

Public Document Pack

Your ref
Our ref
Ask for Christine Lewis
Email christine.lewis@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543 308065

Monday, 17 February 2020

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **TUESDAY, 25TH FEBRUARY, 2020 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Christie Tims', is written over a light grey circular watermark.

Christie Tims
Head of Corporate Services and Monitoring Officer

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chairman), Parton-Hughes (Vice-Chair), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield



www.lichfielddc.gov.uk



[/lichfielddc](https://www.facebook.com/lichfielddc)



[lichfield_dc](https://twitter.com/lichfield_dc)



[MyStaffs App](#)

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 6
4. Work Programme 7 - 8
5. Food Safety Service Delivery Plan 9 - 48
6. Public Space Protection Order for Dogs 49 - 56
7. Contaminated Land Strategy 2020 57 - 108
8. Proposed Diversion of Part of Public Footpath No.0.26a in the Parish of Alrewas 109 - 114
9. Proposed Diversion of Part of Public Footpath No.1R 2579 in the Parish of Shenstone 115 - 118



REGULATORY AND LICENSING COMMITTEE

26 NOVEMBER 2019

PRESENT:

Councillors B Yeates (Chairman), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield

13 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Parton-Hughes

14 DECLARATIONS OF INTEREST

Councillor L Ennis declared a personal interest in item 4 as she works at a school that is a Polling Station and her children attend a school that is a polling station.

Councillor D Ennis declared a personal interest in item 4 as his children attend a school that is also a polling station

Councillor Evans declared a personal interest in Item 4 as she is the Chair of Governors at for a school that is a polling station

Councillor Ankertell declared a personal interest in item as he is a volunteer at a school that is a Polling Station.

Councillor Salter declared a personal interest in item 4 as he is a Trustee of a premises that is a Polling Station.

Councillor B. Yeates declared a personal interest in item 4 as he is Chairman of a management committee for a premises that is a Polling Station.

15 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were signed as a correct record.

16 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee received a report on the review of polling districts and polling places following a consultation. It was reported that this consultation started after the item was initially considered by the Committee on the 3rd October 2019. It was noted that 203 responses had been received and this high rate was most likely due to the ease of being online. It was also noted that many of the responses were from parents and mostly from The Willows Primary School and St Michaels Primary School.

The Director of Transformation and Resources, Mr Neil Turner, then presented the recommendations to the Committee and reported that the priorities were to reduce the number of mobile units used as polling stations as they are not easily accessible for some voters and the second priority was to reduce the number of schools used where possible.

It was reported that it was proposed to split the polling place at St Michael's Primary School between that location and Five Spires Academy and St Joseph's on a rota basis to take the pressure off just the one school to be the polling place every election. The Committee agreed

with this suggestion and felt it to be fair. The Committee noted that there was not a requirement for schools to close on polling days however understood the potential safeguarding concerns. Members requested that where schools were used, the Council reached out to offer what help they could to allow the schools to remain open.

The Committee then discussed the proposal to consider further the moving of the polling place at Robinson Road, Burntwood as using Redwood Park would not be appropriate as there are lighting and other issues including steep access. It was suggested that Boney Hay Working Men's Club be considered as an alternative.

There were concerns with the recommendation to move the polling place from Chase Terrace primary School to Burntwood Library as this would take it out of the ward area and County Boundary. There were also concerns that parking was not ideal at the library. It was noted there were no requirement for polling places to be in the ward as long as it was accessible for voters in that area. It was agreed that alternative suggestions should be investigated or for the polling station to remain where it currently is.

Other suggestions were made including moving the polling place at Fulfun Primary School to Burntwood Memorial Institute and moving Highfields Primary School to the Scouts Hut. It was noted that these would be investigated before the item was considered at Council.

It was requested that if Holly Grove School remained as a station, that the rear gate is opened to aid access especially for the elderly.

When asked, it was confirmed that the Returning Officer had powers to move a polling place urgently if it was found a venue was unavailable especially if a snap election.

RESOLVED: That Council be recommended to approve the following changes to Polling Places

- (1) Move the polling place from the Co-op Superstore car park to Boley Park Community Centre and environs.
- (2) Move the polling place from The Willows Primary School to Curborough Community Centre subject to approval by the Centre.
- (3) Move the polling place at St Micheal's Primary School to the three primary schools – St Michael's, Five Spires Academy and St Joseph's – and define the polling places as Cherry Orchard schools.
- (4) Move the polling place at SS Peter's and Paul's Primary School and incorporate within the polling place at Chadsmead Primary Academy.
- (5) Move the polling place at Bexmore Drive, Streethay to Streethay Primary Academy.
- (6) Move the polling place at the Longwood Public House, Fazeley and incorporate within the polling place at Fazeley Town Hall.
- (7) Move the polling place at The Highwayman Public House, Shenstone Wood End and incorporate within the polling place at Shenstone Village Hall.
- (8) Move the polling place at SS Joseph's and Theresa's to The Old Mining College.
- (9) Move the polling place at Oakdene Road island to the area youth centre for polling district CM and to Springhill Academy for polling district CS2.

(10) Move the polling place at Holly Grove Primary School to St John's Community Church and if this is not possible, ensure the rear gate is open for voters.

17 REGISTRATION OF SKIN TREATMENTS POLICY

The Committee received a report on the recent consultation to the draft Special Treatments Policy and seeking approval for submission to Council for adoption.

It was reported that there was legislation covering this type of treatments as well as Council By-laws and this policy brought it all into one document.

It was reported that one response was received requesting change in wording to the definition of Electrolysis. It was also advised that Environmental Health Officers had clarified some of the wording which had been incorporated into the draft strategy.

Members asked if it was a requirement to have personal liability insurance and it was reported that this would be checked. It was agreed that if this should be a requirement for registration, this would be looked into and the policy be amended to reflect this.

It was then asked whether DBS checks were carried out as part of the registration process and it was reported that this would be verified however if it was not in legislation to require it, it could not be enforced.

It was confirmed that the fees for registration covered all cost incurred by the Council to carry out this function.

RESOLVED: (1) That the new Special Treatments Policy be approved for submission to Council for adoption;

(2) That the requirement to have public liability be included if found to be necessary; and

(3) That the Chairman of Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing and Wellbeing be delegated to make minor amendments to the Policy.

18 THANKS TO THE DIRECTOR OF TRANSFORMATION AND RESOURCES

The Committee wished to thank the Director of Transformation and Resources, Mr Neil Turner, who would be leaving the Authority at the end of the year for all his work and guidance and wished him well for the future.

(The Meeting closed at 6.40 pm)

CHAIRMAN

This page is intentionally left blank

**REGULATORY AND LICENSING COMMITTEE
WORK PROGRAMME FOR 2019-20**

Item	4 JULY 2019	3 Oct 2019	20 FEB 2020	Purpose of the Report	Lead
Street Collections	✓				SG
Skin Treatments		✓			SG
Review Of Polling Districts and Polling Places		✓			NT
Street Trading Policy - Review	✓				GD
Food Service Delivery Plan			✓		GD
Public Space Protection Orders Review			✓		JT
Contaminated Land Strategy			✓		JT

This page is intentionally left blank

Food Safety Service Delivery Plan

Cabinet Member for Legal and Regulatory Services

Date: 25th February 2020

Agenda Item: 5. Food Service Delivery Plan

Contact Officer: Fiona West / Gareth Davies

Tel Number: 01543 308744 / 308741

Email: Fiona.west@lichfielddc.gov.uk

Key Decision? YES

Local Ward Members All Wards



**REGULATORY
AND LICENSING
COMMITTEE**

1. Executive Summary

- 1.1 It is essential the delivery of Food Safety enforcement is undertaken in an approved and regulated manner in compliance with Government requirements.
- 1.2 Service delivery plans for food safety enforcement are a fundamental part of the process to ensure national priorities and standards are addressed and delivered locally, taking account of local needs.
- 1.3 The Food Safety Service Plan for 2020-22 is detailed in **Appendix A** for consideration and approval.
- 1.4 The areas of work we intend to deliver and improve upon in 2020-22 includes:-
- The undertaking of approximately **800** interventions in food premises, which includes routine inspections, revisits, advisory visits and sampling visits etc.
 - To improve the percentage of broadly compliant premises in the District
 - To improve the poorer performing businesses with 0,1 & 2 Food Hygiene Ratings through support, advice and regulation
 - Dealing with complaints, requests for advice, food alerts and infectious disease control
 - Carrying out food sampling in line with national and cross regional sampling plans and locally determined high risk priorities
 - To enhance food allergen awareness in food premises by delivering advice interventions during routine inspections as well as working alongside Staffordshire Trading Standards to implement the Staffordshire Allergen Enforcement MoU.
 - To further develop our existing '**Primary Authority**' relationships by enhancing the work we undertake with our business partners.
 - To pilot a commercialised project to provide tailored support to poor performing businesses to enable them to improve food safety compliance.
- 1.5 The **main changes** to how the food safety service has operated in comparison to previous years are: -
- Rate My Place** – Lichfield District Council along with all the other Staffordshire authorities will no longer operate the Rate My Place scheme through ratemyplace.org.uk but will instead focus on delivering one set of accurate data on food hygiene ratings to the National Food Hygiene Rating Scheme which is overseen by the Food Standards Agency through the website www.ratings.food.gov.uk.
- Performance Indicators** – there will be a slight change in the way we report the % of broadly compliant and non-compliant businesses. This is to mirror the way that the Food Standards Agency report on data provided by this Authority within the annual report on Local Authority Food Law Enforcement.

The reason for the change is to give a better over view of the service performance in comparison with the national averages and to be more consistent with the central competent authority for food safety.

2. Recommendations

- 2.1 To recommend the Regulatory & Licensing Committee consider and approve the Food Safety Service Delivery Plan for 2020-22

3. Background

- 3.1 The delivery of our food service helps protect and improve the public health of those living and visiting our District in connection with the consumption of food and to protect the interest of consumers.
- 3.2 The Food and Health & Safety Team is responsible for delivering all the Authority's Food Safety Service as relevant to a District Council. This includes:-
- programmed and intelligence led food hygiene interventions and revisits
 - the investigation of complaints regarding food sold or prepared in the District
 - the investigation of complaints regarding hygiene standards or practices
 - infectious disease control including food poisoning and food borne disease
 - responding to food alerts issued by the Food Standards Agency
 - the provision of advice and information on food safety issues
 - the monitoring of existing approved premises as well as granting new approval applications.
 - consideration of the environmental aspects of planning and licensing applications in food premises
 - routine/planned sampling programmes organised in liaison with the Central England Food Coordinators Group and national studies organised by the FSA/Public Health England and local priorities.
 - imported food control
- 3.3 All the officers who deliver services within our Food and Health and Safety Team also undertake certain duties in relation to the delivery of our Occupational Health & Safety Service, certain licensing functions and take part in the Council's Emergency Planning roles.
- 3.4 In November 2019 it was identified that there were significant technical failures with the software that operates the Rate My Place website. This led to loss of the safeguard measures that have to be in place to protect the data and how it is displayed resulting in a formal complaint about the authority to the Food Standards Agency. The website was temporarily fixed by a specialist contractor but it became clear that the software required significant development which would come at a disproportionate cost. The partners considered the following options 1) significantly increase the fees to offset the development costs and agree a new ongoing maintenance budget or 2) cease using Rate My Place and individually upload directly to the National Food Hygiene Rating Scheme. Unable to commit to the additional funding and in consideration of the fact that that inputting the data onto Rate My Place creates more duplication and is more resource intensive then the alternative, they collectively chose to withdraw from the Rate my Place scheme and close down the website.
- 3.5 The website is scheduled to close on 31st March 2020 after which all food hygiene rating information for food business in the District will be found on the national food hygiene rating website or mobile app. This authority is in the process of working with the partners alongside the Food Standards Agency to adapt their reporting systems to enable direct uploads of food hygiene rating information to the national portal.

Alternative Options	<ol style="list-style-type: none"> 1. Alternative options were not pursued. We are obliged to meet the requirements of the Food Law Code of Practice which sets out how we should carry out food safety interventions and enforcement. 2. We could choose not to have a plan but this is a requirement of the Food Standards Agency (FSA) as part of its national 'Framework Agreement on Local Authority Food Law Enforcement'.
Consultation	<ol style="list-style-type: none"> 1. Regular feedback about our service is received from our stakeholders through customer satisfaction surveys, comments during and after inspections and through emails or letters sent to the service. 2. The Plan has been developed taking into account this feedback and will be publicised on our website. Comments are welcomed and are considered during the following years planning process.
Financial Implications	<ol style="list-style-type: none"> 1. There are no additional implications. Appropriate financial provision for Food Safety enforcement work is provided within the current Budget for the Food Safety Service. 2. The Financial expenditure for the Food and Health Safety Team is outlined in the Service Delivery Plan.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The proposals set out in the report support and contribute to the themes and aims set out in the District Council's Strategic Plan 2020 -2024 in the following way: - 2. Enabling People – by carrying out interventions that are prioritised by risk, providing help and support to consumers to protect health and promote healthier lifestyles, working towards increasing the overall compliance of food businesses thereby protecting food consumers within the District. 3. Shaping Places - Ensuring that adequate provisions are in place for Waste management within food businesses, supporting events where food plays a major role to help protect the Districts growing reputation for providing food events. 4. Developing Prosperity - providing support to 'start up' food businesses in the form of advisory visits, implementing a consistent, proportionate and fair approach to enforcement, supporting improvement in non-complaint food businesses to help them improve their reputation and appeal to customers. 5. A Good Council – by demonstrating how we will implement the proposed action plan and demonstrating our performance through measurable targets.
Equality, Diversity and Human Rights Implications	<p>We will protect the rights of individuals and businesses by:-</p> <ul style="list-style-type: none"> • ensuring we are delivering services to all communities equitably, proportionally and consistently, taking into account the personal beliefs, race, age, disability, gender and sexuality of all our customers. • a consistent, proportionate and fair approach to enforcement across the District.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. By carrying out functions around food safety we hope to protect the public health of those living in our community and the interests of consumers in connection with the consumption of food. This will impact positively on our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988).

**GDPR/Privacy
Impact Assessment**

1. The Food Service Delivery plan has no direct impact on GDPR.
2. The service handles some sensitive information but in a compliant manner.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Failure to implement plan because of changes in resource requirements.	Continually monitor performance and resource levels	Green (tolerable)
B			
C			
D			
E			

Background documents

n/a all relevant information is found within the service plan

Relevant web links

Not yet on website

**FOOD SAFETY SERVICE DELIVERY
PLAN
2020 - 2022**

Approved by:Date.....
Gareth Davies, Head of Regulatory Services,
Housing and Wellbeing

Table of Contents

0.1	Foreword	
0.2	INTRODUCTION	1
1	SECTION 1: SERVICE AIMS & KEY PRIORITIES	2
1.1	SERVICE AIMS	2
1.2	KEY PRIORITIES	2
1.3	LINKS TO CORPORATE OBJECTIVES & PLANS.....	3
2	SECTION 2: BACKGROUND	6
2.1	District Profile	6
2.2	Organisational Structure	6
2.3	Scope of the Food Service.....	7
2.4	Demands on the Food Service	8
2.5	Enforcement Policy and its application in Food Safety Service Delivery	10
3	SECTION 3: SERVICE DELIVERY	11
3.1	Food Premises Interventions	11
3.2	Food and Premises Complaints	12
3.3	Primary Authority Scheme	12
3.4	Advice to Business	12
3.5	Food Sampling	13
3.6	Control and Investigation of Outbreaks and Food Related Infectious Diseases(Food Poisoning).....	14
3.7	Food Safety Incidents	14
3.8	Liaison with Other Organisations.....	14
3.9	Food Safety Promotional Work and Education.....	15
3.10	Regulating Our Future Programme.....	15
3.11	Improved Performance Indicators.....	16
4	SECTION 4: RESOURCES	18
4.1	Financial Allocation	18
4.2	Staffing Allocation	18
4.3	Staff Development	19
5	SECTION 5: QUALITY ASSESSMENT	20
5.1	Quality Assessment	20
6	SECTION 6: REVIEW	21
6.1	Review against this Service Plan.....	21
6.2	Identification of any Variation from the Service Plan	21
6.3	Action Plan.....	21
6.3.2	Action Plan Programme 2020-22.....	22

Foreword

Lichfield District continues to be a growing centre of culture and heritage. Together with its relatively affluent resident population, the tourism industry has led to the development of a thriving and vibrant day and night time economy which is supported by over 950 food businesses including some of Staffordshire's finest and award winning eateries. A number of events held throughout the year e.g. the Lichfield Food Festival are helping to place Lichfield on the map as the place to go to enjoy food.

Whether it is a lunchtime sandwich, three course meal or food which is produced in the area, we want to ensure that all food available to residents, employees, visitors and the wider public is safe and healthy. Our role is to help ensure food businesses deliver products which are safe and produced from premises which are hygienic and properly controlled, thereby helping the business to grow and thrive. It is also to provide information to the public to help them make informed choices about what and where to eat, through promotion and transparency.

This year we have produced a Plan setting out our Food Service Delivery priorities for the coming two years. This Plan is developed in order to meet the requirements of the 'Food Standard Agency's Framework Agreement on Local Authority Food Law Enforcement' and covers, in detail:

- ❖ the aims and key priorities of the services provided
- ❖ the organisational structure and the scope of the services provided
- ❖ the ways in which the service will be delivered and the targets for its delivery
- ❖ the human and financial resources involved in providing the service
- ❖ the ways in which the quality of the service will be monitored and improved upon
- ❖ the ways in which the service will be reviewed and improved upon

The Food Safety Service Delivery Plan will next be reviewed in spring 2022 or sooner if there are new Food Standards Agency requirements. However, before then the Council would welcome not only feedback on the current Service Plan, but also suggestions from interested parties on what they feel should be included in future plans.

Copies of this Service Plan will be available on our website www.lichfielddc.gov.uk

Comments, observations and any suggestions for improvement should be sent for the attention of Fiona West, Food and Health & Safety Manager, Regulatory Services, Housing & Wellbeing, Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YX, or by e-mailing at food.safety@lichfielddc.gov.uk

Councillor Angela Lax
Cabinet Member for Legal and Regulatory Services
February 2020

0.1 INTRODUCTION

The Council recognises the important role it plays in securing the safety of food consumed in the District. This plan's key focus is to demonstrate how the Council will fulfil its statutory obligations and duties in relation to food safety.

The stated aim of the Food Standards Agency is to ensure that food law enforcement is undertaken by the various agencies in a more effective, comprehensive and collaborative manner. This Food Safety Service Plan sets out to achieve these objectives.

Underpinning our Food Safety Service is the ethos on ensuring we are delivering services to all communities equitably, proportionally and consistently, taking account of the personal beliefs, race, age, disability, gender and sexuality of all our customers.

1 SECTION 1: SERVICE AIMS & KEY PRIORITIES

1.1 SERVICE AIMS

1.1.1 The Food and Health & Safety Team aims to **provide a food safety service in Lichfield District, to the public and businesses alike, that is equitable, proportional, consistent, helpful, open and takes into account equality issues.**

1.1.2 It intends to actively contribute to the **Food Standards Agency's (FSA) Strategy for 2015-2020** and its key strategic objective to ensure the interests of consumers in relation to food are protected. Ensuring that:

- Food is safe
- Food is what it says it is
- Consumers can make informed choices about what to eat
- Consumers have access to an affordable healthy diet, now and in the future

The FSA's strategy is currently under review but it has been confirmed that the overarching mission 'food we can trust' will be retained moving forward.

"The main objective of the Agency in carrying out its functions is to protect public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) and otherwise to protect the interests of consumers in relation to food."

1.1.3 **To continue to regulate effectively. To achieve this we aim to follow the headline priorities for regulation laid out by the Food Standard Agency:-**

- secure effective enforcement and implementation of policies that protect consumers from risks related to food and from fraudulent or misleading practices, targeting the areas where there is highest risk.
- develop our knowledge of what works in driving up business compliance with regulations.
- safeguard consumers by making it easier for business to comply with regulations, and minimise burdens on business.
- secure more proportionate, risk-based and effective regulation.

1.2 KEY PRIORITIES

1.2.1 In order to achieve our stated service aims, we need to set out some key priorities for our Food Safety Service Delivery. These key priorities are:-

- To put the consumer first in everything we do.
- To ensure that interventions are carried out commensurate with the principles of risk, at food premises within the district, ensuring compliance with the relevant food laws.
- To ensure as far as reasonably practicable, that imported food used or sold in premises within the District complies with all relevant Food Law.
- To ensure as far as reasonably practicable, that no illegally produced food is used or sold in premises within the District e.g. meat or meat products from unauthorised premises.
- To ensure food complaints are investigated.

