



CONTAMINATED LAND INSPECTION STRATEGY

2025 Revision

Abstract

This document signifies the fourth iteration of the Contaminated Land Inspection Strategy by Carmarthenshire County Council, serving as a replacement for the third edition issued in 2015. Its purpose is to clearly outline the Council's strategy for addressing contamination issues. It will report on the progress made in implementing previous strategies and address any changes in strategy moving forward.

Chapter 1 Table of Contents

1. Introduction	2
2. Characteristics of Carmarthenshire	6
3. Synergy with Existing Policies.....	8
4. Progression of the Strategy	9
5. Strategy Aims, Objectives and Priorities	10
6. Strategy Implementation	12
7. Information Management and Procedures	15

1. Introduction

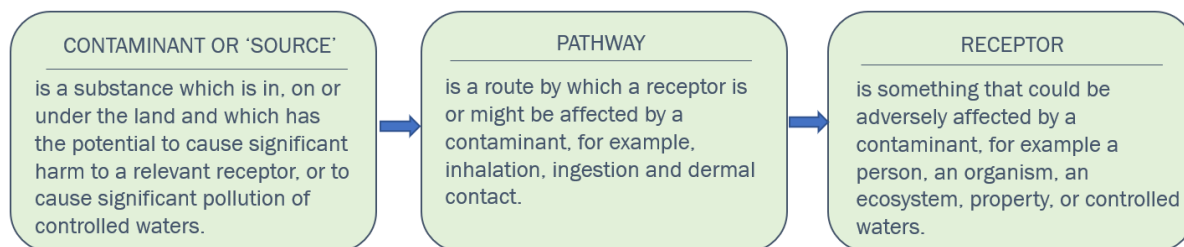
1.1 Contaminated Land Inspection Strategy

- 1.1.1 The 2001 enactment of Section 57 of the Environment Act 1995 established Part 2A of the Environmental Protection Act 1990 (Part 2A). Part 2A introduced a systematic approach to addressing contaminated land issues.
- 1.1.2 In Wales, the Contaminated Land (Wales) Regulations 2006 (introduced in 2001 and subsequently revised) aim to identify and mitigate land contamination risks.
- 1.1.3 Part 2A imposes a statutory obligation on each Local Authority to develop a strategy for identifying and managing contaminated land in its jurisdiction.
- 1.1.4 This document outlines the Environmental Protection department of Carmarthenshire County Council's strategy for inspection under Part 2A requirements, detailing the Council's aims, objectives, priorities, and plans for identifying and remediating contaminated sites within the County.
- 1.1.5 This Strategy will be reviewed in 2030, unless unforeseen circumstances necessitate an earlier revision.
- 1.1.6 This strategy was developed by Tomas O'Leary, Contaminated Land Officer, and reviewed and approved by Aled Morgan, Senior Environmental Health Officer, and Robert David Williams, Public Health Lead.

1.2 Definition of Contaminated Land

- 1.2.1 Part 2A defines 'Contaminated Land' as: *"Any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:*
- a) Significant harm is being caused or there is a significant possibility of such harm being caused; or*
 - b) Pollution of controlled waters is being or is likely to be caused."*

This definition relies on the concept of 'pollutant linkage,' consisting of three parts: source, pathway, and receptor (see Insert 1).



Insert 1: visual representation of the components of a 'pollutant linkage'.

1.2.2 The mere presence of contaminants in, on or under a given area of land is not sufficient for that land to be determined as 'Contaminated Land' as defined Part 2A. It must have a confirmed pollutant linkage, showing a source, pathway, and receptor with evident or potential significant harm.

1.2.3 The terms 'significant harm,' 'harm,' and 'pollution of controlled waters' are defined in the Welsh Government's 2012 Contaminated Land Statutory Guidance.

