

CONTAMINATED LAND INSPECTION STRATEGY

ENVIRONMENTAL PROTECTION TEAM

JUNE 2001

Executive Summary

In April 2000 the Government introduced new legislation, with the aim of providing an improved system for the identification and remediation of contaminated land. Part IIA of the Environmental Protection Act 1990 provides a tailored regulatory mechanism which will ensure that authorities take a strategic approach to the problem of land contamination.

The role of implementing and enforcing the legislation has been given to local authorities, who have a duty to inspect their area to identify contaminated land. If any land is found to be contaminated, as defined in the legislation, they have been given powers to ensure that any necessary remediation is carried out.

This document has been produced by Taunton Deane Borough Council to meet the requirement for local authorities to publish a strategy detailing how they will inspect their area for contaminated land. It has been designed to allow the Council to take a strategic approach to the inspection, in line with the Council's corporate priorities. This will ensure that resources are used effectively and that the most serious problems are dealt with first.

The Strategy explains the context behind the legislation and how the Government has adopted a "suitable for use" approach to the remediation of contaminated land. This recognises that the risks posed by any contamination will vary according to the use of the land and a range of other factors. Therefore, the potential risks and the requirements for any remediation will be assessed on a site-by-site basis.

The new legislation gives a definition of "contaminated land". This is based on the risk of any contamination on a site causing significant harm to human health, the wider environment or the pollution of controlled waters. Before the Council can determine that any land is "contaminated land" they have to establish the presence of a "pollution linkage". This means that each of the following have to be identified:

- a contaminant;
- a receptor, which is sensitive to the contaminant present; and
- a pathway, by which the contaminant is, or is likely, to be causing significant harm to that receptor.

Historically, the industrial activities that could contaminate land have been carried out through out the Taunton Deane area. The various receptors, such as people, water courses and sensitive ecological systems are also spread across the Borough rather than being in any particular locations. Therefore, the Council will inspect the whole of its area to identify potentially contaminated sites and prioritise them according to the potential risk posed by each site.

The Strategy outlines the procedures that will be used to gather and evaluate the information needed to determine whether any land is contaminated. The aim of the Council is to investigate and deal with contaminated land according to the potential risk posed by the site. Any sites identified as being potentially contaminated will be prioritised according to the previous land uses and the proximity of sensitive receptors.

A risk assessment will then investigate any potential pollution linkages on a site to establish whether any contamination is posing, or is likely to pose an unacceptable risk to health and the environment.

Where there is a high probability of adverse affects from a pollution linkage a more detailed investigation will be required to characterise any contamination on the site. The Council will liaise with the land owners and other people with an interest, to seek their co-operation in the investigation. If the land is found to be contaminated land the Council will seek to achieve voluntary remediation.

For some sites it may be necessary for the Council to carry out a detailed site investigation. This may require the Council to engage specialist consultants to carry out soil and water sampling and analysis and the assessment of results.

The Council has interest in a variety of land, both as land owner or occupier, for example, housing, parks and commercial sites. Information will be gathered and evaluated for all these sites to ensure that any land for which the Council is responsible is suitable for its use.

Procedures have been put in place to ensure the effective exchange of information between the Council and other statutory bodies. Particular links have been set up with the Environment Agency, who provide a variety of information and guidance and who also act as the enforcing authority for certain contaminated sites (referred to as Special Sites).

The Council will liaise with the wider community during the inspection of the Borough. The public will be able provide information on the history of the area, which will help in the inspection for contaminated land. The Council will deal with complaints and enquires about contaminated land, and liaise with the public when investigating a site or carrying out any remedial works.

The inspection of the Borough will result in large amounts of information being gathered. This will be managed by the Environmental Protection Team. The Council will maintain a public register containing details of any regulatory action that has been taken. Other information will be made available, after checking that it meets the requirements laid out in the Environmental Information Regulations 1992 and the Data Protection Act 1998.

A time table has been given outlining the proposed progress for each stage of the inspection of the Borough. The relevant information should be gathered and the initial prioritisation carried out by September 2002. The more detailed risk assessments and site investigations will then be carried out in the order that the sites have been prioritised. These should be completed by the end of 2005.

The progress of the Strategy will be regularly reviewed to determine how the work is progressing in line with the proposed timescales. This will take into account any new guidance that has been produced to ensure that the Strategy is in line with current best practice.

Contaminated Land Inspection Strategy

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1 Introduction

The history of industrial and commercial development has left a legacy of land which is potentially contaminated. Various estimates have been made of the extent of problem. In its report 'Contaminated Land' (1993) the Parliamentary Office of Science and Technology referred to expert estimates of between 50,000 and 100,000 potentially contaminated sites across the U.K. The report noted that it was likely that only a small proportion of these posed an immediate threat to human health or the environment. However, the existence of contamination could affect sustainable development by obstructing the reuse of previously developed land and increasing pressure on greenfield areas

To address the problem of identifying any potentially contaminated sites and to try and bring them back into beneficial use, the Government introduced a new regulatory regime for the identification and remediation of contaminated land. This was laid out in Part IIA. of the Environmental Protection Act 1990 and came into force on 1 April 2000.

The Government has adopted a "suitable for use" approach to the remediation of contaminated land. It recognises that the potential risk from any contamination can vary according to the use of the site and a range of other factors. For any land to be defined as "contaminated land" under the new legislation it has to be shown to be either causing, or have the possibility to cause, significant harm to human health or the environment, or to be polluting controlled waters. Therefore, there are likely to be sites with high levels of contamination that will not be classed as "contaminated land" because there is no significant risk to health or the environment.

This document has been produced to fulfil the Council's duty to publish a written strategy for the inspection of its area for contaminated land. It is designed to allow The Council to take a strategic approach to the identification of potentially contaminated land, by ensuring that:

- the most serious problems are located first;
- resources are used effectively and
- any action is proportionate to the seriousness of any actual or potential risk.

The Strategy outlines the steps that will be taken by the Council to identify any contaminated land. These will include identifying potential sources of contamination; locating sensitive receptors, either human or environmental, and assessing whether there is, or is likely to be, a significant risk of harm.

If a site is found to be "contaminated land" the Council will liaise with the persons responsible for contamination on the site, with the aim of achieving voluntary remediation. If this approach is not effective the Council has powers to take legal action requiring the remedial works to be carried out to ensure that the site is suitable for its use.

The Strategy has been published and made available to the public so that all those affected by, and involved in the inspection will be aware of the Council's procedures and

the timescale involved.

2 Regulatory Context

This section explains the context behind the new legislation, outlining the roles of the enforcing authorities and defining the main principles behind the Government's approach.

2.1 Government objectives of the new legislation

The main objective of the new contaminated land regime, under Part IIA of the Environmental Protection Act 1990, is to provide an improved system for the identification and remediation of land where the contamination is causing an unacceptable risk to human health or the wider environment, assessed in the context of the current use and circumstances of the land.

The Government's primary objectives for the new regime are:

- to improve the focus of the controls, ensuring authorities take a strategic approach to the problem of land contamination;
- to enable all problems resulting from contamination to be handled as part of the same process; previously separate regulatory action was needed to protect human health and to protect the water environment;
- to increase the consistency of approach taken by different authorities and
- to provide a more tailored regulatory mechanism better able to reflect the complexity and range of circumstances found on individual sites.

2.2 Regulatory role of local authorities

The primary regulatory role for the new regime rests with local authorities.

Section 78B(1) outlines these roles, which will be:

- to cause their areas to be inspected to identify contaminated land;
- to determine whether any particular site is contaminated land;
- to act as enforcing authority for all contaminated land which is not designated as a "special site" (for which the Environment Agency will be the enforcing authority).

The enforcing authority will have 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, either through agreement with the appropriate person, or by serving a remediation notice on the appropriate person if agreement is not possible or, in certain circumstances, through carrying out the works themselves;
- where a remediation notice is served, or the authority itself carried out the work, to determine who should bear what proportion of the liability for meeting the cost of the work; and
- to record certain prescribed information about their regulatory action on a public register.

2.3 Regulatory role of the Environment Agency

The Environment Agency (EA) has a number of key responsibilities with respect to contaminated land. These are:

- provide information held by the Agency to local authorities;
- provide advice to local authorities on identifying and dealing with pollution of controlled waters;
- provide advice to local authorities on the remediation of contaminated land where it relates to pollution of controlled waters;
- ensure the remediation of Special Sites (Special Sites are those listed in the Contaminated Land (England) Regulations 2000 - See Appendix One);
- maintain a public register of regulatory action for Special Sites, and
- prepare a national report on the state of contaminated land..

2.4 Definition of contaminated land under Part IIA

Section 78A(2) defines “contaminated land” for the purposes of Part IIA 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”.

Section 78A(4) defines “harm” as meaning “harm to the health of living organisms or

other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property”.

Section 78A(5) defines what harm is to be regarded as “significant” to:

- human beings
- living organisms
- property (crops, allotments, timber, livestock)
- property (buildings)

The details are given in Table A (Annex 3, Part 3, DETR Circular 02/2000) “Categories of Significant Harm”. (reproduced in Appendix Two). The local authority should only regard harm as significant if it is both:

- to a receptor of a type listed in Table A, and
- within the description of harm specified for that type of receptor in the Table.

The guidance describes the conditions required for there to be a significant possibility of significant harm. These are given in Table B (Annex 3, Part 3, DETR Circular 02/2000) (reproduced in Appendix Three). The following factors should be considered when deciding whether the possibility of significant harm being caused is significant:

- the nature and degree of harm;
- the susceptibility of the receptors to which the harm might be caused; and
- the timescale within the harm might occur.

Section 78A(9) defines the pollution of controlled waters as:

“the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter”.

2.5 Principles of Pollutant Linkage

A “pollutant linkage” means the relationship between a **contaminant**, a **pathway** and a **receptor**. All three elements must be identified for a pollutant linkage to exist. There may be more than one pollutant linkage on any given piece of land.

