuring that Enforcement Agents have in place adequate measures to deal appropriately with vulnerabilities that they become aware of.

Dependant upon the point at which a potential vulnerability is brought to the attention of the Revenues Team, the actions previously taken or ongoing, it may be appropriate for the Council to seek proof of the vulnerability being claimed, before embarking on a specific or form of action.

## **6. Bill and Reminder Stages**

### **6.1. Bills**

- We will issue bills and revised bills, where necessary, as early as possible.
- We will promote and encourage Direct Debit as the easiest, most effective method of payment but all other methods will be made freely available.
- Direct Debit payers will be offered a choice of alternative payment dates within the month.



- Monthly instalments are the preferred method of payment frequency but any reasonable method of payment within the instalment period will be considered.

## **6.2. Joint and Several Liability**

- A bill may be addressed to one or more joint taxpayers in respect of an amount for which they are jointly and severally liable.
- The recovery procedures may be applied to one or more than one of the joint taxpayers.
- Different recovery proceedings cannot be applied simultaneously to more than one joint taxpayer for the same debt.

## **6.3. Missed Payments – Reminders**

- Taxpayers are required to pay in accordance with the regulations. We will aim to issue reminders within one calendar month of an instalment being missed in accordance with the regulations.
- The reminder will inform the taxpayer of the amount in arrears and that if payment is not received within 7 days the facility to pay by instalments will be withdrawn and will result in further recovery action for the full years charge.
- If the instalments are brought up to date within the statutory period or we make an agreement with the taxpayer, we will not take any further action providing future payments are made correctly.

## **6.4. Final Notices**

Final Notices, requiring payment of the full amount within seven days, will be issued when:

- The overdue amount represents the whole balance of the charge for a year, i.e. no future instalments will become due. Or
- The required number of Reminder Notices have already been served and complied with for a particular debt (one reminder is required for Business Rates, two are required for Council Tax).

## **6.5. Summons and Liability Orders**

- If payments are not made as required or agreed, the Council will make complaint to the Magistrates' Court and in accordance with the regulations, a summons will be issued giving at least 16 days notice before the hearing date.

- At the hearing, if the court is satisfied that the charge is legally payable and remains unpaid, the Magistrates are required to issue a Liability Order, together with an order for reasonable costs.
- Taxpayers who do not attend Court will usually be dealt with in their absence.
- Unless alternative arrangements for payment have been made, or a course of recovery action decided upon, in the case of Council Tax debts, a notice will be sent to the taxpayer when a Liability Order has been granted by the Magistrates. The notice may be issued either directly by the Council or by agents acting on our behalf.
- This notice will include the statutory requirement for information regarding the taxpayer's financial circumstances and employment, so that arrangements to recover the debt may be made from earnings or Income Support/Job Seekers Allowance as appropriate.
- In addition to the statutory requirement for financial information, this notice will emphasise the need to make an acceptable arrangement to pay based on the taxpayer's financial circumstances.
- Where a defaulter is known to be in receipt of Local Council Tax Reduction, more than one notice will be issued before Enforcement Agents visit the taxpayer.
- In the case of Business Rate default, debts may be issued to Enforcement Agents without a warning notice being issued.

## **7. Liability Orders and Enforcement Stages**

### **7.1. Overriding Aims**

- The Council's aim is always to collect any outstanding debt as efficiently and effectively as possible and will base any discretion as to methods of enforcement on this overriding aim.
- This aim will be balanced with ensuring that debtor's individual circumstances, where available, are considered.
- The previous conduct of a debtor will be taken into consideration when exercising discretion.
- The regulations only allow for one method of enforcement to be taken at any one time in relation to a single Liability Order. The Council will aim to use the most effective method at any point that debts remain outstanding.

### **7.2. Attachment of Earnings (Council Tax Debts only)**

- If the details of the taxpayer's employment are known and an Attachment of Earnings Order is considered appropriate, we will make an Attachment of Earnings Order and serve it on the debtor's employer.

- The sums to be deducted are prescribed in the regulations and employers have a statutory obligation to comply with an Order.
- An employer may deduct £1.00 towards administrative costs on each occasion a deduction is made.
- Where the debtor has two or more unpaid liability orders the Council may request a maximum of two Attachment of Earnings Orders be initiated.
- Where alternative arrangements have been made but not adhered to, the recourse to enforce an Attachment of Earnings Order will be taken.
- If it is felt by a debtor that the deductions under the Attachment of Earnings Order will cause hardship, the debtor may apply to the Council for the deductions to be reviewed. This review will be undertaken on the basis of ensuring that any debts are collected as efficiently and effectively as possible.

### **7.3. Deductions from Benefits (Council Tax Debts Only)**

- Where appropriate we will apply to the Department for Works and Pensions for deductions from Jobseeker Allowance or Income Support
- The Council can apply to the Job Centre Plus for deductions to be made from Universal Credit, Jobseeker Allowance, or Income Support but not from any other benefits.
- The Council Tax (Deductions from Income Support) Regulations 1993 specify the fixed weekly amount deductible which is 5% of the Universal Credit, Jobseeker Allowance or Income Support for a single person aged over 25.
- The fixed nature of the rate of deductions may render this method of recovery inappropriate, for example where the ongoing liability is greater than the deduction rate, or other means of recovering the debt are available.

