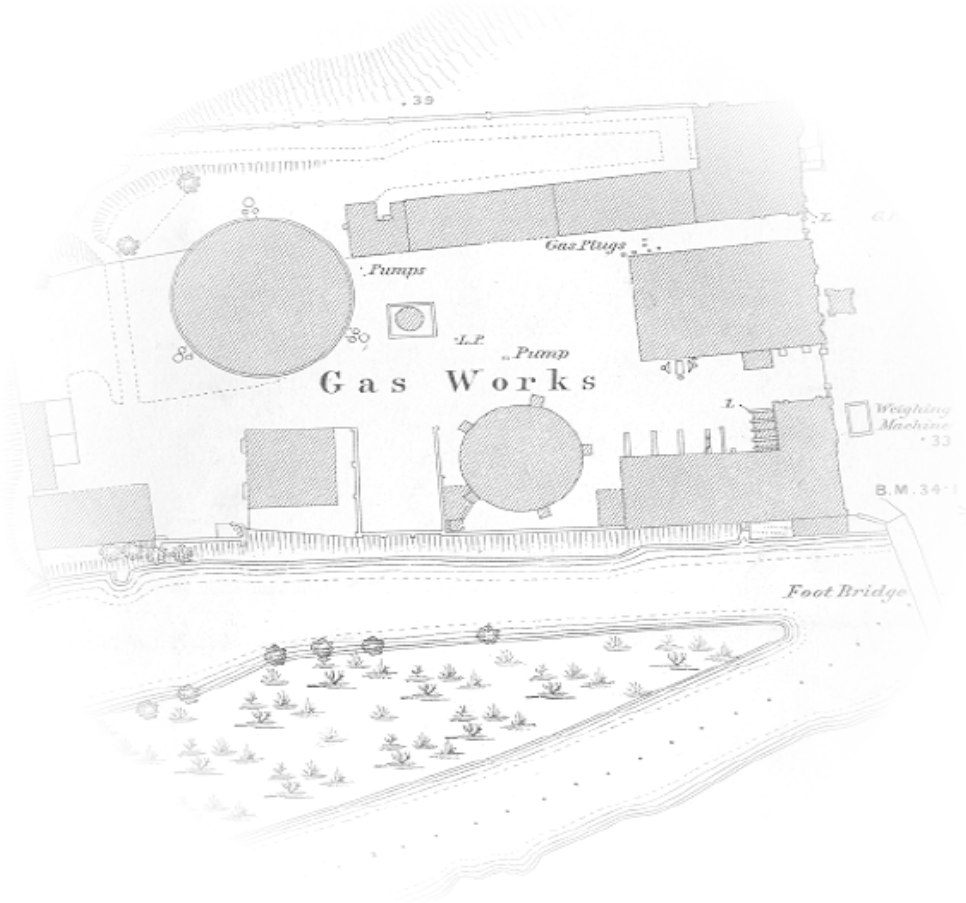
A Strategy for the Inspection of Huntingdonshire for Contaminated Land



Environmental Protection Act 1990
Part IIA

Adopted: June 2001
Updated: September 2011

Executive Summary

Introduction

Huntingdonshire District Council recognises the powers and duties placed on it by Part IIA of the Environmental Protection Act 1990 relating to the identification and remediation of contaminated land for the purposes of protecting health, property, controlled waters and other sensitive areas of the environment. The implications of the regime have been reported to members and appropriate powers have been delegated to officers.

The Act requires that an inspection strategy is prepared in accordance with statutory guidance and this strategy document is designed to meet those requirements. The document details the Council's priorities for inspection, including how the work will be undertaken and the resulting decision-making process.

The responsibilities placed on the Authority are extensive and the process of inspection and declaration will be resource-intensive, both in terms of officer time and the costs of inspection and investigations where required. The technical sections of this strategy are therefore detailed and explain how the Authority will react in particular circumstances.

This inspection strategy comes into effect from 1 July 2001. It will be reviewed after four years unless circumstances change and dictate that it be reviewed earlier.

Background

In the past environmental legislation dealt only with specific types of pollution incidents rather than the impact of all types of pollution on land. Part IIA of the Environmental Protection Act was introduced in recognition of the legacy of land contamination created by past industrial activity and other uses of land such as the unregulated landfilling of wastes.

Within the regime, land must be suitable for its current or approved use and remedial action has to be undertaken where real harm is occurring or is likely to occur. Liability for cleaning up pollution now rests with those who caused or knowingly permitted it. Where such persons cannot be found liability is passed to the owner or occupier of the land or to the Local Authority in the case of sites where no owner can be found (orphan sites).

The extent of contamination is not known at present, and a major objective is for local authorities to inspect their areas to determine where contamination is causing or is likely to cause significant harm or pollution.

For significant harm or pollution to be occurring it is necessary to demonstrate a “significant pollutant linkage”. This linkage has three components - a source of contamination, a receptor that can be harmed or polluted by that contamination and a pathway by which the contamination can reach the receptor. (Examples of linkages are given in Section 2.2).

Contaminated land is defined as:

> "any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that-
>
> (a) significant harm is being caused or there is a significant possibility of such harm being caused, or;
>
> (b) pollution of controlled waters is being, or is likely to be, caused"

and harm is defined 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".

The Strategic Approach to Inspection

This strategy deals with the Council's approach to the identification of land that merits more detailed inspection, how it will respond to information from other bodies and agencies and to information and complaints from members of the public, businesses and voluntary organisations. The strategy also shows how the Authority will prioritise its work so as to be sure of identifying the most pressing problems first.

The process of inspection will commence with a desk-based study using historical maps and a range of environmental data sets within a computer based Geographical Information System (GIS) in order to identify sites that may be polluted and warrant more detailed investigation. The information used will be that held by the Council or that which has been supplied by the Environment Agency or by other sources.

For the preliminary inspection of the area the Council has set a completion target of five years from the adoption of this strategy.

A hierarchical approach will be used to determine the likelihood of significant harm and sites will be checked in the following order:

- sites where information is received that actual harm or pollution is occurring or is imminent;
- land holdings under present or past local authority control will be checked for pollution with regard to any risk to human receptors and water resources;
- other land with historical use profiles most likely to result in pollution with regard to risk to human or water resources;
- a search of all other land holdings for any risk to human or water resources; and
- on completion of the above the entire process will be repeated for other receptors such as eco-systems, property, crops and livestock.

Emergency actions and detailed inspections will be carried out as soon as a requirement has been identified. These procedures will follow guidance issued by the Department of the Environment, Food and and Rural Affairs(DEFRA) and/or the Environment Agency (EA). Details of the appropriate guidance are given in Appendix 8.9.

Details of the inspection processes are given in appendices 8.6 and 8.7.
Prime responsibility for the compilation and implementation of this strategy rests with a team of officers from Environmental and Community Health Services of the Council. Officers from other services have assisted the team in certain aspects of strategy development and this will continue throughout the implementation programme.

Further Information and Consultation

The legislation requires that the Council consults with a number of statutory consultees both in respect of the compilation of this strategy and, later, when land that satisfies the statutory definition of contaminated land has been identified. Further details of consultation requirements and procedures are given in Sections 3.1.5, 3.3.4 and 7.3.9 of the strategy.

Much of the information derived from inspections will be in the public domain. However, prior to making any information public, the Authority will ensure that rigorous quality assurance and quality control procedures have been applied and that efficient and effective data validation has been carried out. Further details of information management are given in Section 7.

For further technical information relating to this strategy and its implementation contact a member of the Environmental Protection Team

- Telephone 01480 388302
- Fax 01480 388361
- E-mail envhealth@huntingdonshire.gov.uk

1. Background

1.1 The Inherited Legacy

It is not known with any certainty how much land is contaminated. This will only be found through detailed, wide-ranging site investigations and risk assessments. Clearly the answer will be critically dependent on the definition of "contaminated land". Nevertheless, official estimates have put the number of potentially contaminated sites in the UK at between 50,000 and 100,000 (Parliamentary Office of Science and Technology 1993).

Estimates of the extent of land affected by contamination range between 100,000 and 300,000 hectares (EA), though international experience suggests that only a small proportion of potentially contaminated sites pose an immediate threat to human health and the environment.

The existence of contamination presents its own threats to sustainable development:

- it impedes social progress, depriving local people of a clean and healthy environment;
- it threatens wider damage to the environment and to wildlife;
- it inhibits the prudent use of land and soil resources, particularly by obstructing the redevelopment of previously developed land and increasing development pressures on green-field areas;
- the cost of remediation represents a high burden on individual companies, home and other land owners, and the economy as a whole; and
- the fear of contamination alone can have an adverse effect on property values and lead to blight.

In the above context, the Government's objectives with respect to contaminated land are:

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

These three objectives underpin the 'suitable for use' approach to the remediation of contaminated land, which the Government considers to be the most appropriate way of achieving sustainable development in this context.

1.2 The History of Controls

Previous governments have had successive difficulties in implementing a new contaminated land regime. The story began with the hasty decision to introduce registers of land that were subjected to potentially contaminative uses at a late stage in the passage of the Environmental Protection Act 1990. The next two or three years were spent in arguing that the so-called Section 143 contaminated land registers were likely to be counter-productive and lead to widespread blight and were consequently not implemented.

The Environment Act 1995 repealed Section 143 of the 1990 Act, and introduced the comprehensive new Part IIA regime based on the principles of risk assessment, the polluter pays and suitability for existing use. The new regime is procedurally modelled on the statutory nuisance regime in Part III of the Environmental Protection Act 1990.

1.3 The New Regime

The new statutory regime for the identification and remediation of contaminated land contained in Sections 78A to 78YC of Part IIA of the Environmental Protection Act 1990 (The Act) came into force on 1st April 2000 by Commencement Order. This primary legislation is complemented by the Contaminated Land (England) Regulations 2006 (The Regulations) and by a DEFRA Circular 01/2006 *Contaminated Land* (The Circular).

The Circular, has two functions. Firstly, it promulgates the statutory guidance, which is an essential element of the new regime; and secondly, it sets out the way in which the new regime is expected to work by providing:

- a summary of Government policy in this area;
- a description of the new regime; and
- a guide to the 2006 Regulations.

The regime deals with the legacy of contaminated land resulting from a wide range of activities, including industrial, mining and waste disposal. It is intended to be complementary to the Planning Regime in that contaminated land can still be dealt with by the use of planning conditions as part of the redevelopment process.

The whole package described above now allows local authorities and the EA to be proactive in how they deal with land that is posing unacceptable risks to humans, controlled waters or the wider environment, where that land is not being actively redeveloped. The new regime is consistent with the 'polluter pays principle' by placing liability for the cost of dealing with contamination on the polluter where they can be found, or the landowner/occupier where the polluter no longer exists.

1.4 Objectives Underlying the Contaminated Land Regime

The main objective behind the introduction of Part IIA is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment, assessed in the context of the current use and circumstances of the land.

The regime broadly reflects the approaches already in place under Part III of the Environmental Protection Act 1990, which deals with statutory nuisances, and Part VII of the Water Resources Act 1991. Other reasons for introducing the new regime are:

- to improve the focus and transparency of the controls, ensuring that authorities take a strategic approach to land reclamation problems;
- to enable all problems resulting from land contamination and reclamation to be handled as part of the same process. Previously, separate regulatory action was needed to protect human health and the water environment;
- to increase the consistency of approach taken by different authorities; and

- to provide a more tailored regulatory mechanism, including liability rules, better able to reflect the complexity and range of circumstances found on individual sites.

The Government believes that the new regime will assist in the recycling of previously developed land. However, it cannot be used directly to require the redevelopment of land, only its remediation. Crucially, the Government believes that the new regime will assist developers by reducing uncertainties about 'residual liabilities' – in particular the perceived risk of further regulatory intervention. It will:

- reinforce the 'suitable for use' approach, enabling developers to design and implement appropriate and cost-effective schemes as part of their redevelopment projects;
- clarify the circumstances in which future regulatory intervention might be necessary; and
- set out the framework for statutory liabilities to pay for any further remediation should that prove necessary.

1.5 An Outline of the Contaminated Land Regime

An explanation of how the regime will operate is set out in Annex 2 to Circular 02/2006. Statutory Guidance in Annex 3 sets out the detailed framework for the following key elements of the regime:

- the definition of contaminated land (Chapter A);
- the identification of contaminated land (Chapter B);
- the remediation of contaminated land (Chapter C);
- exclusion from, and apportionment of, liability for remediation (Chapter D); and
- the recovery of the costs of remediation and the relief from hardship (Chapter E).