1.3 Welsh Government's Objectives

1.3.1 The fundamental aims of the Welsh Government's policy concerning contaminated land are delineated in section 1.4 of the 2012 Contaminated Land Statutory Guidance, henceforth referred to as the "statutory guidance." These objectives are:

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

1.3.2 Section 1.5 of the statutory guidance notes that the Part 2A regime is one of several ways in which land contamination can be addressed, and enforcing authorities should only seek to use Part 2A where no appropriate alternative solution exists. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning regime, during the building control process, or where action is taken independently by landowners.

1.4 Regulation of Contaminated Land

1.4.1 Local Authorities are the primary regulator under Part 2A and must inspect their areas for Contaminated Land, prioritising serious issues and ensuring proportionate actions. They are responsible for:

- Formulating, revising, and implementing a Contaminated Land Inspection Strategy.
- Enforcing regulations for contaminated land, excluding "special sites" as defined in The Contaminated Land (Wales) Regulations.
- Referring "Special Sites" to Natural Resources Wales (NRW) and collaborating on investigations and remediation.
- Strategically inspecting and evaluating potentially contaminated land.
- Maintaining and updating the Council's database of potentially contaminated sites.
- Determining if a site meets the statutory definition of contaminated land.
- Requiring and verifying effective remediation by responsible parties.

1.4.2 NRW assume a secondary regulatory role, providing support to Local Authorities within the regime. Their duties encompass acting as lead regulators for the pollution or contamination of Controlled Waters, as well as overseeing Enforcement Action for 'Special Sites.'

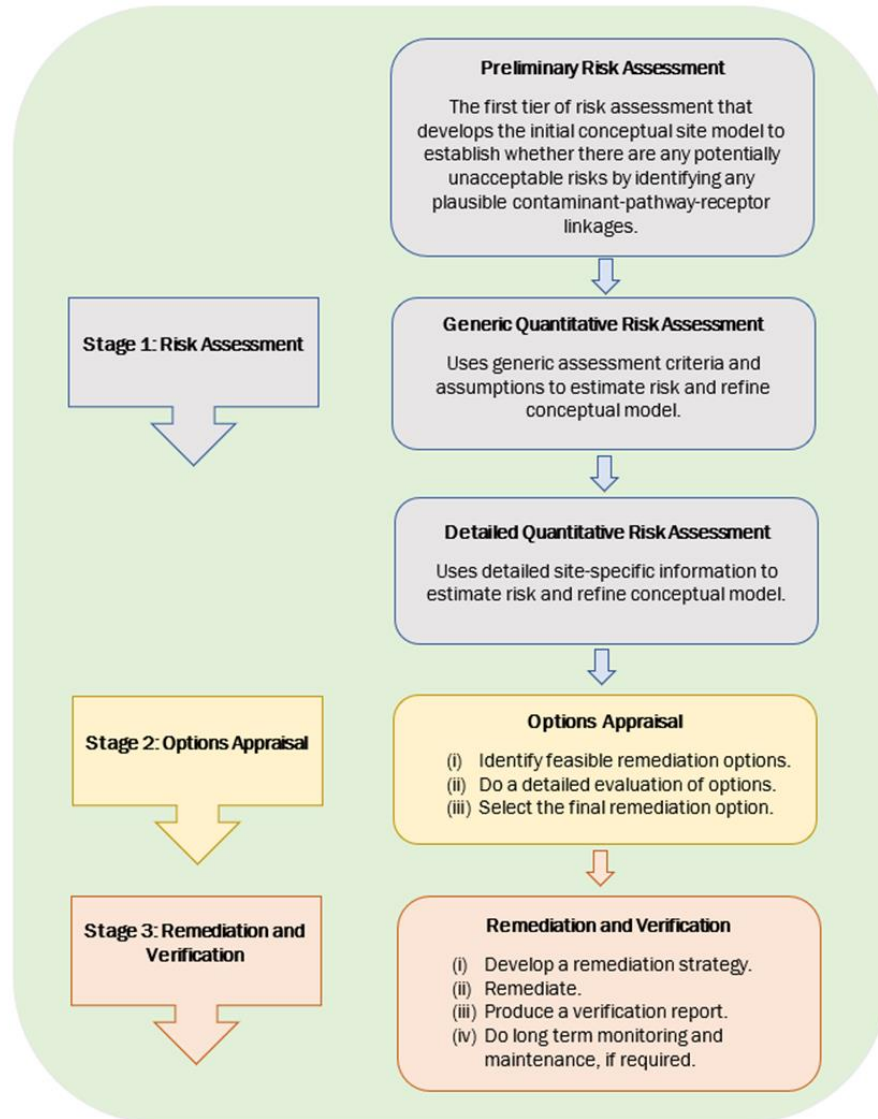
1.4.3 "Special sites" are categorised as such due to their unique challenges. Following designation as "contaminated land" by the local authority, a site may receive classification as a special site if it meets the criteria outlined in the Contaminated Land (Wales) Regulations. NRW serve as the enforcing authority for special sites, which may encompass land that:

