



Contaminated Land Strategy 2008 - 2013

January 2008

Executive Summary

West Dorset District Council published a Contaminated Land Strategy in 2000. This strategy reflects the progress and reviews the changes in the Contaminated Land regime since then. It replaces the earlier document.

The strategy maps out our plans over the next five years to identify contaminated land in West Dorset, risk rate it, and remediate it where necessary. The original strategy should be used as a source of reference.

“Contaminated land” is an emotive term, which can cause property blight. It is applied only to land causing unacceptable risks to human health or the wider environment, which in itself depends on the current use and circumstances of the land.

A large part of this strategy is concerned with how we will comply with our statutory obligation to inspect the district for contaminated land. We take a strategic approach by using a desktop study to identify areas where contaminated land is most likely to be found. We inspect such land and use a specified method to determine the risk it poses.

This approach enables us to deal with the most serious problems first, although in practice remediation is most often achieved via the planning regime, when brownfield sites are proposed for redevelopment.

The information we gather about contaminated land is made available to individual stakeholders and the wider community in the interests of good environmental health practice and freedom of information requirements.

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1. What is Contaminated Land?

1.1 Some definitions

The law on Contaminated Land is outlined in **Appendix 1**, but the term 'Contaminated Land' is defined in law as:

"Any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that -

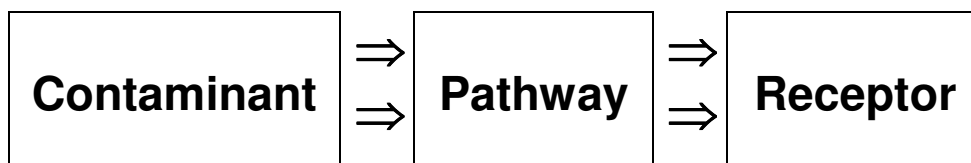
"(a) SIGNIFICANT HARM is being caused or there is a SIGNIFICANT POSSIBILITY of such harm being caused; or

"(b) POLLUTION OF CONTROLLED WATERS is being, or is likely to be, caused;

"and in determining whether any land appears to be such land, a local authority shall ... act in accordance with guidance issued by the Secretary of State ... with respect to the manner in which that determination is to be made."

Before the Local Authority can make the judgement that any land appears to be 'Contaminated Land' on the basis that SIGNIFICANT HARM is being caused, or that there is a SIGNIFICANT POSSIBILITY (for explanation of these terms see **Appendix 2**) of such harm being caused, there must be a SIGNIFICANT POLLUTANT LINKAGE. This means that each of the following has to be identified:

- (a) a CONTAMINANT (also referred to as the 'Source');
- (b) a relevant RECEPTOR; and
- (c) a PATHWAY by means of which either a CONTAMINANT is causing SIGNIFICANT HARM to a RECEPTOR, or there is a SIGNIFICANT POSSIBILITY of such harm being caused by a CONTAMINANT to a RECEPTOR.



For example, the site of an old gasworks may have coal tar present, and;

- **A contaminant**, PAH's (poly-aromatic hydrocarbons,) is present in coal tar,
- And, via the **pathway** of skin contact or inhalation,
- PAH's can be toxic or carcinogenic to an occupier of a house built on the land, **the receptor**

In 2006, the definition of contaminant 'substance' was extended to include any substance containing one or more radionuclides which have resulted from the after-effects of a radiological emergency, or which are or have been processed as part of a past practice or past work activity. This, however, excludes radon gas and its short half-life decay products.

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These definitions reflect the Council's role in the contaminated land regime, which aims to prevent contamination of land from causing unacceptable risks to human health or the wider environment. The definitions do not necessarily include all land where contamination is present. For example, contamination that does not pose a problem at present might cause risks if the land is developed. In such instances, contamination becomes a "material planning consideration" under the planning legislation.

In the same way as we determine risk to users of land, we must also determine whether CONTROLLED WATERS is, or is likely to be, at risk of pollution from contaminated land. We must identify whether there is a SIGNIFICANT POLLUTANT LINKAGE, where a body of CONTROLLED WATERS forms the RECEPTOR.

1.2 Potential Contaminants

The following table illustrates the contaminants that are associated with some industrial land uses. They will not necessarily be found in sites in West Dorset.

Land Use	Contaminant	Example
Gasworks	Coal tar Phenols Cyanide Sulphur	Creosote Phenol free / complex Sulphide / sulphate
Metal finishing	Metals Acids Plating salts Aromatic hydrocarbons Chlorinated hydrocarbons	Cadmium, chromium, copper, nickel, zinc Sulphuric, hydrochloric Cyanide Benzene 1,1,1-Trichloroethane
Tanneries	Acids Metals Salts Solvents Cyanide Degreasers Dyestuff residues	hydrochloric trivalent chromium chlorides, sulphides kerosene, white spirit methyl isocyanate Trichloroethylene cadmium, benzidine
Wood processing	Coal tar Chlorinated hydrocarbons Metalloids / metals	creosote pentachlorophenol arsenic, copper, chromium

2. Contaminated Land in West Dorset

2.1 3880 “Sites of Potential Concern”

It follows from the preceding section that, in order to assess the risk posed by contaminated land in West Dorset we need to investigate ALL sites that may have been contaminated in the past. Soon after the first Contaminated Land strategy was published, we identified 3880 “sites of potential concern”. These were parcels of land where, by reason of historical use, contaminants may be present, and a pollution linkage to a receptor exists or may arise.

Although West Dorset is a predominantly rural area with no history of heavy industry, it has, in common with every other area of the country, its share of historic industrial and commercial land uses that can leave a legacy of pollutants.

In the period since the first Contaminated Land strategy, we have reduced the number of such sites to just over 1100. They include:

- 17 hospitals
- 24 parcels of military land
- 3 gasworks
- 6 weapons or ammunitions dumps
- 18 textile manufacturers
- 4 tanneries
- 3 foundries or metal casting works
- 141 sewage works
- 3 refuse tips
- 5 sawmills

2.2 Pathways

Once we know there are potentially contaminating substances in a parcel of land, we need to consider the pathways by which they may reach receptors, including controlled water. This depends upon a number of factors:

- Local geology and hydrogeology
- Nature of the land, in terms of whether pathways might exist or be created, and
- Use of the land, or of adjacent land

For example, there are over 600 sources of private drinking water supplies in the area. Wessex Water extracts drinking water from 20 sites in West Dorset. Each of them must be protected against contamination if they are not to become a pathway for contaminants.

2.3 Receptors

Although people living in the area will be the most likely receptors in West Dorset, there are also receptors in the natural environment, including its coastal and river waters.

3. What will be done about Contaminated Land?

3.1 Aims of the Strategy

The Council has a duty under part IIA of the Environment Protection Act 1990 to inspect the district to identify contaminated land, and to take steps to remedy it, where necessary. We will:-

- Identify land in West Dorset that, because of contamination, is unsuitable for its current use, or otherwise damages human health or the environment.
- Act to reduce the amount of such land in a way that is proportionate to the risk it poses.
- Provide information to all stakeholders.
- At a minimum, meet its statutory requirements.

This Contaminated Land Strategy Document will be the reference document describing the Council's position.

3.2 Priorities

In dealing with contaminated land, the order of the Council's priorities will be:

1. To protect human health
2. To protect controlled waters
3. To protect designated ecological systems
4. To protect property
5. To protect property in the form of buildings
6. To prevent any further contamination of land
7. To encourage voluntary remediation
8. To encourage the re-use of brownfield land

Any land that we know that we (or our predecessors) currently own, previously owned, have had an interest in, or were responsible for, will be inspected as a matter of priority. Evidence of potentially contaminating activities may make us responsible for remedial action.

3.3 Understanding the Extent and Impact of Contaminated Land

An initial identification of areas for inspection has enabled WDDC to move efficiently from considering the Council's entire land area to a situation where it is able to consider individual sites. We use a GIS system to correlate all the gathered information and determine the proximity of potential receptors to sources of contamination. Any statistical or additional information is kept on a linked database. We are seeking available information on:

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- Current and previous land uses that have the potential for contamination;
- Any existing known cases of contamination;
- Any 'Special Sites' - the most serious sites, designated under Part IIA of the Act;
- Possible receptors. Table A of DETR Circular 02/2000 provides a list;
- Possible risk to identified receptors;
- Possible presence of contamination within the West Dorset area;
- Evidence of actual harm or water pollution.