For a local authority to determine that any land appears to be “contaminated land”, as defined in the guidance, they must identify one or more “significant” pollutant linkages. This means that:

- 1) a pollutant linkage exists in respect of a piece of land; and
- 2) that pollutant linkage;
 - i) is resulting in significant harm being caused to the receptor in the pollutant linkage,

- ii) presents a significant possibility of significant harm being caused to that receptor,
- iii) is resulting in the pollution of controlled waters which constitute the receptor, or
- iv) is likely to result in such pollution.

These terms are explained in more detail in DETR Circular 02/2000, Annex 3.

2.6 The “suitable for use” approach

The Government has adopted a “suitable for use” approach to the remediation of contaminated land, as it considers that this is the most appropriate approach to achieving sustainable development in this field. It recognises that the risks presented by any given level of contamination will vary greatly according to the use of the land and a wide range of other factors, such as the underlying geology of the site. Risks therefore need to be assessed on a site-by-site basis.

The “suitable for use” approach consists of three elements;

- 1) ensuring that the land is suitable for its current use (the Part IIA regime provides a mechanism to achieve this);
- 2) ensuring that the land is made suitable for any new use, as planning permission is given for that new use (this is regulated through planning and building control); and
- 3) limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use, or future use, of the land for which planning permission is being sought.

2.7 Principles of risk assessment

The definition of contaminated land is based on the principles of risk assessment. In the statutory guidance “risk” is defined as the combination of;

- 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
- the magnitude (including the seriousness) of the consequences.

Risk assessment is the technique that is applied to a potentially hazardous situation to establish whether there is the need to take action to reduce or control the risk of adverse effects. For contaminated land this approach will establish whether a site or area of land is posing, or is likely to pose, unacceptable risks to health or the environment. It is a staged approach, requiring any hazards to be identified and assessed and the risks evaluated.

2.8 Appropriate Persons

If a site is found to be contaminated land, the legislation gives the enforcing authority powers to ensure that steps are taken to carry out the necessary remediation. The Council will have to determine who is responsible for carrying out these works. The legislation details who this would be and uses the term “appropriate persons”.

Section 78A(9) of Part IIA defines two different categories of appropriate person and sets out the circumstances in which they may be liable for carrying out remediation of a site.

Class A persons. Section 78(2) states that “any person, or any 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 is an appropriate person”.

Class B persons. The second category arises in cases where it is not possible to find a Class A person. If no appropriate Class A person has been found “the *owner or occupier* for the time being of the contaminated land in question is an appropriate person”.

The legislation allows for the appropriate person to carry out voluntary remediation of the land. If the Council is not satisfied that the work will be carried out they can serve a Remediation Notice on the appropriate person/s requiring them to carry out the work.

2.9 Requirements for a strategic approach

Paragraph B9 of the statutory guidance sets out the principles to be applied by local authorities to ensure a strategic approach to the inspection procedure. It states that “this approach should:

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

2.10 Key issues for consideration in the Strategy

Paragraph B10 of the guidance states that in developing this strategic approach the

authority should reflect local circumstances. In particular it should consider;

- a)** any available evidence that significant harm or pollution of controlled waters is actually being caused;
- b)** the extent to which any receptor (which is either of a type which is listed in Table A in Chapter A or is controlled waters) is likely to be found in any of the different parts of the authority's area;
- c)** the extent to which any of those receptors is likely to be exposed to a contaminant (as defined in Chapter A), for example, as a result of the use of the land or of the geological and hydrogeological features of the area;
- d)** the extent to which information on land contamination is already available;
- e)** the history, scale and nature of industrial or other activities which may have contaminated the land in different parts of its area;
- f)** the nature and timing of past redevelopment in different parts of its area;
- g)** the extent to which remedial action already taken by the authority, or others, to deal with land contamination problems, or is likely to be taken as part of an impending redevelopment; and
- h)** the extent to which other regulatory authorities are likely to be considering the possibility of harm being caused to particular receptors or the likelihood of any pollution of controlled waters being caused in particular parts of the local authority's area.

3 General policies and interaction with other regulatory regimes

This Section outlines the Government's policy on contaminated land. It details how the new regime interacts with planning policy and with other legislation that also aims to control and prevent pollution.

3.1 Government policy

The Government has adopted a "suitable for use" approach to the remediation of contaminated land as it considers this to be the most appropriate approach to achieving sustainable development in this field. The Government's objectives with respect to contaminated land are outlined in DETR Circular 02/2000. These are;

- to identify and remove unacceptable risks to human health or the environment;
- to seek to bring damaged land back into beneficial use; and
- to seek to ensure that the costs burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

The new regime provides specific legislation for the identification and remediation of contaminated land. For the first time legislation has been provided that gives a statutory definition of what constitutes "contaminated land".

3.2 Planning Policies

Planning policies are set at a national, regional and county level. In the Taunton Deane area the existing planning policies are the Regional Planning Guidance for the South West (July 1994) and the Somerset Structure Plan which is prepared by the County Council. Taunton Deane is currently preparing a Local Plan (Revised Deposit Nov.2000) which, together with the County Plan, will guide decisions on planning applications in the area.

The planning regime has been the main method for securing the remediation of contamination on industrial/commercial sites (often referred to as "brownfield" sites). Government advice, set out in Planning Policy Guidance 23 (PPG23), requires that development plans introduce arrangements to encourage the development of brownfield sites. This is reflected in the Local Plan where a number of such sites have been allocated for development as housing, employment and other appropriate uses.

The Taunton Deane Local Plan (Revised Deposit November 2000) states that:
"Development of contaminated land will not be permitted where harm to wildlife or the public would result. Any necessary remedial measures must be undertaken before any harmful effects can occur and the proposed development comes into use".

"Where it is suspected that land is contaminated, developers will be required to investigate the likely hazards, assess the risk they present and identify remedial measures to overcome them. In some cases this may be necessary before the applications are determined. More often, it will be appropriate to use planning conditions to secure these measures. Where permission is granted, necessary remedial measures must be

implemented before harmful effects can occur”.

3.3 Interaction with other regimes

Contaminated land is an example of our failure in the past to move towards sustainable development. Therefore, the Government’s current policy is to prevent the creation of new contamination. The following existing and proposed regimes are aimed at achieving this. It is important for the Council to liaise with the relevant authorities to ensure that the most appropriate regulatory regime is being used for each case.

Planning - Development Control

Planning consent is required for development of land and also for certain changes of land use. PPG 23 states that the responsibility for the safe development and secure occupancy of a site rests with the developer. In most cases the enforcement of any remediation requirements will be through planning conditions and building control, rather than through a remediation notice served under Part IIA.

Contaminated land is a material planning consideration, therefore, the Council can require details of a site investigation, risk assessment and remediation proposals to be submitted before a planning application for a potentially contaminated site is accepted.

The Council has procedures that impose a planning condition on potentially contaminated land to ensure that it is properly investigated and remediated. The Planning Section will liaise with the Environmental Protection Team to determine which sites may require such a condition. The condition requires developers to:

- carry out a site investigation;
- carry out a risk assessment;
- prepare a remediation strategy that has to be agreed in writing by the local planning authority;
- carry out the works as agreed, and
- submit a certificate confirming that the works have been carried.

The Council also provides a guide to assist developers and their consultants in meeting the requirements of this planning condition.

Integrated Pollution Control (IPC) / Pollution Prevention and Control (PPC)

Part I of the Environmental Protection Act 1990 places a requirement on operators of prescribed industrial processes to operate within the terms of permits issued by the Environment Agency to control harmful environmental discharges.

The new regime of PPC is being introduced to replace IPC and has transposed into law the requirements of the EC Integrated Pollution Prevention and Control Directive (96/61/EC). The regime includes specific requirements that permits issued to industrial plants and installations must include conditions to prevent the pollution of soil. A system

of enforcement notices will enable the EA to require the operator of permitted plants or installations to remedy the effects of any breaches of their permits.

The contaminated land enforcing authority is precluded from serving a remediation notice to remedy harm if remediation is enforceable through the PPC permit.

Waste Management Licensing.

There are three areas of potential interaction between Part IIA and the waste management licencing system under Part II of the EPA 1990.

- 1) If there is significant harm or pollution of controlled waters arising from land where a site licence is in force; and if the problem can be enforced through a condition of the waste management licence, the land cannot be formally identified as “contaminated land”. Therefore, no remediation notice can be served unless the pollution is attributable to a cause other than a breach of the site licence.
- 2) The Council cannot serve a remediation notice when the contamination results from an illegal deposit of controlled waste. In these circumstances, the EA and the waste disposal authority have powers to remove the waste and to deal with the consequences of its having been present.
- 3) Remediation activities on contaminated land may themselves fall within the definitions of “waste disposal operations” or “waste recovery operations”, and be subject to licensing requirements under the Part II system. Guidance on the meaning of the relevant definitions and the operation of the licensing system is provided in DOE Circular 11/94.

Statutory nuisance

Until the introduction of Part IIA the statutory nuisance regime of Part III of the EPA 1990 was the main regulatory mechanism for enforcing the remediation of contaminated land.

The Environment Act 1995 amends section 79 of the EPA 1990 so that any “land being in a contaminated state” can no longer be classed a statutory nuisance.

The definition of land which is “in a contaminated state”, covers all land where there are substances in, on, or under the land which are causing harm or where there is a possibility of harm being caused. This differs from the definition of contaminated land in Part IIA (see earlier - section 2.4) in that it does not require the harm to be “significant”. Accordingly, any land in a contaminated state that is causing harm which is not significant, cannot be dealt with under either the statutory nuisance provisions or the new legislation under Part IIA.

As the exclusion only applies to “harm”, the statutory nuisance regime will continue to apply to the effects of deposits of substances on land which offend to human senses, such

as stench.