The Contaminated Land (England) Regulations 2006 deal with:

- the descriptions of land which is required to be designated as special sites (and be dealt with by the EA);
- the contents of, and the arrangements for serving, remediation notices;
- compensation for third parties for the granting of rights of entry etc to land;
- grounds of appeal against a remediation notice, and procedures relating to any such appeal; and
- particulars to be contained in registers compiled by enforcing authorities, and the locations at which such registers must be available for public inspection. Annex 4 to the Circular provides a detailed description of the Regulations.

2. Aims and Objectives of the Local Authority Strategy

2.1 Aims of the Strategy

The principal aims of the strategy are to ensure that the preliminary inspection of the area will:

- be rational, ordered and efficient;
- be proportionate to the seriousness of any actual or potential risk;
- seek to ensure that the most pressing problems are located first;
- ensure that resources are concentrated on investigating in areas
- where the Local Authority is most likely to identify contaminated land; and
- ensure that the Local Authority efficiently identifies requirements for the detailed inspection of particular areas of land.

The strategy also aims to provide a clear statement of the Council's intentions in implementing the regime and how we will prioritise the identification of unacceptable risks (significant harm) to human health and to all the other relevant receptors.

The Council believes that leading by example is crucial to meeting our aims of achieving remediation by voluntarily rather than regulatory action. This approach therefore leads to three further aims:

- to ensure that the limited resources available are initially focused in areas where the Local Authority may itself be the appropriate person by virtue of current or previous ownership or occupation of land; (Statutory Guidance paragraph B.15(d)(l));
- to prioritise the review of previous remediation actions to ensure that they meet the current objectives of the regime in respect of the suitable-for-use approach; (Statutory Guidance paragraph B.15(d)(x));
- to encourage those responsible for remediation who come to the attention of the Local Authority to be aware of their responsibilities and to commence voluntarily remediation activity in appropriate circumstances; and
- to provide information to the EA for its annual report on contaminated land.

2.2 Objectives of the Strategy

The objectives of the strategic approach to preliminary inspection are to set, where possible, target dates or timescales for the achievement of specific milestones or outputs consistent with statutory guidance (Annex 3 to the Circular, Chapter B, paragraph B15).

The Council will prioritise and focus its resources on collating and reviewing information received or obtained during preliminary inspection to determine if actual harm is being caused or if pollution of controlled waters is occurring. The main sources of this information in relation to harm will be members of the public, businesses or local groups and, in cases of pollution, the EA. Such information may be received by the Authority at any time after 1st April 2000 and therefore targets cannot be set for the achievement of associated action. However all information coming to the Authority will be responded to within the Authority's Best Value performance indicator response times.

Preliminary inspection of land for which the Local Authority may be the appropriate person (by virtue or previous or current ownership or occupation) will be the Authority's

first priority taking into account the resource requirements of achieving the objectives set out in the previous paragraph. The preliminary objective of the Authority is to complete these preliminary inspections within 12 months of the adoption of this strategy, circumstances permitting. The Authority considers that equal priorities should also attach to land for which any other public authority might be the appropriate person and, subject to the outcome of consultation on this issue, these areas of land will form the next priority for preliminary inspection but no targets can be set at this stage for the completion of these inspections.

Using the sources of information detailed in Section 5.3 of this strategy the Authority will next set about identifying relevant receptors and assessing the potential for contamination to cause harm to those receptors throughout the rest of the local authority area. Detailed inspections and action flowing from them will be carried out as and when a requirement is identified. As stated previously, the objective is to complete the preliminary inspection of the local authority area in five years from the adoption and publication of this strategy.

The importance of effective internal and external liaison and communication in delivering the objectives of this strategy is recognised, and in this context, the roles of the various departments and post holders allocated for the development of this strategy will be continued as the strategy is applied. See Appendices 8.1 and 8.5.

A further objective of the strategy is to justify the basis for prioritising inspection in certain areas. Prioritising the Council's own landholdings for preliminary inspecting is a requirement of statutory guidance. The justification for the prioritisation for the inspection of other areas of land will be based on information received and obtained by the Authority in relation to actual harm or pollution, and the location of receptors and potential contaminants. For example, the solid geology of the local authority area does not lead to the presumption of the presence of major aquifers that are used for potable water supply. Therefore areas where previous or present activity suggests the presence of contaminants that would pose a threat to groundwater will take a low priority for preliminary inspection. Conversely, where human receptors are present in areas where previous or present activity suggests that contamination may pose a threat to these receptors, these areas will take a high priority for preliminary inspection. Details for the method used for prioritisation of sites is given in Section 7 of this strategy. An internal review of the assumptions made regarding inspection priorities could be triggered by a number of events. These include:

- new scientifically-based authoritative information on potential contaminants and the significant harm they might cause to relevant receptors;
- significant changes to any generic guideline values on the concentration of contaminants that would cause significant harm to relevant receptors;
- any changes to statutory guidance regarding the definitions of substances and/or relevant receptors and/or significant harm and/or the significant possibility of significant harm; and
- environmental change that may occur for example from the effects of climate change, natural disaster and/or significant environmental incident or accident.

Another objective of the strategy is the output of information that is technically sound but written in a style that conveys complex issues in an understandable format which contributes to effective communication and promotes a culture of sharing and ownership. The Authority believes the issue of controlled documents in a manner consistent with a recognised quality management system is the most effective way of achieving this. As part of this strategy the Local Authority will undertake to inform all the relevant stakeholders, via the relevant consultees, of the results of its inspection as these become available.

2.3 Targets

The overall target of the Authority is to complete the preliminary inspection of the whole of its area, and to carry out or arrange to have carried out, emergency action, detailed inspection and remediation as the need arises.

It is thought that there are likely to be few, if any, instances where the Council will deem that emergency action is necessary. Listed below are some examples of circumstances where the Council is likely to consider emergency action to be appropriate:

- where there is already authoritative medical evidence of serious health effects connected with the use or occupation of the land;
- where the concentrations of hazardous substances in, on or under the land are likely to lead to serious health effects following short term exposure to, or tissue contact with, the substances and where such exposure or contact is already taking place or is about to take place;
- where hazardous substances such as explosive gases from the land are present in buildings or other sensitive locations at such concentrations or in such amounts that indicate that there is an imminent danger of explosion and fire;
- where hazardous substances in, on or under the land are already reducing or are about to reduce the viability of a key ecological unit within a protected ecosystem (for example, a major food species which feeds, breeds or resides in the protected system);
- where hazardous substances in, on or under the land are already causing or are about to cause, significant numbers of fatalities amongst agricultural stock or game species, or the widespread failure of crops to germinate, grow or fruit;
- where hazardous substances in, on or under the land are damaging or are about to damage buildings (including scheduled Ancient Monuments) such that structural or similar failure is likely to occur; and
- where hazardous substances in, on or under the land which constitute poisonous, noxious or polluting matter or solid waste matter, are entering or are about to enter controlled waters at such concentrations that would render the water immediately unsuitable for its actual or intended purpose.

The above list is not meant to be exhaustive.

The preliminary inspection process will be tiered, starting from areas of perceived high risk through to areas of perceived low risk. The initial risk ranking procedure to be adopted is described in Section 5.4 of this strategy. At any time in the preliminary inspection process the Authority will respond immediately to the need for emergency action arising from information received from external sources or uncovered during the inspection process. High in the preliminary inspection priority list will be land for which the Local Authority may be the appropriate person, and, subject to the outcome of consultation, land for which other public authorities (County Council, Town Councils, Parish Councils, Health Authority, etc) may be the appropriate person.

This Council's target is to complete the preliminary inspection of the area within five years of having adopted this strategy. However, meeting this target is dependent upon the resources available and the frequency and complexity of detailed inspections and emergency actions which result from the preliminary inspection programme.

3. Introduction

3.1 General Policy of the Local Authority

3.1.1 Environmental Issues

The Authority is committed to effective environmental protection and is pursuing the goals of sustainability through its Agenda 21 Strategy. Protection of the environment is, for its own sake, uppermost in this approach and the actions resulting from the implementation of this strategy will complement and reinforce this approach. The Contaminated Land regime will, of necessity, affect several sections of the Authority and detail at Sections 3.3.2 and 5.1 shows how we will achieve a 'joined-up' approach to the subject. Responsibility for the application of the regime will be delegated to the 'Part IIA Implementation Project Officer' who will be the lead officer.

3.1.2 Enforcement

The Circular makes the government's intentions quite clear in that, where practicable, remediation of contaminated land should proceed by agreement rather than by formal action by the enforcing authority. Should however, enforcement become necessary, then the Council, acting in accordance with the primary legislation, the statutory guidance and the regulations will carry out enforcement in accordance with its enforcement policy for environmental protection. This policy is currently at the draft stage.

3.1.3 Land Contamination Generally

There is little experience in the country as a whole of regulatory action using traditional environmental protection powers in respect of contaminated land which, in general, has been dealt with under the Planning and Building Control Regimes. Whilst in no way wishing to pre-empt the outcome of the inspection of the area, it is considered that contaminated land meeting the statutory definition is likely to be limited and most land contamination issues will continue to be dealt with as described above.

3.1.4 Public Access to Information

It is the policy of the Authority to go, wherever possible, beyond the minimum statutory provisions for public access to environmental information, whilst at all times respecting the requirements for the protection of national security and commercial confidentiality, as required by the Regulations. The Authority complies with the requirements of the 2006 Regulations in respect of the keeping of a Public Register. This register is a record of regulatory activity undertaken by the Local Authority and is available for inspection. (See Section 7 below for details of contacts). Details of regulatory activity undertaken by the Environment Agency in respect of special sites, and held on their Public Register, are available for public inspection during normal office hours at the local Area Office of the Agency at:

Bromholme Lane, Brampton, Huntingdon, Cambs PE28 4NE
Telephone: 01480 414581 Fax: 01480 413381

3.1.5 Consultation

The Local Authority was required to engage in consultation by both the primary legislation (Section 78H(1)) and statutory guidance (Annex 3 to the Circular, Chapter B Paragraph B11). Consultation requirements in relation to the development of this strategy were contained in the statutory guidance (2000), and in fulfilling this requirement, the Authority consulted with and had regard to comments made by:

- the Environment Agency;
- the County Council;
- English Nature;
- English Heritage;
- MAFF ; and
- relevant statutory regeneration bodies.

The requirements of the primary legislation relate to consultation with any persons with an interest in land that the Local Authority has determined to be contaminated land or in remediation, and prior to the serving of a remediation notice or the carrying out of voluntary remediation. The Local Authority will engage in this consultation as and when the occasion arises where land is determined to be contaminated land. Further details of the Authority's communication and consultation strategy are given in Section 5.5 of this strategy.

3.1.6 The Involvement of Community Groups and Businesses

In addition to the above, and to engage as wide a cross-section of the community as possible, the Council has been consulted, during the preparation of this strategy, with the following groups where the stakeholders have an involvement or interest in the process:

- the local business community;
- all the Parish and Town Councils within the area; and
- local community groups;

Each of these groups, together with the Council, has a key role to play in the achievement of the objectives of the regime, as well as being likely sources of valuable information in connection with the identification of potentially contaminated land.

3.2 Regulatory Context

3.2.1 The Regulatory Role of the Local Authority

The primary regulatory role under Part IIA of the 1990 Act rests with Huntingdonshire District Council. This reflects our existing functions under the statutory nuisance regime and our role as a planning authority. The role of the Local Authority is:

- to cause its area to be inspected to identify contaminated land;
- to determine whether any particular land is contaminated land; and
- to act as the enforcing authority for all contaminated land that is not designated as a 'special site' – the Environment Agency is the enforcing authority for those sites.

The Local Authority has four main tasks:

- to establish who should bear responsibility for the remediation of contaminated land (the' appropriate person' or 'persons');
- 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 cannot be reached, or in certain circumstances by carrying out the work itself;
- where a remediation notice is served, or the Local Authority carries out the work itself, to determine who should bear what proportion of the liability for meeting the costs of the work; and
- to record certain prescribed information about its regulatory activity on a public register.

