



# CONTAMINATED LAND INSPECTION STRATEGY

Part 2A of the Environmental Protection Act 1990



May 2015: Update and Review of Strategy

Approved Version

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## Summary

### Contaminated Land Inspection Strategy

In April 2000 the Government introduced **Part 2A of the Environmental Protection Act 1990** a regime to clear up the legacy of contaminated land. The legislation placed a duty on the Council to inspect the area to identify contaminated land and to ensure it is remediated where it poses a significant risk to public health or the environment. The Council is required to adopt and review a Contaminated Land Inspection Strategy to enable this process to occur.

The initial district inspection is due to be completed by 2016. Recent changes to legislation, Contaminated Land (England) Regulations 2006 and statutory guidance mean that the Council's strategy needs to be reviewed and updated in light of these changes.

Recent changes include:

- The publication of new statutory guidance replacing all previous published guidance.
- That guidance recognises that there are two broad types of "inspection" likely to be carried out by local authorities:
  - (a) **strategic inspection**, for example collecting information to make a broad assessment of an area and then identifying priority land for more detailed consideration.
  - (b) **detailed inspection**, for example investigation of land to obtain information on ground conditions and carrying out risk assessments to support decisions under the Part 2A regime.
- A precautionary approach should be adopted to risks raised by contamination, whilst avoiding a disproportionately cautious approach given the circumstances of each case. The aim should be to consider the various benefits and costs of taking action, with a view to ensuring that the regime produces net benefits, taking account of local circumstances.
- There is now a requirement to consider the significance of contamination in the context of the pollution of controlled waters.
- The process of determining sites under Part 2A must follow a categorising process, be robust and in accordance with good practice, the potential for harm should be likely and the contamination must not be subject to possible remedy by appropriate development (within a reasonable period of time).
- Planning Policy Statement 23 and Annex 2 have been replaced with the National Planning Policy Framework Document. Some of the technical

guidance has been summarised with the detail to be provided in Local Government Planning Policy. The development of land affected by contamination remains a material planning concern.

- New determinations under Part 2A that will appear on public registers administered by the Local Authorities and must contain a summary document clearly outlining the site character, justification for determination based on the identification of significant contaminant linkages and what actions and responses to action have occurred.
- Contaminated Land Strategies should also reflect the stage that has been reached in the district inspection process, what on-going actions and resources are required, and how the information that has been obtained will be utilised in the planning regime.

### **Delivering the Strategy**

The necessary work at the Council is undertaken within Public Health and Housing Services, with contracted specialist work undertaken by WPA Consultants Ltd appointed by the Dorset and New Forest Contaminated Land Consortium of local authorities. The use of a specifically tailored mapping system incorporating the software MAPINFO is a key component. This programme matches the locations of possible sources of contamination with the location of sensitive receptors (e.g. humans and ecological systems), identifying where problem sites could be situated. The methodology which is employed is risk-based and enables those sites which pose the greatest risk to human health to be dealt with first whilst ensuring that available resources are brought to bear on the most important cases. The work required by the strategy to complete the initial strategic inspection is due to be completed in 2016; at this point all potentially contaminated sites within the District should have been identified, confirmed and prioritised.

During prioritisation, the process of identifying liable persons and enforcing the clean-up of such sites would have commenced where required. The data obtained is being collated for use as a planning and development control tool for flagging and assessing sites that should be subject to the consideration of contamination issues.

For the developers of potentially contaminated land the Dorset and New Forest Contaminated Land Consortium of local authorities has published a planning advice note on the Dorset for You website:

<https://www.dorsetforyou.com/planning/constraints/contaminated-land>

This Strategy illustrates how the formal obligations of the authority under Part 2A will and are being conducted in a sustainable and scientifically robust manner.

## **Abbreviations Used in this Strategy**

<b>AONB</b>	Area of Outstanding Natural Beauty
<b>DEFRA</b>	Department for Environment, Food & Rural Affairs
<b>EA</b>	Environment Agency
<b>EPA 1990</b>	The Environmental Protection Act 1990
<b>GIS</b>	Geographical Information System
<b>MOD</b>	Ministry of Defence
<b>OS</b>	Ordnance Survey
<b>Part 2A</b>	Refers to Part 2A of the Environmental Protection Act 1990
<b>SAC</b>	Special Area of Conservation
<b>SPA</b>	Special Protection Area
<b>PDC</b>	Purbeck District Council
<b>SSSI</b>	Site of Special Scientific Interest

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## 1.0 Introduction

### 1.1 Council Priorities and Corporate Strategy

The Council's Corporate Strategy sets out a vision for Purbeck and prioritises five key areas for delivering that vision. The first priority is protecting and enhancing the natural environment which is a tremendous asset in Purbeck and in this context underpins this Contaminated Land Inspection Strategy.