The statutory nuisance provisions will continue to apply in cases where an abatement notice or an order of the court has been issued and is still in force. This will ensure that any enforcement action taken under nuisance provisions can continue uninterrupted.

Water Resources Act 1991

This Act gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters. The normal enforcement mechanism is an “Anti-pollution Works Notice” served under section 161A, which specifies what actions have to be taken and in what time periods.

The EA has published a policy statement which sets out how the Agency intends to use the works notice powers, particularly in cases where there is an overlap with the Part IIA regime.. The main effects of the policy are that:

- 1) the local authority should consult with the Agency before determining that land is contaminated land in respect of pollution of controlled waters;
- 2) where contaminated land has been determined any comments the Agency makes with respect to remediation requirements should be taken into account;
- 3) where the Agency identifies pollution of controlled waters arising from land affected by contamination, they will notify the Council;
- 4) where any land has been determined to be “contaminated land” under the Part IIA regime, the Part IIA enforcement mechanism will be used rather than the works notice system. This is because Part IIA imposes a duty to ensure remediation once contaminated land has been determined, where as the Agency is only given a power to serve a works notice.

The Water Resources Act powers may be particularly useful in cases where there is historic pollution of groundwater, but where the Part IIA regime does not apply. This may occur, for example, where the pollutants are entirely contained within the relevant body of groundwater or where the source cannot be identified.

Radioactivity

Under section 78YC of the 1990 Act, the normal Part IIA regime does not apply with respect to harm, or water pollution, which is caused by radioactive substances. However, this section does give powers to the Secretary of State to make regulations to apply modified Part IIA powers to problems of radioactive contamination.

Food Safety

Part I of the Food and Environment Act 1985 gives ministers emergency powers to issue orders for the purpose of prohibiting specified agricultural activities in a designated area, in order to protect consumers from contaminated food. These powers can be exercised by the Secretary of State for Health, acting on advice from the Food Standards Agency. The Department for Environment, Food and Rural Affairs can also be designated as an enforcement authority.

Health and Safety

The Health and Safety at Work etc Act 1974 and their associated controls are concerned with risks to the public and employees at business and other premises. It is possible that these risks could be a result of contamination. The Health and Safety Executive (HSE) are the enforcing authority for these regulations.

Major Accident Hazards.

The Control of Major Accident Hazards Regulations 1999 (COMAH) require operators of sites handling prescribed hazardous substances to prepare on-site emergency plans, which include providing for the restoration and clean up of the environment following a major accident. The HSE are responsible for overseeing the COMAH Regulations.

4 Characteristics of the Taunton Deane area

Taunton Deane Borough Council is situated in the south western area of the county of Somerset covering an area of 460 square kilometres. The landscape is varied, with the farmlands of the Vale of Taunton Deane surrounded by hills on three sides and merging into the wetlands of the Somerset Levels to the east. The Borough is home to 100 000 people, the majority living in the county town of Taunton which has a population of 60 000. Wellington is the next largest settlement with a population of 12 000, and the rural centres of Wiveliscombe and Bishops Lydeard each have about 2 500 residents.

4.1 Land use and history

Agriculture is an important part of the local economy. One of Taunton Deane's greatest assets is the large area of top quality agricultural land that extends from the south west to the north east of the Borough and around the north of Taunton as far as the Levels.

Historically, the main industry of the area has been the production of cloth. Woollen cloth was made throughout the area from the middle ages; gravitating towards the larger towns with the construction of water-powered mills. Textile mills were established in the Borough during the 18th century, for example, Tone Mills in Wellington in 1754, and silk throwing factories were established during the 19th century, particularly in Taunton, Wellington and Milverton. However, the industry has declined during the 19th and 20th century.

The clay soils in the area provided the raw material for brick and tile making, which continued until the mid 20th century. Small scale quarrying has also been carried out in the Borough, mainly in the hills surrounding the Vale. Many of the pits resulting from these activities have since been filled and may need to be investigated as part of the inspection of the Borough.

Gas production started in the Borough in the 1820s and by the end of the century there were gas works in Taunton, Wellington, Wiveliscombe and Milverton. Other industries grew in the area, particularly following the improvement in transport links with the building of the canals and the railways. For example, the British Rail concrete works was located in Taunton and manufacturing works such Fox Brothers and Aerosol in Wellington.

Recent years have seen a decline in the manufacturing industries in the borough with the economy of the area developing around service industries, particularly public services. This reflects the development of shopping and leisure services, both in town centre developments and out of town centres; and the location of both Taunton Deane Borough Council and the main offices of Somerset County Council in Taunton. Although a lower proportion of the population of the Borough as a whole work in manufacturing, there are variations, for example, the economy of Wellington is based on manufacturing, with two major firms located in the town.

4.2 Protected locations and buildings

There are a number of Sites of Special Scientific Interest (SSSIs) in Taunton Deane, including areas in the Blackdown and Quantock Hills and areas of the low lying Levels and Moors in the east. The Somerset Levels and the Blackdown Hills have also been recognised as Environmentally Sensitive Areas, which are of value for their landscape and wildlife and where traditional farming methods would help to maintain the value. Some sites are under Countryside Stewardship arrangements where DEFRA pays farmers to manage certain areas.

There are a variety of important historical buildings and scheduled monuments throughout the Taunton Deane area, including the remains of prehistoric settlements and medieval churches. A significant number of industrial sites and buildings are scheduled or listed. Also, some conservation areas may include, or may even have been designated principally because of, the industrial processes which are now recognised as having the potential to cause contamination. For example, sites such as Tonedale Mills in Wellington and parts of the Great Western Canal are listed as sites of archeological interest.

4.3 Geology and hydrogeology

The Quantock and Brendon hills, to the north and the west of the Borough contain Devonian sandstone, slate and shale. The Blackdown hills to the south comprise of Upper Greensand and Gault clays, and there is a wide area of Rhaetic beds and Lower Lias in the south east of the Borough. The fertile valley of the Tone consists of alluvium and gravel on a foundation of Marl, and in the east, the Levels are formed from peat beds overlaid with alluvium.

Soils are influenced directly by their underlying geology, with a limited amount of drift. Where river courses are active, or there are steep slopes, drift can be more marked. The soils vary throughout the Borough. The soils overlying the Blackdown, Brendon and Quantock hills are variably draining. The clay soils found in the Vale of Taunton are seasonally waterlogged and slowly permeable. Along the course of the River Tone, its tributaries and the Levels the alluvial soils are typically loamy or clayey over permeable substrate and are subject to water logging.

Groundwater is contained within underground strata (aquifers) across the Taunton Deane area; with the major aquifers being in the more permeable rocks, such as Upper Greensand. Abstraction from these aquifers provide water for drinking supplies and industrial and agricultural purposes.

The main river of the Borough is the River Tone, which flows south from the Brendon Hills and then east, through Taunton, joining the River Parratt at Burrowbridge. Some catchment areas in the Blackdown Hills flow south into Devon and land on the eastern edge of the Borough drains into other catchments areas on the Levels.

If any contamination is present on a site it is possible that it could reach surface waters or the underlying aquifer, depending on the physical and chemical properties of the soil and the rocks. Any contamination could affect the water environment and also the supply of drinking water. The British Geological Society and Environment Agency have classified areas according to the vulnerability of the groundwater, taking into account the leeching potential of the soil and the permeability of the underlying rocks. The Environment Agency and water supply companies have details of the abstraction points for drinking water supplies. There are also approximately 350 private water supplies, either wells, boreholes or springs which are routinely monitored by the Council.

The vulnerability of the water environment and drinking water supplies will be taken into account during the inspection of the Borough and when assessing the potential risks from contamination on a site.

4.4 The Council's approach to the inspection of the Borough

Historically, industrial activities have been carried out throughout the Taunton Deane area. Potentially contaminated sites could include old quarries, clay pits and sewage works which can be found in both urban and rural areas. More recent industrial activities tend to have been located in certain areas, mainly in Taunton and Wellington, particularly where there is good access to the railway.

There are many land uses in the area which could be affected by contamination. This includes residential areas, sensitive ecological systems and areas with high ground water vulnerability. These are also found throughout the Taunton Deane area rather than being in any particular location.

As both the past industrial activities and sensitive receptors are spread throughout the Borough, the Council will inspect the whole of its area to identify potentially contaminated sites. These sites will then be prioritised, so that a more detailed investigation will be carried out on those posing the highest risk.

