

Part 2A Public Register held under Section 78R

The council is required to maintain a public register containing information relating to Part 2A of the Environmental Protection Act 1990. The contents of the register are prescribed by regulations (<https://www.legislation.gov.uk/ukxi/2006/1380/schedule/3/made>) and it is important to realise that the register is not a list of sites that are or might be contaminated.

The register is intended to act as a full and permanent record of all the regulatory action taken by the enforcing authority in relation to the remediation of the land under Part 2A of the Environmental Protection Act 1990. The public register does not include details of historic land use and other information used in the identification and investigation of potentially contaminated land, neither does it contain information on sites that have been remediated through the planning and development control process.

This register is maintained in both paper and digital formats, and is able to be viewed, by appointment, at the address below.

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Required contents of Part 2A Public Register held under Section 78R

Remediation notices

1. In relation to a remediation notice served by the enforcing authority—
 - (a) the name and address of the person on whom the notice is served;
 - (b) the location and extent of the contaminated land to which the notice relates, in sufficient detail to enable it to be identified whether by reference to a plan or otherwise;
 - (c) the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
 - (d) the substances by reason of which the contaminated land in question is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
 - (e) the current use of the contaminated land in question;
 - (f) what each appropriate person is to do by way of remediation and the periods within which they are required to do each of the things; and
 - (g) the date of the notice.

Appeals against remediation notices

2. Any appeal against a remediation notice served by the enforcing authority.
3. Any decision on such an appeal.

Remediation declarations

4. Any remediation declaration prepared and published by the enforcing authority under section 78H(6).
5. In relation to any such remediation declaration—
 - (a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
 - (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Remediation statements

6. Any remediation statement prepared and published by the responsible person under section 78H(7) or by the enforcing authority under section 78H(9).
7. In relation to any such remediation statement—
 - (a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
 - (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Appeals against charging notices

8. Any appeal under section 78P(8) against a charging notice served by the enforcing authority.
9. Any decision on such an appeal.

Designation of special sites

10. In the case of the Environment Agency, as respects any land in relation to which it is the enforcing authority, and in the case of a local authority, as respects any land in its area—
 - (a) any notice given by a local authority under subsection (1)(b) or (5)(a) of section 78C, or by the Secretary of State under section 78D(4)(b), which, by virtue of section 78C(7) or section 78D(6) respectively, has effect as the designation of any land as a special site;
 - (b) the provisions of regulation 2 or 3 by virtue of which the land is required to be designated as a special site;
 - (c) any notice given by the Environment Agency under section 78Q(1)(a) of its decision to adopt a remediation notice; and

(d) any notice given by or to the enforcing authority under section 78Q(4) terminating the designation of any land as a special site.

Notification of claimed remediation

11. Any notification given to the enforcing authority for the purposes of section 78R(1)(h) or (j).

Convictions for offences under section 78M

12. Any conviction of a person for any offence under section 78M in relation to a remediation notice served by the enforcing authority, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court.

Guidance issued under section 78V(1)

13. In the case of the Environment Agency, the date of any guidance issued by it under subsection (1) of section 78V and, in the case of a local authority, the date of any guidance issued by the Agency to it under that subsection.

Other environmental controls

14. Where the enforcing authority is precluded by virtue of section 78YB(1) or 78YB(2B)(1) from serving a remediation notice—

- (a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the authority has knowledge, carried out under section 27(2) or by means of enforcement action (within the meaning of section 78YB(2C)(3)), towards remedying any significant harm, harm or pollution of controlled waters by reason of which the land in question is contaminated land.

15. Where the enforcing authority is precluded by virtue of section 78YB(3) from serving a remediation notice in respect of land which is contaminated land by reason of the deposit of controlled waste or any consequences of its deposit—

- (a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the enforcing authority has knowledge, carried out under section 59(4), in relation to that waste or the consequences of its deposit, and in a case where a waste collection authority (within the meaning of section 30(3)(5)) took those steps or required the steps to be taken, the name of that authority.

16. Where, as a result of a consent given under Chapter 2 of Part 3 of the Water Resources Act 1991 (pollution offences), the enforcing authority is precluded by virtue of section 78YB(4) from specifying in a remediation notice any particular thing by way of remediation which it would otherwise have specified in such a notice,—

- (a) the consent;
- (b) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
- (c) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

**Remediation Declaration – Lees Hall Wood Former Landfill Site, off Blackstock Road, Sheffield, S8
November 2009**

1 Background

Under the provisions of the Environmental Protection Act 1990, Part IIA, the land at Lees Hall Wood (former landfill site) off Blackstock Road, Sheffield, S8 was determined in January 2002 as contaminated land. The location and extent of the Land to which this Remediation Declaration relates is set out in Schedule 1. The site is currently undeveloped, is characterised by unimproved grassland, shrubs and immature/semi-mature woodland, and is used as an informal amenity area for local residents (football, dog walking, bike/scramble bike riding etc.).