In order to reinforce its commitment to the strategic approach, the Local Authority has allocated the overseeing of the regulatory roles and the completion of the tasks detailed above to Environmental and Community Health Services.

3.2.2 The Regulatory Role of the Environment Agency

Under the regime the Environment Agency has four principal roles. It will:

- assist the Local Authority in identifying contaminated land, particularly in cases where water pollution is involved;
- in exceptional circumstances, provide site specific guidance to the Local Authority on contaminated land and remediation of contaminated land;
- act as the enforcing authority for any land that is designated by the Local Authority as a special site; and
- prepare periodic reports for DEFRA on contaminated land.

3.2.3 Definitions of Contaminated Land

Contaminated land is defined in the primary legislation (Section 78A(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."

The above definition includes the notion of 'significant harm' and the 'significant possibility' of such harm being caused. In determining what is significant in either of these contexts the Local Authority is required to act in accordance with statutory guidance.

3.2.4 Pollutant Linkages

In determining whether land is contaminated land, the regime employs the concept of pollutant linkages. This is a linkage between a contaminant and a receptor by means of a pathway. Statutory guidance (Annex 3 to the Circular, Chapter 3, Tables A and B) then explains:

- the type of receptor to which significant harm can be caused. These are; human beings, ecological systems, property in the form of crops, produce, livestock, domesticated and some wild animals and property in the form of buildings. It must be noted that harm to any other receptor not covered by the statutory guidance can never, for present purposes, be regarded as significant harm;
- the degree or nature of harm to each of these receptors that constitutes significant harm; and
- for each receptor, the degree of possibility of the significant harm being caused that will amount to a significant possibility.

Thus the Local Authority must identify a 'significant pollutant linkage' before a determination can be made that any land is contaminated land on the basis that significant harm is being caused or that there is a significant possibility of such harm being caused. This means that in order to make a determination the Local Authority must identify the following elements:

- a contaminant;
- a relevant receptor; and
- a pathway by means of which either
  - The contaminant is causing significant harm to the receptor; or
  - There is a significant possibility of such harm being caused by that contaminant to that receptor.

3.2.5 The Principles of Risk Assessment

The regime enshrines the principles of risk assessment in ensuring that land is in a suitable condition for its existing use.

Risk assessment comes into play prior to the Local Authority making a determination that land is contaminated land, and to this end statutory guidance stipulates procedures that must be followed. Particularly, the Local Authority will determine that land is contaminated land on the basis that significant harm is being caused or that there is a significant possibility of such harm being caused, where it has carried out a scientific and

technical assessment of the risks arising from the pollutant linkage, according to relevant, appropriate, authoritative and scientifically-based guidance on such risk assessments.

The risk assessment procedure that the Local Authority employs is not prescribed, and it may therefore use either a generic methodology based on published guideline values for contaminant concentrations or a site-specific assessment methodology. With regard to the former methodology and when considering risks to humans, DEFRA/EA has published a series of notes on generic guideline values for common contaminants derived using the Contaminated Land Exposure Assessment (CLEA) model. The site-specific assessment methodology may be used where site conditions or land use characteristics or land properties differ substantially from those of the generic site used for the derivation of guideline values.

When the Local Authority makes a determination that land is contaminated land by virtue of effect on an ecological system or pollution of controlled waters, the approach to risk assessment will be consistent with the approaches adopted by English Nature and the Environment Agency respectively. These risk assessment procedures are likely to involve assessment against ecotoxicity data and Environment Agency methodologies. Where the risk assessment involves building effects, the Local Authority will consult authoritative sources such as the Building Research Establishment as well as available guidance.

Where the Local Authority has determined that land is contaminated land based on a risk-assessment methodology using generic guideline values, it will be prepared to reconsider that determination if it is demonstrated to the Authority's satisfaction that under some other more appropriate method of risk assessment the Authority would not have determined that the land was contaminated land.

3.2.6 Requirements for a Strategic Approach

The requirement for the Local Authority to adopt a strategic approach to inspection of its area is contained in statutory guidance (Annex 3 to the Circular, Chapter B, paragraph B9). Taking this strategic approach enables the Local Authority to identify, in a rational, ordered and efficient manner, any land that requires detailed individual inspection; identifying the most pressing and serious problems first, and concentrating resources on the areas where contamination is most likely to be found.

3.2.7 Situations not Covered by the Regime

An important aspect of the regime is the sources and types of contamination that are specifically excluded when the Local Authority is considering whether any land is contaminated land. It is likely that during consultation and inspection, clarification will unfold on the application of the regime in specific areas, but at present the obvious areas of non-applicability of the regime are:

- the presence of radon gas. ;
- contamination resulting from any biological agent. This is because the definition of a 'substance' in the primary legislation does not cover any type of biological organism;
- harm to any person or their property, ecosystem or building that is not included in or does not fall within:
    - the list of relevant receptors;

  - the definition of significant harm; or
  - the definition of significant possibility of significant harm, all as given in the statutory guidance;
- any harm caused by a breach of Integrated Pollution Control conditions. Regulatory action in these cases may be taken by the Environment Agency under Section 27 of the Environmental Protection Act 1990. The Environmental Permitting (England and Wales) Regulations 2010 make provision for the same situations in respect of permits issued under the Integrated Pollution Prevention and Control regime;
- where significant harm or pollution of controlled waters arises from land for which a waste management licence issued under Part II of the Environmental Protection Act 1990 is in force, the regime does not normally apply. However the regime does apply if the harm or pollution on a licensed site is attributable to a cause other than a breach of the site licence, or the carrying on of an activity authorised by the licence in accordance with its terms and conditions;
- where pollution of controlled waters is concerned, land cannot be designated as contaminated land under the regime where;
  - a substance is already present in controlled waters (historical pollution); and
  - entry into controlled waters of that substance from land has ceased; and
  - it is not likely that further entry will take place; and
- when acting under the regime, the Local Authority cannot serve a remediation notice where land is contaminated land by virtue of an illegal deposit of controlled waste. The Environment Agency and the waste collection authority have powers under Section 59 of the Environmental Protection Act 1990 to remove the waste and deal with the consequences of it having been present.

Where the Authority, during the implementation of this strategy becomes aware of any contaminated land that may be dealt with by any of these specific powers, it will refer the case to the relevant enforcing authority.

3.2.8 The Meaning of the Term "Preliminary Inspection"

In this strategy the term preliminary inspection is used to describe the process of determining whether there is a likelihood of a pathway being present that would link a potential source of contamination to a defined receptor. Preliminary inspection is predominantly a desktop, map-based exercise. In simple terms, data on likely sources of geographically located contamination is compared with the location of receptors. Where the two are co-located or close enough to one another for there to be a probable pathway from one to the other, then these sites are taken forward for detailed inspection. This strategy does not deal with the process of detailed inspection in depth. In Huntingdonshire, the preliminary inspection process is carried out in exactly the way described above but using a computer process called topology analysis in a Geographical Information System. At Appendix 8.7 there is presented an overview of the sequential steps in the desktop, map-based preliminary inspection process.

3.3 Development of the Strategy

3.3.1 Overall Approach

The overall approach taken by the Local Authority to the development of the strategy follows the Checklist for Local Authority Strategies issued as guidance by DETR. This approach ensures consistency and enables the Environment Agency to review the strategy to ensure compliance with the statutory guidance on a fair basis against

published information. The approach embraces the principles of wide ownership of the strategy both within the various departments of the Local Authority and among the various consultation partners as well as local businesses, community groups, parish and town councils.

The strategy has been developed by Officers from within Environmental and Community Health Services of the Local Authority, assisted by representatives from all the departments within the Council that are directly involved with or have an interest in the contaminated land regime, supplemented by external resources where these have proved to be necessary.

3.3.2 Internal Team Responsibilities

The team responsible for the development of the strategy comprised officers from Environmental and Community Health Services of the Local Authority as described in 3.3.1 above. The project manager with overall responsibility for the development of the strategy was the Public Health Manager in Environmental and Community Health Services. The technical aspects of the inspection process as described later in this document, together with development of systems to ensure efficient, auditable and secure methods of managing and assessing information was the responsibility of an Environmental Protection Officer with delegated responsibility. Various members of the team have specific areas of responsibility for information provision, advice and liaison with external consultees, businesses, community groups and parish and town councils. Primary consultation with the Environment Agency, DEFRA, English Nature, English Heritage and the County Council is the responsibility of the Environmental Protection Officer. Consultation with the Environment Agency was established at an early stage in the development of the strategy. A table showing the areas of involvement of the various individual posts in the development and implementation of the strategy is given at Appendix 8.1.

3.3.3 Internal Liaison

Effective internal liaison between the various officers and departments within the Local Authority has been a key element in the production of the strategy and will continue to occupy an important role as the strategy is applied to the inspection of the district. Internal liaison for the strategy production consisted of internal discussions and requests for information on individual technical, administrative and policy issues. Records of all internal liaison associated with the strategy production have been kept centrally.

3.3.4 Consultation

Effective consultation has also been another key element of strategy production. Not only is consultation a requirement of statutory guidance (Annex A to the Circular, Chapter B, paragraph B11) it is also the most effective way of informing all the stakeholders and interested parties of Local Authority policy and the aims and objectives of the strategy. Appendix 8.2 to this strategy provides details of consultations undertaken in the form of a table detailing the contact for each consultee or group of consultees.

3.3.5 Bibliography

In this strategy, at Appendix 8.9 there is to be found a large set of bibliography upon which the various procedures and policies in this strategy are based and which will be referred to when the strategy is applied for inspection.

4. Characteristics of the Huntingdonshire Area

4.1 Geographical Location, Description, Size, Population and Land Use

The Huntingdonshire District forms the most westerly part of Cambridgeshire and has a population of approximately 157,000 (2001 figures). It covers almost 100 square kilometres and has its administrative centre in Huntingdon. The District falls logically into three parts, the Valley of the Great Ouse, the 'Uplands' on the west side of the Great North Road and the Fens which have their own very distinct character. The Valley of the Great Ouse contains the main centres of population; Huntingdon, St Ives, St Neots and Godmanchester. West of the Great North Road is an area of undulating countryside bordering on rural Northamptonshire. The main centre in the west is based at Kimbolton. From Yaxley near Peterborough down through the east of the District to Earith is the Fen country which stretches for miles across the Bedford level. With the exception of Ramsey this flat area is sparsely populated. There are no large urban conurbations or heavy industrial areas, the principal land use activity being agriculture. There are areas of light industrial activity situated mainly in and around the larger market towns. There is, and historically has been, widespread sand and gravel extraction, and a history of fairly intense military activity, principally Royal Air Force and United States Air Force bases. Many of these are redundant or becoming redundant and thus present potential development opportunity.

4.2 Local Authority Ownership of Land.

4.2.1 Housing Stock

On 20th March 2000 the Council transferred to Huntingdonshire Housing Partnership Limited the entire stock of Council dwellings and warden controlled houses. The transaction involved a total of 6560 properties. The Council has retained extensive amenity areas and other areas with development potential amounting to some 567 hectares.

4.2.2 Current Holdings

The Council's holdings in 2001 included 75 industrial units ranging from 32 to 720 square metres located at:

- Levellers Lane, Cromwell Road and Cambridge Street, St Neots;
- Clifton Road, Redwongs Way, Glebe Road, St Peter's Road, Alms Close and Stukeley Meadows, Huntingdon; and
- Highlode Industrial Estate, Ramsey.

The Council also owned:

- shops in St Neots and St Ives;
- shops and a cinema in Huntingdon;
- 3.2 hectares of housing land at Hinchingbrooke and an area at Thames Road;
- 4 hectares of agricultural land in St Ives and approximately 3 hectares in Warboys;
- approximately 560 hectares of amenity land throughout the District.

4.3 Protected Ecological Locations, Key Property Types and Key Water Resources.

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Within Huntingdonshire there are 38 protected locations that comprise:

- 32 Sites of Special Scientific Interest (including the nationally important Woodwalton site) of which 5 are National Nature Reserves;
- 2 Ramsar Sites;
- 3 Special Areas of Conservation; and
- 1 Special Protection Area.

In addition, there are 89 Scheduled Ancient Monuments.