- seriously affects drinking waters, surface waters or important groundwater sources,
- has been or is used for certain industrial activities, such as oil refining or making explosives,
- is being or has been regulated under the integrated pollution control or pollution prevention and control regimes, but only where an A1 permit has been issued,
- has been used to get rid of waste acid tars,
- is owned or occupied by the Ministry of Defence,
- is contaminated by radioactivity, and;
- is a nuclear site.

1.4.4 In July 2005, the contaminated land regime was expanded to include radioactive contamination, as established by the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006. This extension created a structured approach for identifying and remedying land where contamination leads to sustained human exposure to radiation. Land contaminated by radioactivity is handled by NRW as a special site.

1.5 Contaminated Land Risk Management Process

1.5.1 When investigating contaminated land, a risk-based methodology must be employed, relying on the most credible evidence accessible at the given time. This procedure is elucidated in the Land Contamination Risk Management (LCRM) webpages, which, effective October 2020, superseded CLR11 as the technical framework for addressing contaminated land issues. The contaminated land risk management process comprises three primary phases, each subdivided into additional tiers, as delineated in insert 2 on the subsequent page.



Insert 2: showing the Land Contamination Risk Management Process.

- 1.5.2 The LCRM webpages are relevant to all entities tasked with overseeing land contamination management. Throughout the process, input from suitably qualified and competent professionals with appropriate indemnity insurance is imperative. Appointed consultants must exhibit adherence to best practices and the principles outlined in the LCRM webpages. Additionally, various British Standards and CIRIA guidance documents are considered at different stages of the process, with further detail provided within the LCRM webpages ([Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)).

2. Characteristics of Carmarthenshire

2.1 Geographical Context

- 2.1.1 Carmarthenshire is in southwest Wales. It borders Pembrokeshire to the west, Ceredigion to the north, and Powys, Swansea, and Neath Port Talbot to the east. The county is known for its varied landscapes, including coastal panoramas, river valleys, and rugged upland regions.



Insert 3: Map showing location and extent of Carmarthenshire County. The county boundary is presented as blue line.

- 2.1.2 Carmarthenshire exhibits notable variations in land use. Urban and industrial activities are concentrated in the southeastern region around Llanelli, Cross Hands, and Ammanford, reflecting the impact of the Industrial Revolution from the 19th and 20th centuries. Agricultural practices remain predominant across much of the remainder of the county, which is characterised by rural landscapes encompassing market towns, villages, hamlets, and expansive countryside.

2.2 Geological Context

- 2.2.1 The bedrock geology of Carmarthenshire is diverse. The Silurian series dominates in the northernmost region of the county, characterised by mudstones and sandstones from the Llandovery age. Surrounding this series is the Ordovician series, the most dominant strata of the county, which is primarily composed of mudstones, with some sandstones. Old Red Sandstone forms a west-to-east band in central Carmarthenshire, while Carboniferous Limestone is concentrated around Pendine and extends from Kidwelly to the north of Ammanford and into the Brecon Beacons National Park. The Millstone Grit Series overlays the Carboniferous Limestone in a narrow band. The Middle and Lower Coal Measures are situated in the southeastern part of the county.