### **7.4. Taking Control of Goods (formerly known as Levy of Distress)**

- We will pass debts to Enforcement Agents (formerly known as bailiffs) to take control of debtors' goods, to enforce payment where it is felt that no alternative enforcement power is available or appropriate.
- Enforcement agents are required by law to undertake a compliance stage to encourage the debtor to engage, prior to visiting the debtor's home or place of business, or charging fees.
- Legislation permits the Enforcement Agent to charge statutory fees directly to the debtor. There is therefore usually no cost to the Council in this process.
- When a debt is referred to an Enforcement agent, we would expect the debtor to resolve payment of his arrears and associated fees with the agent. The Council will only intervene or withdraw a case from the Agent in exceptional

circumstances, for example in the event of a Council error leading to the referral.

- The Council will from time to time, issue operating rules and a Code of Conduct to its Enforcement agents. The aim of these is to ensure that the agents operate fairly, proportionately and within the legal framework.
- We will always try to establish if a debtor is vulnerable, and act accordingly when this is the case. This will not ordinarily require the matter to be returned by the Agent. It is considered reasonable, at this stage for the Agent to require some form of proof or verification of the vulnerability and where this is provided, allow time for the debtor to seek the support needed to be able to deal with the Agent's visit.

### **7.5. Bankruptcy, Liquidation and Charging Orders**

- Any amounts due can be deemed to be debts for the purposes of the Insolvency Act 1986 in relation to winding up limited companies or to petition for the bankruptcy of individual.
- We will engage the assistance of private sector specialists in this type of recovery action, when appropriate.
- We will generally, only consider personal bankruptcy after other recovery methods have failed. However, we will choose it sooner if information is received that suggests that by initiating bankruptcy proceedings, this be a more effective method of collection.
- Insolvency proceedings against companies may be preferable to attempting to take control of their goods, and this method will be deployed where it appears preferable, having regard to the size of the debt and the circumstances and conduct of the debtor.
- We will make reasonable efforts to ascertain if there are assets available prior to making a petition for bankruptcy or insolvency.
- Insolvency and bankruptcy proceedings will only be considered where the overall debt is over £5000. The debt may be made up of debts other than Council Tax.
- Charging Orders will be applied for where £1,000 or more is owed and it is felt appropriate to do so, having regard for the amount of debt and circumstances of the debtor. These will generally be followed with applications for Orders for Sale. Again, private sector specialism may be procured in these cases.

The procedures to be followed in the case of Bankruptcy, Insolvency and Charging Orders are as below.

## **8. Insolvency (Bankruptcy and Winding Up proceedings)**

### **8.1. Legal Requirements**

The legal requirements are contained within the Insolvency Act 1986, as amended. Essentially, bankruptcy action can be taken against any debtor who owes in excess of £5,000 to creditors and who, for whatever reason, is unable to satisfy his creditors' claims in full.

In addition, a debtor may initiate action by petitioning for their own bankruptcy. Winding Up proceedings are used against Limited Companies.

Insolvency frees a debtor from overwhelming debts so they can make a fresh start, subject to some restrictions, and makes sure the assets belonging to the debtor are shared out fairly among all the creditors. However, the consequences can be severe and can involve the loss of the debtor's home or business and considerable legal and Trustee costs. The level of costs will reflect the complexity of the matters involved and the extent to which the debtor cooperates with the Trustee who is administering the estate.

Insolvency action takes place in the County Court or the High Court if the debtor resides in London.

### **8.2. Use of Specialists.**

The Council will refer appropriate cases to a solicitor. Solicitors are fully authorised to deal with all matters connected with insolvency from the issue of the Statutory Demand to dealing with contested matters. Where appropriate a private sector specialist will be engaged to undertake the work on our behalf.

### **8.3. Circumstances where Insolvency Proceedings may be appropriate**

- Where the debt exceeds £5,000 and the debtor has sufficient assets or equity to ensure the debt is recoverable by the Official Receiver or the Trustee.
- Where the debtor is not making regular and mutually agreed payments that are sufficient to clear accruing debt and the arrears within an acceptable timescale.
- Where insolvency action is considered most effective in recovering from a particular debtor.
- Where the debt has arisen as a result of fraud.
- Where specific assets cannot be identified but there are indicators that the debtor is one of high material worth for example, renting high value property/has a high salaried profession.
- Where bankruptcy action would encourage payment from specific groups of debtors where their credit rating is important to them, for example company directors, self-employed people and those people needing finance.

- Where debt is arising as a result of continuing default and facilitating occupation by another party would be beneficial to the Council's future Business Rate or Council Tax income.

#### **8.4. Special Circumstances**

If made aware of the following circumstances prior to a Bankruptcy Order being obtained, the Council will consider withdrawing proceedings in favour of alternative enforcement action.