Sustainable development is the central theme to Part 2A, which notes that the presence of contaminated land inhibits the progress of sustainability. This is because it *"Inhibits the prudent use of land and soil resources, particularly by obstructing the recycling of previously developed land and increasing development pressures on greenfield areas"*. The Contaminated Land (England) Regulations 2006 also state that one of the primary aims of the regime is to: *"Identify and remove unacceptable risks to human health and the environment whilst bringing damaged land back into beneficial use"*.

Due to the concurrence of policy, it is inevitable that the implementation of this contaminated land strategy will contribute to the key goals of the Council.

### 1.2 The Regulatory Context

1.2.1 Under Part 2A of the EPA 1990 unitary authorities and district councils are given the title of "enforcing authority" and are the primary regulators of contaminated land. Section 78B(1) of the act provides that:

*"Every local authority shall cause its area to be inspected from time to time for the purpose –*

- (a) of identifying contaminated land; and*
- (b) of enabling the authority to decide whether any such land requires determination or is land which is required to be further considered as a special site."*

As the enforcing authority, the Council has four main tasks.

- To establish who should bear responsibility for the remediation of the land;
- To decide, after consultation, what remediation is required in any individual case and to ensure that such remediation takes place;
- To determine who should bear what proportion of the liability for meeting the cost of work and how matters proceed where the person responsible for the contamination cannot be found; and
- To record certain prescribed information about their regulatory actions on a public register such as location, site investigations carried out, a remediation

statement, contaminants present and a summary of the evidence leading to the declaration

1.2.2 The Environment Agency is designated as the enforcing authority for special sites (special sites consist primarily of controlled waters but also include sites such as those located within nuclear sites or upon MOD land). In addition to this responsibility the agency also has the duty to:

- Assist local authorities in identifying contaminated land, particularly in cases where water pollution is involved;
- Provide site-specific guidance to local authorities on potential special sites; and
- Publish periodic reports on contaminated land.

1.2.3 Contaminated land is defined by Part 2A of the EPA 1990 (Section 78A(2)) as:

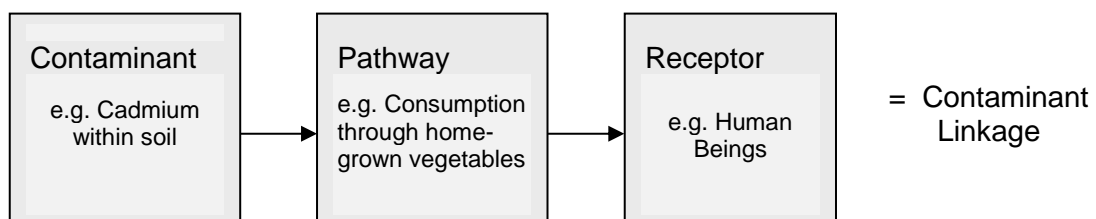
*“any land which appears to the local authority in whose land it is situated to be in such a condition, by reason of substances in, on or under the land, that –*

*(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”.*

1.2.4 Before land can be defined as contaminated, the Council must first confirm a contaminant linkage. This occurs when both contaminant and receptor are linked by a pathway: Figure 1 gives an example of a linkage. Even if a contaminant and a receptor coincide, the land is not considered as contaminated unless there is a pathway for the contaminant to reach and cause significant harm to the receptor.

Figure 1 Source - Pathway - Receptor



1.2.5 A receptor is defined as being a living organism, a group of living organisms, an ecological system or a piece of property which is being or could be harmed by a contaminant. Controlled waters are also considered as potentially sensitive receptors because they may provide drinking water for humans and because they support a wide variety of wildlife and ecosystems.

1.2.6 The definition of contaminated land is based upon the principles of risk assessment whereby risks are identified, estimated and evaluated through a process of desk studies, site investigations and interpretation to reach decision.

For the purposes of the contaminated land regime, risk is defined as the combination of:

- (a) “the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- (b) the magnitude (including the seriousness) of the consequences”.