1.1 Reason for Determination

Leachate from the former landfill site was entering Meersbrook. Results of surface water samples taken between 1996 and 2001 immediately downstream of the site by the Environment Agency, showed elevated concentrations of ammonia and iron in excess of Environmental Quality Standards (EQS) applicable at that time.

Sheffield City Council identified that these two contaminants formed the basis of significant pollutant linkages and were satisfied that said pollutant linkages were causing pollution of controlled waters.

Significant Contaminant Linkages present on site

Pollutant	Pathways	Receptor
Ammonia within landfill leachate	Migration of leachate through deposited household and trade waste	Controlled Waters (The Meersbrook)
Iron within landfill leachate	Migration of leachate through deposited household and trade waste	Controlled Waters (The Meersbrook)

1.2 Site Assessment

Site conditions and on-going impact on the Meersbrook were assessed through site investigation, surface water sampling and evaluation of Environment Agency (EA) long-term monitoring data from immediately upstream and downstream of the culvert running beneath the former landfill and at a permanent EA monitoring station circa 800m downstream of the former landfill.

Sample results from immediately downstream of the culvert show on-going leaching of ammonia and iron from the former landfill site. At this location, the 90th percentile ammonia concentrations exceed the Environmental Quality Standard (EQS), whereas annual average iron concentrations are well below the EQS.

2 Section 78H(6)(a) – Restrictions and Prohibitions on Serving Remediation Notices

In light of ammonia concentrations in excess of the relevant EQS, and such concentrations being attributable to leachate from the former landfill site, the Council would, subject to Section 78E(4), be required to specify the remedial works required.

3 Section 78E(4) – Duty of Enforcing Authority to Require Remediation of Contaminated Land

Under the provisions of Section 78E(4) the only things that the Council may do by way of remediation are those that it considers reasonable, having regard to likely cost and seriousness of pollution.

Results from the site investigation, surface water sampling and EA long-term monitoring data were used to inform an independent Options Appraisal which, following review and scoring of a broad range of options, identified and costed six preferential options (detailed in the attached costs table). Updated costs range from £0.77M to £3.3M.

Independent expert opinion was sought from the EA who are the national governing body in respect of controlled waters. Having reviewed all available data and additionally given consideration to all currently available remedial techniques and associated costs, the EA is of the opinion that the costs associated with the remedial options would be disproportionate to any environmental benefits that may be gained. It is implicit in the forming of this opinion that the seriousness of pollution of Meersbrook is considered by the EA to be insufficient to warrant the level of remediation costs identified.

4 Section 78H(6)(b) – Restrictions and Prohibitions on Serving Remediation Notices

The Council defers to and agrees with the above opinion of the EA and is therefore satisfied that it is precluded under Section 78E(4) from specifying within a remediation notice what remedial works may be required.

5 Conclusions

As the Council has no powers (under the Environmental Protection Act 1990, Part IIA) to specify remedial actions due to all considered remedial options failing to satisfy the test of reasonableness, no remedial works are required at this time.