- 2.2.2 Carmarthenshire has a diverse array of superficial geology. The county's glacial history has resulted in the widespread presence of glacial and glaciofluvial deposits. Alluvium is also found in the river valleys of the Tywi, Teifi, and Loughor, as well as in the low-lying coastal areas around Pendine, Pembrey, and Llanelli.

2.3 Hydrogeological Context

- 2.3.1 Carmarthenshire boasts a variety of bedrock aquifers, both principle and secondary. The Carboniferous Limestone, designated a principle aquifer by Natural Resources Wales, plays a crucial role in supplying public water in Pendine. The Old Red Sandstone and Millstone Grit formations function as secondary aquifers, contributing locally to groundwater sources, albeit potentially impacted by faulting. In the southeastern area, the Coal Measures also serve as a secondary aquifer.
- 2.3.2 Additionally, alluvium deposits along the Rivers Teifi, Tywi, and Loughor are classified as secondary aquifers, with the alluvial gravel in the Teifi Valley utilised for public supply and agriculture.

2.4 Hydrological Context

- 2.4.1 Carmarthenshire is traversed by several major surface watercourses. The Eastern Cleddau delineates the western boundary of the county. Particularly significant are the catchment areas of the Rivers Tywi, Taf, and Gwendraeth Fawr and Fach, which flow southward and converge to create the Three Rivers Estuaries, ultimately emptying into Carmarthen Bay. In the southeastern region, the River Loughor's catchment area originates from the uplands of the Brecon Beacons National Park, flowing south westward into the Burry Inlet.

3. Synergy with Existing Policies

3.1 Introduction

- 3.1.1 The implementation of the Contaminated Land Strategy is integrated with other functions and policies within both the Council and Welsh Government. It is specifically designed to support aims of environmental enhancement, regeneration, and sustainable development.

3.2 Planning Policy

- 3.2.1 Securing remediation of land through the planning regime, especially during redevelopment, offers an effective and sustainable approach to ensuring remediation meets environmental standards for future use. Integration with the planning regime, alongside local, regional, and national policies, plays a crucial role in safeguarding new developments from previous contamination and ensuring remediation meets acceptable standards.
- 3.2.2 Planning Policy Wales (PPW) outlines land use planning policies of the Welsh Government, supported by Technical Advice Notes (TANs). PPW explicitly states that the planning system aims to manage land development in the public interest, contributing to sustainable development goals. It emphasises balancing development and conservation needs, promoting efficiency, economy, and amenity in land use, and protecting natural resources and historical heritage. These principles are integral to the Council's Local Development Plan.

3.3 Corporate Strategy

- 3.3.1 The Council's Corporate Strategy "Developing Carmarthenshire Together: One Council, One Vision, One Voice", sets out the council's well-being objectives, including:
- Enabling our children and young people to have the best possible start in life (Start Well)
 - Enabling our residents to live and age well (Live & Age Well)
 - Enabling our communities and environment to be healthy, safe, and prosperous (Prosperous Communities)
 - To further modernise and develop as a resilient and efficient Council (Our Council).
- 3.3.2 Addressing contaminated land aligns with several of the key objectives outlined in 3.3.1. By managing contaminated sites, the council contributes to creating a safe and healthy environment for people to thrive, promoting well-being across all age groups. Remediation efforts also support the development of prosperous communities by revitalising derelict areas and promoting economic growth. Furthermore, addressing contaminated land demonstrates the council's commitment to modernisation and efficient governance, showcasing proactive environmental stewardship and ensuring the sustainability of its operations.