The area covered by Huntingdonshire District Council falls into two river basin catchment areas and hence the management of water resources is described in two LEAP documents (Old Bedford and Bedford Ouse). A key feature of the area is that the limited groundwater resources are fully committed to current abstractions as are summer surface water resources. Protection of these valuable resources is therefore an important objective of this strategy. Prominent water features are the rivers Nene and Great Ouse and the Grafham Water Reservoir. The southernmost tip of the ecologically important Ouse Washes is just within the boundary of the District.

4.4 Information on Contamination and Current/Past Industrial History

The Local Authority does not at present have any compiled information on known contamination. This might have been available to the Local Authority on the compilation of a register of potentially contaminative land uses under Section 143 of the Environmental Protection Act 1990 (since abandoned and now repealed under the legislation). Prudently the Authority started no such register, but internal information is available within the planning department on brownfield sites within the area, which will give a useful steer to the prioritisation of the Authority's actions in implementing the application of this strategy for preliminary inspection purposes.

4.5 Broad Geological and Hydrogeological Features

The solid geology of Huntingdonshire is dominated by the Ancholme Group consisting predominately of grey marine mudstones and silty mudstones. These are not major aquifers. In the very northwest of the area the solid geology comprises Lincolnshire Limestone. This is a Middle Jurassic formation and hence any contaminated land polluting the groundwater in this strata would be a special site as defined in Regulation 3. Most of the area's solid geology is overlain by till over Oxford clay except in areas of the Fens where there are extensive drift deposits including unconsolidated peats, clays, silts, sands and gravels. The limited groundwater in the area is found within the drift deposits of sands and gravels. Mineral extraction sites are associated with these deposits, and old quarries and brick pits have and will be used for the landfilling of wastes. The relevant LEAP documents do not contain any specific references to pollution of controlled waters as a result of land contamination in the Council's area. A simplified illustration of solid geology is given at Appendix 8.10.

4.6 Specific Local Land Features

Sand and gravel extraction has been prevalent in the Local Authority area for decades and has resulted in the uncontrolled backfilling of excavations prior to the introduction of waste management licensing in 1974. A similar situation applies to small scale, historical brick and tile manufacture which, from an initial inspection of historical maps, appears to have been quite widespread throughout the area. There are also a number of sites within the area that were previously used for the manufacture and/or distribution of town gas. Parts of the Local Authority area are affected by radon gas but this is specifically excluded from the current regime. Agricultural activity in the local authority area is quite intense and, following consultation with the Ministry of Agriculture, Fisheries and Food and the Environment Agency, the information so obtained will be assessed to determine whether potential contamination arising from these activities should have an effect on the prioritisation of preliminary inspection.

4.7 Redevelopment History and Controls

A major thrust of Government policy on housing is to use a search sequence whose starting point is the re-use of previously developed land. Such brownfield sites in urban areas are therefore fully encouraged for redevelopment in PPG3. Paragraph 31 of that document sets out a series of criteria against which the suitability of the sites for development should be assessed; one of which includes the physical and environmental constraints including the level of contamination, stability and flood risk.

PPG3, updated in March 2000, therefore contains current thinking, supporting more detailed information on contamination in PPG23 (particularly Section 4 and Annex 10).

When dealing with planning applications on such sites the Planning Service consults fully with the Environmental Health Service. Normally, if the development is acceptable, matters relating to contamination will be dealt with by the use of appropriate planning conditions.

Collation of historical information on planning decisions that have dealt with contamination will aid the Local Authority in assessing the extent to which historical sources of contamination may have already been addressed. This will also ensure that areas of land that do not require the use of the Part IIA regime to ensure that unacceptable risks are controlled are efficiently identified.

4.8 Action Already Taken to Deal With Contamination

Any actions taken by the Local Authority to deal with contamination have been as a result of information made available to the Authority as part of the redevelopment process, and what was thought to be appropriate action at the time would have been taken as part of the planning and building control regime through the use of planning conditions.

4.9 Available Evidence on Significant Harm or Pollution

This information is most likely to arise in the form of information given to the Authority by consultees, businesses, community groups and more especially the Environment Agency. Any information already held by the Authority is more than likely to have already been acted upon but, if not, it will be used to highlight those areas of land that are likely to be

priorities for preliminary inspection and/or regulatory action. The Council is not aware at this time of any situations where actual harm or pollution is occurring or is imminent.

5. Procedures

5.1 Internal Management Arrangements

Preliminary inspection of the local authority area is a desktop exercise involving the evaluation of information that the Authority has been given, solicited, obtained or procured. This information, which the Authority will use to identify potential pollutant linkages, will comprise:

- internal information assembled in the implementation of this strategy;
- information that the Authority has procured from commercial data suppliers;
- information from the Environment Agency or other regulatory or public body;
- information received from a member of the public, a business or a voluntary organisation; or
- information that the Local Authority has obtained during the normal course of its business.

The responsibility for carrying out the inspection of the local authority area and the identification of land that may be contaminated land will lie within the Managing Director (Communities, Partnerships & Projects), and the Environmental Protection Officer who deals with contaminated land. This post holder will be suitably qualified in an environmental science discipline and be experienced in contaminated land issues and risk assessment procedures. The Authority will be responsible for arranging additional training where necessary. In all situations where the presence of a pollutant linkage is suspected or confirmed, the identification will be the subject of peer review either internally or externally.

5.2 Local Authority Interests in Land

As stated previously, apart from being a priority issue and the fact that all the information relating to this topic will be derived from internal records, the procedures for inspecting the local authority land holdings and previous land holdings will be identical to those described in this strategy for any other land.

5.3 Information Collection

Information underpins the process of preliminary inspection. Primary legislation, statutory guidance and the regulations provide the overarching framework within which the information collected by the Authority will be used to carry out preliminary inspections and to identify any land that may be contaminated land.

For carrying out its inspection duties, the Authority will use a wide variety of information from different sources. Information will be sourced from three main areas:

- internally, from the various departments of the Local Authority, particularly Legal and Estates, Planning and Environmental Health;

- externally (1), from the Environment Agency and the other statutory consultees, businesses, community groups and members of the public as well as Parish, Town and County Councils; and
- externally (2), from commercial data suppliers.

The types of information that will be obtained from each of the above sources is as follows:

- Internally:

    - land that is currently owned or occupied by the Local Authority;
    - land that has been previously owned or occupied by the Local Authority or its predecessor authorities;
    - current land use;
    - previous land use;
    - brownfield sites;
    - sites where remediation has been undertaken as part of the planning regime;
    - records of complaints that may relate to actual harm or pollution;
    - records of complaints that may relate to potential harm or pollution;
    - presence and locations of ecosystem receptors as defined in statutory guidance;
    - presence and locations of human receptors as defined in statutory guidance;
    - presence and location of relevant buildings (Ancient Monuments) as defined in statutory guidance;
    - information on current and previous land use relating specifically to sites that may be special sites in relation to industrial and defence cases as defined in statutory guidance;
    - processes prescribed for authorisation under Part I (B) of the Environmental Protection Act 1990;
    - Scrap Metal Dealers;
    - storage of hazardous substances;
    - COMAH sites;
    - areas at risk from flooding;
    - areas at risk from subsidence;
    - location of Transco, BG and Lattice Property assets (gas associated sites);
    - location of British Pipeline Agency assets; and
    - location and quality of private water supplies.

    This list is not necessarily exhaustive and may be added to.

Regarding information from the general public and businesses, the Authority perceives and acknowledges difficulties in this area particularly where the provision of information may lead to adverse liability consequences, punitive sanctions, or regulatory action by the regulating authority. This area is addressed in Section 5.5 of this strategy.

- Externally (1):

    - information on actual harm or pollution;
    - information that may relate to potential harm or pollution;
    - information that will validate the presence and location of ecosystems and certain buildings defined in statutory guidance, and detailed above;
    - details of land in current or previous ownership or occupation by other public bodies and authorities;

- Information on the location of sites that may be special sites by virtue of regulations, and validation of internal information on the same topic; and
- Information from the Environment Agency as described in their Part IIA Process Documentation.

This list is not necessarily exhaustive and may be added to.

- Externally (2):

  - Maps:

    - current ordnance survey maps for the identification of relevant receptors;
    - historical county series and ordnance survey maps, reprojected where necessary to enable overlay onto current map projections, for the assessment of historical land use and the potential for contamination arising there from;
    - geological maps for the identification of solid and drift geology in the local authority area;
    - groundwater vulnerability maps to aid the identification of special sites and the potential for pollution of controlled waters; and
    - aerial photographs**,** held as low-resolution images by the Local Authority and available as high-resolution images from the County Council.

    This list is not necessarily exhaustive and may be added to.

  - Environmental data sets. These consist of point, line or polygon (area) information that is geo-referenced so that it can be viewed in current mapping in a GIS. In cases where the same environmental data is available from more than one data supplier, this information will be used to validate data from the alternative sources. Examples of the types of commercially available data are given below, with the full list of available data sets given in Appendix 8.4.

    - landfills, both operational and closed;
    - water abstractions;
    - Discharge consents;
    - pollution incidents;
    - river water quality;
    - authorised processes;
    - mines and quarries;
    - boreholes;
    - historical land use;
    - current land use;
    - subsidence risk;
    - flooding risk.

    This list is not necessarily exhaustive and may be added to.

5.4 Information Evaluation

5.4.1 Information on Actual Harm

When the Local Authority receives information that actual harm is being caused, the site concerned will be automatically promoted up the list of inspection priorities. In all cases, the information received will be treated in strict confidence until it has been properly evaluated and validated as detailed in Section 7.3. The same principles of evaluation, validation and confidentiality will apply equally where information is provided anonymously. The Council will then take certain steps to properly evaluate and validate that information prior to any subsequent action being taken under the regime. These steps are:

- ensure that a pollutant linkage is identifiable, and that the linkage is significant in the context of the source-pathway-receptor model. This step and either of the following two steps will probably require the undertaking of a detailed inspection. This detailed inspection will be carried out by the Council or its contractors/consultants. In the case of special sites (some industrial sites and military establishments as detailed in Regulation 2), the Environment Agency will carry out the detailed inspection. It may be necessary for the Local Authority to authorise a person or persons nominated by the Agency to use the Local Authority's powers of entry conferred by Section 108 of the Environment Act 1995 for the purpose of carrying out detailed inspections. The procedure to be used for carrying out detailed inspections is described in Section 5.7;
- determine, in consultation with the Environment Agency, whether or not the site might be a special site in accordance with Regulation 2;
- ensure that the harm being caused is to a relevant receptor as defined in statutory guidance;
- ensure that the harm being caused is significant harm as defined in statutory guidance;
- make a determination or otherwise that the land in question is contaminated land as defined in the primary legislation, make an appropriate record of that determination and proceed with consultation as defined in statutory guidance (unless emergency action is required);
- either, proceed with emergency action, or negotiate voluntary remediation, or apportion liability and take regulatory action in accordance with statutory guidance; and
- make an appropriate entry in the public register.

5.4.2 Information on Pollution

When the Local Authority receives information that pollution of controlled waters is occurring, or is likely to occur, it will take certain steps to properly evaluate and validate that information prior to any subsequent action being taken under the regime. These steps are:

- Ensure that a pollutant linkage is identifiable and that the linkage is significant in the context of the source-pathway-receptor model. This step and either of the following two steps will probably require the undertaking of a detailed inspection. This detailed inspection will be carried out by the Environment Agency in the case of special sites, and it may be necessary for the Local Authority to authorise a person nominated by the Agency to use the Local Authority's powers of entry conferred by

Section 108 of the Environment Act 1995. The procedure to be used for carrying out detailed inspections is described in Section 5.7;

- Validate the information that pollution is actually present by reference to the appropriate quality criteria or standard;
- Determine whether the pollution is historical and no longer occurring, or current and on-going. The regime only applies where pollution is actually occurring. In cases of historical pollution, the Environment Agency policy (as described in their Part IIA Process Handbook) is to deal with remediation under the provisions of the Water Resources Act 1991;
- Determine whether or not the pollution of controlled waters satisfies the requirements of Regulation 3 with respect to the site being a special site and, if so, pass regulatory action to the Environment Agency, after having followed the provisions in statutory guidance relating to the determination, consultation and the making of appropriate records;
- If the site is not a special site, then proceed with the determination that land is contaminated land and take appropriate action in respect of remediation as detailed in Section 5.4.1 above; and
- Make an appropriate entry in the Public Register.