- To continue to develop partnerships with small local businesses and larger national companies based in our district, which will help to provide consistent and proportional advice on food safety issues at both local and national levels (acting as a Primary Authority in accordance with guidance from the Regulatory Delivery office within the Department for Business Energy and Industrial Strategy (BEIS)).
- To undertake a food sampling regime based on local and national priorities.
- To provide informed and helpful advice to businesses and the public alike on matters relating to food safety.
- To act on food safety alerts promptly and in a manner that is proportionate to the risks involved.
- To play an active role with neighbouring local authorities in the Central England Food Group North (Shropshire and Staffordshire) in order to ensure a consistent approach to food law enforcement.
- To play a key role in developing innovative ways that enable, motivate, educate and inform members of the public of matters relating to food safety.
- To provide help, advice and support to consumers to protect health and promote healthier lifestyles and consumer choice.
- To review the way we deliver our food service annually that takes into account recognised performance targets and standards.

1.3 LINKS TO CORPORATE OBJECTIVES & PLANS

1.3.1 This Food Safety Service Delivery Plan links closely with the strategic themes laid out in **Our Strategic Plan 2020-2024**. These essentially govern how the Council in future will deliver its services based on local aspirations, needs and priorities.

1.3.2 At the heart of the **Plan** is the Council's commitment to work collaboratively to enable people, shape place, and develop prosperity across Lichfield District. We will be a good council that innovates and puts our customers at the heart of all we do.

1.3.3 Seizing on the Council's core values the Food Safety Service will ensure it delivers:

Put Customers First - We are passionate about our customers and our corporate value is to deliver good customer service.

Have respect for everyone - We believe in mutual respect, whether that's between our staff and customers, or our staff and members. By working together in a respectful way, we believe we can achieve more.

Improve and Innovate - We are always striving for continuous improvement, whether that's in what we all achieve on a daily basis, or in the services we deliver to our customers.

1.3.4 To help deliver this plan the Council has identified the following external facing key '**priorities**'

- **Enabling People** – to help themselves and others, to collaborate and engage with us and to live healthy and active lives.
- **Shaping Places** - To keep it clean, green and safe. To preserve the characteristics and to ensure sustainability and infrastructure needs are balanced.

- **Developing Prosperity** – To encourage economic growth. To enhance the district for all (visitors/residents/employers) and to invest in the future.
- **A Good Council that is** - financially sound, transparent, accountable and is responsive and customer focused.

1.3.5 Our Food Safety Service Delivery Plan will contribute to the **priority** of **‘Enabling People’** by:-

- ensuring we are delivering services to all communities equitably, proportionally and consistently.
- carrying out interventions prioritised by risk and regulate to help ensure that all food businesses are providing safe food to consumers.
- providing help, advice and support to consumers to protect health and promote healthier lifestyles and consumer choice e.g. National Food Hygiene Rating Scheme.
- providing transparent, robust and consistent approaches to investigating and resolving consumer complaints about food and food businesses.
- taking part in national food sampling programmes and taking action to remove unsafe food from the market.
- working towards increasing overall food hygiene ratings for food businesses, thereby protecting food consumers within the District.
- Investigate all substantiated food poisoning allegations and notified food poisoning outbreaks.
- To pilot a commercialised service to provide tailored support to poor performing businesses to enable them to improve food safety compliance. The aim of the pilot will be to enable the development of a package of services that work best for businesses alongside the other demands of the service.

1.3.6 Our Food Safety Service Delivery Plan will contribute to the **priority** of **‘Shaping Places’** by:-

- Carrying out waste enforcement and education during visits at food businesses, ensuring that adequate provisions have been put in place to deal with waste generated by businesses.
- Working towards increasing overall food hygiene ratings for food businesses within the District, thereby improving their reputation and appeal to consumers.
- Supporting events, where food plays a major role, with a suitable balance of advice and regulation to help protect the District’s growing reputation for providing popular food events.

1.3.7 Our Food Safety Service Delivery Plan will contribute to the **priority** of **‘Developing Prosperity’** by:-

- identifying the need to ensure a consistent, proportionate and fair approach to enforcement is carried out across the District;
- continue to provide support to start-up food businesses in the form of advisory visits designed to assist them to achieve a high food hygiene standard.
- delivering support, signposting and networking opportunities to existing businesses to help them thrive.
- targeting interventions at lower food hygiene rated businesses to encourage improvement as higher ratings have been shown to increase customer base.

- supporting businesses in the district through Primary Authority arrangements to ensure they get assured and consistent advice on regulatory compliance.
- actively participating in initiatives that arise on regulatory reform as part of the Greater Birmingham and Solihull Local Enterprise Partnership.
- Incentivise event organisers and traders on high standards e.g. through the street trading policy .

1.3.8 Our Food Safety Service Delivery Plan will be built on the **foundation** underpinning the priority of being '**A Good Council**'. It will outline how we will monitor and measure our performance by:-

- identifying what we are currently delivering in our Food Safety Service;
- setting out what we want to do between 2020-2022 in a work programme based on government and local agendas; and
- highlighting an Action plan (Section 6.3) to make our Food Safety Service better, within given timescales which we can be measured against.

1.3.9 By helping us to listen to local people and businesses' aspirations, this will help shape some of our key priorities for our Food Safety Service in the future if possible.

1.3.10 Performance of our service is measured against national and local targets. The indicators provide an objective measure on how our premises are improving. An outline is provided in Section 3.11.

2 SECTION 2: BACKGROUND

1.4 District Profile

2.1.1 Lichfield District is one of 9 Staffordshire District Councils. Within commuting distance of both the Black Country Boroughs and Birmingham. Central London is accessible via train in approximately 1 hour 15mins. The District has a population of circa 103,965¹.

The District was formed in 1974, and comprises urban populations in the town of Burntwood and the city of Lichfield, and a substantial rural population in surrounding villages, some of which have significant populations.

2.1.2 Lichfield has nationally and internationally renowned visitor attractions, including Drayton Manor Park, The National Memorial Arboretum and the historic environment of Lichfield City along with its cathedral which provides a strong base for tourism.

2.1.3 Lichfield has seen a dramatic increase in the number of mobile street traders attending festivals and events, many of whom originate from other areas in the UK. Our Food Safety Service needs to ensure that these and all our premises provide food safety.

2.1.4 A proportion of our residents originate from other countries throughout the world and this is shown in more detail in the Equality Statement 2020 published on the Council's website.

2.1.5 The challenge for our Food Safety Service is to ensure that we are delivering services to all communities equitably, proportionally and fairly, taking into account the personal beliefs, race, age, disability, gender and sexuality of all our customers. The service will ensure it encourages fairness and equal opportunities to all communities. This could require services to be delivered in different ways for different people to ensure it:-

- provides support to those who find it difficult to access or understand our services e.g. directing to translation services and food safety materials available in different languages such as the Safer Food Better Business pack.

- gives support with advice and guidance to help maintain existing businesses and help in the establishment of new food businesses;

- makes it easy to comply with requirements and minimise burdens where possible.

1.5 Organisational Structure

2.2.1 The Regulatory Services, Housing and Wellbeing Service has a wide range of duties covering the spectrum of public health, environmental and housing functions, community safety, homelessness and licensing. The Council's Food Safety Service is delivered by the Food and Health & Safety (H&S) Team which sits within Regulatory Services, Housing and Wellbeing. The structure of the team is detailed in **Appendix 1**

2.2.2 The Head of Service for Regulatory Services, Housing & Wellbeing and the Food and Health & Safety Manager have delegated powers in relation to food safety to act on behalf of the Council.

2.2.3 In response to the 'modernising agenda' the Council has adopted the 'cabinet and leader' approach to local governance. The committee structure and where our food safety service fits into this is detailed in **Appendix 2**

¹ Equality Statement 2020, Lichfield District Council published 31st January 2020.

- 2.2.4 The Regulatory & Licensing Committee have responsibility for policy, review and development in respect of a wide range of environmental health issues including food safety. Performance against this Plan will be reported to this Committee at the end of every financial year.
- 2.2.5 Officers who deliver our Food Safety Service are multi-skilled and work across all the team's work areas at a level depending upon their competence and qualification. The officers with key responsibility for the service are:
- **The Food and Health & Safety Manager** – service development; overall management of the service, day to day management of the service; service development; official returns; food safety database management; product specific premises inspection; high risk premises inspection; service requests; food sampling; Infectious diseases and street trading.
 - **Environmental Health Officer(s)** – service development; high risk premises inspection; food alerts; service requests; food safety data base support; food sampling; food complaints; product specific premises inspection; infectious diseases and street trading.
 - **Technical Officers** – service development; high risk premises inspection; food alerts; service requests; food safety data base support; food sampling; food complaints, product specific premises inspection; infectious diseases and street trading.
 - **Technical Support Officer** – administrative support; infectious disease notifications; database support; alternative strategy inspections.
- 2.2.6 The Council uses the Public Health England Food, Water & Environmental Services based in Colindale. A framework agreement is in place with Eurofins Laboratory for analytical services. Laboratory Services can be found in **Appendix 3 Useful Contacts**.
- 2.2.7 In relation to Food Standards Law Enforcement, colleagues from Staffordshire County Council's Trading Standards Section based at Burton-upon-Trent cover issues relating to food composition, labelling, animal feeding-stuffs, and weights and measures (**see Appendix 3 Useful Contacts**)

1.6 Scope of the Food Service

- 2.3.1 The Food and Health & Safety Team is responsible for delivering all the Authority's Food Safety Service as relevant to a District Council. This includes:-
- programmed and intelligence led food hygiene interventions and revisits
 - the investigation of complaints regarding food sold or prepared in the District
 - the investigation of complaints regarding hygiene standards or practices
 - infectious disease control including food poisoning and food borne disease
 - responding to food alerts issued by the Food Standards Agency
 - the provision of advice and information on food safety issues
 - the monitoring of existing approved premises as well as granting new approval applications.
 - consideration of the environmental aspects of planning and licensing applications in food premises
 - routine/ planned sampling programmes organised in liaison with the Central England Food Coordinators Group and national studies organised by the FSA/Public Health England and local need.
 - imported food control

2.3.2 All the officers who deliver services within our Food and Health and Safety Team also undertake certain duties in relation to the delivery of our Occupational Health & Safety Service, certain licensing functions and take part in the Council's Emergency Planning roles.

2.3.3 Whilst undertaking food safety interventions, officers are expected to carry out the following additional functions:-

- hazard spotting in relation to health & safety issues
- priority based health and safety inspections (currently focussed on gas safety)
- smoking compliance checks
- duty of care checks in relation to waste
- licensing checks (gambling machine referrals)
- supporting trading standards surveys

2.3.4 All food services are delivered by in house staff, except where food analytical services are used. Casual staff or contractors are occasionally used to support our work and help us manage variances in demand.

2.4 Demands on the Food Service

2.4.1 Food Hygiene Interventions

In Lichfield District, the Food Safety Team are responsible for approximately 945 premises, ranging from large manufacturers to one-person operations. A breakdown of the premises, as defined by type in the Food Standards Agency's Local Authority Enforcement Monitoring System Report (as of March 2019) is as follows:

Type of premises	Number
Primary Producers	5
Manufacturer / Packer	31
Importer / Exporter	0
Distributors / Transporters	10
Retailer	166
Restaurant / Caterers	733
Total Number of Premises	945

Of these premises, approximately 500 are due for inspection each year. In addition we also get around 80 new businesses per annum to inspect. 2019-20 saw an increase in the number of new business applications (over 90).

In addition the team receives approximately 30 requests for a food hygiene re-rating requests per annum (Food businesses are able to request a re-rating after they have made improvements). There is a charge of £175 (reviewed annually) for this service as it requires an additional inspection to be carried out. Section 3 below.

The full range of food safety interventions also includes advisory visits, revisits to check compliance and food sampling visits.

This averages more than 60 interventions per month for the team.

2.4.2 Approved Premises

The Food Safety Team is responsible for 6 premises under Approved Premises Regulations. Details of these premises are given below:-

Establishment Name	Type of Approval	Approval Number
Highfields Dairy	Dairy Products	LF 001
Brownsfield Farm	Egg Packing	LF 006
John Owen	Fishery Products	LF 007
ELC UK Ltd	Cold Storage	FL008
Sustainable Farming Ltd	Egg Packing	LF012
Alfa Doner Kebab Manufacturing Ltd.	Meat Product Manufacturing	LF010

These premises are inspected in accordance with our risk rating programme.

2.4.3 Regionally & Nationally Significant Companies

In the District, there are several large manufacturers / processors including **Florette UK and Ireland Ltd** (Salad Products - Fradley), **Manor Vinegar** (Preservative Products - Burntwood) and **Roxane UK Ltd** (bottled drinking water).

Also within the District we have 2 recognised (in accordance with European and National legislation) Natural Mineral Water Sources at Maple Hayes, Burntwood and Elmhurst Spring, Elmhurst.

Lichfield itself is home to the headquarters of **The Central England Co-operative Society** and **Busy Bees Nursery's Ltd**, both are regionally and nationally significant companies. We have **Primary Authority** relationships with both of these companies for food hygiene matters.

Referrals from other local authorities into the activities of these companies form a large part of the work generated by such premises.

2.4.4 Other Factors likely to have an impact on Food Safety Service Delivery in 2020-22

In addition to some of the demands identified above, other factors are likely to influence the way we work in 2020-22, including:-

- the possible change in government direction in relation to how official food controls are delivered following the UK's departure from the European Union.
- Changes in the way in which Food Safety is delivered after the Food Standards Agency delivers its Regulating Our Future Programme.
- a review of our working procedures
- the ongoing implementation of a new back office computer system and mobile working solution.
- demands around health & safety enforcement
- demands from other areas of our work including licensing

2.4.5 Access to our Service.

Our Food Safety Service is delivered from The Council House, Frog Lane, Lichfield, Staffordshire. Service users may contact Officers on site or by leaving a message, in the following ways:-

- ❖ **in person:** between 8.45am and 5.15pm Monday to Friday.
- ❖ **by telephone:** on 01543 308000
between 8.45am and 5.15pm Monday to Friday.
Out of hours:- 01527 871565
- by e-mail:** food.safety@lichfielddc.gov.uk
- ❖ **by website:** <https://www.lichfielddc.gov.uk/food-safety-advice>

For other useful contact addresses and numbers please refer to **Appendix 3**

2.5 Enforcement Policy and its application in Food Safety Service Delivery

2.5.1 The Council has signed up to follow the principles laid out in the Government's **Enforcement Concordat** and the principles contained in the **Regulators Guide to Compliance**. A service specific Enforcement Policy has been developed, this was updated and approved by Committee in February 2015 and updated in 2017.

2.5.2 Underpinning our Enforcement Policy are certain key elements, which are applied to how we deliver our food safety service. The Policy recognises the Regulators Code which states:-

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
- Regulators should base their regulatory activities on risk.
- Regulators should share information about compliance and risk.
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- Regulators should ensure that their approach to their regulatory activities is transparent.

3 SECTION 3: SERVICE DELIVERY

3.1 Food Premises Interventions

- 3.1.1 One of this Service Plan's key priorities is to ensure that all our businesses receive an intervention within the minimum frequency set down in Food Law - Code of Practice (England) 2017
- 3.1.2 The category of the premises, i.e. A – E, is defined by scoring premises around potential hazard associated with the business and food safety compliance, this then relates to the interval between inspections. For example: category A premises are inspected every 6 months and category D every 2 years.
- 3.1.3 Interventions are key to improving compliance with food law by food business operators. The range of possible interventions allows authorised officers to use their professional judgement to apply a proportionate level of regulatory and enforcement activity to each business.
- 3.1.4 Interventions fall into either official control or non-official control as follows:

Official Control interventions include:-	Interventions which are not Official Controls:-
<ul style="list-style-type: none">➤ monitoring➤ surveillance➤ verification➤ audit➤ inspection➤ sampling and analysis	<ul style="list-style-type: none">➤ targeted education & advice➤ information & intelligence gathering

- 3.1.5 In 2020-22 we intend to continue to use these techniques to help businesses to comply, particularly where the business is already 'broadly compliant' with the law (category C premises only).
- 3.1.6 The techniques and interventions we can use by category of risk are outlined in the Food Law - Code of Practice (England) 2017
- 3.1.7 In 2020-22 we intend to continue concentrating our resources on non-compliant and higher risk premises identified in an intelligence led review of our premises profile. We intend to continue with a project based approach which seeks to improve standards, by using a range of measures from providing advice to conducting enforcement action.
- 3.1.8 The following is a breakdown of categories of risk; frequency of intervention and number of premises within the District due in 2020-22.

Rating	Frequency of Inspection (At least once every)	Number of premises as of the 21 st January 2020
A	6 months	1
B	12 months	53
C	18 months	186
D	2 years	285
E	3 years	375
Unrated		45
Total		945

A variety of means will be used to ensure that individuals and organisations meet with their legal responsibilities relating to food safety during an inspection including education, negotiation, advice, guidance, warning letters, formal notices, simple cautions and prosecution.

- 3.1.9 In addition to visits undertaken as part of the risk assessment programme, interventions are also undertaken in respect of:
- complaints regarding food business operations;
 - enquires and request for advice from a food business;
 - investigation following a poor sampling result;

- transient stalls and mobiles
- new business operation or new proprietor

3.1.10 New businesses registering with the authority will be inspected within **28** days of the business opening for trading or sooner if requested.

3.2 Food and Premises Complaints

3.2.1 Food complaints received and investigated by the service fall into one of two broad categories - food contamination or complaints about food businesses (hygiene and practices).

3.2.2 Investigations of food complaints are carried out in accordance with guidelines issued by the Food Standards Agency.

3.3 Primary Authority Scheme

3.3.1 The Council continues to fully support the National Primary Authority Scheme for businesses. We currently have Primary Authority arrangements for food Hygiene with the **Central England Co-operative Society** and **Busy Bees Nurseries Ltd.** This supports the key strategic **priority** of **'Developing Prosperity.'**

3.3.2 We will continue to develop our **Primary Authority** arrangements. Officers are currently working with the Co-op on a significant ongoing piece of work to review all of their food safety procedures. Similar works are planned to take place with Busy Bees from spring 2020.

3.3.3 A charging process is in place to recover costs related to this work.

3.3.4 The Council has previously taken part in a Food Standards Agency Pilot scheme with Busy Bees Nurseries Ltd., testing the potential of National Inspection Strategies. This means that as a primary authority, we can build a picture of compliance across the whole of the business' operations. After considering all the information available, the primary authority could take the view that it has sufficient evidence that the business is being well managed, and consider that a lower number of checks are needed to ensure compliance and protection for the public. This is implemented via a national inspection strategy and is forming part of the FSA Regulating Our Future Programme.

3.4 Advice to Business

3.4.1 The food team will take a proactive role in providing advice to businesses to help them comply with the law and encourage the use of best practice. Such an approach helps standards of food hygiene to improve and positive relationships to be built with proprietors. This is achieved through:-

- advice given during inspections and other visits
- the provision of advice leaflets
- responding to enquiries
- Safer Food Better Business (SFBB) coaching
- Development of commercialised services to support food businesses

3.4.2 We will also provide advice and assistance to new and proposed businesses at the planning and pre-planning stages and will assist existing businesses that propose to make changes to their operations. This will improve skills to manage businesses more effectively which is likely to impact on the businesses ability to maintain food safety standards and remain viable.

3.4.3 In an attempt to increase the standards in the poorest performing businesses we will continue the implementation of project based work where such businesses will be offered advice on how to improve their hygiene standards and thereby their food hygiene rating.

3.5 Food Sampling

- 3.5.1 The microbiological and physical examination and analysis of food is undertaken on the basis of:-
- businesses identified for sampling as part of nationwide, regional or local schemes;
 - businesses subject to consumer complaints or outbreak investigations;
 - during a programmed inspection where an inspector deems a sample is necessary.
- 3.5.2 The Council supports all relevant nationally co-ordinated food sampling programmes organised by the Food Standard Agency and Public Health England's Laboratory Services as well as any relevant cross regional surveys coordinated by the Food and Water Laboratory. .
- 3.5.3 The general principle of this strategy is to make announced surveillance visits with businesses being informed of both the sample collection and results, co-ordinated by each authority in turn. Unannounced sampling is occasionally used to verify complaint allegations and suspicions of contraventions arising from inspection visits.
- 3.5.4 Samples requiring microbiological examination are sent to the PHE Food, Water & Environmental Services based at Colindale or otherwise are sent to a public analyst.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Diseases(Food Poisoning)

- 3.6.1 Investigation of outbreaks will be in accordance with the Public Health England (PHE) Communicable Disease Outbreak Management Plan co-ordinated by the PHE based out of Stafford. The number of notifications received almost always relates to single cases rather than outbreaks.
- 3.6.2 The Central England Food Coordinators Group, in consultation with Public Health England, has produced guidance on the investigation of infectious diseases and this is followed when dealing with notifications.
- 3.6.3 All infectious disease notifications are followed-up by a standard letter and questionnaire wherever practicable to identify possible sources of infection and recommend practices to prevent its spread.
- 3.6.4 In October 2017, a Salmonella food poisoning outbreak was reported by guests attending a wedding organised by a Galloping Gourmet (Coulsdon) Ltd which at the time were based at Packington Moore Farm. Over 50 guests reported symptoms. The extensive investigation carried out by the food service team led to a successful prosecution for food safety offences with fines of £200,000 and costs of £49,000 awarded.