4. Progression of the Strategy

4.1 Early Progression

- 4.1.1 Carmarthenshire County Council's first Contaminated Land Inspection Strategy was adopted in October 2002, delineating a five-year agenda for the identification and examination of contaminated land throughout the County, employing an area-specific methodology.
- 4.1.2 A comprehensive evaluation of this strategy was conducted in October 2003, revealing the necessity for adjustments to incorporate accrued experience, and newly acquired software (named "Geoenviron"), which facilitated a risk-based approach to the identification of Contaminated Land.
- 4.1.3 Subsequently, the Council utilised the Geoenviron software to generate a dataset, enabling the identification of over 5,000 potentially contaminated land sites. These sites ranged from areas of unknown filled ground (typically relating to former ponds, quarries etc.), to gas works and landfills.
- 4.1.4 In the initial phase, officers utilised the software to conduct an initial risk assessment, resulting in the creation of a 'risk priority list' ranking sites from lowest to highest risk. This list was used to establishing an order of priority in which sites would be investigated.
- 4.1.5 Subsequently, Welsh Government funding was secured to investigate several highly prioritised sites identified in the list. However, none of these sites met the criteria to be formally designated as 'Contaminated Land' under Part 2A after the investigations concluded.

4.2 Recent Iterations

- 4.2.1 The Inspection Strategy was revised in 2015, marking the most recent edition. This revision was developed in alignment with the 2012 update in Statutory Guidance, introducing a revised approach to addressing land contamination. The revision observed a notable shift in focus towards identifying, investigating, and remediating sites primarily through the Development Control and Regeneration Process.
- 4.2.2 This document represents the fourth iteration of the Strategy, serving as a replacement for the 2015 edition.

5. Strategy Aims, Objectives and Priorities

5.1 Introduction

- 5.1.1 The Council has set out five key aims to help in achieve its objectives and meet its obligations regarding the Statutory Guidance.

5.2 **Aim 1: Fulfil the Council's statutory responsibilities to implement environmental legislation.**

- 5.2.1 The objective of this aim is to ensure the Inspection Strategy and its implementation meet the requirements of Part 2A.

- 5.2.2 The identified priority actions to achieve this objective are:

- To comply with the regulatory responsibilities of Part 2A and follow all appropriate guidance relating to land contamination.
- To continue with the adopted rational, ordered, and efficient approach to inspection and continually review.
- To continually focus on identifying the most efficient means of progressing the Contaminated Land Inspection Strategy, with an emphasis on the Development and Regeneration process.
- To report to Welsh Government and NRW on site inspection process and the status of contaminated land sites.

5.3 **Aim 2: Minimise risks to health and the environment.**

- 5.3.1 The objective of this aim is to identify sites where land contamination may be present at unacceptable levels, which may be leading to potential risks to health and/or the environment and ensure successful remediation of such sites.

- 5.3.2 The identified priority actions to achieve this objective are:

- To prioritise sites for inspection based on environmental risk.
- To prioritise risks to human health above all others.
- Ensure efficiency by directing effort towards areas where land contamination can be addressed through Development Control or Regeneration schemes.

5.4 **Aim 3: To reduce the Council's impact on the Environment, where possible.**

- 5.4.1 The objective of this aim is to identify Council owned sites that have a potential to be contaminated, promote risk assessment, and consider remediation if necessary to manage and/or reduce the Council's liabilities as a landowner or occupier.

5.4.2 The identified priority actions to achieve this objective are:

- To adopt a responsible approach towards inspecting our own land and dealing with contamination.
- To work closely within internal departments to ensure contamination issues are considered early in design/engineering projects.
- To ensure a coordinated approach to contaminated land within the Council to ensure compliance with, and enforcement of, relevant contaminated land regulations.
- To increase public confidence in the Council's assessment of its own land holding.

5.5 Aim 4: To encourage investigation or remediation through regeneration and redevelopment.

5.5.1 The objective of this aim is to identify sites with the potential to be contaminated where regeneration and redevelopment could facilitate remediation and to use data sets to make informed decisions on future land uses on potentially contaminated sites.