5.4.3 Information Collected by the Local Authority

All the other information collected by or given to the Local Authority, as described in Section 5.3 above, will be evaluated using published procedures (particularly the series of Contaminated Land Research (CLR) Reports published by DEFRA/EA, and specifically CLR 6 of that series) together with the Local Authority's database linked Geographical Information System (GIS).

Within the GIS, all the relevant receptor locations that have been identified as a result of collected information and consultation will be geo-located and displayed. Over this display will be geo-located all the sources of potential or known contamination, again derived from information collected by the Local Authority, and especially as provided by the Environment Agency. The basis for the preliminary identification of potentially contaminated land will be where there is a suspected pathway (identified from land use data, geological maps and hydrogeological mapping) from suspected or known contamination to the defined position of a relevant receptor.

In order to refine this first crude relationship that may form a pollutant linkage, within the GIS, a hazard ranking is applied to the potential contaminant (by reference to Department of the Environment Industry Profiles) and a sensitivity ranking to the potential receptor, thereby creating a first prioritisation list for further inspection.

Reproduced at Appendix 8.6 are the procedural flow charts that will be used in the various stages of information evaluation, in order to separate sites into four priority categories for further evaluation. The flow charts for the Part I assessments (figures 1 to 4 inclusive) are reproduced for information only, as the procedures included in these are the basis of the method described above for information evaluation within the GIS database. It is proposed that this priority ranking will form the basis for the programme of detailed inspections, which will start with all the priority 1 sites and work through to the priority 4 sites.

As part of this aspect of preliminary inspection, known sites where action has already been taken to prevent or deal with contamination under the planning and building control regime will be revisited. The principal areas for assessment at these sites will be:

- the standard to which work was carried out in relation to changing information on contaminants, remedial and mitigation methods and guideline values for contaminants;
- the durability of any remediation carried out; and
- the effectiveness of any post-remedial monitoring carried out

The total area of land to be inspected in Huntingdonshire amounts to some 100,000 hectares, and preliminary inspection is therefore likely to take a considerable length of time. There is therefore a requirement for preliminary inspections to be centred on geographical areas or individual sites where the risk of potential contamination is highest, and sites in the current or previous ownership or occupation of the Local Authority. Most of the information that will be used to focus the inspection procedure in order to satisfy this requirement will be obtained from that given in Section 5.3 above, and from information received as a result of consultation.

No information can be complete and there are likely to be gaps in the information given to or received by the Local Authority. These gaps may or may not be significant. In order to ensure as far as is possible that the information available is as complete as possible, or to fill known gaps in information, the Local Authority will consult, where required, the lists of other sources of information given at Appendix 8.8. The information given in that appendix is taken from the Department of the Environment Contaminated Land Research Report No. 3, *Documentary Research on Industrial Sites.*

5.5 Liaison and Communication Strategies

This activity will assume front-line importance when prioritisation of sites has been completed and detailed inspections are required, and/or contaminated land has been identified and the process of remediation is started.

The Local Authority will encourage all those with any involvement in or with an interest in the application of the regime to share what information they have in a developing culture of consultation, partnership and consensus building.

Sites being brought forward as those determined to be contaminated land or those requiring detailed investigation will not generally be isolated from the community. These sites will often be located adjacent to existing housing, schools or leisure facilities. The community may use some of these identified sites informally for recreational purposes. Indeed, it may often be found that members of the public living or working on or near these sites will have important information or opinions relating to actual or potential contamination. Where existing development is suspected of being affected by contamination, those living in such developments will be particularly concerned about the risks of direct exposure to the actual or potential contamination. The Local Authority will therefore plan carefully how they anticipate and respond to community concerns and anxieties. These concerns are sometimes based on perceptions that are inconsistent with objective scientific or engineering judgement. Nevertheless, they will be taken seriously and treated with sensitivity.

In general, it is the opinion of the Local Authority that nothing will be gained by attempting to conceal from third parties, the nature, extent and response to issues relating to contamination on any individual site. The contaminated land regime and the regulatory activities of both the Local Authority and the Environment Agency are likely to stimulate increased public awareness of the issues. Adopting a policy of communication of information to the community and responding to the feedback received can therefore result in significant gains to all the involved parties.

A good communication policy will therefore be based on establishing and maintaining trust. Community stakeholders must be involved in discussions as early as possible and responsiveness to their views must be demonstrated. The Local Authority will therefore take the trouble to explain complex issues and demystify technical terminology so that they do not cause alarm to the community. The Local Authority will also advise the community in advance of any site-based activities that may cause alarm unless carefully explained beforehand. For example, local residents might misinterpret the adoption of protective clothing by workers on site as a general precaution, as an indication that they are at risk from exposure to harmful substances.

To support this relationship, the Authority will designate an officer as the 'Liaison Officer' for any particular site. The Liaison Officer will be the contact point in the Local Authority for the community.

In this context, the Local Authority will also take note of further guidance on communication issues as provided in a handbook produced by the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) on communicating understanding of contaminated land risks.

The Council is currently developing a communication strategy, the proposed aims of which are to:

- seek to improve and increase public awareness and understanding of the Council's activities and services;
- provide increased opportunities for residents of the District to influence the type and quality of services they receive, and enable them to contact and communicate with the Council more easily;
- provide local residents with clear, accurate information and advice in a format that is accessible to all; and
- respond to comment and complaint promptly and fairly

5.6 Programmes, Activities, Priorities and Timescales for Inspection

The Local Authority's duty of inspection carries with it a number of key elements and priority actions, which have been defined previously in this document. The first activity following the publication and adoption of this strategy by the Local Authority is to embark upon the inspection of the local authority area in line with the statements given here. The programme for applying the strategy and the activities and timetables associated with that implementation, will be entirely dependent on local developments particularly in the areas of information received on actual harm or pollution and potential harm or pollution. A further governing factor will be the results of ongoing inspection and the associated frequency with which this results in the need for detailed inspections. The resources available to the Local Authority are finite and must therefore be deployed in a manner that ensures efficiency, is proportionate to perceived risk and concentrates in areas where

problems are most likely to be encountered. Hence adherence to a strict timetable for inspection is impossible, rather the Local Authority has set an overall objective of completing the inspection of the area within five years of adopting and publishing this strategy.

The Local Authority has prioritised the actions it will take within the overall programme of inspection and these are given below in descending order of priority:

- set up and maintain a public register in accordance with regulations;
- ensure the availability of adequate resources to implement the strategy and also ensure adequate training of front-line staff;
- set up channels of communication with the Environment Agency and the other statutory consultees;
- assess information received on actual harm and/or pollution with initial response within the Local Authority's Best Value performance indicator for response times, and take appropriate action in relation to the outcome of the assessment;
- assess information received as a result of a complaint from businesses or the public on actual or potential harm and/or pollution with initial response within the Local Authority's Best Value performance indicator for response times and take appropriate action in relation to the outcome of the assessment;
- carry out preliminary inspection of land (with regard to any risks to human receptors and water resources) where the District Council may be the appropriate person and take any necessary action that is a result of those inspections and subject to the exigencies of the service, complete this within 12 months of the adoption of this strategy;
- dependent on the results of consultation, inspect land where any other public body may be the appropriate person and take any necessary action that is a result of those inspections;
- carry out preliminary inspections of land in the Huntingdonshire area that has been identified as the most likely to be contaminated (with regard to any risks to human receptors and water resources) and take appropriate action in relation to the outcome of the inspection, including detailed inspection, and complete this, subject to exigencies, within 9 months of the adoption of this strategy; and
- inspect the remainder of the Huntingdonshire area with regard to any risks to human receptors and water resources, and, subject to exigencies, complete this, together with inspection of the whole District with regard to risks to eco-systems, property, crops and livestock within 60 months of the adoption of this strategy.

5.7 Arrangements for Carrying Out Detailed Inspections

5.7.1 General

The application of this strategy to preliminary inspection of the local authority area may result in the identification of particular areas of land where it is possible that a pollutant linkage exists. Where this is so, the Local Authority will decide whether a detailed inspection is necessary to determine whether the land is contaminated land and, further, to decide whether the land, if so found, would fit within the definitions given in regulations of a special site (the procedure if this is so is detailed in 5.7.3 below). To be sufficient for the first of the two purposes above, the information will have to include, in particular, evidence of the actual presence of a contaminant. Where information is already available, or is likely to become available to the Local Authority within a reasonable length of time, it will consider whether the information provides a sufficient basis for deciding whether or not the land is contaminated land. If the information meets this test, then the

Local Authority will follow the procedure in statutory guidance and make a determination that the land is contaminated land without any further investigation.

5.7.2 Site-Specific Liaison

Where a pollutant linkage is plausible or identified and a detailed investigation is required to confirm that the linkage is significant, this will trigger a process of site-specific enquiry and liaison. Enquiries will commence to find the owners and/or occupiers of the site and who appears to be any appropriate person. Liaison and discussions will then commence with these groups regarding the need for and process of detailed investigation, and also exploring early opportunities for voluntary remediation should the need arise. For potential special sites and protected locations and property, this process of liaison will also involve the Environment Agency and/or English Nature and/or English Heritage.

5.7.3 Compliance with Guidance and Good Practice

If the Local Authority decides that a detailed inspection is required, then this will involve any or all of the following actions:

- the collection and assessment of documentary information, or other information from other bodies;
- a visit to the particular land for the purposes of visual inspection and possibly geophysical examination and, in some cases, limited sampling, for example surface deposits, surface water or gases being emitted; or
- intrusive investigation of the land for example by exploratory excavations, boreholes, probes etc.

The Council has delegated powers to officers under Section 108 of the Environment Act 1995, under which authorised persons may use statutory powers of entry for the purpose of carrying out detailed inspections. The Local Authority will use these powers where necessary to enter premises, take samples or carry out related activities for the purposes of enabling it to determine whether any land is contaminated land. In some circumstances, the authorised person will also ask other persons questions, which they are obliged to answer, and also make copies of written or electronic records. These statutory powers of entry will only be used by the Authority in cases of emergency action and in other cases where there has been a failure to reach voluntary agreement. The Authority is mindful of its potential liability for compensation if these powers are exercised.

In making a decision as to whether to use these statutory powers of entry, the Authority will follow statutory guidance. This requires that the Authority, prior to using the statutory powers, is satisfied that on the basis of the information that it has already obtained:

- there is a reasonable possibility, rather than just a likelihood, that a pollutant linkage exists on the land; and
- where an intrusive investigation is contemplated, that it is further likely, rather than reasonably possible, that both the contaminant and receptor are actually present.

In all cases where a detailed inspection is required, the Local Authority, as well as any appointed contractors and/or consultants, will follow the principles and practices put forward in DETR and Environment Agency sponsored technical guidance and other good practice publications. The documents also contain important references, which the Local

Authority will pay detailed attention to, in areas such as Health and Safety, and the avoidance of causing harm or pollution during investigations.

Publications available now or expected prior to the adoption of this strategy includes:

General Good Practice:

- *Model Procedures for the Management of Contaminated Land (CLR 11) (in preparation)*
- *BS 10175:2001, Investigation of Potentially Contaminated Sites - Code of Practice*
- *CIRIA Special Publication 103, Site Investigation and Assessment (1995)*

Desk Studies:

- *Documentary Research on Industrial Sites, DETR, 1994, (CLR 3)*
- *Prioritisation and Categorisation Procedure for Sites that may be contaminated, DETR, 1995 (CLR 6)*

Site Reconnaissance:

- *Guidance on Preliminary Site Inspection of Contaminated Land, DETR, 1994, (CLR2)*

Intrusive Site Investigation:

- *Sampling Strategies for Contaminated Land, DETR, 1994, (CLR4)*
- *A Framework for Assessing the Impact of Contaminated Land on Groundwater and Surface Water, DETR, 1994, (CLR1)*
- *Development of Appropriate Soil Sampling Strategies for Land Contamination, Environment Agency R&D Report HOCO 352 (in preparation)*

5.7.4 Potential Special Sites

Where the Local Authority does not have sufficient information as a result of completing actions under Sections 5.3 and 5.4 above, it will decide to make a detailed inspection of the land and determine, if the land were found to be contaminated land, whether it would satisfy the requirements in regulations of being a special site. The actual designation of a site as a special site cannot take place until the land has been identified as contaminated land by the Local Authority (not the Environment Agency). The Local Authority will decide whether either:

- the land or site is of a type that would inevitably be designated as a special site by virtue of the criteria given in Regulation 2 (certain industrial and military uses); or
- the particular pollutant linkage that is being inspected (were it found to be a significant pollutant linkage) would require the land to be designated as a special site by virtue of Regulation 3 (pollution of controlled waters).

