



**AMBER VALLEY
BOROUGH COUNCIL**

P M CARNEY, SOLICITOR
Chief Executive

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Andrea Roberts
Environment Agency
Units 10 & 11
Greyfriars Business Park
Frank Foley Way
Stafford
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Our Ref : DH/Des/EA/Cinderhill
Your Ref : -
Date : 19th February 2007
Ask For : Mr Carney
Ext : 1601
Direct Dial : 01773 841601
Email : peter.carney@ambervalley.gov.uk

Dear Andrea

Re: Notification in Accordance with The Environmental Protection Act 1990, Section 78C(1)(b), of Decision that Contaminated Land at Cinderhill, Kilburn, Derbyshire is Required to be Designated as a Special Site.

This notification is in accordance with s.78C(1)(b), of the Environmental Protection Act 1990 (hereinafter referred to as the "Act").

On behalf of Amber Valley Borough Council I notify you in accordance with s.78C(2)(a), as a representative of the Environment Agency, of AVBC's decision under s.78C(1)(a) that the Contaminated Land at Cinderhill, Kilburn, Derbyshire, is required to be Designated as a Special Site as contaminants, whose presence formed the pollutant, and subsequently the significant pollutant in the significant pollutant linkages, upon which the land was Determined, were the result of waste acid tars, as described in Regulation 2(1)(b) & 2(2), in on or under the land.

AVBC considers it has fulfilled the requirement of s.78(C)3, to seek the advice of Environment Agency. AVBC also considers that the Environment Agency have twice previously agreed that the land should be Designated a Special Site, if the land was first Determined to be Contaminated Land. These comments are confirmed in a letter from the Environment Agency to AVBC, EA ref:MIDUT/119/432307/LETIDENT01/02/03a dated 7th July 2006, and an e-mail between Clare Bates (formally of the EA) and Ian Shaw (Pollution Manager, AVBC) dated 20th March 2002.

AVBC will enter relevant details onto a Register kept in pursuance of s.78R, when the Designation becomes effective, and the land is a Special Site as defined in s.78A(3) of the Act. This will be one day after either; 21 days from this notification, AVBC receives agreement of the Designation from the Environment Agency, or should the Environment Agency disagree with this Designation with 21 days, after any decision made by the Secretary of State.

I look forward to receiving the Environment Agencies agreement to this Designation.



Caring and Working for Amber Valley



If you require any further information regarding this site please do not hesitate to contact the Council's Scientific Officer, Darren Hurst, telephone number 01773-841318 or at the address above.

Yours faithfully

Mr P M Carney
Chief Executive

Enc
Notification of Designation.