As a consequence it is necessary that the Council identifies contaminated land by first locating a potential significant contaminant linkage and then applying the process of risk assessment to confirm that significant harm is being caused, or, that there is a significant possibility that such harm is being caused. It is also required that a strategic approach is taken by local authorities when inspecting their area.

This Strategy, therefore, outlines how contaminated land will be strategically and rationally identified within the District of Purbeck.

### **1.3 Development of this Strategy**

The Council’s original strategy was originally approved in 2000 following the publication of DEFRA guidance “Contaminated Land Inspection Strategies – Technical Advice for Local Authorities”. This is the second review of this strategy since adoption and stakeholders were consulted in the first quarter of 2015 with their views and comments incorporated into this final version.

Key Stakeholders consulted prior to the adoption of this strategy were:

- Dorset County Council:
- District and Borough Councils in Dorset:
- English Heritage
- Environment Agency
- Food Standards Agency
- National Trust
- Natural England:
- Perenco Ltd
- RSRL Ltd Winfrith
- WPA Consultants Ltd

### **1.4 Objectives of this Strategy**

1.4.1 This Strategy establishes the strategic approach taken by the Council to identify contaminated land within the district as required by section 78B(1)



of Part 2A of the EPA 1990. This approach ensures the compliance and enforcement of statute and follows the statutory guidance so that it is;

- a) rational, ordered and efficient
- b) proportionate to the seriousness of the risk;
- c) seeks to ensure that the most pressing and serious problems are located first;
- d) ensures that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land; and
- e) ensures that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

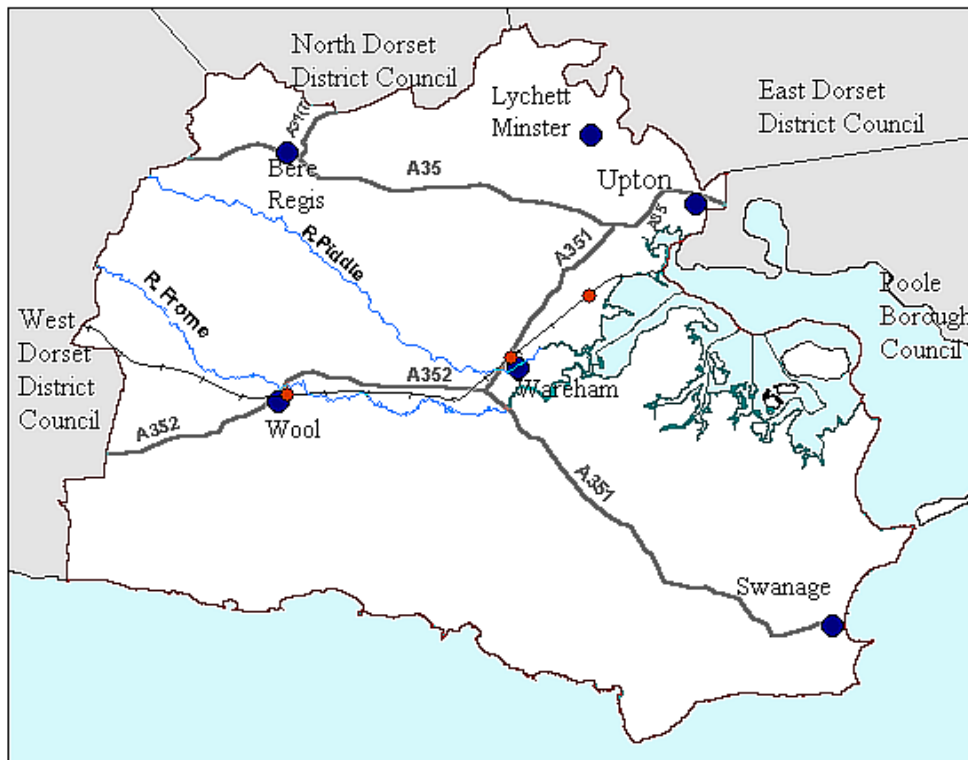
1.4.2 The Strategy also informs all concerned stakeholders (including members of the local authority, landowners, developers and the public) of the intentions of the Council to identify and manage the remediation of contaminated sites.

## 2.0 Characteristics of the District

### 2.1 Geographical Location and Population

Purbeck is a coastal district located within the south east of Dorset. The district covers an area of 40,442 hectares and is predominantly rural. Purbeck has a population of 45,795 (2011), approximately 60% of which is located within the district's three primary towns of Wareham, Swanage and Upton.