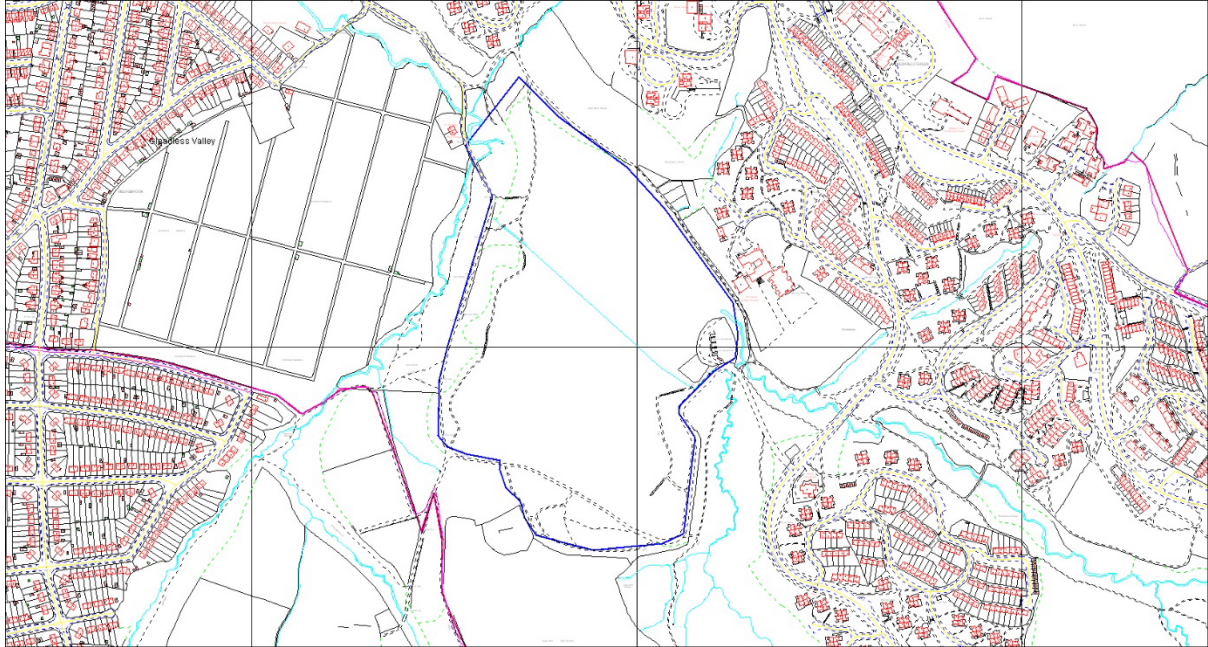
Summary of Favoured Options and Associated Updated Costs

Option	Costs (2007) (millions)	Costs (2007 + 5%) (millions)	Costs (2007 + 10%) (millions)
Vertical in-ground PRB (2 no. rows) parallel to culvert	£0.7	£0.735	£0.77
Vertical in-ground PRB along site banks	£0.2 (culvert repair) + £1.32 = £1.52	£1.596	£1.672
Pump and treat on site using wetland treatment scheme	£1.4 + £0.4 over 20 yrs	£1.47 + £0.42 over 20 yrs	£1.54 + £0.44 over 20 yrs
In-situ encapsulation	£2.25 to £3	£2.3625 to £3.15	£2.475 to £3.3
Pump and treat on site using horizontal in-ground PRB	£1.04	£1.092	£1.144
Pump and treat off-site	£0.8	£0.84	£0.88

PRB = Permeable Reactive Barrier

Schedule 1 - The location and extent of the Land to which this Remediation Declaration relates

The following site has been determined as Contaminated Land for the purposes of Section 78A(2) of the Act.



**Remediation Statement - Milldale Road and Mill Lane, Totley
March 2006**

This remediation statement is prepared by Sheffield City Council (hereinafter referred to as “the Enforcing Authority”) in relation to contaminated land (hereinafter referred to as “the Land” identified under section 78B of the Environmental Protection Act 1990 (herein referred to as “the Act”).

The Enforcing Authority, is precluded by section 78H(5)(b) and (d) of the Act from serving a Remediation Notice and has therefore prepared this Remediation Statement in accordance with section 78H(7) and (8).

The location and extent of the Land to which this Remediation Statement relates are set out in Schedule 1.

The things which have been done by way of remediation and the period within which each of those things were done are set out in Schedule 2.

The name and address of the person(s) who has done the works as set out in Schedule 2 to this Remediation Statement are as set out below:

Scott Wilson Kirkpatrick and Co Ltd (Scott Wilson), Bayheath House, Rose Hill West, Chesterfield, Derbyshire, S40 1JF on behalf of Sheffield City Council Environmental Protection Service.

The Landscape Group Ltd, T/A English Landscape, Kenyon Lane Nursery, Kenyon Lane, Culcheth, Warrington, WA3 4AX

Sheffield City Council were required to do these works by virtue of section 78N(3)(e)(i) of the Act. Whereby the enforcing authority considers that in this case, were it to do some particular thing by way of remediation, it would decide, by virtue of subsection (2) of section 78P of the Act or any guidance issued under that subsection,— (i) not to seek to recover under subsection (1) of that section any of the reasonable cost incurred by it in doing that thing;

Schedule 1 – Location and extent of contaminated land to which this Remediation Statement relates

The following properties have been determined as Contaminated Land for the purposes of Section 78A(2) of the Act. The area of remediation was restricted to the areas of residential gardens and soft landscaping.