Where either of the above circumstances applies, the Local Authority will, in accordance with statutory guidance, always ask the Environment Agency to carry out the detailed inspection. The Environment Agency will seek funding for these inspections under the DETR Contaminated Land Capital Projects Programme. Where statutory powers of entry are required to carry out that detailed inspection, the constraints and rules detailed in Section 5.7.1 above will still apply, and the Local Authority will retain and exercise the powers to authorise a person or persons nominated by the Environment Agency to use the statutory powers of entry.

5.7.5 Appointment of Consultants and/or Contractors

Where this is necessary for the carrying out of detailed inspections or, further down the line of implementation, when the Local Authority is involved in the design and implementation of remediation measures, it will follow the Local Authority's adopted standard procedures for the procurement of external services of this nature, in line with the Council's standing orders. Where detailed inspections are carried out by the Environment Agency as described in Section 5.7.3 above, the Local Authority will seek assurances that the same principles apply.

The appointment of all consultancy and contracting services within the Council is undertaken in accordance with the Code of Procurement, approved by Council in May 2000. The Code requires that the appointment of all consultants and contractors is conducted in an open and transparent manner. It is also a requirement of the Code that any consultants appointed by the Council shall comply in full with the provisions of the Code if they are required to award or supervise a contract on the Council's behalf.

The Local Authority will, at all times, ensure that any offers for services or tenders for work are fully compliant with guidance and best practice as described in Section 5.7.2 above.

6. Review Mechanisms

6.1 Reviewing Inspection Decisions

In supporting the review of routine inspection findings, there are likely to be triggers, either internally or externally derived, that prompt the Local Authority to revisit inspection findings for particular areas of land. The principal (though not exhaustive) circumstances under which the Local Authority will review inspection decisions will include:

- proposed changes in the use of surrounding land;
- unplanned changes in the use of land, for example persistent, unauthorised use of the land by children;
- unplanned events, for example localised flooding, landslides, accidents, fires and spillages where the consequences cannot be addressed through other relevant environmental legislation;
- verifiable reports of localised health effects which appear to relate to a particular area of land;
- verifiable reports of unusual or abnormal site conditions received from businesses, members of the public, voluntary organisations or any other party involved in or with an interest in the regime;
- responding to new information from the statutory consultees; and
- responding to information from the owners and/or occupiers of land and other relevant interested parties.

Should any of the above triggers indicate to the Local Authority that a situation exists where it is required to take emergency action, then this will be implemented immediately, in accordance with the provisions of statutory guidance.

6.2 Review of the Inspection Strategy

In line with standard quality management practice, the Local Authority will, from time to time, audit or have audited, its inspection strategy. The principal reason for this is to ensure that the Authority is complying with statutory guidance, by applying a strategy that maximises the efficient use of resources and is effective in meeting the requirements of legislation. The test for whether the strategy adopted by the Local Authority is 'fit for purpose' will be the effectiveness with which land is identified or discounted as contaminated land all within the established consensual procedures. The Local Authority anticipates a proportionate balance between the outcome of inspections carried out as a result of its own internal and procured information, and that carried out on the basis of information received from the various third parties associated with and involved in the regime. Obviously any review of the strategy would not and could not be meaningful or cost effective until a substantial amount of inspection work has been carried out and, at present, it is considered that a four-yearly review of the strategy would be appropriate.

6.3 Frequency of Inspection

Section 78B(1) of the primary legislation provides that …"every local authority shall cause its area to be inspected from time to time….". Once the Local Authority has completed the initial inspection of its entire area and caused any identified contaminated land to be

remediated, it is unlikely that any further area-wide inspections will be required in the short term future. This matter will be subject to review, but the receipt of new information by the Local Authority from any source will trigger future inspections in the medium-term.

6.4 Audit of Inspection Procedures

Having consulted internally, and externally with the Environment Agency and other statutory consultees during the preparation of this strategy, the Local Authority does not have any plans at present for an audit, either internal or external, of the adopted inspection procedures. This position will however be kept under review in the light of progress with, and the results of, inspection, and feedback from consultation and communication with the wider audience.

7. Information Management

7.1 Overview

In the course of preparing this strategy the Local Authority has obtained a substantial body of data and information and, when the strategy is applied for the inspection of the local authority's area, this body of information will increase proportionately. The information obtained and expected is and will be in a wide variety of forms including bound documents, reports, letters, digitised maps, digitised photographs, geo-referenced data sets in a variety of formats and other electronic records. The Local Authority has therefore given careful consideration to all the various aspects of data management including administration, manipulation, storage, updating, validation, accessibility, confidentiality, provision of data on an annual basis to the Environment Agency for their annual report to DEFRA on contaminated land and risk communication.

7.2 General Principles

The Local Authority is mindful of the transparency principles that underpin the contaminated land regime and considers it vital that all those involved in or with an interest in the regime can access clear, accurate and factual information pertaining to the state of any land.

Information will be held, where possible, within the GIS database. Where this is not possible, the GIS database will flag file references to hard copy data held within the Local Authority, mostly within Environmental and Community Health Services.

The GIS database is held on a discrete file server administered and backed up daily by the Authority's IT Department (IMD).

Information on the state of land within the local authority area will be derived from two principal sources:

- that provided to the Authority by third parties, including the Environment Agency; and
- that derived by the Authority from inspection as a result of the application and manipulation of the data described in Section 6.3 above.

All information will fall into two first-tier categories with the second of these divided into two sub-categories:

- Public Register information; and
- inspection information, which is either;
    - Accessible under the Environmental Information Regulations; or
    - Not accessible under the above regulations.

Information that the Authority must keep on its public register is prescribed in regulations and is subject to certain exclusions on the grounds of national security and commercial confidentiality. Where the Authority determines that information is confidential and as such is excluded from the public register, the register will say so. Any confidentiality determinations will be reviewed at four-yearly intervals.

Validated inspection information that does not constitute work in progress and produced for the purposes of Part IIA will generally fall within the scope of the Environmental Information Regulations 1992 and the Environmental Information (Amendment) Regulations 1998, and thus be available to the general public. The exception to this generalisation is where information is subject to national security considerations or is commercially confidential within the definitions in those regulations.

7.3 Procedures

7.3.1 Public Register Information

Where the Authority makes a determination that land is contaminated land, a consultation process with relevant persons is triggered prior to the commencement of any remediation processes (notices, declarations, statements) taking place. It is the commencement of the remediation processes that will trigger an entry onto the public register. During this consultation process the Authority will, where necessary, notify the Secretary of State of any national security issues and act accordingly on his/her determination in this respect. The consultation process will also be used by the Authority to determine, in accordance with the procedures contained in the primary legislation, whether or not any information is commercially confidential. During this period the Authority will also seek the permission of relevant persons to make an entry in the register, where the information relates to the affairs of an individual or business.

7.3.2 Inspection Information

Factual data sets that the Authority has assembled internally, or has acquired from the Environment Agency and commercial data suppliers are entirely within the public domain, and are used by the Authority not only for fulfilling the requirements of Part IIA, but also for routine replies to land charges and other general environmental enquiries. Where land is identified as contaminated land or potentially contaminated land, the process of determining the status of that information with respect to national security considerations or commercial confidentiality will follow exactly the same procedures as given above in relation to Public Register information.

7.3.3 Information Provided by Third Parties

The Council's policy is that all information given to it in relation to actual or potentially contaminated land is provided, where possible, as written correspondence or electronic mail. This information/complaint/request for service is logged as a new contaminated land category within the Environmental Health Flare system. This triggers the Authority's standard letter monitoring procedure. Where this correspondence or communication is related in any way to the implementation of Part IIA, it will trigger responses on standard letter templates, which will include, inter alia, enquiries relating to the status of the information in relation to national security and confidentiality. Follow up actions from these initial enquiries will follow the procedures detailed in the sections above.

7.3.4 Protection of Non-Validated Information

Wherever possible, information from inspection and information provided to the Authority by third parties is held within the GIS database in Environmental and Community Health Services. Access to information held is always, initially, restricted until its provisional status has been validated. This restriction is applied using a hierarchical password system to the GIS database. Once the status of information has been confirmed, it will be released into one of four domains, again, each domain being controlled by a tiered password system:

- Public Register information;
- information excluded from the Public Register;
- information accessible under the Environmental Information Regulations; and
- information not accessible under the Environmental Information Regulations.

The same tagging system applies to hard copy information that is held in a secure environment in the appropriate department of the Authority with controlled access. The Part IIA Implementation Project Manager administers password control and allocation.

The Authority will consult with the Environment Agency to ensure that all the information it passes to the Authority in relation to the implementation of Part IIA carries with it an appropriate statement as to security classification.

7.3.5 The Public Register

The Authority considers that, as inspection proceeds and information is received, there could be considerable amounts of information relating to each individual site where remediation is to be undertaken or has been undertaken or is claimed. This is in addition to all the other information that must be held on the register. For these reasons the Authority has decided to hold the Public Register as a hard copy document that is supported where necessary with suitably tagged information from the GIS.

The register format will be the subject of regular review in the light of public comment on accessibility and ease of understanding, and internal management.

7.3.6 Environmental Information Regulations

In the context of Part IIA, the information available to the general public under these regulations is held primarily within the Environmental Health Services GIS (apart from hard copy Public Register information) and is available for access to the public by appointment. Access to the information is again password controlled so the information that is the subject of national security or commercially confidential will remain so. An appropriate Officer of the Authority always supervises access. Copies of information are made available at reasonable cost. Where information is held as hard copy, the same procedures and provisions relating to access, supervision and copy apply.

7.3.7 Internal Information Management

The responsibility for the internal management of information rests with Environmental and Community Health Services, with discrete posts nominated for responsibility for day-

to-day information management and also for overall management of the implementation of Part IIA. The Service is supported when and where required by the Authority's IT Department (IMD) and the Authority's GIS supplier for continuing development of information storage and manipulation tools.

Updating of information takes a variety of forms and occurs at varying time intervals depending on the nature of the information. For example, where data is purchased from commercial suppliers, updates of these data sets occur at intervals of 6 to 12 months, with the updated information being reapplied for inspection. The Environment Agency has not yet indicated the time intervals for the updating of information that it supplies to the Authority. Some data that is totally factual (for example solid geology, historical land use etc.) does not require updating. Some data changes only relatively infrequently (for example, groundwater vulnerability, source protection zones, abstractions etc.) and this property will be reflected in the updating frequency.

Another important area of information updating is where new information is received on potential or actual harm or pollution, or where permitted changes of use of a site may affect its status with respect to identification as potential or actual contaminated land. All updated information is evaluated as it is received.

Probably the most important area for updating information is where land has been identified as contaminated land and the processes of consultation and remediation have commenced. Much of the changing information in these circumstances will be to the routine maintenance of the Public Register and the GIS database. The Environment Agency provides regular updates of information (as opposed to data), which is handled in the same manner as all other updated information.

Procedures for the management of information that the Authority accumulates as a result of the implementation of Part IIA are those that the Authority believes will constitute best value, and thus enable easy access and understandable procedures for all those people and organisations with an involvement or interest in the contaminated land regime. The procedures for the management of information will be reviewed in the light of internal experience and feed back from other users of the information.

7.3.8 Provision of Information to the Environment Agency

The Environment Agency has published the list of information that the Local Authority is to provide and that it expects to use in its periodical State of Contaminated Land report to DEFRA. Some of the information required will result from routine inspection and other inspection operations undertaken by the Authority in the application of this strategy to the inspection of its area. Most of the information required for these periodic returns will result from an analysis of information held on the public register. In these cases the information is analysed as it is placed on the register so that the compilation of the information for the return is a continuum. Where the information or data required for the return is held in the GIS database, it is tagged as such under the relevant heading and retrieved using normal database query procedures as and when required.