3.7 Food Safety Incidents

- 3.7.1 The Council complies with Food Safety Act Code of Practice in relation to handling food alerts. All the officers within the Food and Health & Safety Team are alerted to food alerts via Food Standards Agency E-mail alerts.
- 3.7.2 We respond to all food alerts that **require action** within 1 working day.

3.8 Liaison with Other Organisations

- 3.8.1 Members of the Food Safety and Health & Safety Team play an active role in the Central England North Food Coordinators Group, which is governed by a Core Constitution. The group's primary aim is to encourage greater consistency in enforcement across the whole of the 9 Staffordshire Authorities represented as well as Shropshire..
- 3.8.2 Members of the Food Safety and Health & Safety Team also attend the Shropshire & Staffordshire Health Protection Liaison Group Health Protection Agency Community Control of Infection Committee and its Water Sub Committee which was set up to:
 - develop guidelines on infection control
 - act as advisory groups, on all aspects of communicable diseases
 - formulate exercises and where necessary, implement outbreak control plans.

3.9 Food Safety Promotional Work and Education

- 3.9.1 The Food Safety Service can contribute to improving the health of the community by helping to ensure that individuals have access to credible and trustworthy information to enable them to make informed choices that impact on their health. The service will look to develop its food safety education role and seek to identify new opportunities to deliver information on food safety and food allergen awareness.
- 3.9.2 There will be an enhanced approach to allergen awareness by the food safety service alongside the implementation of the Staffordshire Allergen Incident MoU which outlines how District/Borough councils will work with Staffordshire County Council Trading Standards Service, to enforce the Food Information Regulations 2014 and ensure food businesses are able to provide information on the allergens that are present in the food that they prepare. This will involve representatives from the food safety team attending relevant technical groups, supporting the development of County MoU, disseminating information to the rest of the service and implementing an approach at during food safety interventions and in relation to incidents/service requests.
- 3.9.3 Allergen awareness interventions will be included within routine food safety inspections. The result will be increased awareness within food businesses, enhanced public protection, better coordination and communication with T/Standards in relation to reactive/enforcement cases, greater awareness and understanding within the team.

3.10 Regulating Our Future Programme

- 3.10.1 The Food Standards Agency has concluded that it's time to improve the way the UK delivers regulatory controls in food. Their Regulating Our Future (ROF) Programme paper explains the direction they intend to take to create a modern, risk-based, proportionate, robust and resilient system.
- 3.10.2 The ROF Programme has introduced the trial of a new enhanced registration process for food businesses. The Council is now considering being part of that trial which will allow for the information we receive on new food business in the District to be part of a centralised national database of food businesses.
- 3.10.3 The Council has taking part in the development of the ROF programme, in particular, around testing the feasibility of a National Inspection Scheme, which may see Primary Authorities and their partnered businesses providing advice and guidance on business compliance. Using access to business compliance data the Primary Authority could influence whether other authorities carry out visits and to what degree.
- 3.10.4 More information can be found relating to the ROF programme here:
https://www.food.gov.uk/sites/default/files/rof-paper-july2017_0.pdf

3.11 Improved Performance Indicators.

- 3.11.1 A suite of new performance indicators is in place which directly reflect those reported in the FSA Annual report on Local Authority Food Law Enforcement which benchmarks against all local authorities. This will help to give a better overview of the team's performance in comparison to national averages.
- 3.11.2 This has changed the way we measure the proportion of premises that are broadly compliant (have a FHR 3 or above) as it now takes into consideration the unrated/new business that are still awaiting an inspection. As a result this has lowered the % of broadly compliant premises overall in comparison with previous year performance monitoring. Previously we monitored the % of broadly compliant premises based only on those that had received an intervention. This resulted in a higher % (based on those that have an intervention there are currently 94% that are broadly compliant but when you take into consideration the unrated businesses this is now 86.7%). The reason for the change is to be more consistent in line with our central competent authority and to be more efficient in terms of recording and monitoring.

Table 3.11 New Performance Indicators for 2020/2022

Status	Performance Indicator	Actual 2018/19	Target	National Average 2018/19 ²	Notes
New	The % of food establishments in the District achieving broad compliance (FHR of 3 or above).	86.7%	91%	90.7%	Reported annually
New	The % of food business within the District rated as having an unsatisfactory level of compliance (FHRS of 2 or less).	5.5%	4.5%	4.5%	Reported annually
New	The % of remaining premises yet to be risk rated (new businesses not yet subject to an intervention).	7.7%	5%	4.8%	Reported annually New businesses allocated to officers monthly. Progress monitored during monthly 1:1 meetings and regular reporting.
New	The % of due food safety inspections achieved (based on the number of programmed inspections at the start of the year).	98.9%	100%	86.3%	Reported annually. Progress monitored during monthly 1:1 meetings and regular reporting.
New	The % of programmed food inspections completed within 28 days of the due date, in line with the Food Law Code of Practice.	Not reported	90%	n/a	Reported annually. Progress monitored during monthly 1:1 meetings and regular reporting. Aim is to reduce the number of overdue inspections in order to better manage workloads and prioritise interventions.
Current	Number of food safety Written Warnings sent to food establishments.	341	n/a	n/a	Reported annually. No target (previous ref LEH7(o) (i))

Current	% of written warnings sent within 10 days	94%	98%	n/a	Monitored during 1:1 meetings and through reporting system.
Current	Number of food hygiene legal notices served.	4	n/a	n/a	No target required for this activity
Current	Number of Simple Cautions issued for food safety offences.	1	n/a	n/a	No target required for this activity (Previous ref LEH7(o))
Current	Number of Legal proceedings for food safety offences.	1	n/a	n/a	No target required for this activity (Previous ref LEH7(p))
New	Number of food establishments in the District	945	n/a	n/a	Reported annually. Used for year by year comparison and to programme work levels and resource.
New	Number of non-compliant businesses in the District	52	n/a	n/a	Reported annually. Reflects the number of business that are performing badly to identify shifts in compliance. The aim is to reduce the overall number of non-complaint businesses each year.
New	Number of new businesses.	126	n/a	n/a	Reported annually. Used for year by year comparison and to programme work levels and resource. To demonstrate the increasing demand for non-programmed/ additional food safety interventions.
Current	LEH7(e) Total number of food safety intervention visits made (which includes, revisits, re-rating visits and food sampling visits)	804	67 month/ 804 a year	n/a	Reported monthly and annually. No national average. Reviewed and monthly one2ones and through reporting systems.

²Annual report on UK local authority food law enforcement, 2018-19, FSA

4 SECTION 4: RESOURCES

4.1 Financial Allocation

- 4.1.1 A breakdown of expenditure for the Food and Health & Safety Team by activity for 2020-2022 is included in **Appendix 5**.
- 4.1.2 The Council recognises the importance of being able to deal with legal actions and other one off occurrences by maintaining adequate corporate reserves and provisions. The service makes use of a shared legal service with South Staffordshire District Council and Tamworth Borough Council.
- 4.1.3 If legal action is to be taken by the service, costs are met from within a central budget for legal fees. Where possible costs are recovered.

4.2 Staffing Allocation

- 4.2.1 Pressures on staffing resources for food safety service delivery are likely to increase. To ensure the viability of our service we have implemented ways to deliver our service in a number of different ways such as:-
- the introduction of a new database system
 - changing the way we carry out interventions to release resources in 'pressure areas' such as enforcement
 - raising income through the delivery of services and further 'Primary Authority' arrangements
 - Continued streamlining the inspection report process to reduce administrative burdens.
- 4.2.2 The staff resources available to undertake food law enforcement during 2020-22 are equivalent to 3.3 full time officers. We believe that we can deliver the service with this resource, using the techniques highlighted above in this time. Resource to task allocation is highlighted in the work/improvement table that follows. A breakdown of this figure based on full time equivalent posts (FTE) is as follows:-

Post	Full Time Equivalent (FTE)
Food and health & Safety Manager	0.6
Environmental Health Officer (Pt time/4days)	0.5
Environmental Health Officer (Pt time/ 3days)	0.4
Environmental Health Officer (Pt time/2.5days)	0.3
Technical Officer	0.7
Technical Officer	0.7
Technical Support Officer (Pt time/ 4days)	0.1
Total (FTE)	3.3

- 4.2.3 All Technical Officers are qualified to undertake food safety work. Both officers have the Higher Certificate in Food Premises. The Food and Health & Safety Manager and EHOs are qualified to undertake the whole range of food safety work. When needs arise, the Head of Service is trained to cover food safety enforcement.
- 4.2.4 Support for our service comes from our Technical Support Officer who supports the team with their full range of admin functions not just food safety enforcement.

4.3 Staff Development

- 4.3.1 The Council recognises that there is a need to invest in the continuing development of staff. Each member of staff takes part in a performance and development review at the beginning of the financial year in order to establish work and performance targets and identify training and development needs.
- 4.3.2 Within the Food and Health & Safety Team, such development is needed in order to meet the continuing professional development requirements of the Chartered Institute of Environmental Health and more specifically requirements contained in the Food Standards Agency's Code of Practice.
- 4.3.3 All Officers are required to prove competence via the competency framework introduced by the Food Standards Agency. Each officer must attend 20 hours CPD training each year.
- 4.3.4 All necessary training will be undertaken through in house training, formal courses and vocational visits as appropriate. Sufficient resources will be allocated towards such training and the extent of training will be assessed as part of the development review process.
- 4.3.5 The Food and Health and Safety Manager will also implement a reviewed 'Monitoring of Officer Competency' procedure to monitor the quality of interventions carried out by officers in line with the requirements of the Food Standards Agency Food Law Code of Practice.

5 SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

- 5.1.1 The work of the team is subject to scrutiny by Members, internal auditors and the Food Standards Agency.
- 5.1.2 The following monitoring arrangements are currently in place to assist in the quality assessment of the work carried out by the food team :-
- sample inspection audits
 - customer satisfaction questionnaires
 - sample audits of food files and associated paperwork
 - sample audits during visits
 - sample audits post enforcement action being taken
 - performance and development reviews
 - performance monitoring of target response times
 - performance monitoring against targets set down by National Indicators
 - 1:1 meetings with team members
 - team meetings
- 5.1.3 We aim to continue to build on the qualitative aspects of our work and recognise that through the implementation of the new IDOX database, the reporting and monitoring of key aspects of our service will improve.
- 5.1.4 In our work programme we will continue to review and improve our documented food procedures required within the Food Standards Agency's Framework Agreement.

6 SECTION 6: REVIEW

6.1 Review against this Service Plan

6.1.1 The process of review will be commenced in March/April each year based on:-

- performance and resources available over the previous 12 months
- responses to feedback from local businesses and the community
- observations from Members and the food safety team
- advice and guidance issued by the Food Standards Agency, the Local Authority Co-ordinating Body on Regulatory Services and examples of best practice.

6.1.2 A briefing paper on the previous year's performance against the Food Safety Service Delivery Plan will be submitted to the Regulatory & Licensing Committee in each year.

6.2 Identification of any Variation from the Service Plan

6.2.1 Performance figures are produced for our National & Local Indicators at half year and end of year points through the council's performance monitoring software 'Pentana'. Any variances against the Food Safety Service Plan, including resource implication, will be addressed during this process as well as directly through regular 1:1 and team meetings with service staff.

6.3 Action Plan

6.3.1 An **Action plan** has been developed as part of this Service Plan, details of which can be found in the tables below (Section 6.3.2).

6.3.2 Action Plan 2020-2022

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2020 to 2022)	Responsibility
		1. Enabling People	2. Shaping Places	3. Developing Prosperity	4. A Good Council			
Interventions	To undertake routine inspections at food premises in accordance with our annual programmes for 2020-21 & 2021-22	✓	✓	✓	✓	Complete 100% of Annual Programme of routine inspections by year end.	March 2021 March 2022	Food and H&S Team / FHSM
	Target worst performing premises to improve standards	✓	✓	✓		To carry out 90% of programmed inspections within 28 days of the due date in line with FCoP.		
	To produce LAEMS return To reduce the number of overdue inspections (carried out more than 28days after the due date) in order to better manage workloads and prioritise interventions. Demonstrate better compliance with the Food Law CoP.					To increase % of 'Broadly Compliant' Premises (those with a FHR of 3 or above) to 91%. 97% performance in the 10 day target for turnaround of paperwork LAEMS Return submitted by FSA set deadline (May 2021 and May 2022).		
	Allergen awareness interventions included within routine inspections alongside implementation of the Staffordshire Allergen Incident MoU. Increased awareness within food businesses, enhanced public protection, better coordination and communication with T/Standards in relation to reactive/enforcement cases, greater awareness and understanding within the team.	✓	✓	✓	✓	Allergen information and advice provided to approx. 500 food businesses in line with programme of routine inspections. Implementation of the Staffordshire Allergen MoU	Ongoing	Food and H&S Team / FHSM
	To implement the internal monitoring procedure to monitor consistency of intervention and enforcement.				✓	To check against procedures on monitoring of intervention and enforcement. Requires 10% of interventions to be checked. 95% compliance / training needs acted upon if identified	Monthly/ March 2021 March 2022	FHSM

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2020 to 2022)	Responsibility
		1. Enabling People	2. Shaping Places	3. Developing Prosperity	4. A Good Council			
		1	2	3	4			
	<p>To target worst performing business – providing new advisory interventions to improve FHRs ratings and standards.</p> <p>To pilot a commercialised service to provide tailored support to poor performing businesses to enable them to improve food safety compliance. This will be reflected in improved food hygiene ratings. This service will be charged for on an hourly rate on a cost recovery basis. The pilot will focus on a small number of business and will enable the development of a package of services that work best for businesses alongside the other demands of the service.</p>	✓	✓	✓	✓	<p>Increase in higher FHRs ratings for current programmed visits and assessment of sustainability for those taking part in previous years.</p> <p>Review level of uptake and effectiveness of cost recovery/commercialised activity to enable a determination to be made for the direction of this service.</p>	<p>Ongoing</p> <p>March 2022</p>	Food and H&S Team / FHSM
Food & Premises Complaints	To investigate all food and premises complaints	✓	✓	✓	✓	To respond to 97% of all food and premises complaints within 5 working days	<p>March 2021</p> <p>March 2022</p>	Food and H&S Team / FHSM
Primary Authority	<p>To continue to develop our working arrangements and partnership where we act as a primary authority.</p> <p>Increased areas of work through review and development of management systems for food safety and H&S with both Co-op and Busy Bees. This will take up a significantly more resource than it has previously years in order to enable the completion of this work. This work will be outlined in an agreed actions plan.</p>	✓	✓	✓	✓	<p>Time spent on this area of work is charged for on a cost recovery basis.</p> <p>Completion of the agreed work plan with Primary Authority partner.</p> <p>Outcomes – properly reviewed and implemented policies and where relevant new assured advice issued in line with Primary Authority guidance.</p>	<p>March 2021</p> <p>March 2022</p>	Food and H&S Team / FHSM

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2020 to 2022)	Responsibility
		1. Enabling People	2. Shaping Places	3. Developing Prosperity	4. A Good Council			
		1	2	3	4			
Provision of Advice to Business & other Service Users	To respond to all requests for advice from businesses and service users	✓	✓	✓	✓	To respond to 97% of all requests for advice within 5 working days	March 2021 March 2022	Food and H&S Team / FHSM
Food Sampling	To undertake a food sampling programme based on relevant national and cross regional sampling programmes. Where these are not suitable or specific the focus for sampling will instead be on local priorities e.g. end product sampling at high risk food manufacturers or hygiene surveys at non-compliant businesses. With the emphasis being based less on the number/quantity of samples achieved over the period but more on their relevance or the risk priorities.	✓	✓			To take a minimum of 30 samples in in 2020-21 To take a minimum of 30 food samples in 2021-22	March 2021 March 2022	Food and H&S Team / FHSM
Food Poisoning & Outbreak Investigations	To undertake investigations of all food poisoning or outbreak notifications received	✓	✓			To respond to 97% of all food poisoning or outbreak notifications within 1 working days	March 2021 March 2022	Food and H&S Team / FHSM
Food Safety Incidents	To respond to food alerts issued by the Food Standards Agency	✓	✓		✓	To respond to all food alerts received in accordance with guidance issued by the FSA	March 2021 March 2022	Food and H&S Team / FHSM
Liaison with Other Organisations	To actively participate on the Central England North Food Coordinators Group	✓	✓	✓	✓	Attendance by a member of the Food Team at 4 meetings	March 2021 March 2022	Food and H&S Team / FHSM
Food Safety Promotion & Education	To review documented procedures for food safety enforcement and train officers in their implementation				✓	Completion of procedures review and implement updates	March 2021	FHSM

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2020 to 2022)	Responsibility
		1. Enabling People	2. Shaping Places	3. Developing Prosperity	4. A Good Council			
		1	2	3	4			
	All officers undertaking food safety work to have received at least 20 hours training in relevant subject areas	✓	✓	✓	✓	Completion of 20 hours of training	March 2021 March 2022	Food and H&S Team / FHSM
Food Business Database and back of office line of business system	To continue with the full implementation and configuration of the new IDOX system. To ensure that inspections and interventions are updated/recorded on Uniform in a timely manner to prevent loss of data and ensure regular progress reporting can be carried out. To use available online letters and forms for providing information to customers (where ever possible emailing reports as opposed to using postage), linking electronic records through DMS to reduce the reliance on paper files, to support the reduction in paper and printing costs. Review the ongoing plan to implement mobile working devices.				✓	Back office line of business system fully implemented. Completed review of all admin and recording procedures to enable better efficiency and reduce the administrative burden on officer. Reduction in printing and postage costs.	March 2021 March 2022	FHSM

REFERENCES

- 1 Framework Agreement on Local Authority Food Law Enforcement 2010
- 2 Food Standards Agency Strategy Plan for 2015 - 2020
- 3 Lichfield District Council - Strategic Plan 2016-2020
- 4 Food Standards Agency - Food Safety Act 1990 - Code of Practice & Practice Guidance Notes (2017)
- 5 Lichfield District Council's Regulatory Services, Housing & Wellbeing Enforcement Policy 2015, updated 2017
- 6 PHE WM Centre Outbreak Control Plan 2017
- 7 Annual report on UK local authority food law enforcement, 1 April 2018 to 31 March 2019, FSA
- 8 Equality Statement 2019, Lichfield District Council published 31st January 2019

Food and Health & Safety Team

Food and Health & Safety Manager
(1.0)
0.6

Food and H&S Team

Environmental Health Officer
(0.8)
0.5

Environmental Health Officer
(0.6)
0.4

Environmental Health Officer
(0.5)
0.3

Technical Officer
(1.0)
0.7

Technical Officer
(1.0)
0.7

Technical Support Officer
(0.8)
0.1

(total FTE)

FTE resource designated to food safety enforcement

Appendix 2 - Committee Structure & Food Safety Reporting

Lichfield District Council
Portfolio Chart



Appendix 3 - Useful Contacts

<p>Lichfield District Council Regulatory Services, Housing & Wellbeing Food Safety Team Council House Frog Lane Lichfield WS13 6ZE</p>	<p>Tel:- 01543 308000 Out of Hours Tel:- 01527 871565 E-mail:- food.safety@lichfielddc.gov.uk Web address:- www.lichfielddc.gov.uk</p>
<p>Lichfield District Council Council House Frog Lane Lichfield WS13 6ZE</p>	<p>Tel:- 01543 308000 E-mail:- enquiries@lichfielddc.gov.uk Web address:- www.lichfielddc.gov.uk</p>
<p>Food, Water and Environmental Microbiology Laboratory London Public Health England 61 Colindale Avenue London NW9 5EQ</p>	<p>Tel:- 0208 327 6550 https://www.gov.uk/guidance/london-food-water-and-environmental-laboratory-services-takes E-mail address:- fwem@phe.gov.uk</p>
<p>Eurofins Food Testing UK Ltd i54 Business Park, Valiant Way Coven Wolverhampton WV9 5GB</p>	<p>Tel: - 01902 627200 E-mail address: - info@eurofins.co.uk</p>
<p>PHE West Midlands 6th Floor 5 St Philip's Place Birmingham B3 2PW</p>	<p>Tel:- 0344 225 3560 E-mail address:- phebirmingham@heartofengland.nhs.uk Web address:- https://www.gov.uk/government/organisations/public-health-england</p>
<p>Staffordshire County Council Trading Standards Staffordshire Place Stafford ST16 2DH</p>	<p>Business Support Tel:- 0300 111 8002 E-mail address:- businessadvice@staffordshire.gov.uk www.staffordshire.gov.uk/Business/Tradingstandards/Contact-Us.aspx</p>
<p>Food Standards Agency Headquarters Floors 6 and 7, Clive House 70 Petty France London SW1H 9EX</p>	<p>Tel:- 0330 332 7149 E-mail address:- helpline@food.gov.uk Web address:- www.food.gov.uk</p>