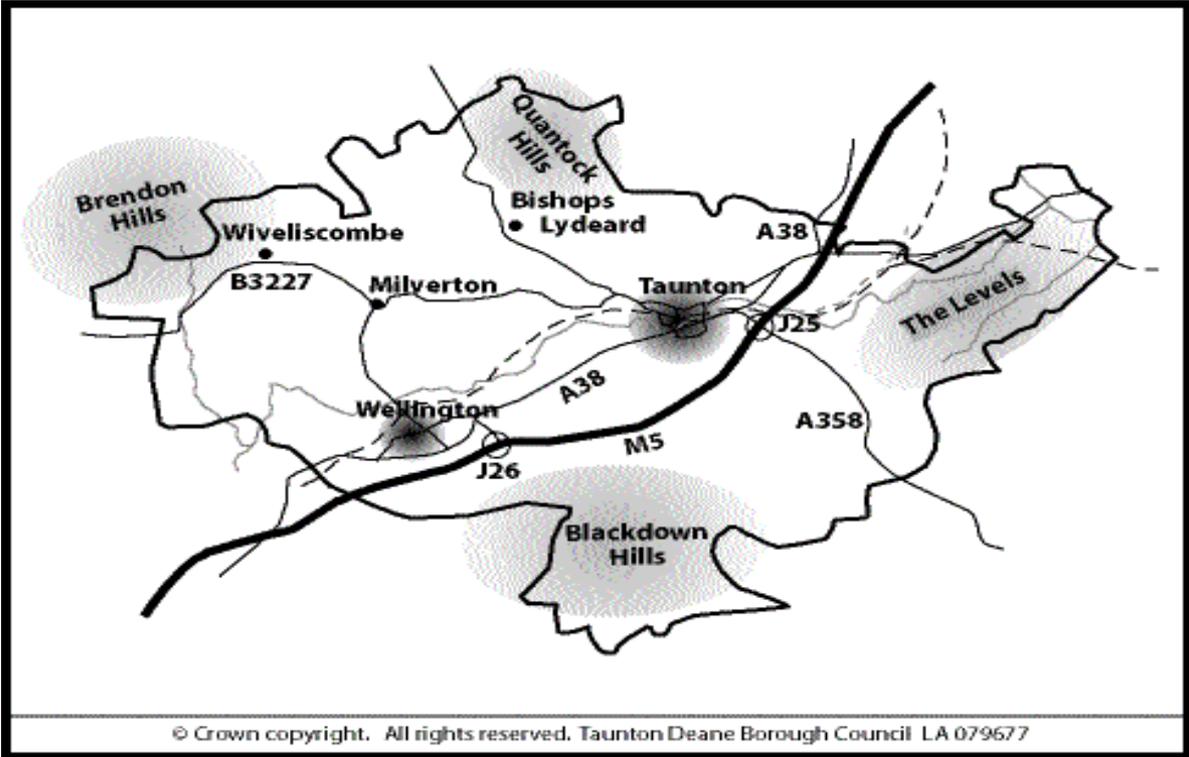
MAP ONE

Location of Taunton Deane Borough Council



MAP TWO

Taunton Deane Area



5 Aims and objectives of the Council's Inspection Strategy

5.1 Corporate aims of Taunton Deane Borough Council

Taunton Deane has a corporate plan which sets the direction for all the Council's services. This out-lines the Council's three over-riding concerns, which are to promote the:

- Economic well-being,
- Social well-being, and
- Environmental well-being

...of people who live in, work in or visit Taunton Deane.

The Council's efforts to promote the overall well-being of the area are organised across six corporate priorities. (Details in Appendix Four). The aims of the Inspection Strategy are in line with these, in particular priorities 1, 3 and 5.

Priority 1 - Livelihood and jobs.

The inspection of the Borough will highlight sites that have had past commercial uses and land that may be sensitive to contamination . This will assist planners and developers in deciding which areas of land are suitable for commercial developments.

Priority 3 - Healthy Living.

One of the main aims of the Strategy is to identify sites where contamination has the potential to cause harm to human health. The Strategy will outline the steps that will be taken to investigate the land, assess the risks to health and the wider environment and ensure the necessary remedial works are carried out.

Priority 5 - Our Environment.

The Strategy will also outline procedures to identify, inspect and assess areas of land where contamination may pose a threat to both the natural environment, and the historic and built environment. The Council will seek to protect features such as watercourses and nature reserves; and designated historic sites, such as listed sites, parks, battlefields and conservation areas. There may also be some sites that are not currently designated, but which may also require protection. All relevant sites will be considered both during the inspection of the Borough and during any remedial works that are required.

All sites for which the Council is responsible will be assessed and, if necessary, have works carried out, to ensure that they do not have a detrimental impact on the environment.

The inspection will provide information on past and present land uses. If proposals are received to develop a site, this information will allow the Council to impose planning conditions requiring the site to be properly investigated and assessed. Ensuring the safe

development of land will help promote the long term sustainability of the area.

5.2 Objectives of the Contaminated Land Inspection Strategy

The Inspection Strategy will allow the Council to take a strategic approach to the identification of potentially contaminated land. It will ensure that:

- The most serious problems are located first;
- Resources are used effectively, and
- Any action is proportionate to the seriousness of any actual or potential risk.

It is important that the Strategy not only details the procedures that will be used to identify contaminated land, but also explains the legislation and reasons behind them. It will be made available to the public to ensure that all the people involved in the inspection of contaminated land have a clear understanding of:

- the rationale behind the legislation;
- the procedures used to obtain and evaluate information, and
- the time scales involved in the inspection of the Borough.

6. Timescales for the inspection of the Borough

Publish the Contaminated Land Inspection Strategy	June 2001
Gather Information , on type and location of: Cpotential sources of contamination, Creceptors and Cpotential pathways for contamination	Complete by:
Information Management Consolidate the information management system that will be used by the Environmental Protection Team.	July 2002
Prioritise Sites Sites to be prioritised depending on the potential risk posed by previous/current uses and the proximity of sensitive receptors. Class as high , medium or low risk sites.	September 2002
Sites requiring urgent action Any sites identified as causing harm or pollution of controlled waters will require immediate attention..	Action as soon as they are identified
Carry out risk assessment and inspect high priority sites Steps will include: CIdentify the appropriate persons responsible for each site which may require further investigation CReview the information obtained by the Council, and held by the appropriate persons CLiaison with statutory consultees and with the Environment Agency re Special Sites CCarry out walk over investigation of site. CIf necessary, carry out a more detailed site investigation. CAssess the results to determine whether the site can be determined as contaminated land as defined in the legislation. If any site is determined to be contaminated land steps will be taken to ensure it is remediated so that it is suitable for use .	December 2003
Risk assess and inspect medium priority sites	December 2004
Risk assess and inspect low priority sites	December 2005

7. Management and Liaison Arrangements

This Section outlines the arrangements within the Council for both the implementation of the inspection strategy and the management of contaminated land. Procedures have also been established to ensure the effective liaison and exchange of information with other authorities, land owners and the general public.

7.1 Internal management arrangements

7.1.1 Internal Team Responsible

At Taunton Deane Borough Council the production and implementation of the Strategy will be lead by the Environmental Protection Team (EPT) in the Environmental Health Section.

To co-ordinate action within the Council an Internal Consultation Group has been established, which includes representatives from:

- Environmental Protection Team
- Planning, Development Control
- Planning, Forward Plans
- Leisure Services
- Valuation Services
- Housing Services
- Press and Public Relations
- Legal Services
- Landscape and Heritage
- Information Technology
- Building Control

The EPT will be responsible for gathering and evaluating information on potentially contaminated sites and for ensuring that any land that is determined to be contaminated land is properly remediated by the appropriate persons.

If the Council is found to be the appropriate person for a contaminated site the detailed investigation and remediation of the land will be overseen by the service unit responsible for the land.

7.1.2 Areas of delegation to officers

The Council will ensure that elected members provide the appropriate officers with the authorisation necessary to enter land to carry out inspections and to take formal action such as serving remediation notices.

7.1.3 Development of the Strategy

The strategy was prepared by the EPT in liaison with other Council departments via the consultation group.

A draft strategy was produced in May and circulated to members and heads of service units and statutory consultees for comment. It was also placed on the Council's web-site.

7.1.4 Consultation with other organisations

During the drafting of the Strategy the following authorities were consulted:

- Environment Agency
- Somerset County Council
- English Nature
- English Heritage
- Food Standards Agency
- Ministry of Agriculture, Fisheries and Food (now DEFRA)
- South West of England Regional Development Agency
- Neighbouring Local Authorities

7.2 Local Authority interest in land

7.2.1 Identifying Council owned sites

The initial stages of the inspection of the Borough will involve gathering information on the historical uses of land and the location of sensitive receptors which could be exposed to any contamination. This will be carried out by the Environmental Protection Team, who will liaise with other sections in the Council to ensure that details of land which is, or has been owned and used by the Council, are included. This will include housing land, parks and land owned by the Council and leased to businesses.

The assessment of this information could highlight areas of land that may require a more detailed inspection and risk assessment. This would determine the nature and extent of any contamination and the possible risks to health and the environment. It is possible that some of this land will be owned by the council.

7.2.2 Determining when Taunton Deane Borough Council will be the “appropriate persons” for any land.

If a site is found that requires detailed investigation and remediation the local authority has to determine who is responsible for carrying out these works. The details of who will be liable are given in Section 78A of the legislation, which uses the term “appropriate persons”. For land in which the Council has an interest, this will involve liaison between Valuation Services, Environmental Protection, the Legal Section and the section in the council responsible for the land. The Council may be deemed as the appropriate person for sites where they are the land owner; the occupier of a site or when the Council has owned or used a site in the past. The apportionment of liability can be a very complicated procedure and will need to be carried out on a site by site basis.

The detailed guidance on determining who is the appropriate person is included in the Statutory Guidance issued by the Government: Annex 3, Chapter D - “Statutory Guidance on exclusion from, and apportionment of, liability for remediation”.

7.2.3 Inspection and assessment of Council owned sites

If a site belonging to the Council is identified as requiring a more detailed inspection, the work will be carried out by the service unit responsible for the land. If the Council is found to be the appropriate person for a site that it no longer owns, further works will be carried out by the Valuation Section. Suitably qualified consultants will be engaged when specialist advice is required.

The relevant service unit will take the following steps:

- a review of the data already held by the Council;
- a walk over site inspection;
- a risk assessment, to evaluate any potential harm, and, if necessary
- a further site investigation and more detailed risk assessment to determine whether any remedial works are required.

7.3 General liaison and communication strategies

7.3.1 Liaison with other Statutory Bodies

Taunton Deane Council has consulted with other statutory authorities during the preparation of the strategy. It may also be necessary to liaise with them during the inspection process and in the case of any remedial works. Details of the points of contact have been established for the following bodies

- Environment Agency
- English Nature
- South West Regional Development Agency
- Dept. for Environment, Food & Rural Affairs
- Somerset County Council
- Food Standards Agency
- English Heritage
- Health and Safety Executive

(See Appendix Five for details)

Taunton Deane Council also liaises with other local authorities through the Local Government Association and, more locally, through the Bristol, Gloucestershire and Somerset Pollution Group

7.3.2 Information exchange with the Environment Agency

The Environment Agency has a role in providing information and advice to local authorities. The Agency has provided information such as the location of waste management sites, water pollution incidents and source protection zones. It will also provide advice on identifying and remediating contaminated land where it relates to the pollution of controlled waters, and ensure the remediation of Special Sites.