Although the strategy must be able to incorporate new information and technology as it becomes available, our methodology will be to undertake as appropriate:

- An initial Authority-wide Desktop study
- A programme of site inspections
- Risk assessments and management
- Sampling protocols as appropriate
- Site monitoring as appropriate
- Response to urgent contaminated land incidents
- Periodic inspection / survey review of Authority's area

In order to eliminate land that does not require urgent action, we will visit and review land known to be at low risk of contamination on a rolling programme. That which, although potentially contaminated, is found not to pose a health risk and is otherwise suitable for current use, will be reviewed again at a specified future date. Detail of our working procedures is at **Appendix 3**.

3.4 Internal Management Responsibilities

The service responsible for implementing and up-dating the Contaminated Land Strategy is the Environmental Health function within the Community Protection Division of West Dorset District Council.

However, a number of other service areas must take account of contaminated land in their current and future decision making processes. The main related areas are:

- **Planning.** The Planning Service should take account of contamination or the potential for contamination both in preparing development plans, which set out the policies and proposals for future land use and development within its area, and in determining individual applications for planning permission. Planning permission for contaminated land may be granted on condition that it is cleaned up to the satisfaction of the Local Planning Authority. Guidance for Planning Authorities is provided in *Planning Policy Statement PPG23 Annex 2: Development on Land Affected by Contamination*.
- **Economic Development.** The Government encourages the use of previously developed land to limit the unnecessary development of greenfield areas. Forthcoming contaminated land provisions will encourage the remediation of contaminated land and help return land to beneficial use.

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- **Building Control.** Building work is subject to Building Control under the Building Regulations 1991. Under Schedule 1 of these regulations, requirement C2 states “that precautions shall be taken to avoid danger to health and safety caused by substances found on or in the ground covered by the building.” If contaminating substances in the ground have the potential to attack building materials, it may lead to a breach of the part of the regulations that relates to structural safety.
- **Technical Services.** The Council’s potential liabilities under Part IIA should be considered during the acquisition or sale of land or property. For example, when leasehold agreements are arranged for a WDDC property on an industrial estate, its future use should be assessed for potential contamination implications before the lease commences. If there is reason to believe that a leasehold site may have been contaminated by practices on that site, then it should be inspected when it is vacated, in order that WDDC is not left with a remediation liability before the tenant is released from the agreement.

3.5 The Council’s Own Land

Details of all the Council’s land holdings since November 1994 are held on the WDDC Property Asset Register. There are also records of land we transferred with the housing stock in 1993. Because the identification, inspection and assessment of current and former Council landholdings is a priority, the Register and housing land records will be scrutinised for any potential liability incurred due to contamination.

The Council may be the party responsible for historical activity that has caused potential contamination but is no longer the landowner. Therefore, property which the Council knows it acquired / inherited or was responsible for on its establishment in 1974 but has subsequently been sold / disposed of will also be inspected for any potential liability due to practices carried out on those sites. Information that comes to light in respect of land that the authority’s predecessors owned or were responsible for will be similarly assessed. Any contaminated land identified by that process which is, or was, owned by the council will be subject to the same remedial processes as other contaminated land.

3.6 Information Management

Information is stored securely and efficiently in the Council’s computer network, mostly as document files, database information and on a Geographical Information System (GIS), such as Landscan. Storage of information by this method allows us easily to make the statutory and periodic reports to the Environment Agency on the state of contaminated land within our area and respond to other enquiries.

The main points of contact for requests regarding contaminated land are:

Type of Query	Service
General queries about Contaminated Land and reporting of information	Environmental Health Service
Property and land transaction queries	Land Charges Service
Planning development or change of land use	Development Control Service

4. A Five Year Plan for West Dorset

4.1 Our Approach

The Council takes a simple, systematic, approach to the priority it gives to action on a site that may be contaminated. Once such a site has been identified, we collect appropriate data on the key contaminant source, pathway and receptor(s) to identify those areas of unacceptable risk – in other words, where significant harm might occur.

We have worked to identify sites that warrant initial inspection, with further detailed site investigation to follow as and when appropriate. Because the protection of human health is the Council's first priority, we have initially concentrated on those areas of higher human population density in our predominantly rural area.

If a site warrants further inspection, we will take further action, such as a more detailed desktop study, or a site investigation or site-specific risk assessment, or the preparation of a remediation plan.

4.2 Publishing the Strategy

Our initial statutory requirement was to publish a contaminated land inspection strategy. We achieved it ahead of the 1st July 2001 deadline. This document is the first revision.

4.3 Identifying and Prioritising Sites

After the adoption and publication of the Strategy in 2000, we identified 3880 sites that warranted investigation. Within a few years we had assessed 2641 of them as "Low Risk", needing no further action other than periodic review. The remaining 1239 are being assessed and prioritised for action. It is inevitable that, as the easier sites are dealt with, the remainder take longer to tackle. To date, the programme of prioritised action, undertaken by our consultants, WPA, has categorised sites and assessed their risk. To date, we have achieved:

- Efficient liaison and information procedures established with all necessary internal and external parties.
- The establishment of a dedicated Geographical Information System (GIS) and associated Database system known as 'Landscan'. A secure internet based GIS known as 'Planweb' containing contaminated land data has also been created, in conjunction with Dorset County Council.
- The collection and evaluation of information on the possible presence of contamination in an on-going procedure (see **Appendix 3**).
- The collation and review of evidence of actual harm or water pollution.
- Performance in this area has been reported up to March 2007, and *projected to March 2012* in the following table:

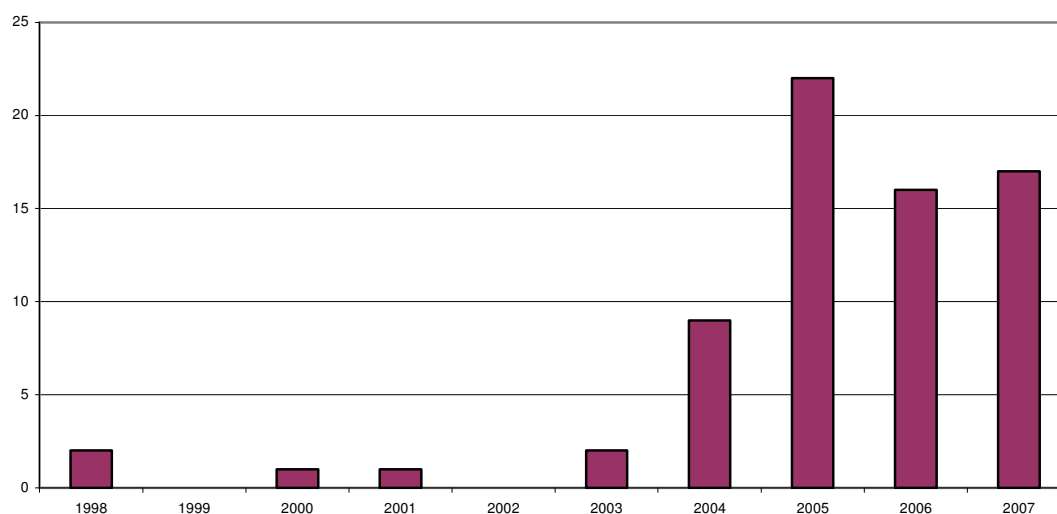
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BVPI		2005	2006	2007	2008	2009	2010	2011	2012
216a	Total potential sites of Concern on 31 March	1239	1170	1124	1100	900	700	500	300
	Sites with sufficient Information to decide risk	74	52	9	200	200	200	200	200
216b	% of sites with sufficient information	5.97	4.44	0.08	18	22	29	40	66

4.4 Remediation of Contaminated Sites

It is likely that most remediation will, in practice, come about as a consequence of the redevelopment of brownfield land. We have been active, via our consultants, in securing improvements via the planning regime. The table below shows the number of planning consents issued with a contaminated land condition.