Appendix 4 – Previous performance by Food and Health & Safety Team

	2015-16		2016-17		2017-18		2018-19	
	Target	Actual	Target	Actual	Target	Actual	Target	Actual
LEH7(a) No. of food establishments inspected in the last month that were broadly compliant		420		457		387		392
LEH7(b) No. of food establishments inspected that were not compliant		40		49		74		54
LEH7(c) Total number of food safety inspection visits made		527		527		563		579
LEH7(d) % all food establishments within the District which are broadly compliant - moving figure (monthly).	97%	95.43%	97%	94.89%	97%	94.55%		94.12%
% of reports sent within 10 working days of intervention		Not recorded					97%	96.72%
LEH7(e) Total number of new food premises that have started up since the last month		80		105		90		125
LEH7(f) No of new food premises start ups in the last month which have been provided with regulatory advice that achieve 4* or above	75%	74.12% 30		83.06% 27		74.46% 39		71.94% 37
LEH7(o) Food Safety Simple Cautions		0		0		1		1
LEH7(o)(i) Food Safety Written Warnings		284		343		321		337
LEH7(p) Food Safety Legal Proceedings		0		0		0		0
LEH18(a) Shift in Compliance - Number of premises improving from 0, 1 & 2 to 3 or above rating	Overall improvement 60%	39		27		28		36
LEH18(b) Shift in Compliance - Number of premises falling into the lower 0, 1 & 2 rating		21		35		46		26
Satisfaction of business with local authority regulation services (NI 182)	99%	100%	99%	Unavailable	99%	Unavailable		Unavailable
% of premises inspected of those due	100%	99.62%	100%	99.38%	100%	Unavailable	100%	98.98%

Appendix 5 - A Breakdown of Net Expenditure for Food and Health & Safety Team from 2018/19 to 2022/23

			Forecast		
	Actuals	Projected	Budget	Budget	Budget
	2018/19	2019/20	2020/21	2021/22	2022/23
	£	£	£	£	£
Expenditure					
Employees	241,303	216,027	243,620	249,300	254,450
Transport	6,760	6,560	7,570	7,570	7,570
Supplies and Services	63,038	14,848	5,680	4,680	4,680
Overheads	169,190	138,320	138,320	138,320	138,320
Capital Charges	0	2,000	2,000	2,000	2,000
Total Expenditure	480,291	377,755	397,190	401,870	407,020
Income					
External Sources	32,996	21,103	12,000	12,000	12,000
Internal Recharges	84,990	84,990	84,990	84,990	84,990
Total Income	117,986	106,093	96,990	96,990	96,990
Net Expenditure	362,305	271,662	300,200	304,880	310,030

This page is intentionally left blank

Public Space Protection Order for Dogs

Angela Lax, Cabinet Member for Legal & Regulatory Services

Date: 25th February 2020

Contact Officer: Jack Twomey

Tel Number: 01543 308734

Email: jack.twomey@lichfielddc.gov.uk

Key Decision? YES NO (delete as appropriate)

Local Ward

Members Affects all Wards



**REGULATORY
AND LICENSING
COMMITTEE**

1. Executive Summary

- 1.1 Public Space Protection Orders (created under the Anti-social Behaviour, Crime and Policing Act 2014) can cover a range of anti-social behaviours.
- 1.2 In relation to dogs, anti-social behaviour can include matters such as failing to pick up fouling, not having dog(s) on a lead in certain circumstances or simply allowing a dog to enter an area which it is inappropriate for them to be.
- 1.3 This report considers the range of possible anti-social behaviours which those in charge of dogs can commit. It further considers whether there is evidence of a need to control these behaviours within the Lichfield District and offers proposals in relation to a Public Space Protection Order to cover this.

2. Recommendations

- 2.1 That the Committee agrees that a statutory consultation exercise takes place relating to a proposed PSPO covering:
 - Picking up dog fouling throughout the District
 - Banning dogs from entering any fenced off children’s play areas on public land.
 - A requirement for dog walkers to have with them an appropriate receptacle to pick up any dog waste.

Exact wording of these proposals can be seen at Appendix A.

- 2.2 That if no significant objection emerges as part of the consultation and no issues arise as a consequence of legal compliance checks, the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to create the Public Space Protection Order, in consultation with the Committee Chairman and Vice Chairman, as soon as possible following the end of the statutory consultation. If significant objection *does* occur then the matter will be referred back to this Committee for a final decision on how to proceed.

3. Background

- 3.1 Public Space Protection Orders (PSPOs) were created by the Anti-social Behaviour, Crime and Policing Act 2014 as a replacement for various powers, including Dog Control Orders.

- 3.2 The Council's only Order currently relates to a requirement to pick up dog fouling. This Order was automatically created in October 2017 when the then current Dog Control Order became a PSPO. All PSPOs are limited to a three year duration before they should be reviewed, hence the current PSPO requiring dog fouling to be picked up by dog walkers is due for review before October 2020.
- 3.3 The Council's Environmental Crime Strategy was approved at the Regulatory and Licensing Committee in July 2018. The minutes of that meeting highlight the suggestion by a Members Task Group that a new PSPO is consulted upon to require dog walkers to carry an appropriate receptacle (commonly a dog bag) to pick up dog faeces.
- 3.4 As part of any statutory consultation on the introduction of a new PSPO, the Council is required to consult with the Police, especially in view of the fact that Police Constables would be authorised to enforce any PSPO that may be created. At the current time the consultation process has stalled.
- 3.5 More recently during 2019, an enquiry from a member of the public in relation to the Council's stance on banning dogs from certain areas or requiring dogs to be on leads anywhere in public has prompted a further more detailed review of what is possible in terms of dog related PSPOs and what would be appropriate for the District of Lichfield.

4. Comparisons with other Local Authorities

- 4.1 Other Staffordshire and nearby West Midlands Authorities have various PSPOs relating to dogs.
- 4.2 As would be expected, all Authorities include the removal of dog faeces in their Orders.
- 4.3 30% of Authorities had a PSPO relating to having a means to pick up fouling.
- 4.4 Most Authorities exclude dogs from fenced off children's play areas.
- 4.5 One Authority requires dogs to be on a lead on carriageways, footpaths and verges within 3m of carriageways throughout the district. Others require dogs to be on leads in specified locations throughout the district.
- 4.6 It is worth pointing out that any PSPO which is created must be enforced and the Council should consider whether the necessary resources exist to enforce any PSPO which is set up. Failure to enforce can be counterproductive with members of the public clearly ignoring requirements and thus weaken any case for taking legal action on those who are caught not complying. At the current time we have two officers carrying out a range of duties for which PSPO enforcement is one. Their time equates to a total of 0.6 of one Full Time Equivalent officer.

5. Proposals

- 5.1 Whilst consideration must be given to the need for any order, dog fouling continues to be a problem throughout the UK and our District is no exception, in spite of significant reductions in the last few years. It is therefore considered appropriate to continue with an Order which requires those in charge of dogs to pick up their dog's faeces.
- 5.2 Whilst feedback from other Council Departments has not suggested a *significant* problem with dogs entering children's play areas, it is perfectly reasonable to put restrictions in place to ensure that dogs do not enter these areas. This would prevent children, who may be fearful of dogs, from being approached by them and also remove the possibility of any dog fouling in an area specifically designed for children to play.

- 5.3 Enforceability is an important consideration and where play areas are not fenced off it can introduce difficulties where a dog has walked onto a play area despite the walker’s best efforts. Whilst it may be argued that a dog walker can put the dog on a lead, it nevertheless introduces the potential for some mitigation in relation to any court case. There is also the question of the boundary to the Order around the play area and what point on the ground the Order actually comes into effect. As a result, it is proposed that if Members agree that a PSPO banning dogs from play areas on public land across the District is appropriate, this is only put in place where the play areas have a fence around them. These areas are as follows:
- Beacon Park – junior play area only
 - Darnford Park
 - Saddlers Wood
 - Stowe Pool – junior play area only
 - Stychbrook Park
 - Darwin Park
 - Chase Terrace
 - Burntwood Park
 - Hawksyard
- 5.4 The proposed dog bag related PSPO is in place at a number of other authorities. Dog fouling meets the criteria for a PSPO and it naturally follows that it is reasonable for any person in charge of a dog to have the means to pick up, should their dog foul.
- 5.5 The proposed wording of the PSPO covering these three elements can be seen in Appendix A.

Alternative Options	<ol style="list-style-type: none"> 1. Consideration has been given to other typical dog related PSPOs such as requiring dogs to be on leads on footpaths next to roads. The evidence base for the need for these has been lacking, with almost no complaints from the public coming in about additional matters for which a PSPO can be created. Furthermore, the Council must strike a balance between the rights of the public to use facilities such as parks and public spaces without hindrance from dogs against the rights of dog owners to have the freedom to walk and exercise their dogs without unjustified restrictions.
Consultation	<ol style="list-style-type: none"> 1. Consultation has previously been undertaken with Members including an Environmental Crime task group. A consultation exercise is required by law prior to any Order being put in place and should any of the proposals see significant objections the matter will return to this Committee for a final decision on approval.
Financial Implications	<ol style="list-style-type: none"> 1. Enforcement of any new PSPO will be undertaken within current resources and budgets. 2. Income from fixed penalties is not predicted to be significant enough to warrant consideration.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Shaping Place: to keep it clean, green and safe.

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> As outlined in the draft of the proposed order at Appendix A, we must consider the rights and freedoms set out in Articles 10 and 11 of the Convention on Human Rights and it is considered that the restrictions on these rights and freedoms an Order would introduce are lawful, necessary and proportionate. Exceptions are made in relation to these for assistance dogs and some with physical or mental impairments.
Crime & Safety Issues	<ol style="list-style-type: none"> It is considered that the proposal will positively impact on our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988). Failure to comply with a PSPO is a criminal offence.
GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> Not considered necessary.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Environment	Maintain an Order in place at all times to ensure enforcement can take place	Green (tolerable)
B	Legal - Appeal to the implementation of a PSPO	Ensure that the Order is legally robust by consultation with the Council's Legal team.	Green (tolerable)
C			
D			
E			

<p>Background documents</p> <p>Anti-social behaviour, Crime and Policing Act 2014</p> <p>LGA – Public Space Protection Orders – Guidance for Councils (Feb 2018)</p>

<p>Relevant web links</p> <p>http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted</p> <p>https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils</p>

APPENDIX A

DRAFT PROPOSAL ONLY

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

PUBLIC SPACE PROTECTION ORDER

This Order is made by Lichfield District Council (the 'Council') and shall be known as the Public Spaces Protection Order (Dog Control) 2020.

PRELIMINARY

1. The Council, in making this Order, is satisfied on reasonable grounds that the activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality. Further, that the effect, or likely effect, of the activities is, or is likely to be:
 - Of a persistent or continuing nature;
 - such as to make the activities unreasonable;
 - and justifies the restrictions imposed by the Notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities covered by the Order are:
 - Dog Fouling
 - Exclusion of dogs from specified areas

DOG FOULING

5. A person in charge of a dog in any public place within the area of Lichfield District Council (excluding land shown in Schedule X) must forthwith clear up and remove any faeces deposited by the dog and either take away the faeces or place the faeces in a general litter or dog waste bin.
6. A person in charge of a dog in any public place within the area of Lichfield District Council must have with them an appropriate means to pick up dog faeces that may be deposited by that dog. The obligation is complied with if, after request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces from their person.

DOG CONTROL

7. A person in charge of a dog in a public place within the area of Lichfield District Council is prohibited from allowing the dog to enter the “Dog Exclusion Zones” which include children’s play areas listed in Schedule X.

EXCEPTION

8. Nothing in this Order shall apply to a person who:
 - Is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948;
 - is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
 - has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities, in respect of a dog trained by any current or future member of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance; or
 - has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities and, in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.

NOTE

9. For the purposes of this Order:
 - A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless, at the time of the offence, some other person is in charge of the dog;
 - being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces;
 - the administrative area of Lichfield District Council is shown in Schedule X;
 - a person duly authorised by the Council means an employee, partnership agency or contractor of Lichfield District Council who is authorised in writing by Lichfield District Council for the purpose of enforcing the Order.

PERIOD FOR WHICH THE ORDER HAS EFFECT

10. This Order will come into force at midnight on XXXXXXXXX 2020 and will expire at midnight on XXXXXXXXXX 2023.
11. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

12. Section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse to:

- Do anything that the person is prohibited from doing by a Public Space Protection Order; or
 - Fail to comply with a requirement to which the person is subject under a Public Space Protection Order.
13. A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

14. A Constable, Police Community Support Officer or Authorised Officer of the Council may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £X. If you pay the fixed penalty within 14 days you will not be prosecuted.

APPEALS

15. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an Order is varied by the Council.
16. An interested person can challenge the validity of this Order on two grounds:
- That the Council did not have power to make the Order or to include particular prohibitions or requirements; or
 - that one of the requirements of the legislation has not been complied with.
17. When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

DATED: XXXXXXXXXXXXXXXX 2020

The Common Seal of

Lichfield District Council

Was affixed in the presence of:

Authorised Signatory

Authorised Signatory

This page is intentionally left blank

Contaminated Land Strategy 2020

Angela Lax, Cabinet Member for Legal & Regulatory Services

Date: 25th February 2020

Contact Officer: Jack Twomey

Tel Number: 01543 308734

Email: jack.twomey@lichfielddc.gov.uk

Key Decision? YES NO (delete as appropriate)

Local Ward

Members Affects all Wards



**REGULATORY
AND LICENSING
COMMITTEE**

1. Executive Summary

- 1.1 The Council’s current Contaminated Land Strategy 2015 is due for review.
- 1.2 The last time the Strategy was reviewed was five years ago in 2015 and the guidance which the Council must follow was last updated in 2012. As a result the only changes to the Strategy for 2020 are minor and relate to updated legislation referred to within it.

2. Recommendations

- 2.1 That the Committee approves the adoption of the updated Contaminated Land Strategy 2020 (Appendix A).

3. Background

- 3.1 The contaminated land regime is set out in Part 2A of the Environmental Protection Act 1990 and gives specific legal powers and duties to local authorities.
- 3.2 The main objective of these duties is to ensure contaminated land can be brought back into appropriate use at a reasonable cost and with no unacceptable risk to humans or the environment. It is not about eradicating contamination but about ensuring the land is suitable for its use.
- 3.3 As part of the requirements of Part 2A, Local Authorities should formally adopt and publish a Contaminated Land Strategy.
- 3.4 Lichfield District Council adopted its first Contaminated Land Strategy in June 2001. This has since been updated and was last reviewed in 2015.
- 3.5 The latest Contaminated Land Statutory Guidance, published April 2012, states that the strategy should stay in periodic review to ensure that it remains up to date and recommends reviews take place at least every five years.
- 3.6 Lichfield District Council’s Contaminated Land Strategy has been updated for 2020 and the new proposed Strategy is at Appendix A.
- 3.7 As the Statutory Guidance pre-dates the last update of the Council’s Strategy, the Contaminated Land Strategy 2020 presented here incorporates relatively few changes to bring it up to date, any changes primarily being around updates to relevant legislation.
- 3.8 The strategy aims to:

- Continue to identify and remove unacceptable risks to human health through future development of land.
- Seek to ensure that contaminated land is made suitable for its current use.
- Ensure that the burdens faced by individuals, companies and the community are proportionate, manageable and compatible with the principles of sustainable development.

3.9 The Contaminated Land Strategy 2020 includes:

- Its aims, objectives and priorities, taking into account the characteristics of the area.
- A description of relevant aspects of its area.
- Our approach to strategic inspection of the Lichfield District.
- Our approach to prioritisation of detailed inspection activity.
- How our approach under Part 2A fits its broader approach for dealing with contamination.
- How we will seek to minimise unnecessary burdens on the tax payer.

3.10 Initial desk top work identified 55 sites that required intrusive investigation and we have completed 1/3 of these site investigations.

3.11 None of the sites already investigated have been determined to be Contaminated Land and these were considered to be of the greatest risk at the prioritisation stage.

3.12 We have a further 36 sites that currently require further investigation, though as all sites are worked through we move on to those of a lower priority.

3.13 Investigations will continue at a pace which staff resources and budgets permit, noting that previous Government funding sources have now ceased since 2017.

3.14 Previous Defra grants totalling £99K assisted 6 site investigations. Members should be aware that with grants ceasing and our existing limited resources, completion of the remaining 37 site investigations could take significant time.

Alternative Options	The Contaminated Land Strategy 2015 remains in place. Not considered appropriate as a number of minor elements were out of date.
Consultation	Given the very minor amendments to the strategy this is not considered necessary.
Financial Implications	A small budget exists within Environmental Protection for consultancy services. The majority of the further work will be in house and externally sourced assistance will be utilised where budget permits. No grant funding is available.
Contribution to the Delivery of the Strategic Plan	Shaping Place: to keep it clean, green and safe. By ensuring contaminated land is cleaned up as necessary.
Equality, Diversity and Human Rights Implications	The Strategy relates to issues across the district which are not considered to have E&D or Human Rights implications.
Crime & Safety	Not relevant to Crime and Safety Issues.

Issues	
--------	--

GDPR/Privacy Impact Assessment	No assessment undertaken or considered necessary to adopt this Strategy.
--------------------------------	--

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Environment	Prioritise and investigate to determine whether land is contaminated. This is primarily and continuously carried out when land is redeveloped but also via desktop surveys and potential intrusive investigation of the highest risk sites.	Green (tolerable)
B			
C			
D			
E			

Background documents: Contaminated Land Strategy 2020
--

This page is intentionally left blank

APPENDIX A



CONTAMINATED LAND STRATEGY 2020

FEBRUARY 2020

CONTENTS

1		INTRODRODUCTION AND LEGISLATIVE CONTEXT	1
	1.1	Background To The Legislation	
	1.2	Terminology	3
	1.3	Relevant Legislation	
	1.3.1	Environmental Protection Act 1990 Part 2A	
	1.3.2	Town and Country Planning Acts	5
	1.3.3	The Environmental Damage (Prevention and Remediation) Regulations 2009	
	1.3.4	Environmental Permitting Regulations 2010 (as amended)	6
	1.3.5	Water Resource Act 1991	
2		POLICY CONTEXT	
	2.1	European Union Policy	
	2.2	Central Government Policy	6
	2.2.1	Contaminated Land Statutory Guidance	
	2.2.2	National Planning Policy Framework	7-9
	2.3	Regional Government Policy	
	2.3.1	Staffordshire County Council Policy	
	2.3.2	The Minerals Local Plan 1994-2006	
	2.3.3	Lichfield District Council Planning Policy	
3		STRATEGY OUTLINE	
	3.1	Roles and Responsibilities	
	3.1.1	Lichfield District Council	
	3.1.2	The Environment Agency	9
	3.1.3	Other Agencies	10
	3.2	Aims and Objectives	
	3.3	Priorities	
	3.4	Addressing Contamination	11
4		THE DISTRICT OF LICHFIELD DISTRICT COUNCIL	
	4.1	Geographical Location	
	4.2	Brief Description of Lichfield District	12
	4.3	Historical Development	13
	4.4	Size	14
	4.5	Population Distribution	
	4.6	Current and Past Industrial History	
	4.7	Roads, Canals and Railways	
	4.8	Burntwood	15
	4.9	Lichfield	16
	4.10	Other Areas	17
	4.11	Geological Characteristics	
	4.12	Key Water Resource/ Protection Issues	19
	4.13	Hydrogeology	20

	4.14		Hydrology	21
	4.15		Natural Contamination	
		4.15.1	Radon	
		4.15.2	Methane, Carbon Dioxide and Oil Susceptibility	
	4.16		Soil Geochemistry	22
	4.17		Protected Locations	23
5			STRATEGIC INSPECTION	
	5.1		Statutory Guidance	
	5.2		Data Collection	24
	5.3		Powers Of Entry	25
6			DETAILED INSPECTION	26
	6.1		Obtaining Further Information	
	6.2		Request For Further Information From Relevant Parties	
	6.3		Intrusive Site Investigations	27
		6.3.1	General approach	
		6.3.2	Voluntary Provision of Information	
		6.3.3	Potential Special Site	
		6.3.4	Council Inspection of Land	
7			RISK ASSESSMENT	28
	7.1		Grounds For Determination	
	7.2		Evaluation Of Risk	
		7.2.1	Current Use	
		7.2.2	Contaminant Linkage	
		7.2.3	Risk Assessment	29
		7.2.4	Normal Presence of Contamination	
		7.2.5	Risk Assessment Methodology	30
		7.2.5.1	Human Health	
		7.2.5.2	Human Health- Radioactivity	
		7.2.5.3	Groundwater	31
		7.2.5.4	Ecology	
		7.2.6	Categorisation of Risk	
8			DETERMINATION OF CONTAMINATED LAND	34
	8.1		Pre-Determination	
		8.1.1	Notification of Decisions- Non Contaminated Land	
		8.1.2	Notification of Decisions- Contaminated Land	
		8.1.3	Risk Summary	
		8.1.4	Physical Extent of Land to be Determined	35
		8.1.5	Voluntary Remediation	
	8.2		Determination	
		8.2.1	Public Register	
9			REMEDIATION	36
	9.1		Outline	
	9.2		Remediation Works	
		9.2.1	Remediation Aims	
		9.2.2	Remediation Standards and Reasonableness	
10			LIABILITY AND COSTS	37
	10.1		Identification Of Liable Persons	

	10.2		Remediation	
	10.3		Attributing Liability	38
		10.3.1	Class A Persons	
		10.3.2	Class B Persons	
	10.4		Recovery Of Costs	
		10.4.1	Cost Recovery Decisions	39
11			MISCELLANEOUS PROVISIONS	
	11.1		Funding For Contaminated Land Strategy	
	11.2		Progress On Strategy	39
	11.3		Timescales	41
	11.4		Council Owned Land	
	11.5		Guidance for development	
	11.6		Provision of Environmental Information	41
			REFERENCES	43

1. Introduction and Legislative Context

1.1 Background to the legislation

The UK has a strong industrial heritage, having led the Industrial Revolution from the mid-18th Century onwards. Lichfield District has had a diverse range of industries and commercial concerns. The economy developed with little regard to the environment; air, water and land pollution was barely considered in the drive to increase industrial output. This continued until the mid-1970s, when legislation to protect the environment began to emerge.