5.5.2 The identified priority actions to achieve this objective are:

- To provide information to enable the Local Planning Authority to act in accordance with Welsh Government's Planning Guidance.
- To encourage and maximize the redevelopment of Brownfield Sites, regulating the process with respect to Contaminated Land.
- To provide information which will assist in Development Control and Unitary Development Plan processes.
- To provide information for planning and regeneration briefs.

5.6 Aim 5: To raise awareness and promote understanding of land contamination issues.

5.6.1 The objective of this aim is to encourage a proactive approach amongst landowners, developers and polluters towards the investigation of contaminated land, and remediation where required.

5.6.2 The identified priority actions to achieve this objective are:

- To publicise the Contaminated Land Inspection Strategy and make it readily available.
- To adopt a transparent approach to implementing the Inspection Strategy.
- Develop effective procedures for communication, liaison, and information exchange, including the formation of an Inter-Departmental communication channels to deal with Land Contamination in a prioritised manner.

6. Strategy Implementation

6.1 Risk Prioritisation

6.1.1 As noted previously in section 4.1, the Council's database ranks sites by risk from highest to lowest, following these principles:

- Sites causing or suspected of causing significant harm to receptors or significant pollution to controlled waters are top priority.
- Human health concerns are inspected first based on the severity of harm or pollution.
- Sites with volunteered information from an appropriate person, as encouraged by Part 2A, receive higher priority.
- Suspected sites with potential significant harm or pollution are prioritised based on human health impacts.
- The potential nature and extent of harm or pollution also influence site prioritisation.

6.2 Site Inspection Procedure

6.2.1 The site inspection procedure, as described in statutory guidance, prioritises, and inspects sites with flexibility. Site risk priorities are continually reviewed as new information becomes available, such as from planning investigations. At each stage, decisions are made about the likelihood of determining a site as contaminated land or re-prioritising it to a lower risk category.

6.2.2 Moving forward Environmental Protection's strategy for inspecting Contaminated Land will largely mirror the approach outlined in the 2015 document. The methods of inspection are largely in accordance with many of the aims outlined in section 5 of this document.

6.3 Planning – Development Management and Planning Policy

6.3.1 Environmental Protection will predominately identify potentially contaminated sites through the planning regime, where appropriate risk assessment and remediation will also be secured.

6.3.2 Application for Planning Consent are submitted to the Local Planning Authority (LPA) in accordance with the Town and Country Planning Act 1990. Land contamination is a material consideration when determining a planning application.

6.3.3 Environmental Protection engages in various activities related to proposed developments on potentially contaminated land. This typically occurs when the LPA consult Environmental Protection for comment on applications, however, efforts are made to check weekly planning lists to ensure all applications are reviewed where possible.

- 6.3.4 Environmental Protection commonly advise the LPA not to determine planning applications for developments effected by land contamination until the applicant submits satisfactory evidence of a comprehensive investigation, risk assessment, and, if needed, a remediation strategy. This ensures the land can be safely used as intended before approval. This stance is in accordance with Section 6.9.19 of Planning Policy Wales.
- 6.3.5 Environmental Protection may also, where appropriate, suggest conditions for the LPA to attach to planning permission decisions, potentially including restrictions on development until the applicant has adequately identified, assessed, and addressed any land contamination.
- 6.3.6 In line with paragraph 5.55 of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), Environmental Protection may suggest conditions requiring developers to notify the planning authority of any significant unexpected contamination discovered during redevelopment.
- 6.3.7 In accordance with sustainable development principles, Environmental Protection consider paragraph 5.56 of the WG circular (ref: WGC 016/2014) when making responses to the LPA, whereby, "the level of work required must be proportionate to the problems that are envisaged, and the more onerous conditions should not be imposed as a matter of course."
- 6.3.8 Environmental Protection distribute the joint WLGA/NRW guidance document "Land Contamination: A Guide for Developers" where appropriate, including as part of planning responses.
- 6.3.9 As primary regulator under Part 2A, Environmental Protection correspond with consultants and contractors that are appointed by developers or landowners to undertake the investigation and remediation of contaminated land at development sites.
- 6.3.10 Environmental Protection collaborate with Natural Resources Wales (NRW) where appropriate to ensure that the development of sites do not threaten controlled waters.
- 6.3.11 Environmental Protection critically review reports submitted by consultants or contractors on behalf of the developer or landowner.
- 6.3.12 Environmental Protection alert the Council's Planning Development Management departments, to allow enforcement action to be undertaken where appropriate against developers who fail to comply with planning conditions related to land contamination or develop potentially contaminated land without permission.
- 6.3.13 Environmental Protection provide pre-planning advice to the planning department upon request.