7.3.9 Communicating Information on Risk

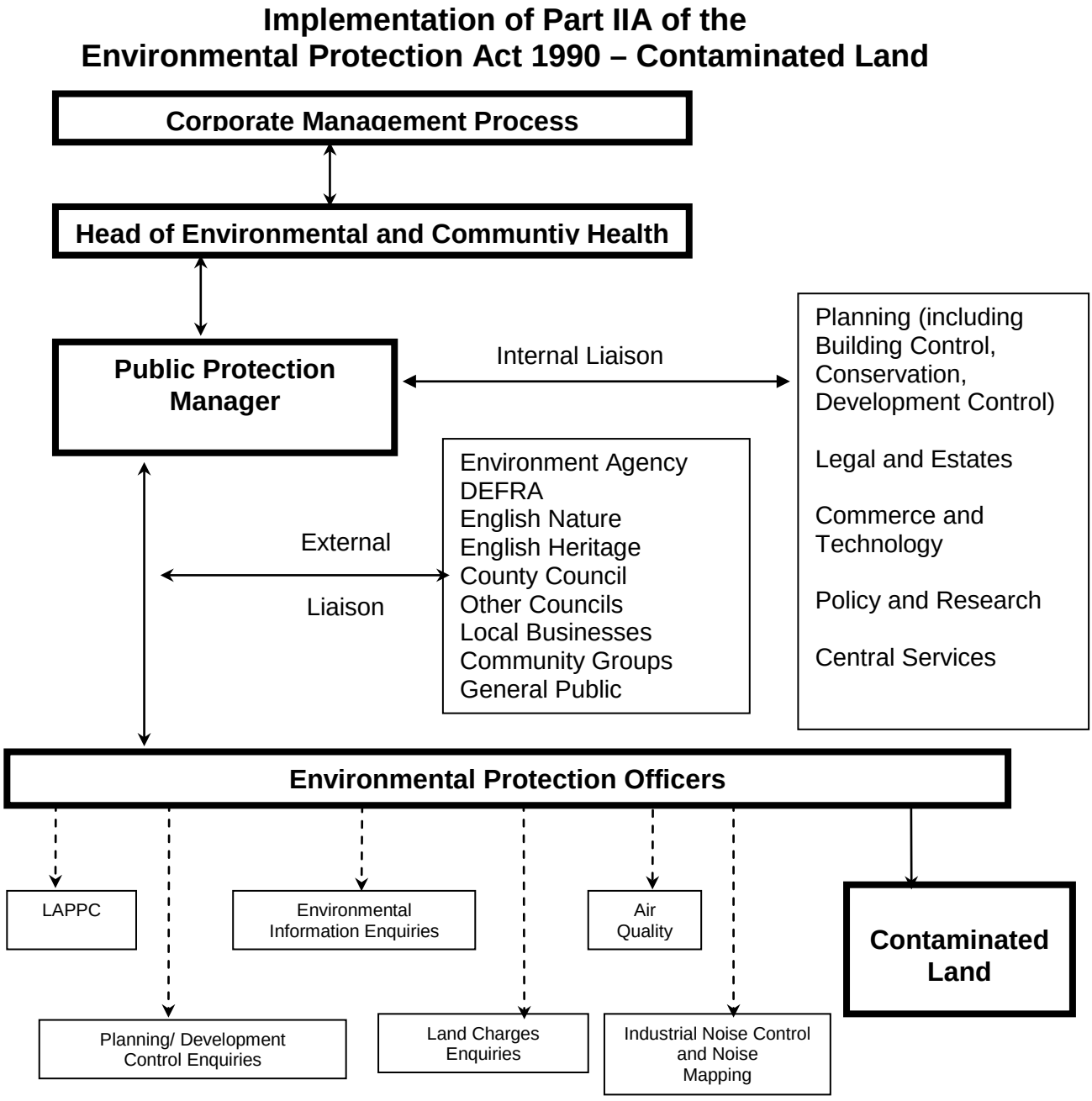
The implementation of the regime relies upon a risk-based approach to the identification of contaminated land. Within this process the Authority may deal with a complex range of external parties from; landowners, industry, businesses and developers through to other regulatory bodies, Council Members, non-governmental organisations and members of the public. This requires good risk communication skills.

The Council will use its bi-annual newsletter District Wide to communicate progress on and the results of implementation of the inspection strategy.

In this context, the Local Authority will also take note of further guidance on communication issues as provided in a handbook produced by the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) on communicating understanding of contaminated land risks.

8. Appendices

8.1 Internal Team Structure



The Public Protection Manager carries overall responsibility for the implementation of Part IIA
The Environmental Protection Officers are responsible for strategy developments, external liaison and inspections.

8.2 Statutory Consultees (2001)

The Environment Agency Area Contaminated Land Officer The Environment Agency Central Area Office Bromholme Lane Brampton Huntingdon Cambs PE28 4NE 01480 483010	**Cambridgeshire County Council** Assistant Director – Environment Cambridgeshire County Council Box ET 1001 Shire Hall Cambridge CB3 0AP 01223 717000
English Nature Conservation Officer English Nature Ham Lane House Ham Lane Nene Park Orton Waterville Peterborough PE2 5UR 01733 405850	**English Heritage** English Heritage 62-74 Burleigh Street Cambridge CB1 1DJ 01223 582700
English Partnerships Director of Planning English Partnerships 414 – 428 Midsummer Boulevard Central Milton Keynes MK9 2EA 01908 692692	**Ministry of Agriculture Fisheries and Food** Mr G Beckwith Sustainable Agriculture Branch RMED MAFF 16 Palace Street London SW1E 5FF

8.3 GIS Used for Inspection

The Cadac Part IIA GIS applications are developed using the GeoGraphics products from Bentley Systems.

The applications consist of three major components:

The historic (raster) map manager
The feature display tools
The spatial query tools

The GIS workflow allows the user to reproduce the manual process needed to satisfy the Source/Receptor/Pathway comparison requirements for Part IIA and provides batching tools to enable whole regions to be processed in quick time.

The data required to provide results is typically made up of a graphical point, line or polygon element and textual attribution in a database table, spreadsheet or CSV file. The graphical element for each feature is loaded into a graphical overlay categorised by type, the attribution is loaded into a database such as Access or Oracle. The GIS product is then able to link the graphics to the database and run effective comparison tools.

The GIS comparison tools allow a specific source and receptor to be compared across the region by initially loading the graphical data for each type of source and receptor for the described area, which automatically produces a pre-defined zone of influence around each, then collating any zone overlaps. The zone overlap describes a potential pollutant linkage. The attributes for each overlap zone are output to a result table from where they can be verified.

The next phase of the process is to view the overlap zones to check them for validity of location and attribution. The user selects a specific overlap which is then displayed on the screen, a historic map is then loaded for the region and the site can be viewed to verify its actual location and shape and its supposed historic use. This process is reproduced for each map epoch.

If all historic elements are correct the user then selectively loads all other categories of data such as BGS, Technos and Environment Agency etc to establish potential pathways. Each category of data can be viewed individually or combined with data from any other category.

Once the site has been verified and the pathways investigated the graphical views can be saved along with the attribution and used as part of the site report.

8.4 Sources of Information

Environment Agency

Abstractions Licences
Discharge Consents
Landfill Sites
Water Industry Referrals
River Quality Survey
Prosecutions & Enforcements

Pollution Incidents
Chemical Release Inventory
IPC Authorisations
Radioactive Consents

British Geological Survey

Landfill Survey
Borehole Index
Mines and Quarries Survey 1998
Landslip
1:250,000 Solid Geology

Technos Limited

Non-Operational Landfill
Non-Operational Scrap yards
Non-Operational Waste Treatment Sites
Operational Landfill Sites
Operational Scrap yards
Operational Waste Treatment Sites

Health and Safety Executive

COMAH Sites
NIHHS Sites

Ministry of Agriculture, Fisheries and Food

Environmentally Sensitive Areas
Nitrate Sensitive Areas
Nitrate Vulnerable Zones

Dept of the Environment, Transport & Regions

Hazardous Substance Consents

Countryside Agency

National Parks
Areas of Outstanding Natural Beauty

English Nature

Special Protection Areas
National Nature Reserves
Sites of Special Scientific Interest
RAMSAR Sites
Special Areas of Conservation

National Radiological Protection Board

Radon Risk

AEA Technology

Air Quality

Valuation Office Agency

Current Industrial Use
Petrol and Fuel Sites

Doornkamp Natural Peril Data

Domestic Flood Risk
Domestic Subsidence Risk

Groundwater

Groundwater Vulnerability

ContamiCheck

Historical Industrial Land use

8.5 Contact Points in the Local Authority

Function	Service	Contact
Implementation of Part IIA Progress Enquiries Strategy development External Liaison Consultation Inspection Public Register Environmental Information	**Environmental and Community Health Services**	**Head of Environmental and Community Health Services 01480 388302**
Policy Development	Central Services	Head of People, Performance and Partnerships
Financial Issues	Financial Services	Head of Financial Services
IT	Information Management Division	Head of Information Management
Planning, including Building Control, Development Control, Conservation	Planning Services	Head of Planning Services
Legal Issues	Legal and Demographic Services	Head of Law and Democratic Services
Local Authority Land Holdings	Legal and Demographic Services	Head of Law and Democratic Services