Planning consents issued with Contaminated Land condition



In other cases we have been successful in obtaining government grants to investigate land to see if remediation is required.

There will be some sites – probably very few – where we need to take formal action to secure remediation using the available legislation. Only one site – the Sherborne closed landfill site – has been formally put on the Contaminated Land Register. This released grant aid from DEFRA which has paid for remediation and subsequent investigation. We anticipate that the site will shortly be suitable for current use.

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4.5 The Next Five Years

By the end of 2012, we aim to have:

- Satisfied ourselves of the risk presented by each of the contaminated land sites we know about
- Added to our records any further contaminated land sites which come to our attention – particularly those which we own or owned
- Applied appropriate conditions to all planning consents involving potentially contaminated land to ensure suitability for use
- Identified and planned any necessary remedial action on contaminated land which council records show that we owned, or previously owned
- Responded to public and business enquiries about contaminated land
- Maintained a Register of contaminated land

This means that we need to complete the risk assessment of 200 sites a year for each of the next five years

Once the new contract is let, we will be working with our consultants to determine how best to achieve this target.

4.6 Reviewing our Assumptions

The collection of information on potentially contaminated land is an ongoing process. Therefore, new information on a site, either previously considered or not, will trigger a re-evaluation which may in turn lead to an inspection.

Planning applications made for sites identified as potentially contaminated, or as contaminated and not yet remediated, will trigger work that may lead to a revision of the information held.

Every site identified as potentially contaminated land is given a date on which the information held on it will be reviewed - whether or not any subsequent inspection has taken place. The review will consider any physical or other changes that may alter the status of the site and require it to be inspected or re-inspected.

This means that, in the year 2012, the risk presented by 50 sites will be reassessed

5. Sharing Information

5.1 The Community

Land affected by contamination is not just of relevance to the person who owns or uses the land, but can also affect the wider community. Sometimes the presence of contaminated land can raise fears and anxieties in a community, which can become fuelled by suspicions of secrecy or mistrust. These fears are best allayed by openness and a positive approach. Similarly, decisions about remedial action, and how best to implement it, can affect a range of people. Such decisions are not made on a purely scientific and technical basis. There will also be a variety of regulatory, commercial, financial, legal and social factors to be taken into consideration as well.

Accordingly, decisions taken about contaminated sites should be logical and transparent. The Council's liaison and communication on the matter will aim:

- To keep those potentially affected by contamination informed about any risks;
- To ensure good understanding of any risks that may have arisen;
- To be clear and appropriate to the circumstances;
- To encourage effective discussion between regulatory, scientific and interested parties;
- To aim for community understanding and acceptance of decisions.

5.2 Statutory Bodies

During the preparation of the initial Contaminated Land Strategy a working dialogue with officers from various statutory organisations was established to ensure the exchange of information.

Whenever and wherever the cause or effect of the contamination of land or controlled waters geographically overlaps with other local authority areas, it should be ensured that all the authorities involved co-operate fully to address the problem and bring it to a mutually satisfactory conclusion within the Part IIA framework.

5.3 Owners, Occupiers & Other Interested Stakeholders

All reasonable efforts will be made to identify those people within the community who have an interest in the contaminated land in question; such people are usually referred to as 'stakeholders'. Stakeholders may be individuals or groups of people.

Clear communication will share understanding of any risks and the risk assessment processes. Communication links will be established to gain support from the appropriate stakeholders, to hear stakeholders' concerns and respond to them, to keep them informed, and show how remediation decisions may affect them. It will also make decisions transparent.

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Every effort will be made to ensure that members of the public have access to this Contaminated Land Strategy. Notification of the revised strategy will be sent to Town and Parish Councils in West Dorset. This will encourage representatives to come forward with appropriate information. A copy of the document will be put on the Council's website, www.dorsetforyou.gov. A limited number of copies will be made available to residents of West Dorset free of charge.

5.4 The Public Register

This statutory Register (see **Appendix 5**) will be available to view during office hours at the Council's offices at Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ. It is also on the Council's website, www.dorsetforyou.gov.

APPENDICES

- Appendix 1 - Contaminated Land – The legislation and the regulatory context**
- Appendix 2 – Descriptions of ‘significant harm’ and significant possibility’**
- Appendix 3 – Working procedures**
- Appendix 4 – Land Use Records form**
- Appendix 5 – The Public Register**
- Appendix 6 - Supporting information and references**

APPENDIX 1 - CONTAMINATED LAND – THE LEGISLATION AND REGULATORY CONTEXT

A1.1 Background

Part IIA of the Environmental Protection Act 1990 has been implemented as a means of dealing with the legacy of contaminated land which has arisen from the historical use of land for a wide range of industrial, mining and waste disposal activities. It is intended to be complementary to the Planning regime, in that contaminated land can also be dealt with by use of planning conditions as part of the redevelopment process.

Part IIA was inserted into the Environmental Protection Act 1990 (EPA 1990) by section 57 of the Environment Act 1995. It provides for a system of identification and remediation of contaminated land where the contamination is causing unacceptable risk to human health or the wider environment and requires an overall risk-based approach to dealing with contaminated sites.

The legislation places specific duties on local authorities to inspect their areas to identify land falling within the definition of contaminated land, and where identified, to require its remediation in line with the “suitable for use” approach.

Part IIA establishes a specific contaminated land regime. The regime is summarised below:

- Local authorities must inspect their areas to identify contaminated land, and give formal notice of any land they may find;
- Contaminated land will be identified on the basis of risk assessment. Land is only "contaminated land" where it appears, by reason of substances in, on or under the land, that significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be, caused;
- Enforcing authorities (i.e. the local authority or the Environment Agency, depending on the case) will establish the appropriate person(s) to bear responsibility for remediation;
- Enforcing authorities will decide what remediation is required in each individual case and ensure that such remediation takes place, either through agreement with those responsible or, where necessary and after consultation, by serving a remediation notice or, in certain circumstances, through themselves carrying out the work;
- Enforcing authorities will record information on a public register about their actions.

Under the provisions concerning liability, responsibility for paying for remediation required by a remediation notice will, where feasible, follow the “Polluter Pays” principle. In the first instance, persons who caused or knowingly permitted the substances to be in, on or under the land will be liable. If none can be found, responsibility will pass to the current owner or occupier (except where the problem is solely one of water pollution).

A1.2 The Regulatory Role of the Local Authority under the Legislation

The primary regulatory role under Part IIA rests with local authorities. The role of the authority under Part IIA is:

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- a) To ensure that their areas are inspected to identify contaminated land
- b) To determine whether any particular site meets the statutory definition of contaminated land
- c) To act as enforcing authority for all contaminated land which is not designated as a 'special site' (the Environment Agency being the enforcing authority for 'special sites').

As enforcing authority, they have four main tasks:

- a) To establish who should bear responsibility for the remediation of the land
- b) To decide, after consultation, what remediation is required in any individual case
- c) If remediation is required, to determine who should bear what proportion of the liability for meeting the costs
- d) To record certain prescribed information about their regulatory actions on a public register (see **Appendix 4**).

A1.3 The Regulatory Role of Environment Agency

Whilst the Local Authority is the lead regulator on Part IIA, the Environment Agency also has specific roles. The Environment Agency will work with Local Authorities to apply Part IIA in a manner that achieves the objectives as stated in their Policy Statement – Policy Number EA S/2703/1/1Final1.