6.3.14 As per section 6.9.17 of Planning Policy Wales, Environmental Protection attempt to confirm that development management decisions ensure that the land is suitable for its proposed use and would not meet the legal definition of contaminated land under Part 2A. However, it should be noted that Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

6.3.15 Following the completion of a site's risk assessment and remediation, Environmental Protection will update their database of potentially contaminated sites accordingly to reflect the current situation.

6.4 Other Methods of Inspection

6.4.1 Efforts will be made by Environmental Protection to identify council-led regeneration projects on potentially contaminated land, and this department will encourage appropriate risk assessment and (if necessary) remediation. This may occur in tandem with the planning regime.

6.4.2 All enquiries, complaints, or information regarding contaminated land from the public, businesses, or other organisations are directed to the Environmental Protection Service. The information is assessed and evaluated to determine its seriousness and significance. This evaluation may lead to the site being re-prioritised for inspection or considered as urgent. It also aids the Council in determining the site's risk level. Alternatively, it might suggest that land contamination issues at the site should be addressed through another regulatory framework or by alternative regulatory bodies.

6.4.3 Responses are provided by this department to enquiries regarding property searches received via the Authority's Land Charges section or via other methods. This service also aids the Council in determining a site's risk level. Alternatively, it might suggest that land contamination issues at the site should be addressed through another regulatory framework or by alternative regulatory bodies.

6.4.4 Environmental Protection continue to be available to collaborate with landowners on a voluntary basis where potential land contamination is known to exist.

7. Information Management and Procedures

7.1 Who in Carmarthenshire County Council provides information on contaminated land?

- 7.1.1 The Environmental Protection Service is responsible for implementing Part 2A of the Environmental Protection Act 1990. The Environmental Protection Service handles all queries regarding contaminated land.

7.2 Providing Information to Third Parties

- 7.2.1 The implementation of the Inspection Strategy has led to the accumulation of extensive information that may be useful to third parties and available upon request. In some cases, the Council will charge for compiling information for searches. Carmarthenshire County Council complies with the following statutes and regulations to ensure public access to environmental information:

- Local Government Act 1985
- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004

7.3 Contaminated Land Public Register

- 7.3.1 The Council is legally required to document any enforcement actions taken under the Part 2A regime. This information can be viewed upon request.

7.4 Pollution Incidents and Complaints

- 7.4.1 Any enquiries, complaints, or information related to contaminated land from the public, businesses, or other organisations should be directed to the Environmental Protection Service. This information will be assessed on a site-specific basis to determine its severity and significance, which may lead to the site being reprioritised for inspection or deemed urgent. It may also help the Council decide the level of risk the site poses or indicate that the contamination issues should be addressed through another regulatory regime.
- 7.4.2 An initial assessment will determine if the enquiry falls under the Environmental Protection team or, if it affects controlled waters, under Natural Resources Wales (NRW).
- 7.4.3 For serious/major incidents posing immediate risk, the County Council's Emergency Planning Team will coordinate the response required.

- 7.4.4 Enquiries to the local authority and the information provided will be treated confidentially where possible. However, the Environmental Information Regulations 2004 mandate Local Authorities to disclose certain records and documents. Anonymous enquiries and information will be accepted and acted upon where possible, although they may receive lower priority and may pose challenges in investigation due to limited information.