



AMBER VALLEY
BOROUGH COUNCIL

P M CARNEY, SOLICITOR
Chief Executive

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Environmental Protection Act 1990, Part IIA – Section 78C

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.

Under Section 78C(1)(a) of the Environmental Protection Act 1990 (the 'Act') **Amber Valley Borough Council** has decided that the land, described in Schedule 1 of this Notice has been Determined as Contaminated Land and is required to be Designated a Special Site.

Notice of that decision is given to you pursuant of Section 78C(1)(b) and as a relevant person as defined in Section 78C(2), namely:

s.78C(2)(a) *"the appropriate Agency;"*

AVBC make this Designation, as per Section 78C(8), based on the description of Special Sites prescribed in Regulation 2(1)(b), of The Contaminated Land (England) Regulations 2006:

"...which is contaminated land by reason of waste acid tars in, on or under the land"

With due regard to Regulation 2(2), of those Regulations.

The evidence for this Designation is held in the Record of Determination of Cinderhill (Acid Tar Pits), Kilburn, Derbyshire as Contaminated Land.

AVBC has complied with the requirement of Section 78C(3) to request the advice of the appropriate Agency, before making this Designation.

As per Section 78C(6) this Designation will take effect on the day after whichever of the following events occurs first:

- **21 days after the day this notice was given to the Environment Agency; or**
- **AVBC receives the Environment Agency's agreement that the land is required to be Designated a Special Site.**

You will be sent confirmation when this Notice takes effect.

As per Section 78D(1) if, within the 21 days after the notice was given, the Environment Agency disagrees with the Designation of the land as a Special Site, the Designation will be

referred to the Secretary of State and will not take effect until the Secretary of States decision is known.

You will be informed if the Designation is referred to the Secretary of State, and of his decision.

Once this Notice of Designation is effective the enforcing authority for this land will be the Environment Agency. AVBC will enter relevant particulars onto a Register kept in pursuance of Section 78R; whilst having regard to the exclusions of information on the grounds of national security or commercial confidentiality (Section 78S & 78T, respectively).

You may wish to seek expert legal advice.

Signed: _____
Mr P M Carney
Chief Executive

Date: 19th February 2007

Schedule 1.

1.0 Introduction

In accordance with the *Environmental Protection Act 1990: Part IIA* and the Statutory Guidance contained in *Circular 01/2006*, Amber Valley Borough Council have identified Contaminated Land at:

Cinderhill, Kilburn, Derbyshire (see Figure 1 - included as a separate A0 plan) - national grid reference for the centre of the site centre, approximately, SK 377470 (x437680, y34700).