Modern industry is now regulated much more stringently on environmental matters such as pollution and carbon emissions; however, an unwelcome legacy remains, with many redundant factories, landfills and other sites, and their environmental impacts, still to be addressed.

The Government, in its response to the 11th report of the Royal Commission on Environmental Pollution 1985 (Royal Commission on Environmental Pollution, 'Managing Waste: The Duty of Care') announced that the Department of the Environment was preparing a circular on the planning aspects of contaminated land. The draft the circular stated that:

Even before a planning application is made, informal discussions between an applicant and the local planning authority are very helpful. The possibility that the land might be contaminated may thus be brought to the attention of the applicant at this stage, and the implications explained.

This suggests that it would be advantageous for the planning authorities to have available a list of potentially contaminated sites.

In 1988 the Town and Country Planning (General Development) Order required local planning authorities to consult with waste disposal authorities if development was proposed within 250m of land which had been used to deposit refuse within the last 30 years.

In January 1990 the House of Commons Environment Committee published its first report on contaminated land (Contaminated Land, First Report, Session 1989-1990, HC170, 1990). This document, for the first time, expressed concern the Government's suitable for use approach "...may be underestimating a genuine environmental problem and misdirecting effort and resources" The Committee produced 29 recommendations, including the proposals that:

The Department of the Environment concern itself with all land which has been so contaminated as to be a potential hazard to health or the environment regardless of the use to which it is to be put, and;

The Government bring forward legislation to lay on local authorities a duty to seek out and compile registers of contaminated land.

Immediately following the House of Commons report the Environmental Protection Act 1990 had at Section 143, a requirement for local authorities to compile, 'Public registers of land which may be contaminated'. If enacted this would have required local authorities to maintain registers of land that was, or may have been contaminated, as a result of previous (specified) uses, regardless of the actual risks posed to humans or property.

In March 1992, the concern about the potential 'blighting' effect of public registers resulted in a press release published by the Secretary of State delaying the introduction of section 143 stating:

The Government were concerned about suggestions that land values would be unfairly blighted because of the perception of the registers.

On the 24th March 1993 the Government announced that the proposals for contaminated land registers were to be withdrawn and a belt and braces review of the land pollution responsibilities was to be undertaken.

The following year (1994), the Department of the Environment consultation paper, Paying for our Past (Paying for Our Past, March 1994), elicited no less than 349 responses. The outcome of this was the policy document, Framework for Contaminated land (Framework for Contaminated Land, November 1994). This useful review emphasised a number of key points:

- The Government was committed to the "polluter pays principle", and the "suitable for use approach".
- Concern related to past pollution only (there are effective regimes in place to control future sources of land pollution).
- Action should only be taken where the contamination posed actual or potential risks to health or the environment and there are affordable ways of doing so.
- The long standing statutory nuisance powers had provided an essentially sound basis for dealing with contaminated land.

It was also made clear that the Government wished to:

- Encourage a market in contaminated land;
- Encourage its development, and
- That multi functionality was neither sensible nor feasible.

The proposed new legislation was first published in the form of Section 57 of the Environment Act 1995, which amended the Environmental Protection Act 1990 by introducing Part 2A (contaminated land). After lengthy consultation on statutory guidance, this came into force in April 2001.

1.2 Terminology

Most of the specific terms used in this Strategy are defined within the text. Some general aspects of terminology are:

- “Contaminated Land” is used to mean land which meets the Part 2A definition of contaminated land.
- Part 2A means Part 2A of the Environmental Protection Act 1990 (as amended).
- The terms “contaminant”, “pollutant” and “substance” as used in this Strategy have the same meaning- i.e. they all mean a substance relevant to the Part 2A regime which is in , on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.
- “Unacceptable risk” means a risk of such a nature that it would give grounds for land to be considered contaminated Land under Part 2A.
- “The Council” means Lichfield District Council.
- “The District” means land falling within the legislative boundary of Lichfield District Council.
- “Contaminant linkage” means the presence of a source (of contamination), a pathway (a way for the source to affect the receptor) and a receptor (something affected by contamination).
- “Remediation” means to carry out works to address contamination, by breaking the contaminant linkage.
- “Statutory Guidance” means any guidance on contaminated land published for this purpose in accordance with section 78A of the Environmental Protection Act 1990. At the time of writing, statutory guidance is contaminated within the following publications:
 - Department for Environment, Farming and Rural Affairs (DEFRA) ‘Contaminated Land Statutory Guidance’, April 2012.
 - Department of Energy and Climate Change (DECC) ‘Radioactive Contaminated Land Statutory Guidance’, April 2012

1.3 Relevant Legislation

Whilst this document details the Council’s strategy for dealing with contaminated land under Part 2A, other legislation exists which also addresses issues of contamination. Current English legislation for addressing contamination is outlined below.

1.3.1 Environmental Protection Act 1990 Part 2A

Contaminated land is specifically defined under Part 2A Section 78A of the Environmental Protection Act 1990 as:

- Any land which appears 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. significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.

Contaminated land is also defined under Part 2A Section 78A(2) 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. harm is being caused or
 - b. there is significant possibility of harm being caused.

In the context of Section 78A(2), “harm” means lasting exposure to any person resulting from the after-effects of a radiological emergency, past practice or past work activity.

In order for land to be considered contaminated, the following elements must be present (as shown in figure 1):

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

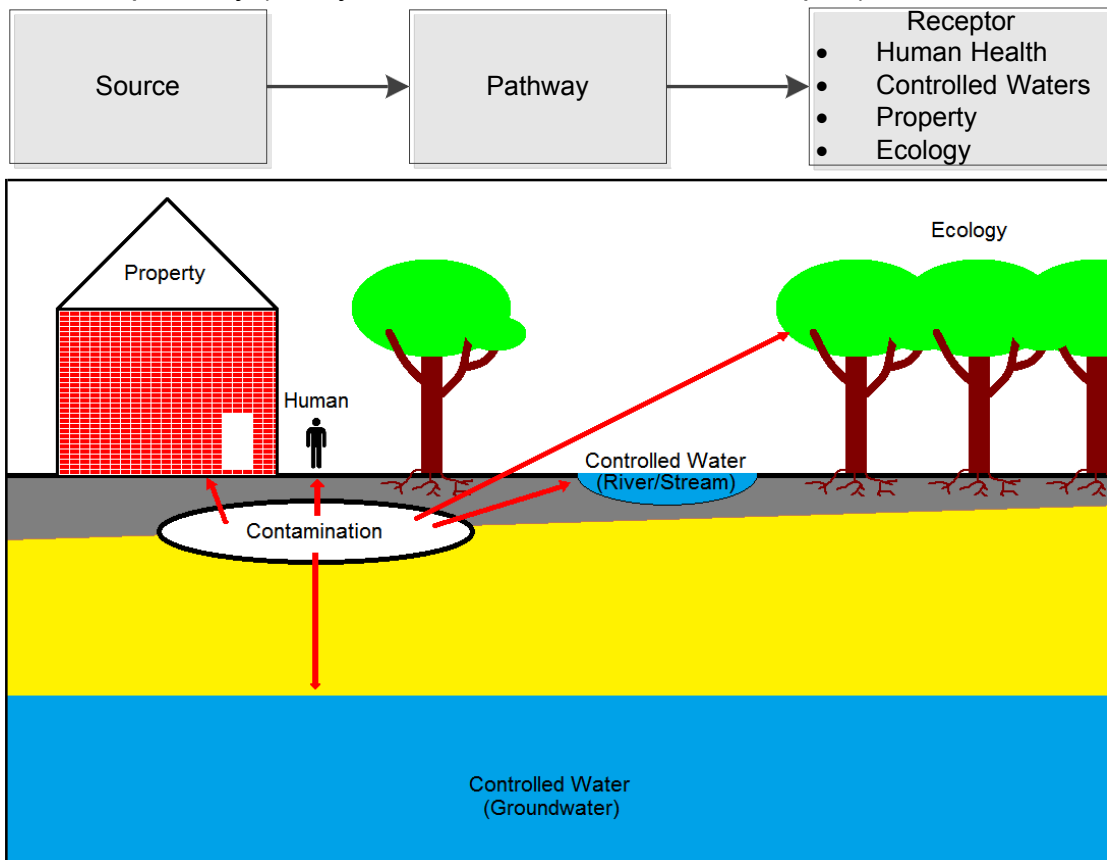


Figure 1– Contaminant Linkage

Should the land be identified as 'contaminated land' under Part 2A, then the Council would have several options to address the contamination:

- Enter negotiations with the relevant parties (liable persons) to encourage voluntary remediation.
- Serve notice on the relevant parties to compel remediation.
- Carry out remediation works and recover costs from relevant parties.

Part 2A (Section 78B) requires that local authorities cause their areas to be inspected with a view to identifying contaminated land. Relevant sections 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.

1.3.2 Town and Country Planning Acts

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

For many planning applications, a desk study and site walkover will be required to be submitted as part of a planning application, as a minimum, when contamination is suspected of being present on the development site.

If the desk study identifies a potential contaminant linkage, then conditions are likely to be attached to any planning permission, which will require the site investigation works and remediation as necessary.

In this way, any new development within the District should be incapable of being determined as "contaminated land"; the responsibility for carrying out all works lies with the developer.

1.3.3 The Environmental Damage (Prevention and Remediation) Regulations 2015 (as amended)

When there is an imminent threat of "environmental damage" or actual "environmental damage" the operator responsible is required to take immediate steps to prevent damage or further damage and notify the authority.

"Environmental Damage" under the Environmental Damage Regulations is damage of one or more of:

- Protected species and natural habitats
- Surface Water or groundwater
- Land

The Council has responsibility for damage to land under these regulations (damage to water is covered by the Environment Agency (EA), whilst damage to protected species and natural habitats is covered by Natural England).

Damage to land is defined as:

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

Once the Council is aware of a potential case of “environmental damage”, either because it has been reported by an operator, an interested party, or through other means, it must determine whether there is “environmental damage”.

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

The Environmental Damage Regulations only apply to operators of economic activities.

1.3.4 Environmental Permitting Regulations 2016 (as amended)

Under the Environmental Permitting Regulations 2010 (as amended), anyone who applies for an environmental permit (specifically, an Integrated Pollution Prevention and Control (IPPC) Permit) is obliged, on surrender of their permit:

- To avoid any pollution risk resulting from the operation of the installation
- To return the site of the regulated site to a satisfactory state, having regard to the state of the site before the installation was put into operation.

In short, when IPPC permit is surrendered, the site should be returned to the same condition it was before the permit was granted.

1.3.5 Water Resource Act 1991

The EA, under Section 161 of the Water Resources Act 1991, serves a works notice to address situations where pollution has occurred, (or is likely to) and poses a risk to groundwater.

2. Policy Context

2.1 Central Government Policy

2.2.1 Contaminated Land Statutory Guidance

The current government policy on contaminated land has outlined in the latest versions of the Part 2A Statutory Guidance.

The overarching objectives of the Government’s policy on contaminated land and the Part 2A regime are:

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

The Government's view is that enforcing authorities should seek to use Part 2A 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:

- (a) When land is developed (or redeveloped) under the planning system, during the building control process.
- (b) Where action is taken independently by landowners
- (c) 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) Regulation 2009.

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

The authority should take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The aim should be to consider the various benefits, taking account of local circumstances.

2.2.2 National Planning Policy

Further to the Part 2A Statutory Guidance, the National Planning Policy Framework (Department for Communities and Local Government, 'National Planning Policy Framework', March 2012) seeks to encourage the remediation of contaminated land through the planning regime:

- Section 11: Conserving and enhancing the natural environment
- The planning system should contribute to and enhance the natural and local environment by... remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- To prevent unacceptable risks from pollution and land instability,

planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues responsibility for securing a safe development rests with the developer and/ or landowner.

2.3 Regional Government Policy

2.3.1 Staffordshire County Council

Staffordshire County Council, as the local planning authority on mineral and water matters, plays an important part in contaminated land.

2.3.2 The Minerals Local Plan for Staffordshire 2015 to 2030

The Staffordshire Minerals Local Plan states that to ensure ensure that Staffordshire's mineral sites are restored and managed in a way that enhances local amenity and the environment by:

- Restoring mineral sites at the earliest opportunity;
- Achieving high quality restoration and aftercare;
- Contributing to national and local environmental and amenity initiatives including: measures to manage flood risk to deliver flood risk management benefits wherever possible; measures to manage water supply, demand and quality; adapting restoration and aftercare to the effects of climate change on communities, biodiversity and landscape; the provision of new sport and recreation facilities; measures to protect and enhance the historic environment; Local Plan strategies, policies and proposals, and local partnerships
- Regularly reviewing restoration plans / strategies so that new opportunities to enhance the restoration and aftercare can be maximised.

2.3.3 Lichfield District Council's Planning Policy

Lichfield District Local Plan Strategy 2008-2029 adopted on 17th February 2015, in Core Policy 3- Delivering Sustainable Development, states:

'ensure that development on brownfield sites affected by contamination is remediated and that any ground instability arising from mining legacy or former land uses is addressed'

3.1 Roles and responsibilities

3.1.1 Lichfield District Council

The primary regulatory role under Part 2A regimes rests with local authorities. As such the Council will carry out its responsibilities under Part 2A in line with the Statutory Guidance and any other relevant policies that may apply (including the Enforcement Policy). The local authority has a duty under Part

2A to:

- Cause their areas to be inspected from time to time to identify whether any land appears to be contaminated land;
- Determine whether any particular site meets the statutory definition of contaminated land;
- Act as the enforcing authority for all contaminated land, unless the land is required to be designated as a 'special site', in which case the Environment Agency will act as the enforcing authority.

3.1.2 The Environment Agency

The Environment Agency has four principal roles with respect to contaminated land under Part 2A. These are to:

- Assist local authorities in identifying contaminated land particularly land where water protection is involved;
- Provide site- specific guidance to local authorities on contaminated land;
- Act as the enforcing authority for any land designated as a special site and;
- Publish periodic reports on the state of contaminated land nationally.

If land is contaminated and falls within one of the descriptions set out in Regulations 2 and 3 of the Contaminated Land (England) Regulations 2012 it must be designated as a special site. The descriptions of land do not imply that land of that type is more likely to constitute contaminated land, only that if the land is contaminated land, the Environment Agency is best placed to be the enforcing authority. The Regulations also ensure that the Environment Agency becomes the enforcing authority in three types of case where contaminated land is affecting controlled waters and their quality, and where the Environment Agency will also have other concerns under the legislation. The three cases are wholesomeness of drinking water; surface water classification criteria; and cases where particularly difficult pollutants are affecting major aquifers.

Pollution of controlled waters is to a large extent already regulated by the Water Resources Act 1991, which gives the Environment Agency the power to serve a works notice where pollution of controlled waters is occurring. Which regime is appropriate will depend on the details of each case. To prevent the overlap of jurisdiction between the two Acts, local authorities are required to liaise with the Environment Agency where pollution of controlled waters is occurring, or is likely to occur.

Pollution of controlled waters is defined in section 78A(9) of Part IIA as “the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter”

For the purpose of the contaminated land regime, entry of pollution into controlled waters takes place where a contaminant is dissolved, or

suspended, in controlled waters, immiscible or has direct contact with those waters, on or beneath the surface of the water.

3.1.3 Other Agencies

Other relevant organisations such as other local authorities will be consulted on contaminated land issues when specific circumstances require it.

3.2 Aims and Objectives

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

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

Therefore and in line with the Statutory Guidance and government policy, the objectives of the Council with respect to Part 2A are:

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

3.3 Priorities

The Statutory Guidance suggests that the Council 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 land the District.

The Council has finite resources and cannot realistically expect to address all potentially contaminated land within the District at once. Therefore, the Council must direct its resources at sites that appear to present the greatest risk. This is in line with the Statutory Guidance, which states:

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

The methodology for identifying priority sites for detailed inspection is outlined in Section 5 (Strategic Inspection).

3.4 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; regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009.

The Council will therefore seek to use Part 2A only where there is no appropriate alternative available. The preferences of the Council when addressing contamination is:

- To encourage voluntary remediation by the relevant parties (this would include the encouragement of development on brownfield and potentially contaminated sites where this is appropriate).
- Where voluntary remediation cannot be carried out, to use alternative legislation, where appropriate, to bring about remediation.
- To use Part 2A as a last resort.

The Council's work under Part 2A will be carried out in tandem with other relevant policies (Section 2.3), in order to help identify the optimum means of addressing potential contamination.

4. THE DISTRICT OF LICHFIELD

4.1 Geographical Location

Lichfield District Council occupies the south eastern part of the county of Staffordshire bordered by other parts of the county to the north, south east and west (East Staffordshire, Tamworth, Cannock Chase and Stafford), Derbyshire, Leicestershire and Warwickshire to the east and the West Midlands conurbation to the south west. The location of Lichfield District within the UK is shown in figure 2.

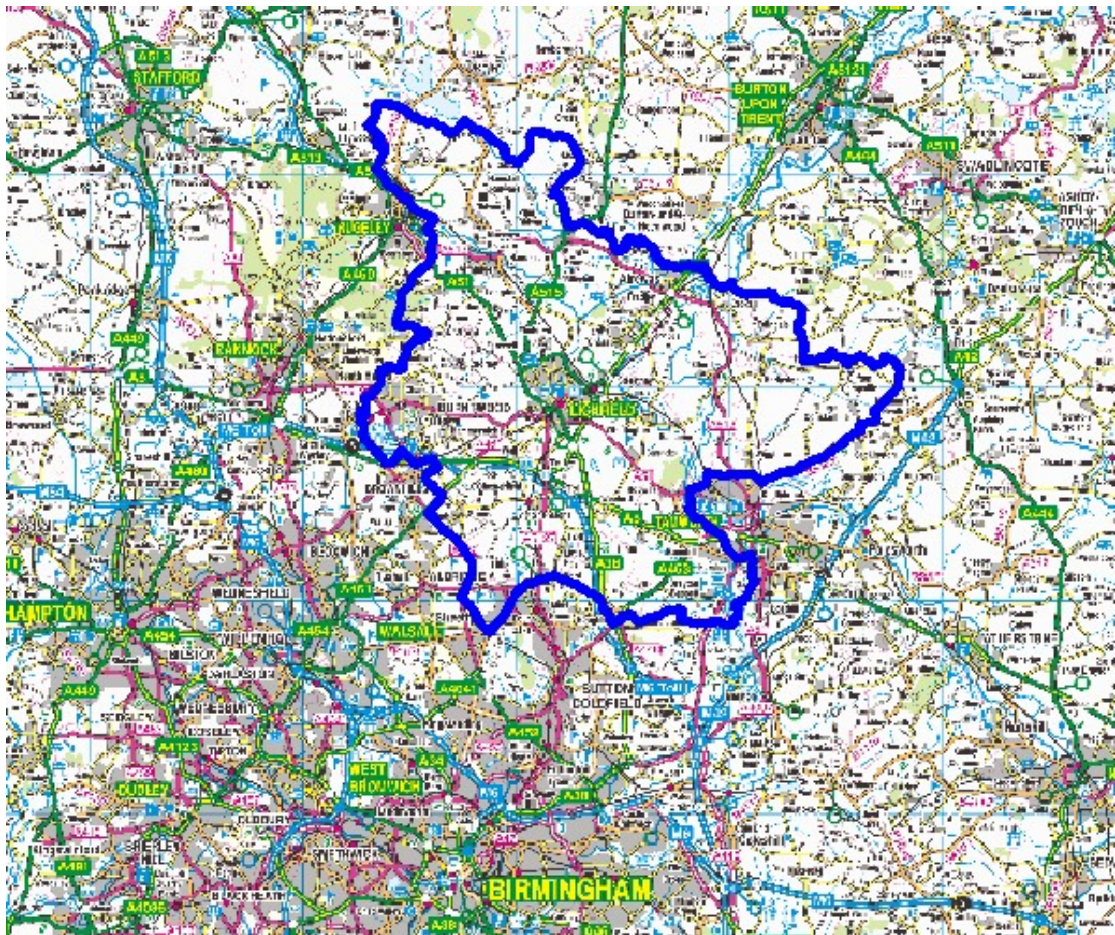


Figure 2 Location and extent of Lichfield District

4.2 Brief Description of Lichfield District

Lichfield District includes two main urban areas, the City of Lichfield and the town of Burntwood, together with a considerable rural area containing many villages of significant character and several contrasting high quality rural landscapes.