The initial point of contact will be the Contaminated Land Officer for the North Wessex Area. However, other officers may become involved, for example, if the contamination was causing pollution to watercourses.

Local authorities are required to provide the Agency with the following information:

- a draft copy of the inspection strategy for consultation;
- a copy of the final inspection strategy;
- notification of any sites that the local authority determines to be “special sites” as designated in the regulations;
- notification of when any land is identified as “contaminated land” under the legislation.

The Agency is required to produce a report on the state of contaminated land in England. The aim of the report is to compile information on;

- the nature, extent and distribution of contaminated land;
- the level of remediation undertaken, and
- regulatory activity under Part IIA.

To do this the Agency will need to collate the information it holds and will also need to access information held by local authorities. The Agency and local authorities have agreed a standard form for the exchange of the relevant information.

The first report should be produced in 2002 and will consider the level of local authority and Agency activity under Part IIA. Subsequent reports will also assess local authority progress against their own strategies. This should also help local authorities with the Audit Commissions’s Best Value initiative.

7.3.3 Liaison with owners, occupiers and other interested parties

The Council will seek to achieve voluntary remediation of any land that is determined to be contaminated land. Therefore, it is important to involve the owners, occupiers and other interested parties in the investigation process as soon as possible. The Environmental Protection Team will be the main point of contact.

If the initial assessment of an area indicates that a more detailed investigation is necessary steps will be taken to contact the owners and occupiers of the land. The reason for the investigations will be explained to them and they will be informed of the work already carried out by the Council. Their co-operation will be sought at each stage of the work. If further investigations indicate that the land may be contaminated land, steps will be taken to determine the identity of any other people who could be classed as ‘appropriate persons’. They will be contacted to give them the opportunity to voluntarily carry out further investigations and remedial works.

7.3.4 Liaison with the wider community

The Council will make the Contaminated Land Inspection Strategy available to the public. It will include details of the contacts at the Council for people to both provide information which may be relevant and to enquire about information that the Council holds.

The main roles of the Council when liaising with the community on contaminated land issues will be:

- receiving information from the public as part of the inspection of the Borough;
- investigating complaints about contaminated land;
- making the public register available for inspection;
- providing access to information that is held as part of the inspection of the Borough;
- responding to requests for site specific information, and
- liaising with the public when investigating a site or carrying out any remedial works.

The main point of contact for liaison will be the Environmental Protection Team, who will receive information and deal with complaints and enquires about contaminated land. Details of the procedures are given in the following sections.

7.3.5 Risk communication

The public perception of risks are varied and depend on many different factors. These can include the level of familiarity with the issues; the amount of control the individual has over the problem and the concern about the immediate or long term consequences.

The issues surrounding contaminated land are complex and can be difficult to explain, therefore, it is important to establish an effective method of risk communication. The steps to be considered when communication risks are:

1. When to communicate.

The communication process should be started early to ensure that maximum benefit can be gained. If a major project is to be undertaken a communication strategy should be produced. This provides you with the opportunity to explain the process and makes you more credible and accessible to external parties.

2. Who to communicate with.

The group of people to be contacted should be considered in the broadest possible context and should include those with professional expertise and financial interests, along side those with local community knowledge or status.

3. What to communicate.

The potential risks from contaminated land will be specific to the individual site. They will depend on the contamination present, the type and proximity of nearby residents or other sensitive receptors and people's perception of the risks. The key objective will be to share understanding of the risk assessment process with interested parties, to allow them to raise concerns and be part of the process. Any assumptions and terms used in the process should be clearly explained.

4. How to communicate

The most effective communication is a two way process that respects the views of all participants. It is important to provide information in a clear and consistent way and to be responsive to feedback.

It is important to explain that the new powers given to local authorities only allow them to deal with contaminated land that is causing or could cause “significant harm” as defined in the legislation. Taunton Deane Borough Council is aware that the expectations of some members of the public will not be met by the new legislation; however, the Council will be responsive to peoples concerns, explaining the reasons why action can or cannot be taken.

7.4 Information Management

The inspection of the Borough for contaminated land will result in a large amount of information being gathered and evaluated. This will be in the form of site investigations, plans and reports and general information provided by the public. To assist in the management of this data the Council will use a Geographical Information System (G.I.S.). This can store information about areas of land and specific sites and will allow the Council to assess the proximity of potential sources of pollution and sensitive receptors.

The Council is committed to being open about the type and extent of any information that it holds. However, some information may be sensitive for either personal or commercial reasons. Therefore, the Council will ensure that it complies with the Environmental Information Regulations 1992 and the Data Protection Act 1998 when providing access to information on land contamination.

7.4.1 Environmental Information Regulations 1992

These Regulations require local authorities to make any environmental information that they hold available on request. There are a number of exemptions, for example,

- 1) where disclosure would affect legal proceedings or public security;
- 2) if the information is commercially sensitive, and
- 3) where the document is still in the course of completion.

The Environmental Protection Team will consult with the Council’s Legal Section to determine whether information that is gathered as part of the inspection for contaminated land can be made available or is subject to one of the exemptions.

The Council will provided information that is not exempt under the Regulations when requested. However, the reply will stress that the information is part of an on going investigation and its completeness or accuracy cannot be guaranteed. If the applicant has concerns about a particular site it will be recommended that they carry out their own investigation. If the requested information cannot be provided for a reason given in the Regulations, the Council will reply with a full explanation.

7.4.2 The Data Protection Act 1998

The Data Protection Act 1998 regulates the processing of personal data, that is information relating to individuals. It covers obtaining, holding, using, or disclosing such information. The Council is committed to the objectives of the Act and will make every

effort to ensure that all personal information held by the Council will be treated in confidence and held and used only in accordance with the terms of the Act and other applicable legislation.

Any information on individuals that is gathered during the inspection for contaminated land will be treated in accordance with the Act. The EPT will liaise with the Council's Data Protection Officer before setting up the system for managing information on contaminated land.

Any requests from an individual wishing to see a copy of personal data that is held on them will be referred to the Data Protection Officer. Forms will have to be completed by the person making the request and they will have to provide adequate proof of identify together with payment of a nominal fee.

(See Appendix Six for the Council's Data Protection Policy)

7.4.3 Public Register of action taken under Part IIA

Under the new legislation the council has a duty to maintain a register containing information relating to contaminated land and special sites for which it is the enforcing authority. The information that will be contained in the Register is given in Schedule 3 of the Contaminated Land Regulations. This will detail the location and extent of contaminated land in the borough and can include:

- remediation notices and appeals against such notices;
- remediation statements and declarations;
- appeals against charging notices;
- notices relating to the designating of land as a special site;
- convictions for offences under the legislation;
- guidance issued by the Environment Agency;
- information where a site is formally identified as contaminated land but is dealt with under other legislation, for example IPC, waste management licensing and the Water Resources Act 1991, and
- site details,
- details from the Environment Agency regarding regulation of Special Sites.

Some information may be excluded from the Register on the basis of national security or commercial confidentiality.

7.4.4 Information provided by the public

Members of the public may be able to provide relevant information on potentially contaminated land to the Council, for example, they may have information on the past uses of land or pollution incidents.

The main point of contact for the public will be the Environmental Protection Team. The person providing the information will be contacted to

- obtain details of the information that they can provide;

- take details of any relevant documentation and if necessary, to seek permission to obtain copies;
- explain how their information will be used in the process of assessing sites;
- ask whether the information can be made available to the public; or whether it is to be kept as confidential information.

7.4.5 Complaints concerning contaminated land

The Council will investigate complaints that it receives about contaminated land that may be causing harm to people's health or the wider environment. Complaints will be investigated by the Environmental Protection Team. The complainant will be contacted and the details of the complaint recorded including:

- name and address of complainant;
- details of the land that is being complained about;
- any health affects or harm to the wider environment, and
- what may be causing the potential contamination.

An initial assessment will be carried out to determine whether further action is needed immediately, or whether the information can be reviewed when that particular site is investigated as part of the Council's staged inspection process.

The complainant will be kept informed of the progress of the investigation.

The details of any complainant will remain confidential information. However, if any land is declared contaminated land as a result of the complaint and the Remediation Notice was appealed, the complainants identity may have to be revealed if their health had been affected by the contamination or if they were a witness to an event that lead to contamination. The complainant will be informed of this when they make the initial complaint.

7.4.6 Responding to anonymous complaints and information

If a person supplying information or making a complaint wishes to remain anonymous the Council will still review the information because of the potentially serious nature of leaving a contaminated site untreated. The information provided will be reviewed to see whether it indicates an immediate risk if accurate;

- **if yes**, carry out further investigations to try and corroborate the information
- **if no**, keep the information on file so that it can be reviewed when the site is investigated as part of the staged inspection of the Borough.

It will be explained to the person providing the information or making the complaint that if their information cannot be corroborated it may not be possible for the Council to take any further action.

7.4.7 Public access to information

The Inspection Strategy will be made available to the public. Copies will be placed in libraries and the document will be available from the Council. An annual report on the progress of the strategy will be made to the relevant council committee Any queries about the Inspection Strategy and contaminated land in general will be dealt with by the Environmental Protection Team.

Other information that is gathered as part of the inspection of the Borough will be made available to the public in line with the Environmental Information Regulations 1992 and the Data Protection Act 1998.

Public Register - Environmental Protection Team

The Council is required to maintain a public register of any regulatory action taken in relation to contaminated land and special sites for which it is the enforcing authority. The Register will be held by the EPT and will be available for inspection by the public. Copies of information in the register can be made available at a reasonable charge.

Property searches - Local Land Charges Section

Standard enquiries from solicitors and the public as part of a search on a property will be dealt with by the Land Charges Section. They will contact EPT for the relevant information on whether any action has been taken under the new contaminated land legislation and will respond directly making the appropriate charge.