- Where a debtor, as a result of age, severe mental illness, or serious learning difficulties, is vulnerable and cannot deal with their affairs.
- Where the debtor is currently in receipt of 100% Council Tax Reduction with no accruing debt and another method of recovery is considered to be more appropriate.

#### **8.5. Consideration of Insolvency and Officers' Actions**

A decision for the Council to begin bankruptcy proceedings will be made by the Principal Revenues Officer, Revenues Services Manager or Local Taxation and Benefits Manger.

As part of the consideration as to whether insolvency action is appropriate in an individual case, officers will consider the overall debt position, the financial position including income and equity, personal circumstances and the level of engagement including previous payment history.

The more information held about the debtor the more efficient the decision-making process will be in terms of selecting the most effective enforcement option. As part of the decision-making process the Council officer will seek to build a picture of the debtor and their circumstances and will achieve this in various ways, including some or all of the following activities. The list is not exhaustive.

- Demanding financial information in writing following a Liability Order being granted whilst stating bankruptcy is an option to be considered.
- Checking all Council Tax records and if possible, any other records to see if there is any reason bankruptcy would not be appropriate as a result of vulnerability issues.
- Checking with the Benefits Service to ensure that all Council Tax Benefit and Reduction due to the debtor has been posted to the Council Tax account and that their records do not indicate significant vulnerability issues.
- Checking H.M. Land Registry to confirm property assets.
- Checking with a Credit Reference Agency for information on outgoings, requests for finance, mortgages and other financial information.
- Checking known or potential employment details.

- Checking Benefit Overpayment records and Business Rates records (and including all debts in the bankruptcy action).
- Checking Companies House records for business information.

The Council may engage private sector practitioners or solicitors to undertake these checks and/or issue appropriate correspondence to the debtor.

## **9. Charging Orders**

### **9.1 Legal Requirements**

If the aggregated balance on Council Tax Liability Orders for a property is over £1,000 then an application may be made for a Charge to be placed on the same property only, to secure the debt owed to the Council. Charging Orders are not a method of enforcement in that the debt remains unpaid until the property is sold, and the Charge extinguished by the payment of the debt from the proceeds. The property may never be sold or not for a considerable time. If the debt is to be actively recovered then following a Charging Order being obtained, an application must be made to the Court for an Order of Possession and Order for sale.

Charging Orders may only be used for Business Rates debt with the agreement of the ratepayer and therefore such action will not be taken without the written consent of the ratepayer.

### **9.2. Use of solicitors.**

The Council will refer appropriate cases to a solicitor. Solicitors are fully authorised to deal with applications for Charging Orders, Orders for Sale and Possession and contested matters. Where appropriate, private sector specialist assistance will be sought.

### **9.3. Circumstances where a Charging Order may be appropriate.**

- Where the property is currently for sale voluntarily and a Charging Order is used as a way of securing the debt by agreement with the Council.
- Where the property is owned by a debtor who resides outside UK jurisdiction.
- Where a debtor, as a result of age, severe mental illness or serious learning difficulties cannot deal with their affairs.
- Where the debtor's whereabouts are unknown making service to allow bankruptcy action difficult.
- Where a payment arrangement has been agreed on the basis that the debt is secured via a Charging Order.

#### **9.4. Decision Making**

The number of cases is very small. The Local Taxation and Benefits Manager will consider each case on its own merits being mindful of all the facts and the level of arrears.

#### **10. Committal Proceedings**

Where Enforcement Agents have attempted to take control of an individual's goods and (for whatever reason) have been unsuccessful, the Council has the power to apply for committal to prison. This requires attendance at the Magistrates Court to enable a means enquiry to be conducted to see whether failure to pay is due to 'wilful refusal' or 'culpable neglect'.

The Council will only use this as a last resort. There will be many attempts to make arrangements and elicit payment, before reaching this stage, but in some cases, there is no alternative.

In the majority of cases where committal action is taken, there will have been persistent refusal or avoidance of payment and the Magistrates will be asked to impose a suspended sentence and order the taxpayer to make monthly or weekly payments.

Legal precedents exist that state that Magistrates should not commit forthwith without either considering alternatives or having made suspended orders to coerce payment. Once a suspended order has been made, debtors are obliged to pay as required by the order. If the debtor fails to pay, the Magistrates are entitled to remove the suspension and order that the debtor serves the sentence. In these cases, the Council will give debtors an opportunity to attend hearings to show cause why they have not paid. The term of imprisonment will not exceed three months for each Liability Order.

If the Magistrates decide that failure to pay was not due to wilful refusal or culpable neglect, they have the power to remit all or part of the debt. However, they are entitled to remit the debt, on the basis of inability to pay.

If a term of imprisonment is served, the relevant Council Tax will be written off as irrecoverable. Any part payment will reduce the term of imprisonment proportionally.

#### **11. Policy Review**

This policy will be reviewed and updated, from time to time, in order to ensure it remains valid, effective, and relevant. Updates that do not materially alter the aims or operation of this policy, for example changes to the underlying legislation, will be approved by the Local Taxation and Benefits manager in consultation with the cabinet Member(s) responsible for Council Tax and Business Rates.

Material changes to the policy will require further approval in accordance with the Council's Constitution.