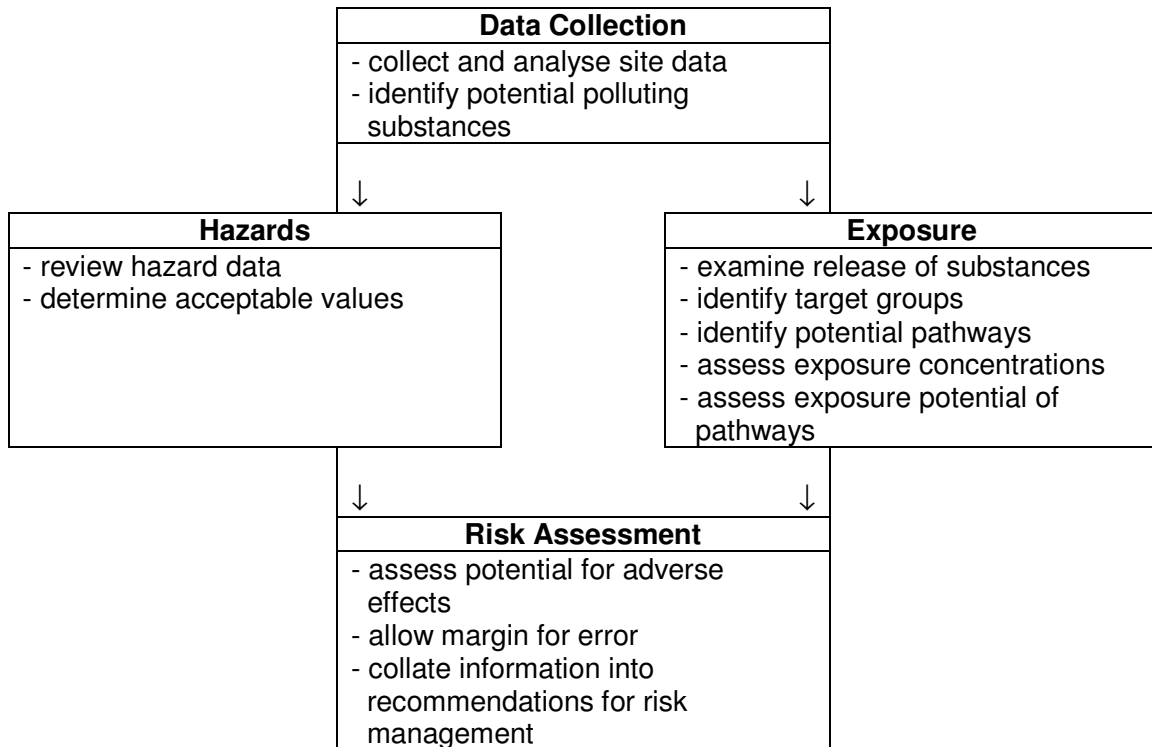
A1.4 Principles of Risk Assessment & Management

In the context of contaminated land, ongoing risk assessment will be used to design and to interpret the findings of a site investigation. Risk assessment comprises of four main components:

- Hazard identification
- Hazard assessment
- Risk estimation
- Risk evaluation

A range of approaches can be used for risk assessment, but a generalised framework is represented in the following diagram:

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A1.5 Assessing the Risks

The risks on each site are to be assessed, and the controls are triggered only where there is significant harm, a significant possibility of it, or actual or likely pollution of controlled waters. The extent of the risk depends upon a number of factors:

- Characteristics of the substances in the land
- Local geology and hydrogeology
- Nature and presence of receptors
- Use of the land, or of adjacent land
- Nature of the land, in terms of whether pathways might exist or be created
- What measures exist, if any, to reduce or limit the risk

Additional risks might result from the redevelopment of the land, for example if housing replaces industrial use. However, potential future risks of that kind are the subject of controls under the planning and building control regimes and not directly under Part IIA.

A1.6 ADDITIONS & ALTERATIONS TO LEGISLATION, POLICY & BEST PRACTICE GUIDANCE

Since the publication of the Contaminated Land Inspection Strategy in 2000, there have been numerous additions and alterations to legislation, policy and best practice guidance regarding contaminated land. Below is a resume of some of the more significant changes:

1. Contaminated Land Exposure Assessment (CLEA) - March 2002

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DEFRA and the EA published a Contaminated Land Exposure Assessment (CLEA) model, including four supporting documents in March 2002; these provided guidance based on scientific understanding in order to assess the risks posed to human health from land contamination. It was intended that the consistent approach provided within the framework was to aid the efficient identification of sites that pose a risk to human health. Risks posed to other receptors such as wildlife, buildings and controlled waters are not considered. CLEA 2002 has now been withdrawn and DEFRA has released a beta version known as CLEA UK prior to a review, due in 2007.

2. Withdrawal of the ICRCL Guidance Note 59/83 – December 2002

The ICRCL guidance notes 59/83 have been withdrawn and replaced by Soil Guidance Values (SGV's). ICRCL guidance note 59/83 was a useful tool containing trigger values for a series of substances commonly found in contaminated land, however it is now out of date and not in line with the current statutory regime (the introduction of CLEA; Part IIA of the EPA 1990).

SGV's for individual substances are now considered in line with the current statutory regime and represent the key instruments for generic assessment of the human health risks from contaminated land. They represent cross-government consensus on technical aspects based on the latest scientific knowledge and thinking, representing general improvements in professional standards. However, they are only guidelines for consideration early on in the process of risk based management of sites and inform judgments about the need for action; therefore they do not stand alone.

3. Section 86 Water Act 2003 – February 2004

Section 86 of the Water Act 2003 amended the definition of contaminated land in relation to pollution of controlled waters. *Section 86 of the Water Act 2003 states that where "significant" pollution of controlled waters is being caused, or there is a "significant" possibility of such pollution being caused, Part IIA will apply.* This has not been fully implemented however, once fully implemented Section 86 will provide powers to issue statutory guidance with respect to this amended definition. It is also expected that pollution of controlled waters by virtue of radioactivity will be also be considered.

4. Introduction of CLR 11 – September 2004

The EA published a technical framework entitled '*The Model Procedures for the Management of Land Contamination*', CLR 11 in September 2004. This framework involves applying a risk management process when dealing with contaminated land. The process is consistent with policy and legislation (Part IIA of the EPA 1990) regarding contaminated land within the UK and involves a three-way approach to deal with contaminated land; identifying, decision-making and taking appropriate action. The aim of the Model Procedures is to provide assistance to all those involved in dealing with contaminated land.

**5. Planning Policy Statement (PPS) 23: Planning and Pollution Control
– November 2004**

Extended guidance regarding issues relevant to the development and use of land affected by contamination and appropriate legislation is provided to local authorities and other interested bodies through the publication of Annex 2 of The Planning Policy Statement (PPS) 23: Planning and Pollution Control entitled “Development on Land Affected by Contamination”.

6. Introduction of Two New Environmental Best Value Performance Indicators (BVPI's) – April 2005

Two new environmental additions to the BVPI regime were made in April 2005; BV216A (*Identifying contaminated land*) and BV216B (*Information on contaminated land*). BV216A is a total of “*sites of potential concern*” which consists of two types; (a) and (b). Sites turn from type (a) to (b) as annual progress is made in gathering sufficient information to decide if remediation of a site is necessary. Therefore type (a) is where sufficient detailed information is not yet available to decide whether or not remediation is needed, and type (b) is where there is sufficient detailed information to make this decision. Type (b) is compared to the total, which provides the percentage required under BV216B.

At the beginning of the year the local authority decides how many *sites of potential concern* it has, therefore determining where remediation may be necessary. The BVPI's help show the progress of identifying sites of potential concern in addition to acquiring information about sites in determining the necessity for remediation. The BV indicators attempt to reflect what progress is being made.

7. Radioactively Contaminated Land – August 2006

Regulations were brought about in England in August 2006 to deal with the protection of human health from radioactive contamination. As a result, Part IIA of the EPA (1990) has been extended to include radioactive contamination. The extended regime provides a system of identification and remediation of land where contamination is causing lasting exposure to radiation of human beings and where ‘intervention’ is liable to be justified.

The key features of the extended regime are:

- Modification of the contaminated land definition to incorporate radioactive contamination.
- Only applicable to human receptors. Harm to the wider environment and pollution of controlled waters are not included at this stage.
- Radon gas and its short-lived decay products are not included as only a matter of concern within buildings (where alternative policy exists).
- A proportionate approach adopted, reflecting the small number of contaminated sites expected to be identified.

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- Does not apply to radioactive contamination where the operator of nuclear installation is liable under the Nuclear Installations Act 1965.
- Local authorities must consult the EA if wanting to determine a potentially radioactive contaminated site.
- EA will take responsibility for the site and its remediation once it is determined radioactively contaminated.