Information held as part of the planning process - Planning Section

Some site investigations will be carried out to comply with a planning condition for a new development. This information is available to members of the public and other organisations who can arrange to visit planning reception to view the relevant files.

General enquiries - Environmental Protection Team

The information held by the EPT will include details of past uses of land, the location of sensitive environments and some records of work carried out on sites. A lot of this information will already be available to the public from other sources, for example, past land uses can be found on old maps. Some information, such as site investigation reports or company records, may be confidential and so cannot be given out to the public.

The EPT will respond to site specific enquiries, making a charge for officer time. The information that will be provided will be limited to known facts, for example, previous site uses and pollution incidents. The reply will explain that the records held by the Council may not be complete, and that the information provided should not be used to infer the presence or absence of contamination.

Information on the priority given to sites and the risk assessments made by the Council will not be made available. This is because the inspection of the Borough is an on-going

process and assessments can only be made on the basis of information held at the time. The priority given to a site could change after a detailed inspection or if further information became available.

If a person or company requires more information about a site it will be recommended that they carry out their own detailed investigation.

8 Procedures for gathering and evaluating information

The preliminary inspection of the Borough will comprise of a search of various sources for information on the location of sites which have had potentially contaminating uses and the location of sensitive receptors. Sites will be prioritised according to the potential risk, and a more detailed assessment and inspection will then be carried out, with the high priority sites addressed first.

8.1 Obtaining Information

This section identifies the sources of information that will be accessed by the council. The information will be compiled by the Environmental Protection Team.

8.1.1 Information on actual harm or pollution of controlled waters

- Complaints from the public or other organisations about potential contamination at particular sites.
- Health Authority: pollution related health problems in specific areas
- Environment Agency: pollution to surface and ground waters.

8.1.2 Information on Receptors

The statutory guidance details the type of land uses and the associated sensitive receptors that should be considered when investigating contaminated land. For example,

- Allotments and residential areas for humans.
- SSSIs and nature reserves for ecological systems.
- Surface waters and aquifers for controlled waters.
- Ancient monuments and crops for property.

(See Appendix Seven for details).

The following sources of information will be used:

- Taunton Deane and Somerset County Councils: planning records, land use information and private water supplies.
- British Geological Service: geological and hydrogeological data.
- Environment Agency: licensed water abstractions; groundwater source protection zones; public supply boreholes; sensitive watercourses and ground waters.
- English Nature: protected ecosystems/organisms.
- Dept. for Environment, Farming & Rural Affairs: use of land, affect on crops, Agricultural Land Classification.
- English Heritage: listed buildings, archaeological sites, scheduled monuments.
- Food Standards Agency: food safety.
- County Archeology Section: sites and monuments records.

8.1.3 Information on the possible presence of contaminants

Contamination of land mainly results from substances being accidentally or deliberately released onto a site, either when being used commercially or as a result of a pollution

incident. The DETR has produced guidance detailing the type of contamination associated with certain processes. The Council will gather information on the past and current location of these land uses, and details of any relevant pollution incidents. The sources of information that will be used shall include:

Historical map information:

Historical maps contain information on the location of various types of land use. By comparing a series of maps it is also possible to locate areas of potential waste disposal, such as quarries that have been filled-in or areas where the land has been raised. It should be remembered that the maps only give information on what was on a site at that time and it is possible that changes on use could have occurred between the production of consecutive series of maps.

The Council has acquired information on potentially contaminating land uses that has been gathered from a review of 1:10,000 series maps from the 1880's onwards.

The information is in a spread-sheet and geographical format and includes:

- site location,
- category of land use;
- outline of site where possible;
- site classification, depending on the type of use.

Large scale maps will be reviewed as these often contain more detailed information on the uses of a site. Older maps are also available for some areas of the Borough.

Environment Agency

- | | |
|--|---|
| <ul style="list-style-type: none">• Location of landfill sites• Waste management licences• Radioactive substances sites• Dangerous substances sampling points | <ul style="list-style-type: none">• Discharge consents and surface water quality• Pollution incidents.• Integrated Pollution Prevention and Control information |
|--|---|

Taunton Deane Borough Council

- Planning records and site investigations carried out as part of the planning process;
- Processes authorised under Part I of the EPA;
- Hazardous substances consents;
- Land use data;
- Information on land owned/previously owned by the Council;
- Waste disposal records

The public and other organisations

Further information could be provided by;

- local historians and groups, e.g. the Somerset Industrial Archeological Society.
- people who have worked at commercial/industrial sites
- people who live/used to live near potentially contaminated sites.

Other records

- Site investigations carried out by land owners and developers.
- Information held by local museums and libraries
- Ariel photographs
- Somerset Fire Brigade (Petroleum records)
- Trade Directories (historical and current)
- Ministry of Defence records
- County Archeologist (land uses associated with contamination)

8.2 Evaluation of information and assessment of sites

This section outlines the steps that will be taken by the Environmental Protection Team to prioritise and assess sites, and the procedures that will be used to carry out a detailed inspection of any land. The process will establish whether there are any pollutant linkages present on sites in the Borough, by evaluating information on sources of contamination, receptors and pollution pathways. If a pollutant linkage is found, an assessment will be made to consider whether the land can be determined to be “contaminated land”.

8.2.1 Evaluating information

The first stage of the inspection will have gathered information on past uses of land and the location of sensitive receptors. Checks will be made to ensure the accuracy of any information, particularly if has been provided with no documentary evidence. Details of the site locations will be entered on the Council’s Geographical Information System, and will be referenced to any information held on a database or as paper records.

Possible presence of contaminants.

The information gathered will identify the location of areas where there have been activities that could have lead to contamination of a site. This will include

- industrial and commercial uses, for example, gas works and railway land;
- areas where land has been filled, such as landfill sites and old clay pits, and
- places where there has been a pollution incident leading to contamination of a site.

Guidance on the type of contamination found with certain land uses can be found in the Department of the Environment Industry Profiles, 1995 and 1996.

Location of sensitive receptors

The information gathered will be reviewed to identify the location of sensitive receptors and land uses, particularly those in close proximity to any potentially contaminated areas.

Sites that require urgent action

If the information gathered indicates that there are contaminants on a site which could cause an imminent risk to health or the wider environment, a more detailed risk assessment and investigation will be carried out immediately.

8.2.2 Prioritising Sites

The Council will aim to investigate and deal with contaminated land according to the potential risk posed by the site. The sites will be prioritised so that they can be dealt with in a rational order. The prioritisation will be a two stage process, with the sites initially rated according to the previous land uses, and then prioritised depending on the proximity of sensitive receptors.

First stage prioritisation.

This will rate the sites identified as having past or present uses that could have led to contamination. Each type of use has been classified as either high, medium or low priority, depending on the type and number of substances that could be produced by that land use. The rating system that will be used by the Council has been devised by the Land Quality Management Team at the University of Nottingham. It is based on the DoE guidance on potentially contaminative uses and the Industry Profiles. (See Appendix Eight)

Second stage prioritisation

The sites will then be rated according to their current proximity to:

- 1 - people (housing, schools, allotments)
- 2 - water (ground, surface and other controlled waters)
- 3 - environmentally sensitive areas (SSSIs, Nature Reserves etc)
- 4 - sensitive buildings (ancient monuments, listed buildings other buildings)
- 5 - property in the form of crops and animals.

The high risk sites will be prioritised first; with the sites posing potential risk to people given the highest priority, then risks to water, environmentally sensitive areas, buildings and property. The same prioritisation will then be carried out for the medium and then the low risk sites.

If any information is found during the investigation of any land that may affect the initial prioritisation then the site will be reclassified and dealt with in the order that it's revised prioritisation requires.

8.2.3 Risk Assessment of sites

The main objective of risk assessment is to establish whether an area of land is posing, or is likely to pose, unacceptable risks to health and the environment. It will investigate any potential pollutant linkages by evaluating information on sources of contamination, any receptors and pollution pathways.

The assessment will be a staged process with the sites being assessed in the order that they have been prioritised.

a) Hazard Identification

The purpose of this is to obtain sufficient information on the site to gain an understanding of possible sources, pathways and receptors. It will include a review of documentary information, such as site history and any investigations and remedial works carried out in the past. Any relevant parties will be contacted and site reconnaissance carried out if necessary.

b) Hazard Assessment

This is a more detailed assessment which considers the potential for adverse effects arising from any potential pollutant linkages. It will involve more extensive research and/or an exploratory site investigation. The investigation can play an important role in confirming preliminary views about the condition of a site and the nature of the risks that may exist.

c) Risk Estimation and Evaluation

This stage reviews the potential adverse effects and estimates the probability that they will occur. Although every site will be assessed individually, the following types of risk will be considered:

- risks to human health
- risks associated with methane gas and other ground gases;
- risks to the water environment;
- risks to the flora and fauna, and
- risks to building material and services.

The purpose of risk evaluation is to review all the relevant information relating to a site to decide whether any potential pollutants pose unacceptable risks to defined receptors. This will identify any potential pollutant linkages.

If there is a high probability of adverse effects from a pollutant linkage it will be necessary to carry out a more detailed investigation to characterise the site so that remedial works can be proposed.

8.3 Arrangements for carrying out detailed inspections

The previous stages of the Strategy may result in the identification of sites where a possible pollution linkage exists. A detailed inspection of any such area will then be required to obtain sufficient information to:

- determine whether the land appears to be “contaminated land” in accordance with the guidelines;

- decide whether the land would be classified as a “special site” which can then be dealt with by the Environment Agency.

This Section explains the criteria for determining whether any land can be determined as contaminated land, and sets out the procedures for detailed inspection of specific sites

8.3.1 Determining whether land appears to be contaminated land

Details of the considerations that must be taken in to account when determining contaminated land are laid out in Chapter B of the statutory guidance. There are four grounds for determining that land is “contaminated land”; namely that:

- significant harm is being caused
- there is a significant possibility of significant harm being caused;
- pollution of controlled waters is being caused, or
- pollution of controlled waters is likely to be caused.