The southern and western parts of the District are more than 100m above sea level with a general reduction in the elevation towards the north and the drainage basin of the Trent/ Tame system.

The landscape is still dominated by agriculture in terms of land use, but only a small proportion of people are now directly employed by that industry. Lichfield District has a diverse range of industries and commercial concerns principally centred in Burntwood and Lichfield but also in Fazeley, Fradley, Shenstone and Armitage.

The A38 and A5 trunk road arteries connect at Lichfield to give good access to the Midlands Motorway system. As well as the M6 toll road that passes through the south western part of the District. Two major electrified rail the District, a frequent commuter link from Lichfield to Birmingham and part of the Stafford branch of the West Coast Main Line from London Euston.

4.3 Historical Development

There is some evidence that Lichfield District was populated during the pre-Roman times. The valleys of the Trent and Tame were of great importance during pre-historic times. Cropmarks of Neolithic enclosures have been discovered in the Trent valley at Mavesyn Ridware and Alrewas. Cropmarks in the Trent and Tame valleys also indicate Bronze Age ceremonial sites and farmsteads.

There is considerable evidence that the Romans settled within the District. In AD 48 the Romans advanced through the Midlands in a campaign against the holistic Welsh tribes. A forward base was established at Lectocetum, the modern Wall, south-west of Lichfield. This was at first a temporary camp, later replaced by a fort.

The forts were linked with each other and with garrisons and cities elsewhere by a network of roads. The most important road in the area was Watling Street (mainly the modern A5), which linked the capital at London with a fortress at Wroxeter in Shropshire. Another major route was Ryknild Street, which ran south-west from Lillchester near Derby to pass close to Wall; its route through the District is followed and paralleled by the A38.

The Anglo-Saxon period saw Anglian invaders settling in the area in the later sixth century. Staffordshire became part of Mercia. Mercia to be the largest and most powerful of the Anglo-Saxon kingdoms. Its heartland lay in the valleys of the Trent and the Tame.

The accepted data for the beginning of the conversion of the English to Christianity in Staffordshire is AD 653. Chad was appointed bishop of the Mercians in 669 and established his centre in Lichfield. A cathedral has been present in Lichfield since that time, much rebuilt and restored over the centuries.

A feature of the Norman society after the conquest in 1066, was the forest. Not necessarily an area of trees but rather a tract of country strictly preserved as a royal hunting ground, the Cannock Forest occupied the whole of the District north of the Bourne Brook, west of the River Tame and south of the River Trent to at least 1300. The royal forest in the western part of the District was granted to the Bishop of Lichfield in 1290 and hence became Cannock Chase.

Lichfield originated as a new town planned by the Bishop in the mid 12th century. In the mid 16th century it was granted city and county status by the Crown. A church dedicated to St. Mary was built in the market place, and other medieval institutions included a Franciscan friary, an almshouse for men and another for women, which both survive, and an important religious and social guild. On the eve of the guild's suppression at the Reformation much

of its land was conveyed in trust for the maintenance of the city's medieval water supply and for other needs. As a result Lichfield has for centuries enjoyed private-enterprise public services, and the Conduit Land Trust is still active.

In the 18th century Lichfield was a centre for polite society with its races at Whittington Heath attracting many visitors. In the 19th century there was industrial development, notably in the brewing industry. A MOD Barracks was developed at Whittington which is still in operation today. The later 20th century has seen the growth of light industry and also extensive residential development, with a nearly threefold increase in industry and also extensive residential development, with a nearly threefold increase in the city's population. An Anglo- American Airbase was situated at nearby Fradley from World War II until the 1950's. Tourism too has been encouraged and is associated particularly with Samuel Johnson, born in the city in 1709.

The District also contains several former townships lying outside the city but once part of the Lichfield parishes of St Michael and St Chad. They include Wall and its Roman-British remains, Fisherwick which once possessed a mansion and park by Capability Brown, and the urban parish of Burntwood containing the former mining villages of Chasetown and Chase Terrace; the others include Curborough and Elmhurst, Freeford, Hammerwich, and Streethay with Fulfen.

4.4 Size

Lichfield District covers an area 331 square kilometres of 128 square miles and comprises 25 parishes.

4.5 Population Distribution

The population of Lichfield district is 103,965. The majority of the inhabitants of the District live in the two centres of Burntwood and Lichfield.

4.6 Current and Past Industrial History

The principal industry of the District in terms of land use is agriculture with the population of the District concentrated in four principal locations which have developed localised manufacturing operations. This is reflected in the current location of the fifteen industrial sites within the district.

In addition to these areas mineral extraction in the form of sand and gravel workings are associated with the River Trent and Tame valleys and Triassic Pebble Beds in the south of the District at Hopwas, Hints, south of Weeford and Shire Oak.

4.7 Roads, Canals and Railways

The Trent and Tame have never been navigable for commercial purposes and this contributed to the relative isolation of Staffordshire as a whole until at

least the eighteenth century. The industrial development of the District was closely linked with the improvement of its system of communications.

The most important of the medieval routes through the District was that from London to Chester, the port for Ireland at that time. The road entered the District at Bassett's Pole, and ran through Lichfield and Rugeley to cross the Trent at Wolseley Bridge (the present day A51). In 1729 this section of road was turnpiked (tolls raised for maintenance) along with the Lichfield-Burton road (the present day A38).

Although an inland county with no navigable rivers Staffordshire became the centre of the English canal system in the eighteenth century. Four canals were constructed through Lichfield District at this time: the Trent and Mersey Canal (1777); the Coventry Canal (1790); the Birmingham and Fazeley Canal (1790); and the Wyrley and Essington Canal (1797). That part of the Wyrley and Essington Canal within the District closed in 1954 and was subsequently filled in. Some sections of this canal are now in the process of restoration. The other canals remain in use.

The nineteenth century saw the development of the railway systems through the District. The first of these was a line from Birmingham to Tamworth, Burton and Derby completed in 1842. A more direct route from London to the North was provided by the Trent Valley Railway, opened in 1847 from Stafford via Lichfield and Tamworth to Rugby. The line from Walsall to Lichfield opened in 1849.

The Cannock Chase coalfield was penetrated in 1858 by a line running from Walsall to Cannock, which continued to the London line at Rugeley in 1859.

The Birmingham-Lichfield City line opened in 1884.

4.8 Burntwood

The whole township lay within the part of Cannock Forest which became Cannock Chase in the thirteenth century.

With the development of coalmining in the 1850's and the enclosure of heathland in 1861 the landscape was transformed.

The development of the Cannock Chase field began in 1849 when the Marquess of Anglesey sank the Marquess Pit on the border between Hammerwich and Burntwood. The Anglesey Branch Canal was cut in 1850 to link the pit with the Wyrley and Essington Canal.

In total five pits were sunk over the period 1849 to 1861 with the new mining villages of Chasetown and Chase Terrace appearing respectively in the 1850's and 1860's. The last pit was closed in 1959 and industrial estates now occupy the mining sites.

Other industries in the Burntwood area in the eighteenth and nineteenth centuries comprised nailing and brickmaking. A gasworks was built south of Queen Street, Chasetown in 1870 by the Chasetown Gas Company Ltd and remained in use until around 1952.

Between 1961 and 1971 the population of Burntwood nearly doubled with the development of both Council and privately built housing to accommodate people from Birmingham and the Black Country.

4.9 Lichfield

Between 1801 and 1901 Lichfield's population rose from just under 5000 to nearly 8000. The overall growth was reflected in suburban expansion and in the increasing scale of local government, public services and economic activity.

In the Greenhill area a cattle market had been established in early 1800's with the building of a Smithfield market in the 1870's. Market gardening was Lichfield's major industry in the first half of the nineteenth century.

Industrial development began with the expansion of cloth working when a fulling mill was built at Leamonsley in the early 1790's and Pones mill was converted into a woollen manufacturing in 1809. Both were still in operation in the 1850's. Less successful was the cotton manufacturing established in Lower Sandford Street by Sir Robert Peel in 1802, which closed by 1813. An established tanning industry had apparently disappeared by the 1840's (the City's role as a trading centre flourished in the fourteenth century with several fairs and a reputation for leather goods; notably shoes and saddles).

In 1835 a gas works opened in Queen Street. There was also some expansion in metal working in the early part of the nineteenth century, with works producing agricultural machinery and cutlery in Sandford Street. Foundries were opened in Wade Street, Sandford Street and Beacon Street in 1864, 1879 and 1890 respectively.

The most striking industrial development was brewing. From the late eighteenth century maltsters, rather than individual innkeepers, dominated the industry. In the later nineteenth century they in turn were replaced by brewing companies. There were five breweries in Lichfield in the late 1870's.

The growth of manufacturing firms was allegedly hampered by the development of market gardening from the early nineteenth century, with its emphasis on seasonal labour. In the late 1840's there were approximately 1,300 acres of market gardens in the city, nearly two fifths of its total acreage. The produce was sold in the towns of South Staffordshire and in Birmingham.

In the twentieth century Lichfield has developed as a residential area with extensive light industry and a growing emphasis on tourism.

4.10 Other Areas

In addition to Burntwood, coal workings also existed in Armitage and Fazeley. The two other areas of industrial development in the eighteenth and nineteenth centuries relate to the cotton mill at Fazeley, opened in 1795 by Robert Peel (father of the statesman), and the Armitage Shanks works in Armitage.

4.11 Geological Characteristics

The present surface expression and land use of the District is in part a response to rock type, and as such, some aspects of geological and structural history are relevant.

The geology of the District can be categorised into three main rock types: the Triassic Mercia Mudstones, the Triassic Sherwood Sandstones and the Carboniferous Coal Measures.

The oldest rocks exposed at the surface in the District are of Carboniferous Age. The Coal Measures originally formed a thick continuous sheet of strata covering much of central England. This sheet was folded and faulted by earth-movements, dissected by erosion and then buried deeply below Triassic sediments. Subsequent erosion has removed much of the Triassic cover, and parts of the folded and faulted sheet have now become the detached coalfields of the region. The coalfields of relevance to the District are South Staffordshire and Warwickshire.

The Warwickshire Coalfield is roughly oval in outline, and extends southwards from Tamworth to Warwick. It occurs immediately east of the District roughly delineated by the River Anker to the north of Tamworth and the River Tame south of the Anker. Much of the coalfield is bounded by faults.

The South Staffordshire Coalfield extends for some 40km between Rugeley in the north and the Lickey Hills in the south, and is bounded to the east and west by faults which are nearly 16km apart in the central area. The Eastern Boundary Fault runs along the District's western boundary from approximately Brereton Hill, south through Cannock Wood to Chase Terrace and Chasetown. Chasewater is underlain by Coal Measures strata.

The geological conditions have been assessed from the following British Geological Survey maps: 1:63,360 Solid and 1:63,360 Solid and Drift map Sheet 154 Lichfield; and 1:50,000 Solid and Drift maps Sheet 140 Burton-upon-Trent and Sheet 155 Coalville.

A summary of the geological sequence is shown in Table 1 below; with the youngest Age (Holocene) at the top.

Table 1. Geological Sequence of the District

Period	Age	Geological Unit	Characteristics
Quaternary	Holocene	Alluvium River Terrace Deposits Glacial Sand and Gravel Glacial Till	Soft clays, sand, silt and peat. Sand and gravel, locally clayey Sand and gravel, locally clayey Stiff, pebbly, sandy clay
Mesozoic	Triassic	Mercia Mudstone Group (Keuper Marl) Bromsgrove Sandstone Formation (Keuper Sandstone) Cannock Chase Formation (Pebble Beds) Hopwas Breccia	Red mudstone with sandy bands Pink and red sandstones with mudstone bands Red brown sandstones with conglomerate layers Soft sandstone with subangular pebbles
Palaeozoic	Carboniferous	Keele Formation Halesowen Formation Etruria Marl Formation Productive Coal Measures	Red mudstones, siltstones and sandstones Red and grey sandstones Purple mudstones Mudstones, sandstones and coal

Outliers of Carboniferous strata occur at the surface within the District in a line from Hopwas south west to Hints and Canwell with the eastern margin defined by the Birmingham Fault. To the west of this line Hopwas Breccia outcrops. A second Carboniferous outlier outcrops as a thin band from Little Aston on the District's southern boundary to Lower Stonnall and Lynn some 5km to the north west.

The division between the Triassic Sandstones and Mudstones within the District is, very broadly speaking, delineated by the line of the Trent Valley Railway. North of this line, together with the area in the east of the District between the Birmingham Fault and the River Tame, Mercia Mudstone outcrops. South of this line and west of the Birmingham Fault the Bromsgrove Sandstone and Cannock Chase Formations of the Sherwood Sandstone Group outcrop.

Most of the hilltop areas are capped by glacial till but erosion has commonly laid bare the underlying solid rocks on the valley sides. Glacial sands and gravels represent outwash aggradation deposits formed during the retreat of the glaciers.

River Terrace Deposits are associated with the Trent and Tame valleys. In the valley of the Tame, a southern tributary of the Trent, there are at least two terraces and along the Trent itself, up to four terraces are usually recognised. The sands and gravels were probably laid down under cold, periglacial conditions, the area lying beyond the ice front of the last, Devensian Glaciation.

Post-Glacial deposits of Alluvium, deposited within the last 10,000 years, are primarily associated with the valleys of the Tame and Trent.

4.12 Key Water Resource/Protection Issues

The Environment Agency routinely obtains chemical and biological data through its monitoring programs. Periodic assessment is now made by applying the General Quality Assessment (GQA) scheme, which provides a general measure of water quality and allows national comparisons.

The majority of the rivers are Grade D - fair or better (suitable for coarse fish populations).

The River Blithe is the only public water supply river in the District. There are no major sewage works discharges to the river. The river is impounded in Blithfield Reservoir from where it is used for public water supplies by South Staffordshire Water plc. Water is also abstracted from the river at Nethertown close to its confluence with the River Trent with the abstracted water being pumped back into the reservoir.

The canals receive few direct discharges and the main water quality problem is related to algae growth.

The Triassic sandstones beneath the District are a significant groundwater resource. They are exploited via boreholes, mainly for public water supply. Groundwater is taken from less than fifteen public water supply abstractions. It is also used to supply a number of industrial activities. The majority of groundwater licences, however, authorise a large number of very small abstractions for domestic or agricultural use.

Source Protection Zones (SPZ's) are associated with major abstractions and cover large areas of Lichfield District. These Environment Agency determined zones are split into Inner Zone, Outer Zone, and Total Catchment (based on travel time of water in the aquifer) and are designated to reduce contamination risks to abstractions by restricted or prohibiting certain activities within them.

The District council regularly inspects the quality of private drinking water supplies in its area (some for human consumption and others for irrigation).

There are three Groundwater Units identified by the Environment Agency within the District, the Lichfield, Shenstone and Rugeley Units. No new licence applications can be considered in the Lichfield and Shenstone Units due to overlicensing and overabstraction. Borehole yields and groundwater quality are variable in the Rugeley Unit.

The EC Nitrates Directive concerns the protection of waters against pollution caused by nitrates from agricultural sources along with placing restrictions on fertiliser use. The aquifer underlying Lichfield has been designated a Nitrate Vulnerable Zone. Legislation aims to reduce agricultural nitrate pollution by restricting the amount of nitrate fertilisers and organic manure that may be applied to agricultural land.

4.13 Hydrogeology

The hydrogeological conditions of the District have been assessed from the Environment Agency Groundwater Vulnerability Maps of the area (Sheets 22 and 23, 1:100,000 scale), and the Environment Agency Policy and Practice for the Protection of Groundwater: Midlands Region. A summary of the hydrogeological features of the strata within the District is shown below in table 2.

Table 2 Hydrogeological Features of the District

Strata Type	Hydrogeological Characteristics	Flow Mechanism	Geological Classification
Alluvium	Floors the main valleys	Intergranular	Minor Aquifer
River Terrace Gravels	Occurs sporadically in the rivers valleys, but notably in the Trent and Tame where they average 6 to 7m thick. Resources can be locally important, in hydraulic continuity with watercourses	Intergranular	Minor Aquifer
Glacial Sands and Gravels	Occurs as masses within and above Glacial Till	Intergranular	Minor Aquifer
Glacial Till	Yellow to grey clay with pebbles, averages 6m, locally thicker. Can yield small supplies from interbedded sands. Limits infiltration into underlying aquifers.	Varied	Minor Aquifer
Mercia Mudstone Group	Low permeability, limited resources in fractured mudstone/sandstone	Fracture in permeable beds	Non-Aquifer
Sherwood Sandstone Group including Hopwas Breccia	Major water supply, high permeabilities and high yields. Unconfined in the central southern part of the District.	Intergranular/ Fracture	Major Aquifer
Carboniferous Coal Measures	Sandstone layers act as separate aquifers, can support locally important supplies.	Fracture/ Intergranular	Minor Aquifer

As can be seen from the table the major geological strata within the District exhibit a variable ability to store and transmit groundwater. The Triassic sandstones form the District's principal aquifer, a resource widely exploited via boreholes mainly for public water supply but also for numerous agricultural spray irrigation licences.

Baseflow to the rivers is maintained by seepages from surrounding strata outcrops and by the widespread sand and gravel deposits associated with the rivers across the District.

The groundwater vulnerability maps for the District shows the central southern part of the District underlain by Triassic sandstones to be a major aquifer with soils of high leaching potential (i.e. soils with little ability to attenuate diffuse source pollutants and in which non-absorbed diffuse source pollutants and liquid discharges have the potential to move rapidly to underlying strata or to shallow groundwater).

4.14 Hydrology

Located within the Upper Trent Area of the Environment Agency Midlands Region, the District is characterised by a north easterly flowing surface water drainage system. This combines on the District's northern boundary to the east of Alrewas where the Rivers Tame and Mease join the Trent.

The Trent and Mersey, Coventry and Birmingham and Fazeley Canals also provide surface water connections within the District.

4.15 Natural Contamination

Three areas have been reviewed from existing information published by the British Geological Survey (BGS) and in the Soil Geochemical Atlas of England and Wales. There are:

- radon and background radioactivity from natural sources;
- methane, carbon dioxide and oil seeps from natural sources and mining areas;
- potentially harmful elements from natural sources and mining areas.

4.15.1 Radon

BGS information at 1:625,000 scale indicates that based on their classification of the underlying rocks, the District falls within the low, low to moderate and moderate Radon Potential Classes. This reflects the geology – the Coal Measures strata falling within the Moderate Class, the Triassic mudstone the Low to Moderate Class and Triassic sandstone the Low Class. For the Triassic deposits less than 1% of dwellings are estimated to be exceeding the 200 Bqm³ Action Level and for the Coal Measures strata 1 to 3% of dwellings.

In 1996 the National Radiological Protection Board published formal advice to the Government on radon affected areas in England. On a 5km square grid basis the average for Staffordshire is approximately 41Bqm³ with less than 1% of homes above the Action level.

4.15.2 Methane, Carbon Dioxide and Oil Susceptibility

BGS information at 1:625,000 scale indicates that where the Coal Measures strata outcrop there is a moderate susceptibility to methane and carbon

dioxide emissions and/or oil seeps at the surface and underground derived from the solid strata. For the vast majority of the District however, where the solid geology comprises Triassic sediments an intermediate category is defined where gas and/or oil may be encountered in boreholes, mines or tunnels intersecting buried (concealed) Carboniferous strata. The approximate depth to the top of the Carboniferous strata beneath the Triassic sediments in the District is broadly indicated at approximately 0m Ordnance Datum in the southern part of the District south of Lichfield (i.e some 100m below ground level), increasing to between –200m and –400m Ordnance Datum towards the northern boundary of the District.

4.16 Soil Geochemistry

A study in the early 1980's based on less than 2mm fraction of soils and taken from a depth of 0 to 0.15m below ground level, sampled the non-urban landscape on a 5km grid across the country (i.e. one sample every 25km²)

Within the District this indicated low concentrations of heavy metals in the soil: cadmium less than 1mg/kg, (locally 1 to 2 mg/kg); chromium less than 150mg/kg; copper less than 50mg/kg (locally 50-100mg/kg); lead less than 150mg/kg; nickel less than 30mg/kg; and zinc less than 150mg/kg (locally 150 to 300mg/kg).