**Map 1: The District of Purbeck**



### 2.2 Conservation Designations

Purbeck District is characterised by great environmental diversity. Its complex geological structure gives rise to a great variety of heathland, woodland, grassland and coastal habitats. These include the ecosystems of the lower reaches of the rivers Piddle and Frome. Many of these areas are designated for their landscape or nature conservation importance. Designations found within Purbeck are outlined below;

- Designated and proposed Internationally Important Nature Conservation Sites include: Special Protection Areas (SPAs); Ramsar Sites and Special Areas of Conservation (SACs). These cover approximately 8,900 hectares (23%) of the District. Significant sites including the intertidal mudflats of Poole Harbour (which support in excess of 20,000 birds) and the Dorset Heathlands.

- There are over 40 Sites of Special Scientific Interest (SSSIs) either wholly or partly contained within the District. These cover approximately 9900 hectares or 23% of the District. The majority of the designations cover heathland, although other habitats represented in Purbeck include chalk and limestone grasslands, meadows, fens and marshlands.
- 57% (24,250 hectares) of Purbeck's area is covered by AONB designation (Area of Outstanding Natural Beauty).

The large number of designations and protected habitats within the district demonstrate the high level of landscape assets within Purbeck and the need to conserve the diversity of the area.

## 2.3 **Archaeology**

2.3.1 Purbeck has a varied archaeological heritage with 265 Scheduled Ancient Monuments. Other designations, which need to be considered, include world heritage sites, conservation areas and historic parks and gardens, all of which can be found within Purbeck.

2.3.2 It is sometimes the case that the sites of some former industrial activities are scheduled ancient monuments and at these locations any contaminants present may constitute a significant element of the archaeological interest. For example some of the buildings upon the former cordite factory in Holton Heath have recently been designated as ancient monuments.

## 2.4 **Hydrogeology**

2.4.1 All controlled waters require inspection for problems caused by contamination. Controlled Waters are prescribed within the Water Resources Act 1991 as territorial waters, coastal waters, inland freshwaters (lakes, rivers etc.) and groundwater.

2.4.2 Two rivers run through the district – the River Piddle and the River Frome, where water quality has been graded as having good chemical water quality. 100% of the River Piddle also achieved a biological water quality grade of “Very Good” with 95% of the Frome achieving the same grade.

2.4.3 Within Purbeck there are approximately 70 registered private water supplies which are sourced by boreholes, springs and wells.

2.4.4 Groundwater Source Protection areas have been designated where there is risk to groundwater sources of water for public supply. Within the Poole Harbour and Purbeck catchment 90% of licensed abstraction is derived from groundwater. Consequently groundwater is an important resource and Groundwater Source

Protection Areas cover 17% of Purbeck's area. Such areas are located within the area of Bere Regis and Briantspuddle in the northwest of the District, the parishes of Chaldon Herring, West and East Lulworth in the southwest and the northern part of Lytchett Matravers.

2.4.5 The areas identified above are also the location of major aquifers within the district. The majority of the groundwater within the district is classified as minor aquifer with lower vulnerability. This is due to the high levels of tertiary geology consisting of Reading Beds, London Clays and Bagshot Beds underlying these areas.

## 2.5 Industry and Trade

2.5.1 Past industries and activities which could give rise to possible contamination include gasworks (Swanage and Wareham) and various brickworks, concrete works, wood-processing plants, closed landfill and waste disposal sites.

2.5.2 Situated at Holton Heath is the site of the former Royal Naval Cordite Factory. In addition to the production of cordite, sub factories also produced acids, acetone, guncotton and other substances such as nitro-glycerine. The factory was operational between the years of 1916 and 1957. After closure of the plant the site was used to press vinyl records and for engineering. Some of the buildings have been demolished and a modern industrial estate has been established on part of the site, other parts are designated nature reserves including a SSSI.

2.5.3 The United Kingdom Atomic Energy Authority has been associated with Winfrith since the 1950s. The licensed nuclear site was initially used to research nuclear reactors and establish proof of design, this function ceased in 1995 and part of the site de-licensed which has now become a growing technology park. Magnox PLC (formerly RSRL Ltd) are currently operating a decommissioning programme on the remaining nuclear licenced site. It is envisaged that this programme will be sufficient to ensure that the site will not become subject to action under Part 2A. It is also considered that any legislative control of the site concerning contaminated land will occur through the planning regime prior to future development.