DEFRA will use the extended regime to comply with articles 48 and 53 of the Basic Safety Standards Directive (96/29/Euratom) (BSS Directive) which sets basic health safety standards for workers and general public against possible dangers arising from ionising radiation.

Three sets of regulations have been introduced in order to put into effect the alterations introduced by the extended regime:

- *The Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (SI 2005/3467)* known as the '*Powers Regulations*' to make regulations and provide guidance for radioactive contaminated land.
- *The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (SI 2006/1379)* known as the '*Modification Regulations*'.
- *The Contaminated Land (England) Regulations 2006 (SI 2006/1380)* make provision for radioactive contaminated land to be designated a 'special site'.

RCLEA (Radioactively Contaminated Land Exposure Assessment) is the recommended model for radiation exposure derived from the CLEA model for non-radioactive contaminated land and is to a great extent consistent with this methodology.

APPENDIX 2 – DESCRIPTIONS OF ‘SIGNIFICANT HARM’ AND ‘SIGNIFICANT POSSIBILITY’

The table below describing “Significant Harm” is extracted from Department of the Environment, Transport & the Regions (DETR) Circular 02/2000

<p style="text-align: center;">Type of Receptor</p>	<p style="text-align: center;">Description of Harm to that Type of Receptor that is to be Regarded as Significant Harm</p>
<p>1. Human beings</p>	<p>Death, disease, serious injury, genetic mutation, birth defects of the impairment of reproductive functions.</p> <p>For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p>
<p>2. Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> • Any area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; • Any land declared a national nature reserve under section 35 of that Act; • Any area designated as a marine nature reserve under section 36 of that Act; • An area of special protection for birds, established under section 3 of that Act; • Any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas); • Any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; • Any habitat or site afforded policy protection under paragraph 13 of Planning Policy Guidance Note 9 (PPG9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or 	<p>For <u>any</u> protected location:</p> <ul style="list-style-type: none"> • 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; or • harm which 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. <p>In addition, in the case of a protected location that is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there.</p> <p>In determining what constitutes such harm, the local authority should have regard to the advice of English Nature and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994.</p>

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<p style="text-align: center;">Type of Receptor</p>	<p style="text-align: center;">Description of Harm to that Type of Receptor that is to be Regarded as Significant Harm</p>
<p>any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.</p>	
<p>3. Property in the form of:</p> <ul style="list-style-type: none"> • crops, including timber; • produce grown domestically, or on allotments, for consumption; • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p>

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Type of Receptor	Description of Harm to that Type of Receptor that is to be Regarded as Significant Harm
<p>4 Property in the form of buildings.</p> <p>For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p> <p>For this purpose, the local authority should regard substantial damage or substantial interference as occurring 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>Additionally, in the case of a scheduled Ancient Monument, substantial damage should 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>

The Table below describing "Significant Possibility" is extracted from Department of the Environment, Transport & the Regions (DETR) Circular 02/2000

Descriptions Of Significant Harm (As Defined In Table A)	Conditions for there being a Significant Possibility of Significant Harm
<p>1 Human health effects arising from</p> <ul style="list-style-type: none"> • the intake of a contaminant, or • other direct bodily contact with a contaminant. 	<p>If the amount of the pollutant in the pollutant linkage in question:</p> <ul style="list-style-type: none"> • which a human receptor in that linkage might take in, or • to which such a human might otherwise be exposed, • as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. <p>Such an assessment should take into account:</p> <ul style="list-style-type: none"> • the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; • the relative contribution of the pollutant linkage in

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<p>Descriptions Of Significant Harm (As Defined In Table A)</p>	<p>Conditions for there being a Significant Possibility of Significant Harm</p>
	<p>question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and</p> <ul style="list-style-type: none"> • the duration of intake or exposure resulting from the pollutant linkage in question. • The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure. • Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine disrupting and other similar properties.
<p>2 All other human health effects particularly by way of explosion or fire).</p>	<p>If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning:</p> <ul style="list-style-type: none"> • that type of pollutant linkage, or • that type of significant harm arising from other causes. <p>In making such an assessment, the local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give particular weight to cases where the pollutant linkage might cause significant harm which:</p> <ul style="list-style-type: none"> • would be irreversible or incapable of being treated; • would affect a substantial number of people; • would result from a single incident such as a fire or an explosion; or • would be likely to result from a short-term (that is, less
<p>3 All ecological system effects</p>	<p>If either:</p> <ul style="list-style-type: none"> • significant harm of that description is more likely than not to result from the pollutant linkage in question; or • 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

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<p>Descriptions Of Significant Harm (As Defined In Table A)</p>	<p>Conditions for there being a Significant Possibility of Significant Harm</p>
	<p>in question that they would be beyond any practicable possibility of restoration.</p> <p>Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the eco-toxicological effects of the pollutant.</p>
<p>4 All animal and crop effects</p>	<p>If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the eco-toxicological effects of the pollutant.</p>
<p>5 All building effects</p>	<p>If significant harm of that description is more likely than not to result from the pollutant 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 pollutant linkage.</p>

APPENDIX 3 – WORKING PROCEDURES

A3.1 The Collection of Information on Contaminated Land

As sites come to the attention of the council, those that justify further consideration will be subjected to an initial desktop study of the following background information and local characteristics:

- Geographical location
- Brief description / history
- Size (hectares)
- Population distribution
- Current land use characteristics
- Details of council ownership of land (to include sites purchased, inherited or otherwise acquired)
- Details of land the council is 'responsible for' e.g. as tenant or as steward of public owned land i.e. schools, allotments, recreational grounds & public open spaces
- Location and status of protected organisms / ecosystems
- Key property types e.g. ancient monuments
- Key water resource / protection issues
- Known information on contamination
- Current and past industrial history
- Broad geological / hydrogeological characteristics
- Specific local features (e.g. areas of naturally metal enriched soils)
- Redevelopment history and controls
- Action already taken to deal with contamination

Apart from the council's own records, information from other sources will be sought as appropriate.

Information Source	Information Type
Environmental Agency	Plans showing features such as landfill sites Locations of water abstraction points Locations of consents to discharge Locations of sites with waste management licenses Locations of sites with IPC permits Locations of licensed nuclear sites
English Nature	Location of protected organisms / ecosystems
English Heritage	Records of historic / protected buildings Records of archaeological sites
DEFRA	Agricultural Land Classification
Food Standards Agency	Food production / food safety advice
British Geological Survey (BGS)	Geological Maps (GIS option)
Environment Agency & BGS	Groundwater Vulnerability Maps (GIS option)
Local Authority	Population distribution Planning and land use Known harm to human health Local authority owned land

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	Action already taken to deal with contaminated land
Ordnance survey	OS maps 1:2500 landline maps *
Landmark or Sitescope	Digitised Historical mapping (GIS options)*
Landmark or Sitescope	Historical Land Use information*
Dorset County Council	County Series maps, Kelly's Trade Directories Archaeological records
Local knowledge	First hand recollection of old chemical sites, waste disposal sites, tanneries, gas works.
Other Sources such as local history books, museums, libraries and local history societies	Documentary information about of old chemical sites, waste disposal sites, tanneries, gas works.

* Historical maps & Historical Land Use Data

There are several sets of out of copyright County Series maps available going back to the 19th Century. If the historical maps are geo-referenced they can be used on the GIS system and can be used in conjunction with the modern ordnance survey maps to locate businesses and industrial processes that may have led to contamination.

A3.2 The Presence of Contaminants

It will be presumed from the nature of historic land use that certain contaminants will be present on the site, unless it has been remediated to current standards.

A3.3 Identification of Pathways

'Pathways' - the routes by which the contaminant may spread from its original source to a receptor - can include:

- Ingestion
- Inhalation
- Absorption through the skin
- Presence of surface or ground water
- Leaching
- Nature of land use

In some cases pathways can also be receptors themselves. Their identification could come from the following:

Information source	Relevance
Local Authority Knowledge	Potential Pathway
Contour maps	May define the route a contaminant may be travelling or if airborne, be flowing.
Watercourses	sources include underground springs, water tables, streams, rivers, canals, drainage systems, sewers, etc.
Advised knowledge	From the public, local historical societies etc.