- 1 Milldale Road, Totley, S17 4HR
- 2 Milldale Road, Totley, S17 4HR
- 3 Milldale Road, Totley, S17 4HR
- 4 Milldale Road, Totley, S17 4HR
- 5 Milldale Road, Totley, S17 4HR
- 6 Milldale Road, Totley, S17 4HR
- 7 Milldale Road, Totley, S17 4HR
- 8 Milldale Road, Totley, S17 4HR
- 9 Milldale Road, Totley, S17 4HR
- 10 Milldale Road, Totley, S17 4HR
- 11 Milldale Road, Totley, S17 4HR
- 11a Milldale Road, Totley, S17 4HR
- 12 Milldale Road, Totley, S17 4HR
- 14 Milldale Road, Totley, S17 4HR
- 15 Milldale Road, Totley, S17 4HR
- 16 Milldale Road, Totley, S17 4HR
- 18 Milldale Road, Totley, S17 4HR
- 20 Milldale Road, Totley, S17 4HR
- 22 Milldale Road, Totley, S17 4HR
- 24 Milldale Road, Totley, S17 4HR
- 26 Milldale Road, Totley, S17 4HR
- 28 Milldale Road, Totley, S17 4HR
- 30 Milldale Road, Totley, S17 4HR
- 32 Milldale Road, Totley, S17 4HR
- Mill Cottage, Mill Lane, Totley, S17 4HQ
- Oldhay Cottage, No.1 Rolling Mill, Mill Lane, Totley, S17 4HQ
- 2 Rolling Mill Cottage, Mill Lane, Totley, S17 4HQ
- 3 Rolling Mill Cottage, Mill Lane, Totley, S17 4HQ
- 4 Rolling Mill Cottage, Mill Lane, Totley, S17 4HQ
- 25 Mill Lane, Totley, S17 4HQ



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Schedule 2 – Remediation Requirements and Periods

Significant Contaminant Linkages present on site

Pollutant	Pathways	Receptor
Lead within topsoil	Dermal, ingestion, inhalation, plant uptake (and subsequent ingestion)	Human Health (residents)

Details of remediation scheme:

The Remedial Treatment Actions listed below are considered appropriate to break the Significant Pollutant Linkage upon which the Determination was based. **Therefore, completion of the works would result in the site not meeting the definition of contaminated land under Part 2A of the Environmental Protection Act 1990.** Due regard was given to sections 6(a), 6(b), 6(c) and 6(d) of the Statutory Guidance (Defra, April 2012).

Further details of the remediation scheme can be found in the documents produced by Scott Wilson Kirkpatrick (Totley Brook Environmental Assessment, Interpretative Report, on behalf of Sheffield City Council August 2001) and Sheffield City Council (Mill Lane and Milldale Road Remedial Works, Site Information and Remedial Requirements).

Scott Wilson Kirkpatrick were appointed to undertake additional site investigation works to confirm the potential risks identified. Additional topsoil sampling was undertaken in May 2001, and a site-specific action level of 1200 mg/kg was determined for Lead concentrations.

Following additional topsoil sampling, the average Lead concentrations in these properties were below the site-specific action level, and it was determined that remediation was not required.

2 Milldale Road, Totley, S17 4HR
4 Milldale Road, Totley, S17 4HR
28 Milldale Road, Totley, S17 4HR

Following additional topsoil sampling, the average Lead concentrations in these properties were above the site-specific action level, and it was determined that remediation was required, in the form of topsoil removal and replacement with clean cover.

1 Milldale Road, Totley, S17 4HR
3 Milldale Road, Totley, S17 4HR
5 Milldale Road, Totley, S17 4HR
6 Milldale Road, Totley, S17 4HR
7 Milldale Road, Totley, S17 4HR
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4 Rolling Mill Cottage, Mill Lane, Totley, S17 4HQ
25 Mill Lane, Totley, S17 4HQ

Remediation was undertaken in three phases by the appointed contractor, English Landscape, between 2003 and 2006, with Phase 3 of the works completed on 1st March 2006.

The agreed Remediation methodology comprised the following works:

- Excavation of soils within general garden areas to a depth of 600mm and removal from site
- Excavation of soils within 600mm of permanent structures to a depth of 200mm and removal from site
- Placement of a layer of geogrid, Netlon type SS20 or similar, against all excavated surfaces and over buried service cables and pipework
- Replacement of excavated topsoil with verified uncontaminated imported topsoil
- Reinstatement of plants, turf and temporary structures