2.5.4 Purbeck also has a rich history of quarrying, mining and oil exploration which continues to this day. At present Purbeck stone, ball clay, sand and gravel are all quarried within the district. Past quarries could potentially give rise to contamination depending on the nature of the historic in-filling of workings.

2.5.5 Purbeck has a significant oil and gas industry with a number of oil wells located within the Wytch Farm and Kimmeridge areas. Oil and gas are not processed within Purbeck but transported to Southampton and Sopley respectively.

2.5.6 Currently there are two large MOD sites; Bovington Camp is an armoured vehicle training centre and there is a large firing range at Lulworth. Both sites could have potential contamination issues due to the nature of the use of the land. Whilst the land remains as MOD land, however, it is considered that the sites are suitable for their current use.

2.5.7 Due to the significant quarrying heritage in the District a number of sites, particularly old gravel extraction sites north of Wareham, have been utilised for landfill. There are a number of large closed landfill sites in this area with Trigon Landfill site currently open and operated by Viridor PLC.

### **3.0 Aims and Priorities of the Strategy**

The aim of this strategy is to:

- identify any unacceptable risks to human health (human health effects);
- identify risk to controlled waters within the district;
- identify any unacceptable risks to Purbeck's unique flora, fauna and ecology (ecological system effects);
- ascertain the existence of unacceptable risks to property (livestock and crops) which may exist as the result of the presence of contaminated land (animal or crop effects); and
- identify any unacceptable risks to buildings, conservation areas, ancient monuments and designated historic sites (building effects).

Due to the widespread areas of conservation designations the majority of Purbeck requires careful investigation. However of the aims identified above it is considered that unacceptable risk to human health is the primary concern.

The Council is aware that it is responsible for all council owned land. Although the amount of land owned by the council is limited this strategy also aims to ensure that all of this land is investigated and any possibly contamination identified and made a priority for further investigation where required.

## 4.0 Inspection Methodology

4.1 The identification of unacceptable risk can only be confirmed by the presence of a pollutant linkage and the employment of risk assessment to confirm that significant harm is being caused. These processes are summed up by the following three stages:

- Identifying *potential* contaminant linkages (where a possible source, receptor and pathway coincide)
- Establishing *actual* contaminant linkages (confirming the contaminated status of a source via intrusive site investigations)
- Establish contaminant linkages which are causing significant harm (through the use of risk assessment)

4.2 After the completion of these three stages it will be necessary to prioritise the significant sites using risk assessment. The proposed methodology to achieve this within Purbeck is summarised by the five step process outlined below.

### **Step One: Operation of MapInfo GIS**

Potentially contaminated sites are identified through the employment of the Geographical Information System (GIS) MAPINFO. The system allows historic Ordnance Survey Maps to be overlaid with current land use maps – enabling the matching of historically contaminative land uses (sources) and currently sensitive land uses (receptors). The additional overlaying of geological and hydrogeological mapping helps to confirm the presence of potential pathways, therefore providing all the necessary information to provisionally identify a contaminant linkage and possibly contaminated land. The system has been developed and tailored to the council's needs and enables the storage and viewing of a large number of databases. The GIS has been linked to an Access database which allows the recording of more detailed information in conjunction with the visual data on Mapinfo.

### **Step Two: Identification of Potential Contaminated Sites**

Potential sources are identified using the historical maps on the GIS, however the use of other datasets is used to confirm which industries were operational where. For example, whilst the OS map may just show the existence of “works” at a specific location, the Kelly's directories and rating dataset will be able to identify what *kind* of works they were and therefore give a greater indication of the processes which went on at that location.

As a consequence of this work an initial list of potential contaminated sites (under the definition of the 2006 regulations) has been produced and verification and categorising is nearing completion. The resultant dataset provides a categorised

list of sites to aid the prioritised approach to action under Part 2A of the EPA 1990.

### **Step 3: Establishing Actual Contaminated Sites**

In order to establish actual contaminated sites it is necessary to confirm the presence of contaminants and the significance of associated contaminant linkages. This is achieved through further detailed investigation. This is conducted through a rolling programme subject to prioritisation and in most cases application for central government funding administered by the Environment Agency subject to funding being available. Potential sites are prioritised as follows:

- Human Beings and Human Health
- Controlled Waters (Incl. drinking water abstractions, surface waters and source protection zones.)
- Property – crops, livestock, home-grown produce
- Protected Ecological Systems
- Property (all other forms) including buildings, ancient monuments and all designated historic sites

After sites have been prioritised further investigation will commence of high risk sites. The investigations will involve a desk study and a walkover survey as outlined below:-

The desk study allows the collation of available information on past contaminative uses, previous site investigations, pollution incidents, geology and hydrogeology in order to determine the location of contamination hotspots, the location of any known spillages and the types of contaminants which may be present.