A3.4 The Identification of Receptors at Potential Risk

Receptors are defined as a living organism, a group of living organisms, an ecological system or certain property or controlled waters that are being, or could be, polluted by a contaminant. Some examples are shown below:

Receptor	Land Use Types
Human beings	Allotments Residential with gardens Residential without gardens Schools or nurseries Recreational / Parks, Playing Fields, Open Space Commercial / Industrial
Ecological systems or living organisms forming part of a system within protected locations	Sites of Special Scientific Interest (SSSI's) National Nature Reserves (NNR) Marine Nature Reserves (MNR) Areas of special protection for birds European sites Special Area of Conservation SAC, SPA's Candidate SAC's and SPA's RAMSAR sites Nature Reserves
Property in the form of buildings	Ancient monuments Buildings
Property in other forms (crops, livestock, home-grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights)	Agricultural land Allotments and gardens Forestry areas Other open spaces, rivers, lakes etc.
Controlled Waters	Surface Waters Drinking Water Abstractions Source Protection Zones Groundwaters – Private Abstractions Groundwaters – Major Aquifers

In addition to information collected by the desk study of land in the district, receptors could also be identified by local knowledge or other information.

A3.5 Criteria for Selecting Areas & Individual Sites for Inspection

Having identified sites as contaminated or likely to be contaminated, a strategic approach is necessary to identify land that merits a more detailed individual inspection. This will mean that we will look at:

- Land for which the authority is responsible or owns
- The most pressing land issues. This may be due to planning application, or complaint, or known high risk
- Low impact land (which forms around 80% of the list). This will quickly resolve the status of much of the contaminated land in the district, and can eliminate from immediate enquiry land that is suitable for current use

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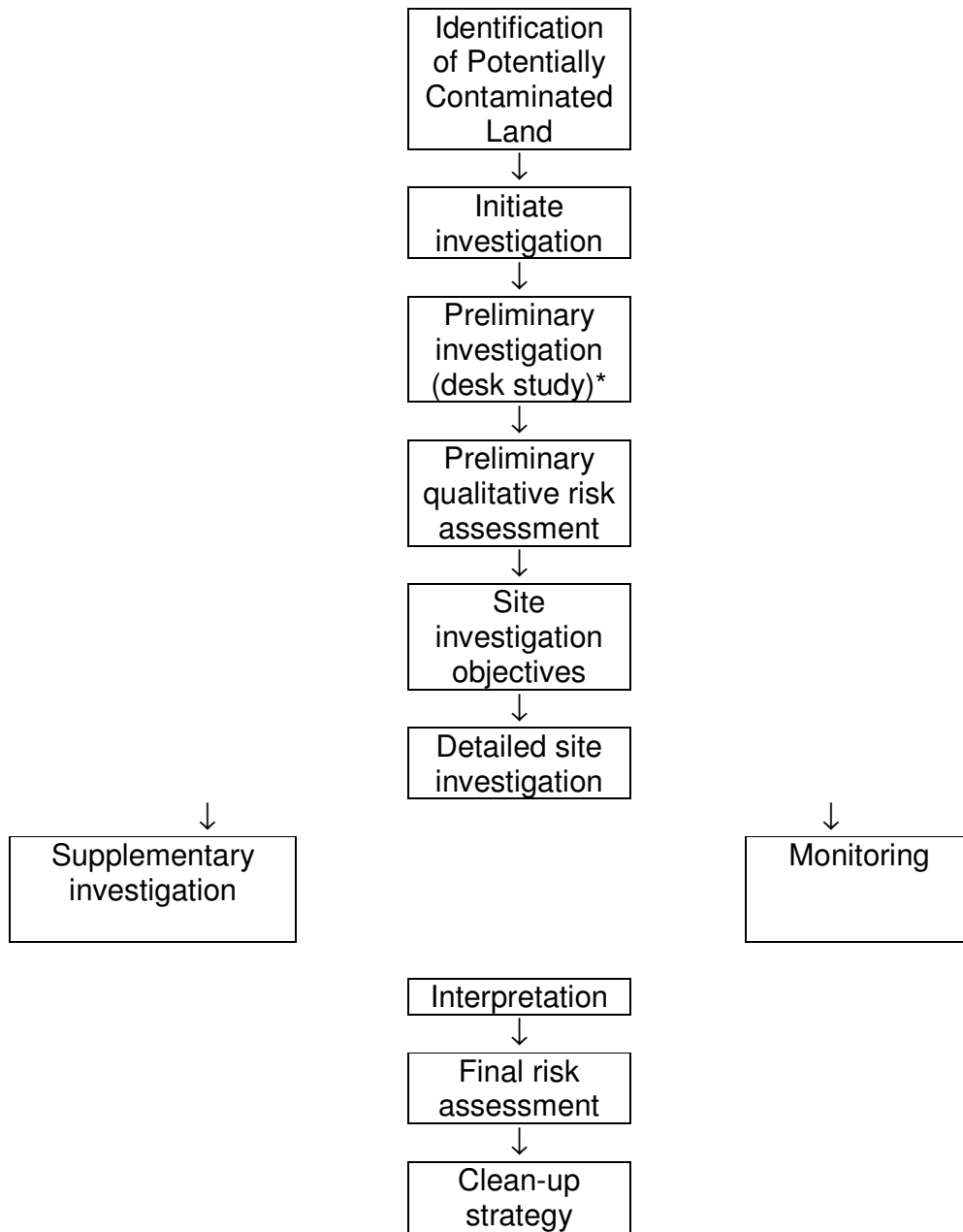
Information supplied by other regulatory authorities relevant to the identification of contaminated land will also be examined and prioritised. Quickscan has proved to be a successful tool in categorising risk though identifying the potential pollutant linkages of a site.

Inspection aims to place sites in one of the following categories:

Category	Site Characteristics
Category 1	<ul style="list-style-type: none"> From the information provided it would appear that the presence of contamination on site is very likely to be unacceptably high. The risk of harm to the identified receptors is very probable. Action required: Prompt, high priority action is required.
Category 2	<ul style="list-style-type: none"> From the information provided it would appear that the presence of contamination on site is likely. Receptors are likely to be at risk. The current use of the site therefore may not be suitable. Action required: High to medium priority in the medium term
Category 3	<ul style="list-style-type: none"> Whilst contamination may be present on site, from the information provided it would appear that it is unlikely that the contaminants will have a significant effect on the identified receptors. This site has more inherent risks than a category 4 site. Action required: Medium to low priority, site inspection may be warranted.
Category 4	<ul style="list-style-type: none"> Whilst contamination may be present on the site, from the information examined it would appear that it is unlikely that the contaminants will have a significant effect on the identified receptors. The current use of the site presents little concern and can continue pending new information. Action required: This is a low priority site, periodic review.
Category 5	<ul style="list-style-type: none"> These sites are of negligible risk. There is no evidence of 'significant harm' or the possibility of such occurring. Action required: Usually no further action needed.

The Landscan database contains information regarding site categories. This can be accessed via the WPA extranet link. If there is any doubt about the answer to any of questions raised by the categorisation procedure, then a 'worse case scenario' will be assumed. If there is evidence that there is an immediate and unacceptable risk on or near a site then further action will take place without prior reference to the categorisation procedure.

Flow Chart Representing Overall Risk Assessment & Remediation Process



A3.6 Principles of Inspection

Understanding and tackling contaminated land is essentially a risk management activity. Decisions are made to accept a known or assessed risk and / or implement actions to reduce the consequences or probabilities of an incident occurring.

As far as contaminated land is concerned, risk management involves:

- Hazard identification
- Hazard assessment
- Risk estimation
- Risk evaluation
- Risk control

This process is essentially achieved by the following three main activities:

- **Site Investigation:** identify hazard sources, pathways and receptors
- **Site Assessment:** qualify/quantify the risk of any particular receptor being impacted by any particular hazard
- **Site Remediation:** reduce any risk to an acceptable level.