These correspond to the parts of the definition of contaminated land in Section 78A(2).

The local authority should identify a particular pollutant linkage or linkages as the basis for this determination. All three elements of the pollutant linkage must be present: a **pollutant**, a **pathway** and a **receptor**. A linkage that forms a basis for the determination that land is contaminated land is classed as a “significant pollutant linkage”; and any pollutant which forms part of it is a “significant pollutant”.

When making a determination, the Council will take all relevant evidence into account. In many cases it will be necessary to carry out a detailed site investigation and make an appropriate scientific and technical assessment. This could involve an intrusive investigation and sampling of the soil and groundwater to characterise any contamination on the site.

8.3.2 Site specific liaison with owners.

The Council’s aim is to work with site owners to gather information and to reach a voluntary agreement on any remedial works that may be required.

If a site has been found that requires more detailed investigation steps will be taken to identify, contact and liaise with the owners of the land. The reasons why the owners will need to be contacted are so that the Council can;

- obtain further information about the uses and layout of the site;
- carry out a walk over survey of the site;
- arrange for an intrusive investigation to be carried out if required.

The owners/occupiers of a site can be identified by searching records including those held by the local authority and the land registry and reviewing company records. When they have been identified the owners will be contacted to explain why their co-operation is required.

8.3.3 Inspection of specific sites

If the risk assessment identifies a potential pollutant linkage a more detailed inspection will be required. The Council will obtain as much information as practical about the site prior to carrying out any intrusive sampling. This will allow a more targeted inspection using the most appropriate techniques. All reasonable precautions will be taken to avoid harm, water pollution or other damage which might be caused as a result of this inspection.

The Council will liaise with other regulatory authorities if there is the potential for any contamination on the site to be dealt with under other legislation, or if their advice and assistance may be required. For example, the Environment Agency will be contacted if there is the potential for pollution of water or if the site is covered by waste control regulations; and the Food Standards Agency and DEFRA will be contacted if the contamination could affect any agricultural land or crops.

When a site has been identified as being potentially contaminated the Council will liaise with the owners/occupiers of the land to try and arrange for them to carry out a site investigation and risk assessment. If the owners/occupiers say that they will carry out the works the Council must allow a reasonable and specified time for them to be completed.

If the works are not been carried out within the agreed time the Council has powers under the Environment Act 1995 to authorise a person to exercise specific powers of entry to carry out investigations. To be able to exercise this power the Council has to show that there is a reasonable possibility that a pollution linkage exists for that specific site.

All site investigations, sampling and analysis will be carried out in line with current guidance. This includes British Standard 10175:2001 Investigation of potentially contaminated sites, code of practice BS12001 and BS EN ISO 17075:2000 General requirements for the competence of testing and calibration laboratories.

8.3.4 Assessment of results

The investigation should reveal the location and concentration of contaminants on the site. This will allow a detailed assessment to be made to determine whether there is a significant pollutant linkage for the site, and therefore whether the land can be classed as “contaminated land”.

The results of the survey should be assessed in line with current guidance on risk estimation and evaluation. Guidance is available for assessing the potential risk to different receptors from sources such as the DEFRA web-site and industry good practice guidance. Examples of the guidance available include:

- **Groundwater and surface water:** Methodology for the derivation of remedial targets for soil and groundwater to protect water resources; Environment Agency.
- **Water quality:** Environment Agency guidance and water quality standards.

- **Landfill gas and other gases:** Waste Management Paper 27; Building Control Approved Document C; CIRIA publications.
- **Ecological systems:** Environmental Quality Standards.
- **Human health:** ICRCCL Guidance on the Assessment and Redevelopment of Contaminated Land.

The DEFRA and the EA are preparing additional guidance, including Contaminated Land Reports 9 and 10, which covers the assessment of exposure to soil contamination. This will include guideline values for soil contaminants, which will replace the trigger levels in the ICRCCL Guidance. These values have been derived using the Contaminated Land Exposure Assessment (CLEA) model and will help establish whether a site poses actual or potential risks to human health in the context of the existing or intended use of the site. Where concentrations of contaminants exceed the appropriate guideline value, the presumption is that there is sufficient evidence for potentially unacceptable risk to warrant further action. This action may be to carry out a more detailed investigation or to implement remedial action.

8.3.5 Making arrangements for appointments of consultants.

If specialist advice is required during an inspection, the Council will appoint suitably qualified consultants. The sort of works that may require external consultants will include:

- site inspections (desk study, walkover and intrusive investigations);
- detailed risk assessments of specific sites;
- preparing recommendations for further works; and
- recommending remedial works to any sites found to be contaminated.

Recognised consultants will be approached to quote for the work through the Council's standard purchasing procedures.

8.4 Potential Special Sites

The Contaminated Land (England) Regulations 2000, prescribe that certain types of contaminated land are to be designated as "special sites", for which the Environment Agency will be the enforcing authority.

The type of sites that will be classed as special sites are detailed in Regulations 2 and 3. (See Appendix One for details). They include land subject to certain industrial uses; some types of land used for defence purposes and the pollution of controlled water in certain circumstances. The Regulations must always be consulted when determining whether a particular site is a Special Site.

8.4.1 Identifying Potential Special Sites

In the course of the inspection of the Borough, and prior to a detailed inspection of specific sites, the Council will identify any land that may meet the definition of a Special

Site. The Environment Agency will be approached to consider whether the site could be a potential Special Site. Where it is agreed that a site is a Special Site, the Agency can undertake the inspection on behalf of the Council.

8.4.2 Making arrangements for inspection

Further investigation of the site will be needed to establish whether there is a pollution linkage, and a risk assessment will be carried out to determine whether there is the potential for significant harm. The Council will liaise with the Environment Agency during any further works. Any inspection of a site will be carried out with regard to all guidelines and procedures required by the Environment Agency.

8.4.3 Notifying the Environment Agency

If the Council decides that the land is to be designated as a special site the authority must give notice in writing to:

- the Environment Agency
- the owner of the land
- any person who appears to be the occupier of the land, and
- each person who appears to be an appropriate person for the land.

In general, the procedures relating to the remediation of a special site are the same as for any other contaminated land except that the Environment Agency is the enforcing authority rather than the local authority.

9 Review Mechanisms

9.1 Review of the Inspection Strategy

In line with standard quality management practice, the Council will audit the inspection procedures on a routine basis to ensure that they represent an efficient use of resources and are effective in meeting the requirements of the legislation.

The progress of the Strategy will be reviewed in July 2002, to determine how the work is progressing in line with the proposed timescales. Any new guidance that has been produced by the Government or the Environment Agency will also be reviewed to ensure that the Strategy is in line with the current best practice.

If the inspection is not progressing as planned or it is necessary to review the strategy due to a change in guidance, new timescales will be set. The findings of the review will be reported to relevant committee. Further reviews will be carried out annually.

There are reasons why the inspection of the Borough may not progress as indicated in the strategy, for example, finding a site which may require immediate, detailed inspection and remediation. Funding may be available to allow site specific inspection in these circumstances. However, this could still divert staff resources away from the planned inspection of other areas. In this case the timescales will be revised, taking into account the current and predicted workload and available resources.

9.2 Triggers for reviewing inspection decisions

There could be situations when changes in conditions or circumstances of the land or its surrounding environment prompt local authorities to reassess the potential risk at a site. Examples of these are:

- Proposed changes in the use of the surrounding land;
- Unplanned changes in the use of the land;
- Unplanned events, e.g. localised flooding/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;
- Responding to information from other statutory bodies or other interested parties;
- Additional information found concerning previous uses, and
- New or revised guidance from the Government or Environment Agency.

Any information received will be reviewed and evaluated by the Environmental Protection Team. If the site has not yet been assessed in detail, the new information will be taken into account when prioritising the site as part of the staged inspection programme. If the site has had a detailed inspection this will be reviewed in line with the new information or circumstances.

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Glossary

Appropriate person

Defined in section 78A(9) as:

“any person who is an appropriate person, determined in accordance with section 78F..., to bear responsibility for anything which is to be done by way of remediation in any particular case.”

Contaminant

A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters. *Paragraph A12*

Contaminated land

Defined in section 71A(2) 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.”

Controlled waters

Defined in section 71A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters.

Current use

Any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;
- (b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission;
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on the land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and

- (d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land. *Paragraph A.26.*

DEFRA

Department for Environment, Food and Rural Affairs (replaced MAFF in June 2001)

DETR

Department of the Environment, Transport and the Regions

Enforcing Authority

Defined in section 78A(9) as:

- (a) in relation to a special site, the Environment Agency;
- (b) in relation to contaminated land other than a special site, the local authority in whose area the land is situated.

Harm

Defined in section 78A(4) as:

“harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.”

EA (or the Agency)

The Environment Agency. Will have key role in providing advice to local authorities and will act as the enforcing authority for “special sites”.

Intrusive investigation

An investigation of land (for example by exploratory excavations) which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information. *Paragraph B.20 (c).*

Local authority

Defined in section 78A(9) as meaning any unitary authority, district council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

MAFF

Ministry of Agriculture, Fisheries and Food. One of the statutory consultees for the strategy. (June 2001 - replaced by Dept for Environment, Food and Rural Affairs)

Owner

Defined in section 78A(9) as:

“a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let.”

Part IIA

Part IIA of the Environmental Protection Act 1990.

Pathway

One or more routes or means by, or through, which a receptor:

- (a) is being exposed to, or affected by, a contaminant, or
- (b) could be so exposed or affected. *Paragraph A.14*

Pollutant

A contaminant which forms part of a pollutant linkage. *Paragraph a.17.*

Pollutant linkage

The relationship between a contaminant, a pathway and a receptor. *Paragraph A.17.*

Pollution of controlled waters

Defined in section 78A(9) as:

“ the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter”.