The walkover survey detects any physical evidence that contamination is present by identifying such factors as discoloured soil and distressed vegetation. This stage also allows limited sampling of surface waters and surface deposits. The DoE publication “Guidance on the Preliminary Site Inspection of Contaminated Land (CLR2) are used whilst conducting this survey.

If the results of these studies reveal that the site is likely to contain contaminants it may be necessary to employ intrusive investigation. Intrusive sampling and analytical work (often using targeted boreholes and trial pits) will reveal the presence and character of contaminants within the soil and groundwater.

### **Step 4: Identifying Significantly Contaminated Sites.**

Although sites may be found to contain contaminants, for that site to be officially classed as a contaminated site it has to be shown that the contaminants are causing significant harm or that there is a significant possibility of significant harm being caused. For example, although a contaminant may be present within the soil it may be at such a low concentration that it poses no danger to human



health or controlled waters. The tool of risk assessment is used to assess the level of risk to which a specific receptor is exposed. In many cases it is expected that there will be relatively little or no risk being posed. The level of risk posed by a contaminant is dependent on many factors, including the following:

- The long term fate of contaminants in the soil
- How physically and chemically available they are to the receptors
- How much of the contaminant is already received from other sources
- How dangerous they actually are
- How resistant the various receptors are to the contaminants

Risk assessment facilitates the evaluation of these factors in order to discern the actual risk the contaminants pose on a *site-specific* basis.

#### **Step 5: Prioritising Contaminated Sites**

The outcome of the risk assessments of the significant sites is then be used to prioritise the sites in order to start the process of remediation. The Contaminated Land Statutory Guidance (2012) is used to framework the prioritisation process. Within these guidelines, sites are classed within 4 categories based on the outcome of risk assessment and toxicity assessments.

As a consequence of risk assessment and categorising those sites which pose the greatest risk and which possess most criteria of concern in a local context are dealt with first. This process is ongoing but will be facilitated once all of the significant contaminated sites have been confirmed. When urgent sites come to light they will be dealt with as soon as it is practicable.

If there is a possibility of a site being remediated through development under the planning regime (within an acceptable time frame) the Council will seek to liaise with the owner(s) to facilitate a development scheme as opposed to taking formal enforcement action under Part 2A.

It is stated within the legislation that appropriate time-scales need to be set for the inspection of different parts of the area. The completion of the identified steps within a reasonable time-scale ensures that all the contaminated sites within Purbeck are identified and prioritised in an efficient and appropriate manner. This methodology also ensures that the highest risk sites are dealt with first.

## 5.0 Internal Procedures

### 5.1 Internal Management for Inspection and Identification.

The responsibility for implementing the Contaminated Land (England) Regulations 2006 is within Public Health and Housing Services of the Council. Strong links exist between Development Control and Public Health and Housing and this increases the efficiency of the work for both. Sites remediated through development are however robustly assessed so as not to require further action under Part 2A. Contaminated land information is available to planning officers as a resource when considering planning applications. In addition their local knowledge and archived files are invaluable when considering contaminated sites and past remediation schemes that may not meet current best practice.

### 5.2 Considering Local Authority Interests in Land

The local authority may be the “appropriate person” for land owned by the Council. Within the statutory guidance a Class A appropriate person is defined as:

“...any person, or any of the persons, who caused or knowingly permitted the substances, or any of the substances, by reason of which the contaminated land in question is such land to be in, on or under that land...”

In some instances the Council may be held liable for land which they currently own, lease or rent to others.

Due to this potential responsibility it is necessary that procedures are in place to ensure that all potentially contaminated land sites for which the local authority may be the “appropriate person” are identified and if required remediated. The following measures are employed to :

- A separate over-lay onto the GIS system has been created which highlights all land for which the Council could be the appropriate person (e.g. currently owned land, leased land)
- Identify all sites where there is the possibility of the existence of a contaminant linkage and contamination
- Mark any identified sites as a priority for further detailed inspection and risk assessment.