In 1995 the BGS produced maps at a scale of 1:625,000 entitled 'Distribution of Areas with above the National Average Background Concentrations of Potentially Harmful elements (As, Cd, Cu, Pb and Zn). This was based on stream sediment data on either one sample per 1.6km² (BGS data) or one sample per 2.5km² (Wolfson Data). A computer procedure then classified the country in 1km grid squares based on the highest level recorded for any grid square. The Wolfson Data, which covers the District, indicated the following ranges for classification of gridded stream sediment geochemical data (mg/kg):

Table 3: Classification of Stream Sediment Geochemical Data

Element	Data Set	National Average Background (Bk)	Bk-<2Bk	2Bk-<4Bk	>4Bk
Arsenic	Wolfson	<40	40-80	80-190	>190
Cadmium	Wolfson	<2.5	2.5-7	7-14	>14
Copper	Wolfson	<95	95-190	190-380	>380
Lead	Wolfson	<60	60-165	165-370	>370
Zinc	Wolfson	<215	215-380	380-810	>810

In general it was concluded that the areas of more than 4 times the upper limit of the background value are likely to contain soil concentrations that would require further investigation on the basis of currently accepted guideline concentrations.

The plots, however, are generalised multi element maps which must not be relied upon as a source of detailed information about specific areas or as a substitute for appropriate assessment. Above background concentrations are

intended as a prompt to consider whether further site specific information is required for the particular purpose. The maps merely indicate those areas where above background levels may be expected in soils and surface waters as well as stream sediments, they are not a guide to absolute concentrations in soil or water as influenced by a number of factors.

Within the District seven 1 kilometre squares are indicated as more than four times the upper limit of the background level of at least one of arsenic, cadmium, copper, lead, and zinc. These were Ordnance Survey Grid Squares SK1103 (Shenstone Park); SK 1116, 1117, 1216, 1217, 1316 and 1317 (all around King's Bromley). The stream sediment sample from the Shenstone Park square probably relates to a tributary of Black Brook, whilst those around King's Bromley probably relate to the River Trent and former sand and gravel extraction pits to be the north and west of King's Bromley and Bourne Brook plus a tributary to the south.

4.17 Protected Locations

Lichfield District contains 5 sites of Special Scientific Interest (SSSI's). These sites are the best example of national natural heritage of wildlife habitats, geological features and landforms.

The majority of the SSSI's are located in the west of the District. The largest area is Gentleshaw Common, with four others comprising Chasewater Heaths.

The River Mease has been submitted to Europe and is, therefore, a candidate Special Area of Conservation (SAC). There are European Protected Species present within Lichfield District, for example, great crested newts, otter and bats. The District also contains almost 100 Sites of Biological Interest (SBIs). A wider nature conservation interest of the district is shown on English Nature's Natural Area Profile. The relevant Natural Areas are Midlands Plateau, Trent Valley and Rises, and the Needwood and South Derbyshire Claylands.

5. Strategic Inspection

5.1 Statutory Guidance

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

The methodology 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.

It should be noted that the Council will start with the assumption that the land is not contaminated unless there is reason to consider otherwise.

5.2 Data Collection

In order to carry out a strategic inspection of the District, it is first necessary to obtain as much relevant information as possible to identify potentially contaminated sites.

As outlined in Section 1.3.1, in order for land to be contaminated the following must be present:

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

A map-based land categorisation and prioritisation method using a receptor source – proximity relative risk model has been developed at the strategy stage to enable the identification of minimum information requirements. These requirements are:

- i) Current land use plans
- ii) Locations of current and former landfills and other areas of filled ground
- iii) Locations of groundwater abstraction wells, both public and private
- iv) Current surface water classification under the Environment Agency's General Quality Assessment Chemical Grading for Rivers and Canals Scheme and the river ecosystem classification under the Surface Waters (River Ecosystem Classification) Regulations 1994.
- v) Location of statutory and non-statutory sites of ecological importance
- vi) Potential sources of contamination based on the industries listed in the DOE Industry Profiles.
- vii) The current and historical locations of these industries based on current and historical Ordnance Survey maps.
- viii) Environmental information held by Environmental Health and aerial photos etc.

The Council's first priority in dealing with contaminated land is to protect human health. Given that the limited industrial development in the District is also focused in the main centres of population the urban areas are at the highest risk of having all three elements of a pollutant linkage (source, pathway, receptor) which could cause significant harm to human health.

During the initial prioritisation once sufficient data was obtained, it was processed in order to screen the District for potentially contaminated sites. The screening process involved identifying intersects between areas with potential sources and areas with potential receptors, to obtain a base list of potentially contaminated sites.

Further data processing has been required in order to refine this list and obtain a basic prioritisation. Such processing takes into account:

- 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
 - Inherently, some receptors are considered to be more sensitive than others. We will only be considering the human health receptors of contaminated land.
 - We will also consider how many receptors are likely to be affected by the source, e.g. the number of households on the indicative extent of the site.

Following the data processing, a prioritised list of potentially contaminated sites was developed. A number of sites, which posed the highest risk, have been selected for more detailed consideration.

The Council has used the list of potentially contaminated sites to identify land which it considers to pose the greatest risk to human health or the environment, by carrying out a manual prioritisation (the secondary prioritisation).

The secondary prioritisation is carried out by Environmental Health and will allow for full consideration of all available information on each potentially contaminated site. The sites which appear to be the most likely to pose the greatest risk will be placed at the top of the list and will be addressed first when undertaking detailed inspections.

Environmental Health continue to review the district and assess new information.

5.3 Powers of Entry

Under Section 108 of the Environment Act 1995, the Council, or and authorised agent of the Council (which would include the Environment Agency), 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;
- i. Requiring persons to answer questions;
- j. Requiring production of records or the furnishing of extracts from computerised records;
- k. Requiring necessary facilities or assistance to be afforded; and
- l. Any other power conferred by the Regulations.

In the case of a desk study, therefore, the Council has the power to obtain information on potentially contaminated land, both from relevant persons (e.g. the owner of the land, or a person who might be liable for contamination) and their agents (for instance, environmental consultants who carried out work for a site). The Council also has the power to request site access in order to undertake a site walkover inspection and, and in the case of detailed inspection, to undertake intrusive site investigation works.

Before excising powers of entry, the Council will always see to obtain cooperation from the landowner or other relevant parties on a voluntary basis, in line with the Statutory Guidance.

6. DETAILED INSPECTION

6.1 Obtaining Further Information

Following the secondary prioritisation, the Council must determine whether there is a reasonable possibility that a significant contaminant linkage exists.

The process of obtaining additional information will continue until there is sufficient evidence for the Council to determine whether the land is contaminated or not.

If, at any stage, the Council considers that there is no longer a reasonable possibility that a significant contaminant linkage exists, the Council will not carry out any further inspection in relation to that linkage.

6.2 Request for Further Information from Relevant Parties

The Council may, or may not, already have contacted relevant parties to request specific information that they hold on the site.

Before considering detailed inspections, the Council will contact relevant persons (if possible) to request that information on the site (as outlined in Section 5.5) where this has not already been done. If necessary, this will be by the issue of a notice to request information.

6.3 Intrusive Site Investigation

6.3.1 General Approach

Where evaluation of all available data suggest that there is a reasonable possibility that as significant contaminant linkage may exist, it may be necessary to visit the site and carry out some form of on-site testing, or take away samples for analysis. In every case this will be carried out by a 'suitable person', adequately qualified to undertake the work. Inspections will be conducted as quickly, discreetly, and with as little disruption, as reasonably possible.

The Council will seek to consult the landowner and residents before inspecting their land, unless there is a particular reason why this is not possible (for instance, because it is not possible to identify or contact the landowner).

Should the owner refuse access, or cannot be found, the Council will consider using powers of access as outline in Section 5.3.

6.3.2 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 in order to obtain sufficient information to determine whether it is contaminated land or not.

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

6.3.3 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.

6.3.4 Council Inspection of Land

Intrusive investigations will be carried out by the Council in accordance with appropriate good practice technical procedures for such investigations.

Should it be necessary, the Council will employ a consultant or contractor to undertake appropriate site investigation works and prepare the report. The Council will ensure, as far as possible, that any consultants are appropriately qualified and competent to undertake the work.

7.0 RISK ASSESSMENT

7.1 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:

- Harm may be caused
- There is a significant possibility that harm may be 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 contaminated land linkage and explain their significance.

7.2 Evaluation of Risk

7.2.1 Current Use

Under the 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 the current planning permission.
- Likely informal use of the land, whether authorised by the owners or the occupiers, or not.

When considering risks from future use of a site which fall under the definition of current use, it will be assumed that any developer which is subject to a planning permission will be fully carried out (including any conditions), although issues of potential land contamination would ordinarily be addressed in such circumstances through the planning system.

7.2.2 Contaminant Linkage

For there to be a risk, an appropriate contaminant linkage must exist (as outlined in Figure 1).

- A 'contaminant' is a substance which is on, on or under the land and which has a potential to cause significant harm to receptor, or to significant pollution to controlled waters.
- A 'receptor' is something that could be adversely affected by a contaminant- namely, a person, an ecosystem, property, or controlled waters (as defined in Table 2).

- A 'pathway' is a route by which a receptor is or might be affected by a contaminant.

A contaminant linkage is the relationship between a contaminant, a pathway and a receptor. All three elements of a contaminant linkage must exist in relation to a particular site before it can be considered to be a contaminated land under Part 2A, including evidence of the actual presence of contaminants.

The Council may encounter sites with multiple contaminant linkages, from a number of different contaminants, pathways and receptors. In such cases, the Council may treat contaminants with similar properties as a single contaminant source, provided that there is a scientifically robust reason for doing so; the Council will fully document the reasons for adopting this approach where appropriate.

7.2.3 Risk Assessment

The process of risk assessment involves understanding the risks posed by land and associated uncertainties.

As more information is obtained on a site (in the case of this Strategy, from identification of land as potentially contaminated in the preliminary prioritisation, to the collection of all available information in a desk study and finally the collection of site specific data in a site investigation), the understanding of the risks posed by a site increase and uncertainties decrease.

The collection of information on a site increases until it is possible for the Council to decide:

- That there is insufficient evidence of contamination to justify further investigation into the site; and or
- Whether or not the land is contaminated land.

In order to continue to justify obtaining more information on a site, the Council must be satisfied that an unacceptable risk could reasonably exist.

7.2.4 Normal Presence of Contaminants

It is possible that, in some circumstances, some substances might be present in what would otherwise be considered 'elevated' concentrations due to natural circumstances, for instance:

- The natural presence of contaminants from the underlying geology that might reasonably be considered typical of 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).

In these circumstances, the Council will not usually consider the land to be contaminated, unless there is a particular reason to consider that those contaminated might pose a significant risk.

7.2.5 Risk Assessment Methodology

There are a number of different methodologies for assessing risks from different contaminants to different receptors. Current methodologies which would typically be used by the Council are outlined below, although their use would depend on their specific relevance to the site being investigated, as well as any updates or revisions to official technical guidance. The use of alternative risk assessment methodologies will be considered if there are justifiable benefits from doing so.

7.2.5.1 Human Health

The Council will apply the methodology outlined in the Contaminated Land Exposure Assessment (CLEA) model when assessing the risks from potential contaminants to human health.

The Council may rely on the use of soil guideline values (SGV), published by the EA and developed with CLEA model, as a screening tool to identify land that does not pose a significant risk to human health. Where an SGV has not been developed, generic assessment criteria ¹⁹ (¹⁹ Land Quality Management (LQM) and CIEH, The LQM/CIEH Generic Assessment Criteria for Human Health Risk Assessment (2nd edition), 2009) ²⁰ (²⁰Contaminated Land; Applications in Real Environments (CL:AIRE), Soil Generic Assessment Criteria for a Human Health Risk Assessment, 2010) (GAC), which have been developed using the CLEA model, may be used instead. In either case, the use of the SGV or GAC will only be considered where the assumptions used to generate the SGV or GAC are appropriate to the specifics of the site under investigation.

When considering risks from ground gas, the Council would consider guidance offered in BS8485:2007²¹ (²¹BSi, BS8485:2007 Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments) and CIRIA C665²² (²² CIRIA, CIRIA C665 Assessing Risks Posed by Hazardous Ground Gases to Buildings, 2007) when characterising a site and identifying remediation.

7.2.5.2 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 Model²³ (²³ EA, Using RCLEA- the Radioactivity Contaminated Land Exposure Assessment Methodology, 2011). (RCLEA).

7.2.5.3 Groundwater

Risk assessment for groundwater will be undertaken using the EA Remedial Targets Methodology²⁴ (²⁴ EA, Remedial Targets Methodology-Hydrogeological Risk Assessment for Land Contamination, 2006).

7.2.5.4 Ecology

When considering risks to ecological systems, the Council would seek to follow the Ecological Risk Assessment²⁵ (²⁵ EA, An Ecological Risk Assessment Framework for Contaminants in Soil, 2008) (ERA) methodology set out by the EA.

7.2.6 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 is 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; on the basis of the available evidence, including expert opinion, there is a strong case for taking action under Part 2A on a precautionary basis.	The strength of evidence to put the land into Category 1 does not exist; but nonetheless, on the basis of 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 1 – Risk Categorisation for Human Health and Controlled Water

In the case of the radioactive contamination of land, the possibility of harm is a measure of the probability, or frequency, of the occurrence of circumstances which would lead to lasting exposure being caused where:

- a. The potential annual effective dose is below or equal to 50 milliseverts (mSv) per annum; and
- b. The potential annual equivalent dose to the lens of the eye and to the skin is below or equal to 15 mSv and 50 mSv respectively.

The Council will regard the possibility of harm as significant if, having regard to uncertainties, the potential annual effective dose from any lasting exposure multiplied by the probability of the dose being received is greater than 3mSv.

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 2 – 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. 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 receptor where the Council considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
Property	<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 receptor 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), taking into account relevant information for that type of contaminant linkage.</p>

Table 3 – Risk Categorisation for Property

8. DETERMINATION OF CONTAMINATED LAND

8.1 PRE- DETERMINATION

8.1.1 Notification of Decisions- Not Contaminated Land

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

The Council will maintain records 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; the Council will consider providing the same to other interested parties as appropriate and with due regard to the Council's legal obligations under the Freedom of Information Act 2000 and The Environmental Information Regulations 2004.

8.1.2 Notification of Decisions- Contaminated Land

Where the Council considers that land meets the definition of contaminated land, the Council will inform the owners and the occupiers of the land, as well as any other person who may be liable to pay for remediation, of the Council's intention to determine the land as contaminated land, unless there is an overriding reason not to do so.

8.1.3 Risk Summary

In accordance with the statutory guidance, the Council will produce a risk summary for any land where the Council 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.
- A description of the Council's initial views on possible remediation. This will include:
 - What remediation might entail
 - How long remediation might take
 - The likely effects of remediation works on local people and businesses.
 - How much difference it might be expected to make to the risks posed by the contaminated land.
 - The Council's initial assessment of whether remediation would be likely to produce a net benefit.

8.1.4 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 the 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 contaminated linkages which have been identified, historic and current land ownership, liability and the nature of any remediation which may be required.

8.1.5 Voluntary Remediation

The Council may decide not to determine that land is contaminated, if there is 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 a number of factors including (but not limited to):

- The proposed timescales.
- The technical acceptability of the proposal.
- The proposed remediation standards.

8.2 Determination

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

8.2.1 Public Register

The Council maintains a public register of contaminated land, as prescribed by Section 78R of the Act.

Information on the public register may be available online through the Council website: www.lichfield.gov.uk

9. REMEDIATION

9.1 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 to require such remediation.

Remediation involves undertaking works to break, or permanently disrupt, the contaminant linkage, this 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 significant contaminant linkage.

9.2 REMEDIATION WORKS

9.2.1 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 treating the soil or water to reduce levels of contaminants, 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. For example, by changing the land use or restricting access to land it may be possible to reduce risks to below an unacceptable level.

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

As well as carrying out remediation works, further site investigation may be required in order to provide evidence that the remediation works have been carried out to a satisfactory standard (known as verification), or to determine whether further works may be required. Such works may also involve site monitoring, especially where groundwater or ground gas are involved, over a prolonged in order to obtain sufficient information on which to make a robust decision.

9.2.2 Remediation Standards and Reasonableness

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

reasonableness of the remediation requirements, taking into account the cost of remediation works and the seriousness of any harm that might be caused.

Where the Council considers that it is not practicable or reasonable to remediate land to a degree where it stops being contaminated land, it will consider instead whether it would be reasonable to require remediation to a lesser standard.

When considering what is reasonable, the Council will take into account:

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

10. LIABILITY AND COSTS

Under Part 2A, the Council is responsible for identifying liable persons and apportioning 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.

10.1 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 would be 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 (with the exception of contaminant linkages that fall solely to controlled waters).

If no liable persons can be established, that contaminant linkage becomes an orphan linkage; the Council has the power to carry out remediation of orphan linkages, at its own cost.

10.2 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 the 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 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.

10.3 Attributing Liability

10.3.1 Class A Persons

Where a liability group has been established for a contaminant linkage, that group will be responsible for carrying the cost of remediation, however, the Council will consider whether any members of the liability group are exempted from liability cover under Part 2A. This is done by carrying out a number of exclusion tests, in strict order, until only one person remains in the liability group. Where an exclusion test would remove all persons from liability, that test is not run and the next test is applied.

Those exclusion tests are summarised thus:

1. Excluded activities
2. Payment made for remediation
3. Sold with information
4. Changes to substances
5. Escaped substances.
6. Introduction of pathways or receptors.

The Council has responsibility for attributing remediation costs between liable persons; this is a complex legal matter and the Council will follow the procedure laid out in the Statutory Guidance.

10.3.2 Class B Persons

Two exclusion tests have been set for Class B Persons, the purpose of which is to exclude from liability those who do not have an interest in the capital value of the land.

10.4 Recovery of Costs

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

10.4.1 Cost Recovery Decisions

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

- The recovery of costs should be as fair and equitable as possible to all who have to meet remediation costs, including the taxpayer.
- The “polluter pays principle” should be applied.

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 a Class B persons (and where the presence of contamination was not known about now reasonably foreseeable), where recovering full costs appears unreasonable.

The Council may be willing to consider deferring recovery of costs and instead incurring 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 will be held in accordance with the Councils obligation under the Data Protection Act 1998.

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

11 MISCELLANEOUS PROVISIONS

11.1 Progress on Strategy

From the initial assessment of the GIS system 1632 potentially contaminated sites were identified within the Lichfield District. An officer of the Council then further scrutinised and assessed the identified sites and a list of 55 sites likely to require detailed investigation was drawn up.

18 detailed intrusive site investigations have taken place since the publication of the original Contaminated Land Strategy.

To date none of the sites investigated have been determined to be

contaminated land.

The intrusive investigations to date have been facilitated by our existing budget plus grants received from the Department for Environment, Food and Rural Affairs (DEFRA).

The District Council has in the past achieved significant benefit from previous grant schemes operated by DEFRA. In the past grant funding has been critical in enabling the Council to progress with assessing the risk on identified sites. The grant funding budget has ceased from 1st April 2017.

The cost of undertaking intrusive investigations far outweighs the funding available through the in house revenue budget.

Of the 55 sites identified as requiring detailed intrusive investigation 37 remain on our list requiring further investigation. These are of lower priority and risk than those already investigated.

DEFRA has implemented changes to the statutory guidance which are intended to refocus the Part IIA regime on the high risk land it was originally designed to address and deal with regulatory uncertainty by clarifying when land will not be caught by the regime.

There are several other initiatives which have been pursued to support more targeted implementation of the Part IIA regime including,

In light of the Contaminated Land Statutory Guidance produced in April 2012 each of the 37 sites requires assessment to determine whether they still meet the criteria for detailed intrusive investigation.

In 2011, following a report Lichfield District Councillors decided:

- That the District Council would investigate one site at a time (in accordance with priority ranking previously identified) and conclude each investigation before commencing any further investigation.
- That where remediation is required the options are considered on a site specific basis and further reports be brought for consideration as necessary.

The rate at which sites will be inspected will be determined by the budgetary and manpower resources available at the time.

Lichfield District Council intends to maintain:

- Reprioritisation of the outstanding 37 sites in line with the current guidance.
- Inspect potentially contaminated sites in priority order, as budgetary resources, staffing and service priorities allow.
- Assess planning applications to ensure that the land contamination is investigated and remediated appropriately by developed.
- Deal with urgent cases as and when they arise.

11.2 Timescales

The strategy does not lead itself to the setting of fixed timescales as the progress of the individual sites cannot be accurately predicted. However, considerable progress has been made since the publication of the original strategy. Certain areas of work such as developing the GIS and gathering new information on sources and receptors will be ongoing.

It is not possible to set a timescale for the determination of Contaminated Land, but the Council will determine sites as and when they are identified as contaminated land, and will always give due regard to the statutory guidance. There will need to be flexibility in the inspection programme to allow for new information coming to light, as well as changes to legislation, statutory guidance and allocation of resources.