Possibility of significant harm

A measure of the probability, or frequency, of the occurrence of circumstances which would lead to significant harm being caused. *Paragraph A.27.*

Receptor

Either:

- (a) a living organism, a group of living organisms, an ecological system or a piece of property which:
 - (i) is in a category listed in Table A in Chapter A as a type of receptor, and
 - (ii) is being, or could be, harmed, by a contaminant; or
- (b) controlled waters which are being, or could be, polluted by a contaminant.
Paragraph A.13.

Register

The public register maintained by the enforcing authority under section 78R or particulars relating to contaminated land.

Remediation

Defined in section 78A(7) as

- “(a) the doing of anything for the purpose of assessing the condition of:
- (i) the contaminated land in question;
 - (ii) any controlled waters affected by that land; or
 - (iii) any land adjoining or adjacent to that land;
- (b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose.
- (i) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or
 - (ii) of restoring the land or waters to their former state; or
- (c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.”

Remediation action

Any individual thing which is being, or is to be, done by way of remediation.
Paragraph C. 8(a).

Remediation notice

Defined in section 78E(1) as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified.

Risk

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. *Paragraph A.9.*

Risk Assessment

The process of assessing hazards and risks associated with a particular site or group of sites.

Significant harm

Defined in section 78A(5). It means any harm which is determined to be significant in accordance with the statutory guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that Chapter).

Significant pollutant linkage

A pollutant linkage which forms the basis for a determination that a piece of land is contaminated land. *Paragraph A.20.*

Significant possibility of significant harm

A possibility of significant harm being caused which, by virtue of section 78A(5), is determined to be significant in accordance with the statutory guidance in Chapter A.

Source

A hazardous substance or agent (for example a contaminant) which is capable of causing harm.

Special site

Defined by section 78A(3) as: “any contaminated land -

- (a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...; and
- (b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4).”

The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

Substance

Defined in section 78A(9) as: “any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.”

The details of the types of land required to be designated as a special site are given in Parts 2 and 3 of the Contaminated Land (England) Regulations 2000. For a legal definition these regulations must always be consulted. Examples of the types of use included are, in simple terms:

- land causing the pollution of controlled waters (in certain cases);
- land used for the purification of crude petroleum, shale or other bituminous substances;
- land used for the manufacture or processing of explosives;
- land on which a process prescribed under IPC or PPC has been or is being carried out under an authorisation;
- land within a nuclear site;
- land owned or occupied by defence organisations and being used for naval, military or air force purposes;
- land which has been used for the manufacture or disposal of chemical or biological weapons;

Land which is adjoining or is adjacent to land of a description given in the Regulations, and which is contaminated by substances which appear to have escaped from such land, is also classed as a special site.

Table A - Categories of Significant Harm (from DETR Circular 02/2000, Annex 3)	
Type of Receptor	Description of harm to that type of receptor that is to be regarded as significant harm.
1. Human beings	<p>Death, disease, serious injury, genetic mutation, birth defects or 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>In this Chapter, this description of significant harm is referred to as a “human health effect”</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"> • an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; • any land declared as 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 (ie 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 (ie candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949. 	<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 which 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> <p>In this Chapter, this description of significant harm is referred to as an “ecological system effect”.</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> <p>In this chapter, this description of significant harm is referred to as an “animal or crop effect”.</p>
<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 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> <p>In this Chapter, this description of significant harm is referred to as a “building effect”.</p>

Table B - Significant Possibility of Significant Harm (from DETR Circular 02/2000, Annex 3)	
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, <p>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> <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 question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and • the duration of intake or exposure resulting from the pollutant linkage in question. <p>The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience of be affected by that intake or exposure.</p> <p>Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.</p>

<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 for a short-term (that is, less than 24-hour) exposure to the pollutant.
<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 in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological 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 ecotoxicological 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 Four Corporate Priorities of Taunton Deane Borough Council (Sec.5.1)

The Council's efforts to promote the overall well-being of the area are organised across the six 'Corporate Priorities'. These are:

Corporate Priority 1 - Livelihoods and Jobs

We will promote and support the development of a prosperous local economy throughout Taunton Deane, based on good quality jobs and a skilled workforce. We will increase Taunton's status as a sub-regional centre and as a first class shopping and retail venue.

Corporate Priority 2 - Communities in Need

We will work with others to identify and tackle local needs throughout the Borough. While our focus will mainly be on helping communities help themselves, we will make particular efforts to respond to people who are vulnerable, isolated, disadvantage or have special needs.

Corporate Priority 3 - Healthy Living

Through the services we provide and by working in partnership with others, we will strive to improve peoples health in the widest sense. Our key target areas are to improve health among younger people, older people and more vulnerable groups and to promote healthier lifestyles in general.

Corporate Priority 4 - Safety, Security and Crime

We will work to reduce levels of crime and disorder and fear of crime in our community, as a lead agency in the Taunton Deane Crime and Disorder Partnership. Our efforts will focus on reducing violence and intimidation (domestic violence, public violence and anti-social behaviour on the streets), burglary and vehicle crime.

Corporate Priority 5 - Our Environment

The Council will work to minimise its own impact on the environment and work with others to promote the long term sustainable development of the area.

Corporate Priority 6 - Transport, Mobility and Access

We will work with others to promote a sustainable transport system which reduces car dependency, minimises traffic congestion, improves safety and encourages forms of transport which are sustainable and practical for all. We will also ensure that Council building, information and the services we provide, are accessible on an equal basis to all people.

Environment Agency

Contaminated Land Officer, N. Wessex
Region
Environment Agency
Rivers House
East Quay
Bridgewater
Somerset TA6 4YS

**Department for Environment, Food
and Rural Affairs (formally MAFF)**

Senior Advisor
National Land Management Team
Burghill Road
Westbury-on-Trym
Bristol BS10 6YW

English Nature

Conservation Officer
English Nature, Somerset Team
Roughmoor
Bishops Hull
Taunton
Somerset TA1 3AA

Food Standards Agency

Contaminants Division
Food Standards Agency
Aviation House
125 Kingsway
London WC2B 6NH

Health & Safety Executive

Inner City House
Mitchell Lane
Bristol BS1 6AN

Somerset County Council

Principal Scientist
Environmental & Occupational
Monitoring Team
County Hall
Taunton
Somerset TA1 4DY

Wessex Water

Environmental Scientist
Wessex Water
Claverton Down Road
Claverton Down
Bath BA2 7WW

English Heritage

Regional Land Use Planner
South West Regional Office
29-30 Queens Square
Bristol BS1 4ND

**South West of England Regional
Development Agency**

Environment Manager
North Quay House
Sutton Harbour
Plymouth
Devon PL4 0RA

**Taunton Deane Borough Council
Data Protection Policy**

Taunton Deane Borough Council is committed to the objectives of the Data Protection Act and will take every effort to ensure that all personal information held by the Council will be treated in confidence and held and used only in accordance with the terms of the DPA and other applicable legislation.

The Council will make every effort to be open about the type and extent of personal data it holds. It will keep the minimum amount of personal information needed to perform its duties, it will hold that information securely, use it only for appropriate purposes and not disclose it without proper authority.

The Council expects all of its employees to comply fully with this policy and the principles of the Data Protection Act and will provide training and advice necessary to enable employees to do this. Deliberate breaches of this policy will be considered as gross misconduct and will render the employee liable to disciplinary action up to and including dismissal. Individuals, as well as the council, can be prosecuted for breaches of the DPA.

The Council's Data Protection Officer is responsible for co-ordinating compliance with the Act, including the notification of all applicable council systems with the Office of the Information Commissioner, liaising with departments and departmental representatives to ensure such registrations are complete and kept up to date and for arranging training and giving advice as necessary to employees. It is, however, the responsibility of each elected member and every employee to be aware of their individual and collective responsibilities under the Act and to make sure they comply with its provisions.

The council will provide any person requesting it in the proper manner (via a subject access request) a response stating whether or not the council holds personal information about that individual and, if so, the opportunity to see the information and to have it corrected or deleted if appropriate. Persons may only request details about themselves and no other person. The council is entitled to levy a charge of £10 for this service.

Box B4.3 - Potentially sensitive receptors	
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.	SSSIs National nature reserves Marine nature reserves Areas of special protection for birds European sites SAC, SPAs Candidates SACs and SPAs 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 Allotment 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

Appendix Eight Prioritisation of sites according to land use (Section 8.2.2)

The inspection of the Borough will identify sites that have had past uses that could lead to contamination. These sites will be prioritised either as high, medium or low priority depending on the past and present land uses. The system that will be used by Taunton Deane Borough Council has been devised by the Land Quality Management Team at the University of Nottingham. Some examples of the types of land uses that may be found in the Taunton Deane area are given below. This list is not exhaustive.

High Priority

Gas manufacture and distribution
Military Land

Oil, petroleum and gas refining and storage

Medium Priority

Chemical manufacturing (general)
Coal storage depot
Disturbed Ground
Dyes and pigments (manufacture)
Electricity production & distribution
Factory or Works (use not specified)
Former marsh
Fuel: retail sale of automotive fuel
Heap, unknown constituents
Leather tanning and dressing
Metal casting/foundries
Machinery: engines, building and general industrial (manufacture)
Mineral Railways
Motor Vehicles: maintenance & repair etc

Paper packaging products (manufacture)
Pipelines (transport via)
Railways
Road haulage
Saw milling, planing & impregnation (of timber)
Sewage
Textile manufacture and products
Transport manufacturing and repair
Transport: cargo and handling, transport support and depots.
Unknown filled ground (pit, quarry, pond, marsh, river, dock etc)

Low Priority

Animal slaughtering & basic processing of meat
Animal by-products (gelatine, soap, glue)
Brewing and Malting
Cement, lime & plaster products (manufacture)
Cemetery or graveyard

Clay brick & tile manufacture
Food processing - major
General Quarrying
Hospitals
Quarrying of sand & clay; operation of sand and gravel pits