Sites will be dealt with on a prioritised basis in conjunction with other confirmed sites.

These procedures will ensure that all land for which the Council is liable will be dealt with in the correct manner.

### 5.3 Information Collection and Availability

The majority of information collected on receptors, actual harm or pollution of controlled waters and the possible presence of contaminants is held on the GIS system. Supporting information is also gained from Development Control records, local information held by residents, trade directories, Sites and Monuments Records (SMR) and other information held within Public Health and Housing Services. All information is accessible through the GIS system for all Council members. Information is available to be viewed by the public upon request subject to restrictions imposed by the Data Protection Act 1998. A charge may be made to provide some information under the Environmental Information Regulations 2004. Fees for providing this service are published annually by the Council in its Fees and Charges document.

### 5.4 Enquiries about potentially contaminated land

5.4.1 It is possible that enquiries concerning potentially contaminated land will be received from members of the public, businesses and voluntary organisations.

In such cases it can be expected that:

- The enquiry will be logged and investigated using the in-house GIS system, other available sources of information and a site reconnaissance when appropriate.
- The service user will be kept informed of progress towards the resolution of the enquiry, but also made aware of the factors which could impede a quick resolution of the enquiry.

Although every attempt will be made to deal with complaints as quickly as possible certain requirements of Part 2A exist which may impede the quick resolution of enquiries and complaints. These are:

- Proof of a valid pollutant linkage before land can be designated as contaminated land. Proof may require intrusive investigations
- The need for the local authority to find the Class A person (original polluter) if possible,
- The need for discussions to occur between the enforcing authority and the appropriate person to discover whether voluntary remediation will occur or there is the need to serve a remediation notice
- The requirement for a three month gap between designation and the service of a remediation notice.

The identity of the service user will be kept confidential and at all stages of the process.

### 5.4.2 Information Received Anonymously

The Council would not normally act on anonymous information unless the information provided indicated that there was a risk of significant harm to people or the environment.

## 5.5 **Risk Assessment**

Risk assessment is used to evaluate the information collated from identification, inspection and other sources. Risk assessment enables the Council to determine whether or not any of the receptors are vulnerable to unacceptable risk from contamination. A selection of technical guidance documents relating to the assessment of risk from contaminants to receptors is provided in the reference section below.

## **6.0 Detailed Inspection Arrangements**

- 6.1 Prior to conducting intrusive investigations, the Council will establish that it is likely that the contaminant is actually present and that, given the current land use, the receptor is actually present or likely to be present. When conducting intrusive investigations it is also essential that the Council take heed of paragraph 2.12 of the statutory guidance which states:

*“The local authority should carry out any intrusive investigation in accordance with appropriate technical procedures for such investigations.”*

In order to achieve this all work will follow the guidance given within BS1017: 2011 “Investigation of Potentially Contaminated Sites, Code of Practice”. When intrusive sampling is required, it will be necessary for the Council to hire a contractor to perform the investigation.

If the land is designated as SSSI or any other designation under section 28 of the Wildlife and Countryside Act 1981, Natural England will be consulted prior to any action which is to be conducted to ensure that intrusive works do not further damage the land in any way.

If significant contamination is identified on or in an archaeological site and remediation is necessary, discussion with the County Archaeologist and English Heritage will take place. In addition the Ancient monuments Inspector for Dorset will be consulted on all matters concerning significant harm to specific scheduled ancient monuments.

Prior to the commencement of intrusive sampling, the Council will liaise with the appropriate person(s) to ensure that there is no information previously gained which would mean that intrusive sampling was not necessary. For example if a reliable site investigation had already taken place there would be no need for further intrusive sampling.

All sampling and work conducted on potentially contaminated land sites will follow the guidelines within the Health and Safety Executive publication: “Protection of Workers and the General Public During the Development of Contaminated Land”.

## **6.2 Potential Special Sites**

Once land has been identified as contaminated land each site will be assessed against the criteria for special sites. Such sites might include: land on which explosives have been manufactured, land within a nuclear site, land owned or occupied by the Ministry of Defence, land with specific geological profiles or specific contamination which could affect controlled waters. If it is decided that the land fits any of the categories for special site consideration

listed in the Contaminated Land (England) Regulations 2006 the Council will liaise with the Environment Agency.