11.3 Council Owned Land

It may be the case that the Council may have some liability or other interest in land identified as potentially contaminated under this strategy. This could occur for a number of reasons, including:

- Land identified as potentially contaminated is owned by the Council
- The Council has been identified as a potentially liable person (see Section 10).

Land that is owned by the Council will be prioritised above privately owned land.

11.4 Guidance for Development

Staffordshire Local Authorities, via the CIEH Contaminated Land Working Group, have collated their resources to produce guidance for developers on the redevelopment of land affected by contamination (A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire 2015), which can be downloaded free from the Council website.

The guidance serves two purposes:

1. To explain to developers and land owners why contaminated land conditions have been applied to a planning application and the background to the legislations.
2. To inform consultants of the Council requirements when addressing contaminated land conditions.

11.5 Provision of Environmental Information

The Council often receives requests for information within the District, typically as part of environmental due diligence or as part of the preparation of a desk study.

The Council will, on request, provide information on land within the District

which may, for example, include:

- Historical topographical mapping.
- Historical landfill sites.
- Information contained within any public register (including the contaminated land register and environmental permit register).
- Previous site investigations carried out by the Council under Part 2A.
- Contaminated land issues addressed through the planning system.

When compiling information, The Council will act accordance with the Freedom of Information Act 2000 and The Environmental Information Regulations 2004.

The Council will usually levy a fee, set annually by Regulatory and Licensing Committee, for compiling and preparing environmental information.

Some information held by the Council might not be available due to copyright restrictions.

The Council will not release information on sites identified as 'potentially contaminated' (under strategic inspection) as part of the Contaminated Land Strategy. Any list of potentially contaminated land is information which is considered to be 'a record which is in the course of completion' and therefore exempt from disclosure under Regulation 12(4) of the Environmental Information Regulations 2004. This is also in keeping with the aim of the Statutory Guidance, which seeks to avoid potential property blight.

References

Department for Environment, Farming and Rural Affairs, 'Contaminated Land Statutory Guidance', April 2012

Department of Energy and Climate Change, 'Radioactive Contaminated Land Statutory Guidance' April 2012

Royal Commission on Environmental Pollution, 'Managing Waste: The Duty of Care', Eleventh Report (Cmnd 9675, 1985)

Contaminated Land, First Report, Session 1989-1990, HC170, 1990).
Paying for Our Past, March 1994
Framework for Contaminated Land, November 1994
Communication from the Commission to the Council, the European
Parliament, the European Economic and Social Committee and the
Committee of the Regions- Thematic Strategy for Soil Protections[SEC (2006)
620][SEC(2006)1165]
Environmental Damage (Prevention and Remediation) Regulation 2009
Department for Communities and Local Government, 'National Planning
Policy Framework', March 2012
Lichfield District Local Plan Strategy 2008-2029
Contaminated Land (England) Regulations 2000
Community, Housing and Health and Leisure and Parks Enforcement Policy
2015
Department for Business Enterprise and Regulatory Reform, 'Regulators'
Compliance Code', December 2007

PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO.0.26a IN THE PARISH OF ALREWAS

Date: 25 February 2020
Contact Officer: Lesley Bennett
Tel Number: 01543 308072
Email: lesley.bennett@lichfielddc.gov.uk
Key Decision? No
Local Ward Member Alrewas Ward - Cllrs. Derick Cross, Sonia Wilcox and Mike Wilcox



1. Executive Summary

- 1.1 To consider an application received from Sidley Piper Homes for the diversion of public footpath No. 0.26(a) in the Parish of Alrewas. The application is to be considered under the Town and Country Planning Act, Section 257. The application is required due to Planning application 18/01323/FUL, approved 9 November 2018 for the Variation of condition 2 of application 15/00739/FUL relating to conversion of roof spaces to form living accommodation on Plots 3, 5 and 6; minor amendments to window configurations and garage roofs; addition of stores to garages; and siting of Air Source heat pumps at Land South of Bagnall Lock Kings Bromley Road Alrewas. This development also affected a public right of way.

2. Recommendations

- 2.1 To approve the proposed diversion of Public Footpath No.0.26a in the Parish of Alrewas as set out in Appendix B.

3. Background

- 3.1 The original application (Appendix A) received objections from the Ramblers and the Open Spaces Society. To overcome the objections Sidley Piper Homes submitted a revised route as set out in Appendix B. The footpath route to be diverted is shown as points A to B with a bold dashed black line. There are no objections to the revised route.
- 3.2 There is a currently a temporary closure of the original footpath agreed by Staffordshire County Council under the Road Traffic (Temporary Restrictions) Act 1991 until 31 July 2020.

Alternative Options	Leave the footpath as it is and will not allow residential properties to be built.
----------------------------	--

Consultation	An informal consultation has taken place with Outside Bodies and Local Ward Members and there are no outstanding objections.
---------------------	--

Financial Implications	No financial implications for the Council have been identified. Administrative and advertisement cost will be incurred in the making of the Public Footpath Order, but these will be met by the Applicant
-------------------------------	---

Contribution to the Delivery of the Strategic Plan	None identified.
---	------------------

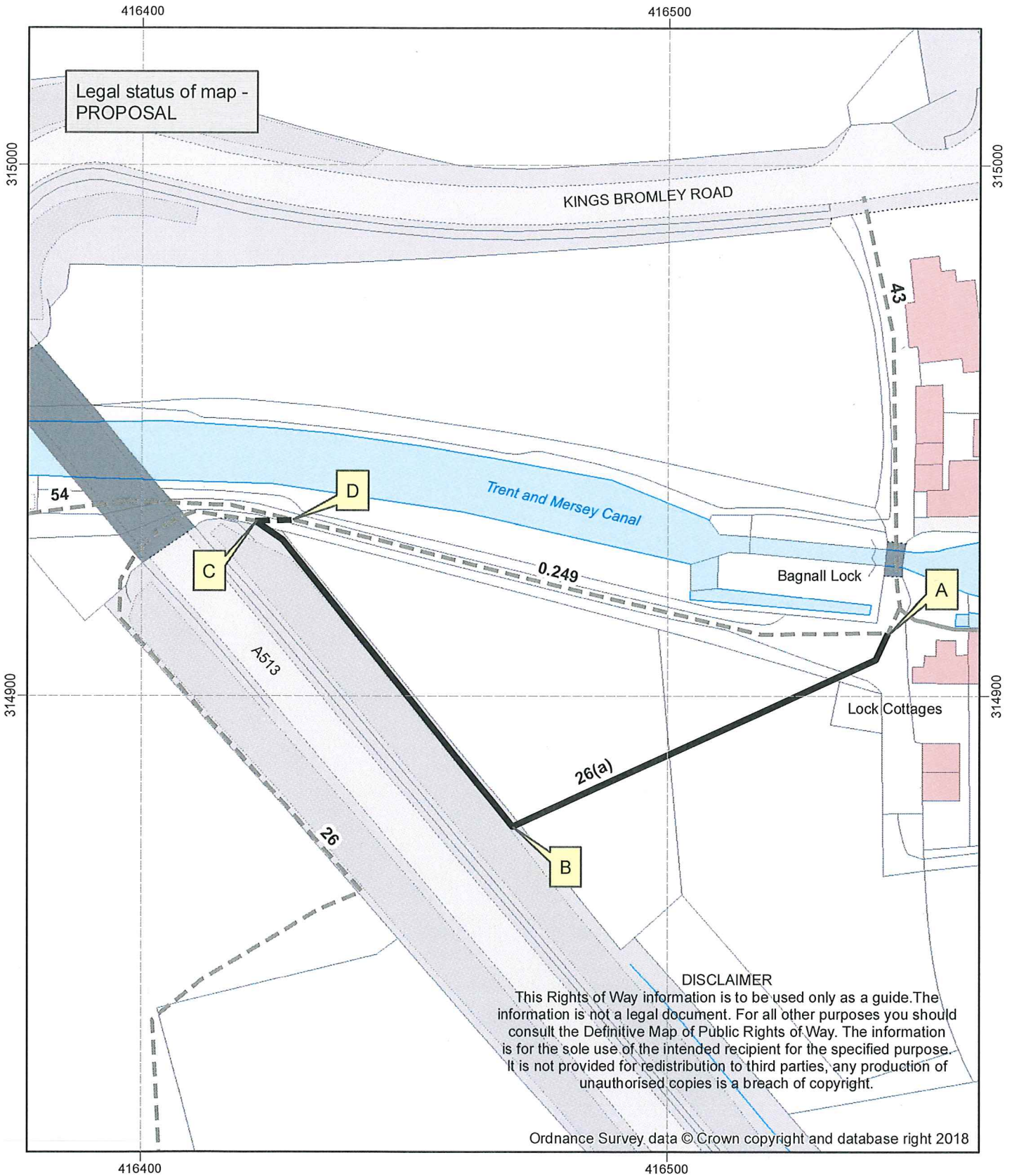
Equality, Diversity and Human Rights Implications	None identified.
--	------------------

Crime & Safety Issues	Not applicable.
Environmental Impact	Ensuring the protection of public rights of way by rerouting the footpath to enable development, rather than removing the footpath.
GDPR/Privacy Impact Assessment	Yes

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Footpath diversion process not followed correctly and being challenged.	We have an agreed process which follows the relevant legislation and also legal advice if required	Likelihood (green) Impact (yellow)
B			
C			
D			
E			

<p><u>Documents</u></p> <p>Appendix A – Map of original Proposed Diversion (Town and Country Planning Act 1990 Section 257)</p> <p>Appendix B – Map of revised Proposed Diversion (Town and Country Planning Act 1990 Section 257)</p>
--

**PROPOSED Diversion of Public Footpath
 No. 26(a) (part) Alrewas Parish.**



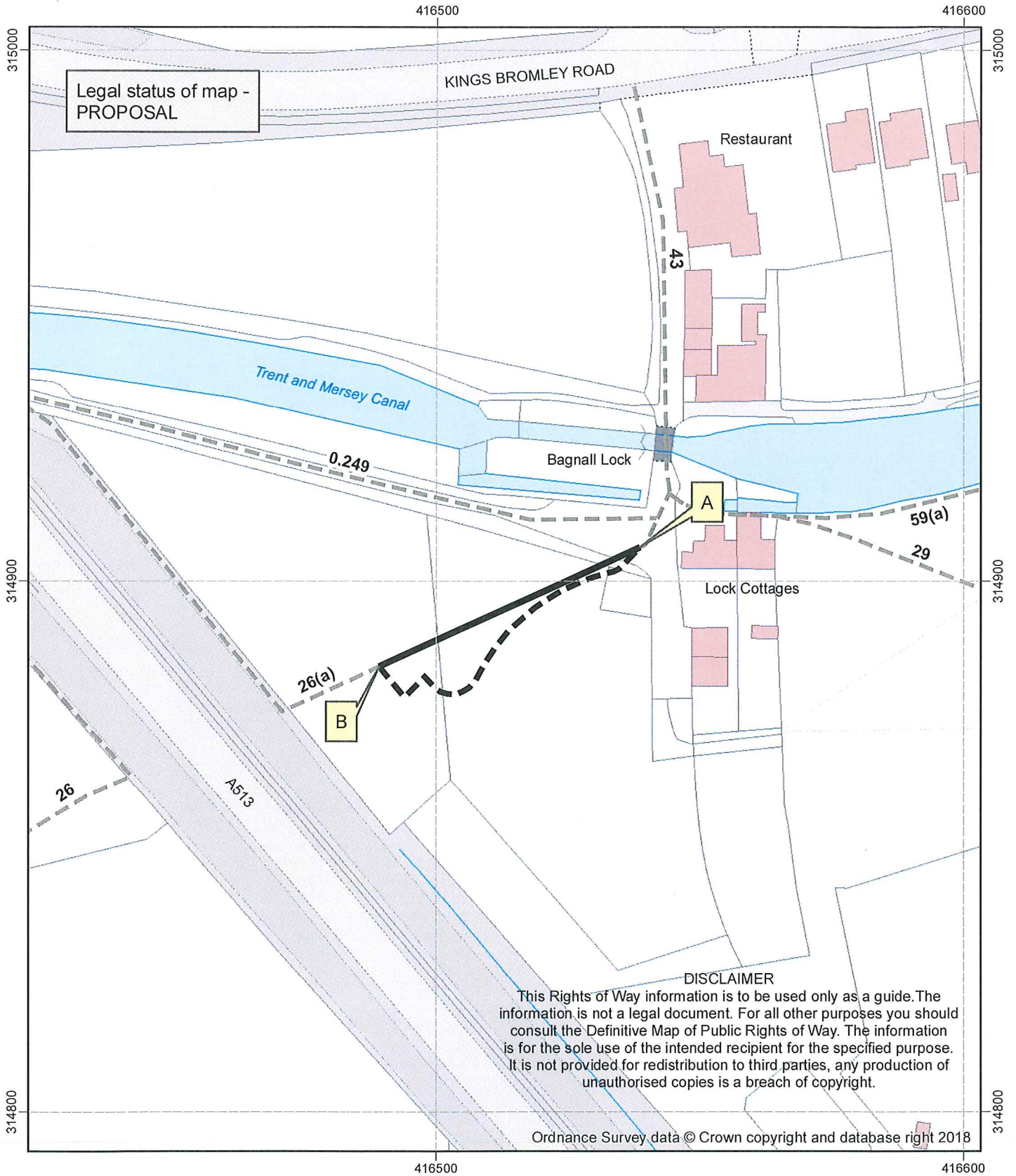
Map created at the scale of 1:1000
 (facsimiles may vary)

© Crown Copyright and database rights 2019.
 Ordnance Survey 100019422. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to the terms and conditions shown at www.staffordshire.gov.uk/maps. Produced by Staffordshire County Council, 09/09/2019.



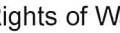

- Path to be extinguished (A - B - C).
- Path to be created (C - D).
- Rights of Way Unaffected**
- Footpath

This page is intentionally left blank

PROPOSED Diversion of Public Footpath No. 26(a) (part) Alrewas Parish.



Map created at the scale of 1:1000 (facsimiles may vary)

-  Path to be extinguished (A - B).
-  Path to be created (A - B).
-  Rights of Way Unaffected
-  Footpath

© Crown Copyright and database rights 2019. Ordnance Survey 100019422. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to the terms and conditions shown at www.staffordshire.gov.uk/maps. Produced by Staffordshire County Council, 16/10/2019.

This page is intentionally left blank

**PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO.1R/2579
IN THE PARISH OF SHENSTONE**

Date: 25 February 2020
Contact Officer: Lesley Bennett
Tel Number: 01543 308072
Email: lesley.bennett@lichfielddc.gov.uk
Key Decision? No
Local Ward Member Little Aston and Stonnall Ward - Cllrs. Joe Powell and Elizabeth Little



1. Executive Summary

- 1.1 To consider an application received from Fisher German on behalf of Severn Trent Water Ltd, for the diversion of public footpath No. 1R/2579 (part) in the Parish of Shenstone. The diversion is to be considered under the Town and Country Planning Act, Section 257. The footpath diversion is required as Staffordshire County Council granted permission under application L17/05/8004W for site extension, diversion of public right of way and installation of four kiosks at Little Aston Sewerage Works.

2. Recommendations

- 2.1 To approve the proposed diversion of Public Footpath No.1R/2579(part) in the Parish of Shenstone as set out in Appendix A.

3. Background

- 3.1 Attached at Appendix A is a plan showing a route for Footpath No: 1R/2579 (part) The footpath route is shown as points A to B with a dashed black line. Following completion of the development it is proposed that this diverted route will become permanent.

Alternative Options	Leave the footpath as it is and will not allow the approved works to the sewerage works.
----------------------------	--

Consultation	An informal consultation has taken place with Outside Bodies and Local Ward Members and there are no outstanding objections.
---------------------	--

Financial Implications	1. No financial implications for the Council have been identified. 2. Administrative and advertisement cost will be incurred in the making of the Public Footpath Order, but these will be met by the Applicant
-------------------------------	--

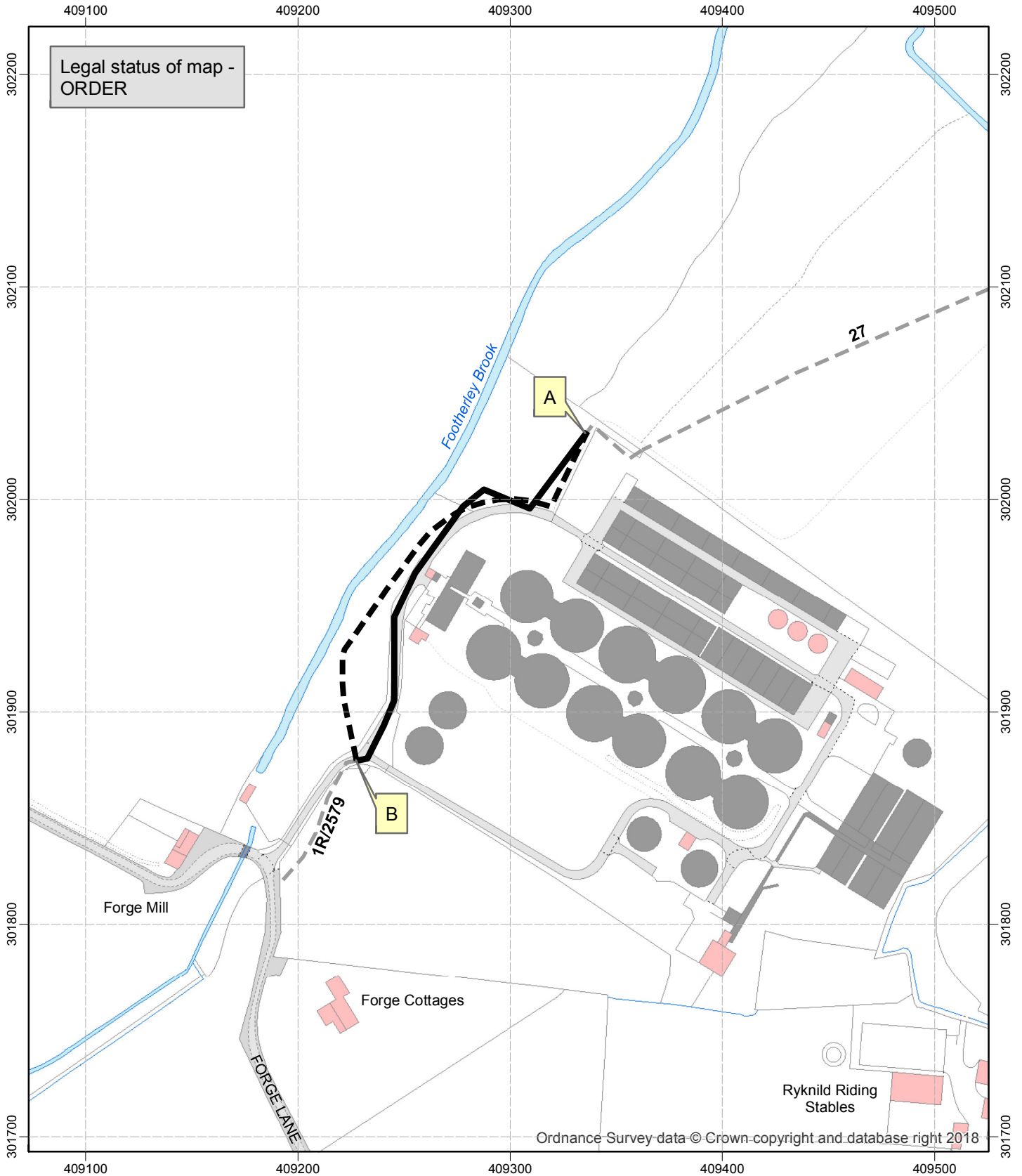
Contribution to the Delivery of the Strategic Plan	None identified.
---	------------------

Equality, Diversity and Human Rights Implications	None identified.
--	------------------

Crime & Safety Issues	Not applicable.
Environmental Impact	Ensuring the protection of public rights of way by rerouting the footpath to enable development, rather than removing the footpath.
GDPR/Privacy Impact Assessment	Yes

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Footpath diversion process not followed correctly and being challenged.	We have an agreed process which follows the relevant legislation and also legal advice if required	Likelihood (green) Impact (yellow)
B			
C			
D			
E			
documents			
Appendix A – Map of Proposed Diversion (Town and Country Planning Act 1990 Section 257)			

Diversion of Public Footpath
No. 1R/2579 (part) Shenstone Parish.



Map created at the scale of 1:2500
(facsimiles may vary)

————— Path to be extinguished (A - B).

- - - - - Path to be created (A - B).

Rights of Way Unaffected

- - - - - Footpath.

© Crown Copyright and database rights 2019.
Ordnance Survey 100019422. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to the terms and conditions shown at www.staffordshire.gov.uk/maps.
Produced by Staffordshire County Council, 30/10/2019.

This page is intentionally left blank