A3.7 Frequency of Inspection

The frequency of inspections of contaminated land sites will be determined in accordance with priority by a number of factors:

- The extent of high priority sites that come to the attention of the local authority before, during and after the preparation of the contaminated land strategy. This may delay the inspection of other sites that are assessed as a lower risk. This in turn emphasises the need for a valid and reliable method of risk assessment.
- The frequency of monitoring required within a particular remediation programme.
- The resources available to the local authority.

A3.8 Site Investigation Purpose

The site investigation is designed to serve several purposes:

- definition of sources of contamination
 - location of contaminant
 - nature of contaminant
 - concentration
- identification of pathways
 - site topography
 - soil / rock permeability
 - joint / bedding systems
 - man-made pathways (shafts, culverts, pipes, backfill etc.)
 - surface drainage channels

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- location of sensitive receptors
 - depth to groundwater
 - proximity of surface water
 - location of any extraction points
 - location of any SSSI's
 - other receptors.

Site investigations are most effective when phased as follows (also see the flow chart above):

(a) a desk study for the collation and assessment of documentary information, or other information from other bodies.

(b) a site visit to the particular area for the purposes of visual inspection and, in some cases, limited sampling (for example of surface deposits).

(c) an intrusive investigation of the land (for example by exploratory excavations) and in some cases specific supplementary intrusive investigation.

A3.9 Output from Desk Study and Site Walk-over

The principal output from the desk study and site walkover is a report that would include the following:

- Assessment: all available information would be assessed to identify possible potential environmental issues and concerns (if any exist). The impact on the site and any subsequent liabilities (hazards and risks) to future owners or developers would be indicated. Likely contamination sources and possible contamination types would be discussed.
- Proposed future work: information gaps would be identified and further stages of investigation proposed. If it is considered that intrusive site investigation is required then a sampling regime and analytical suite would be discussed. An estimate of possible costs and time requirements for these investigations could also be provided.
- If the desk study shows no evidence of possible contaminants then the process may be terminated.

A3.10 Special Sites

A "Special Site" is contaminated land where the Environment Agency is deemed to be the most appropriate enforcing authority; it does not suggest that the 'Special Site' is more likely to constitute contaminated land. Regulations 2 and 3 of the Contaminated Land (England) Regulations 2006, together with Schedule 1 of those regulations describe that contaminated land to be designated "Special Sites". If land has been determined as contaminated land **and** falls within one or more of the descriptions, it is required to be designated as a special site.

If the Local Authority considers, at any time, that some particular contaminated land might be required to be designated as a Special Site, it will seek the advice of the Environment Agency. The Local Authority, having regard to any such advice received, will then decide whether or not the land is required to be designated.

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If the Local Authority does believe that the land should be designated as a Special Site, the authority will give notice in writing to:

- the Environment Agency;
- the owner and or the occupier of the land; and
- each person who appears to be an Appropriate Person.

If the Environment Agency does not agree with the local authority's decision it must notify the local authority within twenty-one days of the local authority's notification giving a statement of its reasons for disagreeing.

If the Environment Agency agrees with the Local Authority's decision, or if it fails to notify its disagreement within twenty-one days of notification, the contaminated land in question will be designated as a Special Site.

A3.11 Information Sources

Information received that a pollutant linkage exists on a site / area could occur as a result of:

- WDDC's own gathering of information as an integral part of implementing the strategy and during the process of investigating the district
- Receiving information from another regulatory body, such as the Environment Agency
- Receiving information or a complaint from a member of the public, a business or a voluntary organisation

In this latter case, any member of the public, business community or voluntary organisation coming forward with information or a complaint will be asked to supply their name and address. Although the anonymity of the information provider / complainant will be preserved, anonymous information will not be dealt with as a priority.

A designated Investigating Officer shall in all cases discuss the information / complaint with the party who has supplied the information / complaint within 5 working days of receipt of the initial contact. Response may be made in person, by telephone, e-mail or letter.

Following the initial contact between the Investigating Officer and the informant, a standard Land Use Record Form (shown at **Appendix 4**) will be sent to the informant for their completion and return.

Any information / complaints will be recorded on the Contaminated Land Database system and the informant shall be advised as to the proposed course of action to be taken.

From the information supplied, using the hazard identification and risk management procedures described in the strategy, the investigating officer will determine the appropriate course of action, which may include a desk top study and potentially followed by an inspection of the site / area of land.

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The person(s) who supplied the original information will be kept informed of the progress of the action taken and of any decisions taken. Within the constraints of Part IIA legislation, every effort will be made to act on information received quickly and efficiently.

Normally, the Investigating Officer will be interested only in land / controlled waters that are within the authority's area. However, if it is considered that significant harm or that pollution of controlled waters might be caused within the authority's area as a result of the migration of contamination from outside of the authority's geographical area then, the Investigating Officer must give due consideration to that land.

From the information provided, if it is decided that the site / area of land requires investigating, the procedures for inspecting land as described in the section for 'Inspecting Land' in the Statutory Guidelines (DETR Circular 02/2000) will be followed.

A3.12 Audit of Inspection Procedures

Every time this strategy document is reviewed, existing procedures will be examined and scrutinised for effectiveness and efficiency. Furthermore, technological and information system advances may replace and update existing methods.

A3.12 Points of Contact

The principal points of contact for matters relating to contaminated land within WDDC are:

- For Part IIA and Environmental Health issues: Environmental Health Team Leader, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ. Telephone: 01305 251010. E-mail: env.health@westdorset-dc.gov.uk
- For Regeneration & Redevelopment of Contaminated Land: Development Services Manager, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ. Telephone: 01305 251010. E-mail dev.services@westdorset-dc.gov.uk

WDDC's approach towards remediation of contaminated sites is to seek voluntary action before taking enforcement action. In most cases, this should result in more effective remediation of sites. However, when it appears that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of a significant pollutant linkage, the authority may need to ensure that urgent remediation is carried out through the use of statutory provisions.

APPENDIX 4 – LAND USE RECORD FORM

CON LAND 1

LAND USE RECORD FORM	
Personal details	
Name:	
Address:	
Daytime telephone number:	
Please provide a description of the site/area of land you believe to be contaminated and its location (and a plan or map if possible).	
Please describe the nature of process/activity that was, or is, being carried out on the above mentioned site/ area of land which you believe to be causing the contamination.	
If not an existing process or activity, then what is your reason for believing that it was carried out.	
Signature:	
Date:	<p>I confirm that the above information provided is correct to the best of my knowledge.</p> <p>-----/-----/-----</p>

APPENDIX 5 – THE PUBLIC REGISTER

A5.1 Register Contents

Section 78R of EPA 1990 requires each enforcing authority to keep a public register. The public register is intended to act as a full and permanent record, open for public inspection, of all regulatory action taken by the enforcing authority in respect of the remediation of contaminated land, and will include information about the condition of land.

Among the details that will be entered on the register are:

- remediation notices, statements and declarations
- appeals against remediation notices
- notices designating special sites
- notification by appropriate persons of what has been done by way of remediation
- convictions for failure to comply with remediation notices.

The particular details to be included in each Register are prescribed in Regulation 15 and **Schedule 3 of the Contaminated Land (England) Regulations 2000**.

Before including any information on its Register, the authority has to consider whether that information should be excluded on the basis that either; inclusion would be against the interests of national security (paragraphs 17.8 to 17.9 DETR Circ.02/2000 Annex 2); or the information is commercially confidential (paragraphs 17.10 to 17.19 DETR Circ.02/2000 Annex 2).

A5.2 Remediation Notices

Regulation 15 and Schedule 3 requires that the following information about a remediation notice must be placed on the register:

Site Information:

- (a) the location and extent of the contaminated land sufficient to enable it to be identified; this requirement would ideally be met by showing its address and the estimated area in hectares, together with a plan to a suitable scale and a National Grid reference;
- (b) the significant harm or pollution of controlled waters by reason of which the land is contaminated land;
- (c) the substances by reason of which the land is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (d) the current use of the land in question;

Remediation Information:

- (e) the name and address of the person on whom the notice is served;
- (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;

A5.3 Site Investigation Reports

In cases where site investigation reports obtained by or provided to the authority, which relate to the condition of land or any remediation action, are likely to be publicly accessible under the Environmental Information Regulations, it would also be good practice to include a reference to such information. The entry could include:

- (a) a description of the information,
- (b) the date on which it was prepared,
- (c) the person by whom and for whom it was prepared, and
- (d) where it is available to be inspected or copied.