Once the Council has decided that land needs to be determined as contaminated land it will inform (in writing) the following:

- The Environment Agency;
- The owner of the land;
- Any person who appears to be an occupier of all or part of the land; and
- Each person who appears to be a potential appropriate person and/or a significant stakeholder

If contaminated land has been designated as a special site the Local Authority will no longer be the enforcing authority – that responsibility will be transferred to the Environment Agency. It may be apparent from an early stage that certain sites will be designated as special sites due to the use of the land. However, it will still be the responsibility of the Council to designate the site as contaminated before the EA take on the duty of enforcing authority, although assistance will be available from the EA regarding the site investigation of such sites.

### **6.3 Risk Communication**

The Contaminated Land (England) Regulations 2006 work on a “suitable for use” basis, whereby land is remediated to a standard which is safe for the proposed after use of the site. For example, a higher standard of remediation would occur on land which was to be used for allotments than for land which is to be tarmacked and used as a car park. The regulations are also based on risk assessment and risk management. The Council will implement a risk communication plan to any sites which are subject to formal action

People who are affected by contaminated land identification and remediation will be fully informed of what is happening. It may also be necessary to reassure the public if significant contamination needs to be remediated to a safe level.

## 7.0 **Remediation Notices and Public Registers**

7.1 The assimilation of all the information gained from investigations, enquiries and risk assessment enables the Council to decide whether remediation is required to ensure that a site is not causing unacceptable risk. If a site needs remediation, the Council will seek voluntary action initially however it will serve a remediation notice if necessary. The remediation notice records all information concerning the appropriate person(s), the location and the nature of the contamination and the particulars of the remediation required.

7.2 The Council is required to keep a public register which provides a full and permanent record of regulatory action taken in respect to the remediation of contaminated land. The register is kept within Public Health and Housing Services and Published on Dorset For You website.

## 7.3 **Confidentiality of the Information**

All information regarding contaminated land action will be accessible through the register under the Environmental Information Regulations 2004 unless it is deemed to be confidential either on the grounds of national security or unusually sensitive commercial interest.

## **8.0 Review of the Strategy**

Further review of this strategy is planned in three years (2018) following the planned completion of the strategic inspection. Guidance and regulations are published from time to time however and it may be necessary to review this strategy before this date if a significant change were to occur.

In addition to this inspection programme there are certain factors which will also trigger inspection of parts of the area.

- Proposed changes in the land use of areas of the district;
- Unplanned events, e.g. localised flooding/landslides; accidents/fires/spillages where the consequences cannot be addressed through other relevant environmental protection legislation
- Reports of localised health effects which appear to relate to a particular area of land
- Verifiable reports of unusual or abnormal site conditions received from business, members of the public or voluntary organisations.



## References

- The Contaminated Land (England) Regulations 2006 PB 1375
- The Environmental Protection Act 1990
- Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance, April 2012, DEFRA
- National Planning Policy Framework Document, March 2012 Department for Communities and Local Government
- Department of the Environment: Contaminated Land Research: CLR (Report No 6). Prioritisation and Categorisation Procedure for Sites which may be Contaminated.
- Department of the Environment: Contaminated Land Research: CLR (Report No.11).Handbook of Model Procedures for the Management of Contaminated Land.
- Health and Safety Executive, Directorate of Science and Technology, SIR No 51.Remediation of contaminated land, occupational hygiene aspects on the safe selection and use of new soil clean up techniques. JJ McAlinden.
- Health and Safety Executive, Directorate of Science and Technology, HS(G)66 Protection of workers and the general public during the development of contaminated land.
- British Standards Institute. BS 10175:2011 Investigation of potentially contaminated sites. Code of practice.
- Environment Agency project No P5-17, SNIFFER Project No SR97(11)F Communicating Understanding of Contaminated Land Risks.
- Environmental Information Regulations (2004)
- Enforcement Concordat - code of practice (Central and Local Government)(2000)
- The Human Rights Act (2000)
- CLEA v1.06 Documents relating to CLEAv1.06 <http://www.environment-agency.gov.uk> Former ICRCL Trigger Values,
- Radioactive Contaminated Land Clan 5/06  
<http://www.defra.gov.uk/environment/land/contaminated/pdf/clan5-06.pdf>
- RCLEA Summary Final Draft.  
<http://www.defra.gov.uk/corporate/consult/radioactivity-rclea/rclea-summary.pdf>
- Purbeck District Council Corporate Strategy.
- WPA Consultants Ltd :<http://www.wpaconsultants.co.uk/>