A5.4 Other Environmental Controls

The register is required, by paragraphs 14 and 15 of Schedule 3, to include information in cases of the two situations where a site may be formally identified as contaminated land but is dealt with under other environmental controls, instead of under Part IIA (see section 78YB(1) and (3)).

These other powers are section 27 in Part I of the EPA 1990 (Integrated Pollution Control) and section 59 in Part II of that Act (Collection, disposal or treatment of Controlled Waste). In both cases, the register is required to include, in addition to the site information, particulars of any steps about which the enforcing authority knows that have been taken under those other powers.

The register is also required, by paragraph 16 of Schedule 3, to include information about any cases where particular remediation actions cannot be specified in a remediation notice because they would have the effect of interfering with a discharge into controlled waters for which consent has been given under Chapter II of Part III of the Water Resources Act 1991. In addition to the site information, the register is required to give particulars of the discharge consent.

A5.5 Special Sites

Where the land is a special site, the register should include the information required in respect of any other site. In addition, under paragraph 10 of Schedule 3, the register is required to include:

- (a) the notice designating it as such (given by a local authority under section 78C(1)(b) or 78C(5)(a) EPA 1990, or by the Secretary of State under section 78D(4)(b) EPA 1990);
- (b) an identification of the description of land under which it is a special site
- (c) any notice given by the appropriate Agency of its decision to adopt a remediation notice;
- (d) any notice given by or to the enforcing authority under section 78Q(4) terminating the designation.

A5.6 Agency Site-Specific Guidance

Under paragraph 13 of Schedule 3, the register is required to include the date of any site-specific guidance issued by the Environment Agency under section 78(V)(1) EPA 1990. Where such site-specific guidance exists, information in it may be required to be available to the public under the Environmental Information Regulations. Where this is likely, it would be good practice to include a reference to where it is available to be inspected or copied.

A5.7 Appeals Against a Remediation Notice

Where an 'appropriate person' appeals against a remediation notice, the register is required, under paragraphs 2 and 3 of Schedule 3, to include full particulars of:

- (a) any appeal against a remediation notice, including the date and the name and address of the appellant; and
- (b) the decision on such an appeal.

Full details of the information to be kept on the register and other related issues are to be found in DETR Circular 02/200 Annex 2, section 17 and Annex 4 Sections 79 to 100, and The Contaminated Land (England) Regulations 2000 (2000 No. 227) Regulation 15 and Schedule 3.

A5.8 Confidentiality of Information

As stated in the section entitled 'Register Contents' above, where there is a statutory requirement for information to be made available to the public via the register of contaminated land, this will be adhered to.

Also, as stated in the section entitled 'Register Contents', any document not placed on the register may, in any case, be accessible under the Environmental Information Regulations 1992 (SI 1992/3240, as amended). Therefore, any valid request for such information will be individually assessed on its appropriateness.

A5.9 Dealing with Requests for Information

The public register will be accessible to the public on request at the Council's offices at Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ.

It is expected that most requests for information relating to contaminated land will be received from solicitors and individuals by way of property searches. The authority provides contaminated land information in response to such searches.

Other requests for information will be considered and dealt with in accordance with the requirements of relevant data protection and information legislation, as resources allow.

A5.10 Provision of Information to the Environment Agency

The statutory guidance provides for a mutually beneficial and ongoing exchange of information between the Local Authority and the Environment Agency. This is achieved by exchange of computer held information, meetings and discussions on a regular and ad-hoc basis.

WDDC will comply with any statutory request for information by the Environment Agency as expeditiously as possible.

APPENDIX 6 – SUPPORTING INFORMATION AND REFERENCES

A6.1 Supporting Information

- **CLEA**

Publications relevant to CLEA can be accessed via: <http://www.environment-agency.gov.uk/subjects/landquality/113813/672771/675330/?lang=e>

- **Withdrawal of the ICRCL Trigger Values**

Note on the withdrawal of the ICRCL Trigger Values (Clan 3/02) can be accessed via: <http://www.defra.gov.uk/environment/land/contaminated/pdf/clan3-02.pdf>
Details of the new CLR's and SGV's (and Toxicology papers) can be accessed via <http://www.defra.gov.uk/environment/landliability/pubs.htm> - 3.

- **SGV's**

Soil guideline values supporting information can be accessed via: <http://www.environment-agency.gov.uk/subjects/landquality/113813/672771/675257/?lang=e>
Assessing Risks from Land Contamination – A Proportionate approach; Soil Guideline Values: The Way Forward (Clan 06/06) can be accessed via: <http://www.defra.gov.uk/environment/land/contaminated/pdf/clan6-06.pdf>

- **Section 86 Water Act 2003**

Clan 3/04 Section 86 Water Act 2003 can be accessed via: <http://www.defra.gov.uk/Environment/land/contaminated/pdf/clan3-04.pdf>

- **CLR 11**

For publications regarding the CLR framework that can be downloaded: <http://www.environment-agency.gov.uk/subjects/landquality/113813/881475/?version=1&lang=e>

- **Planning Policy Statement 23: Planning & Pollution Control**

Publication title: Planning Policy Statement 23: Planning and Pollution Control - Annex 2: Development on Land Affected by contamination can be accessed at: <http://www.communities.gov.uk/index.asp?id=1143916>

- **BVPI's**

Further information regarding BVPI's: DEFRA advice note can be accessed at: <http://www.defra.gov.uk/environment/land/contaminated/pdf/clan2-06.pdf>
BV regime information can be accessed at: <http://www.odpm.gov.uk/index.asp?id=1161605>
BVPI data can be accessed at: <http://www.bvpi.gov.uk/pages/Index.asp>

- **Radioactive Contaminated Land**

Clan 5/06 provides an overview of the inclusion of radioactive contaminated sites and further links to associated information. This can be accessed via: <http://www.defra.gov.uk/environment/land/contaminated/pdf/clan5-06.pdf>

CONTAMINATED LAND STRATEGY 2008 - 2013

- **RCLEA**

Extension of Part 2A of the Environmental Protection Act 1990 to include radioactive contaminated sites. Defra Briefing Guide. September 2006.

RCLEA Summary Final Draft. Defra publication can be accessed via:

<http://www.defra.gov.uk/corporate/consult/radioactivity-rclea/rclea-summary.pdf>

- **WPA**

WPA Consultants Ltd homepage including links to the Local Authority Consortium, Landscan investigations and Planweb (GIS) can be accessed via:

<http://www.wpaconsultants.co.uk/>

A6.2 REFERENCES

- **Department of the Environment, Transport and the Regions (DETR) Circular 02/2000**

Includes a statement of government policy, descriptions of new laws, and statutory guidance on their operation. ISBN 0-11-753544-3

- **The Environmental Protection Act 1990**

An Act to make provision for the improved control of pollution arising from certain industrial and other processes; to re-enact the provisions of the Control of Pollution Act 1974 relating to waste on land with modifications as respects the functions of the regulatory and other authorities concerned in the collection and disposal of waste and to make further provision in relation to such waste; to restate the law defining statutory nuisances and improve the summary procedures for dealing with them. ISBN 0-10-544390-5

- **The Contaminated Land (England) Regulations 2000 (SI 2000/227)**

Procedural details such as registers, remediation notices and appeals are included. ISBN 0-11-085901-4

- **The Environment Act 1995**

Section 57 contains the main legislation referred to in Circular 02/2000. This introduced Part IIA of the Environmental Protection Act 1990.

ISBN 0-10-542595-8

- **Department of the Environment: Contaminated Land Research (CLR) Report No. 6**

‘Prioritisation and Categorisation Procedure for Sites which may be contaminated.’