8.6 Prioritising Site Inspections

Figure 1

The Prioritisation and Categorisation Procedure

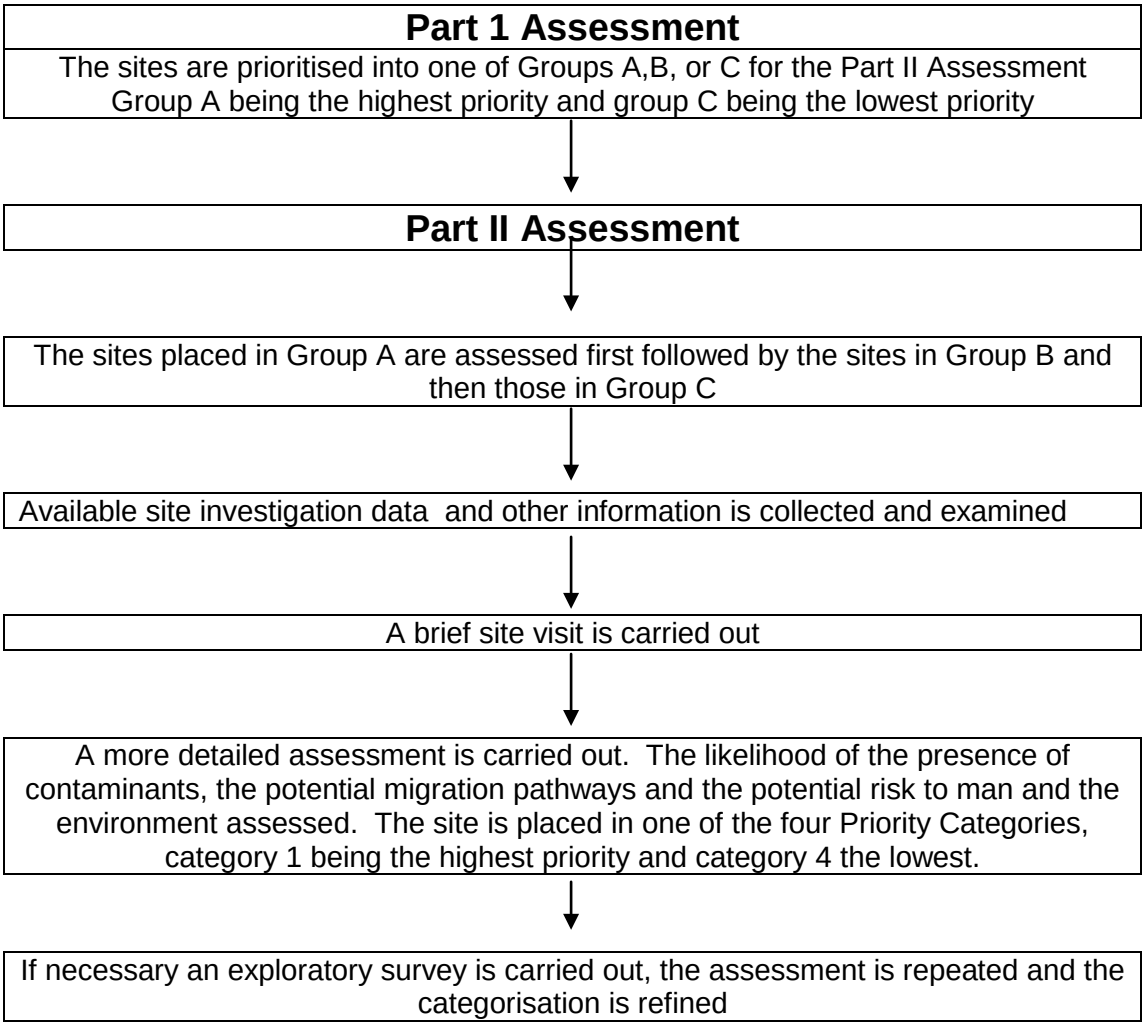


Figure 2

Part 1 Assessment – Development

Type of development on or around the site

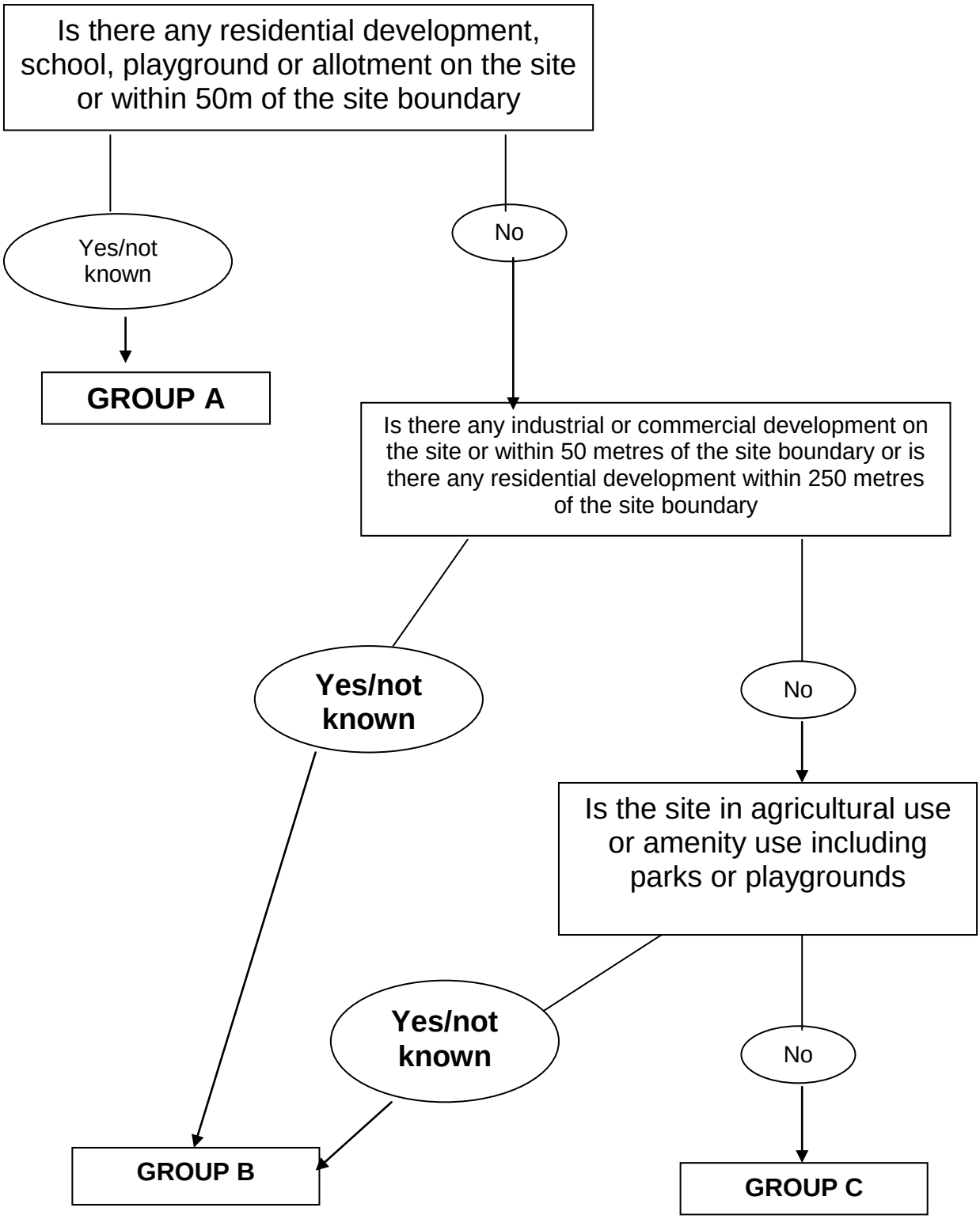


Figure 3

Part 1 Assessment – Surface Water

Surface water features on or around a site

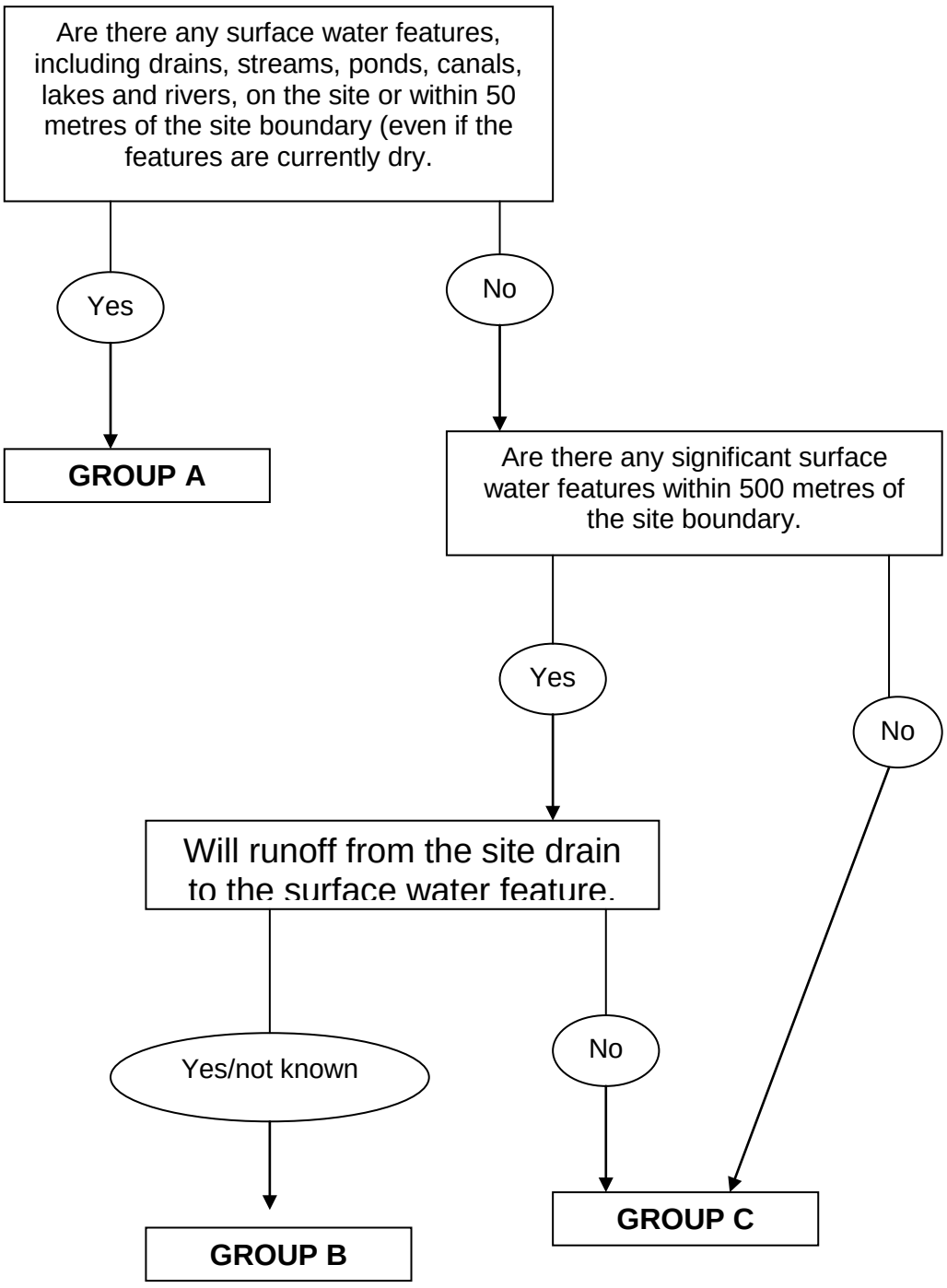


Figure 4

Part 1 Assessment – Groundwater

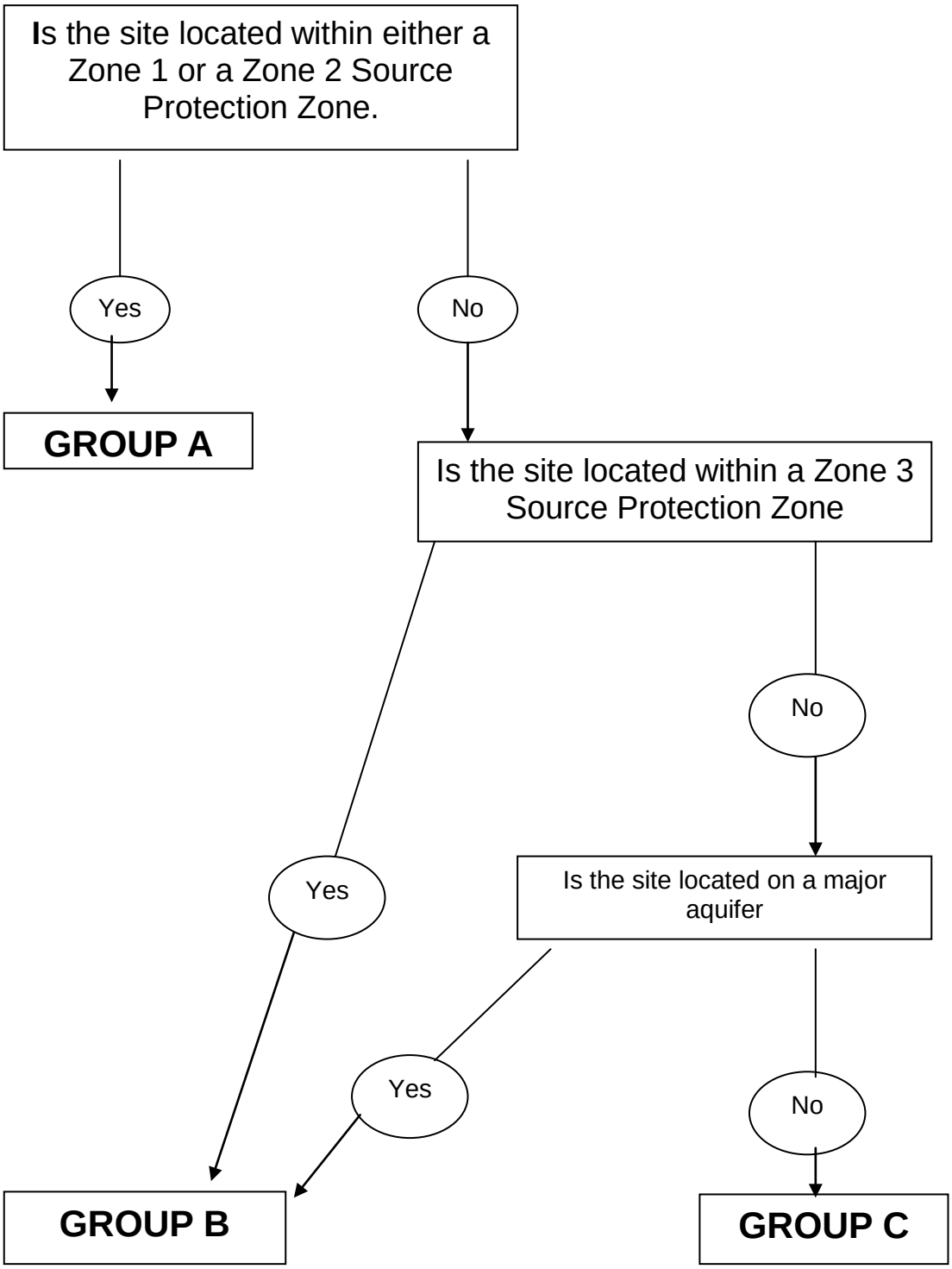
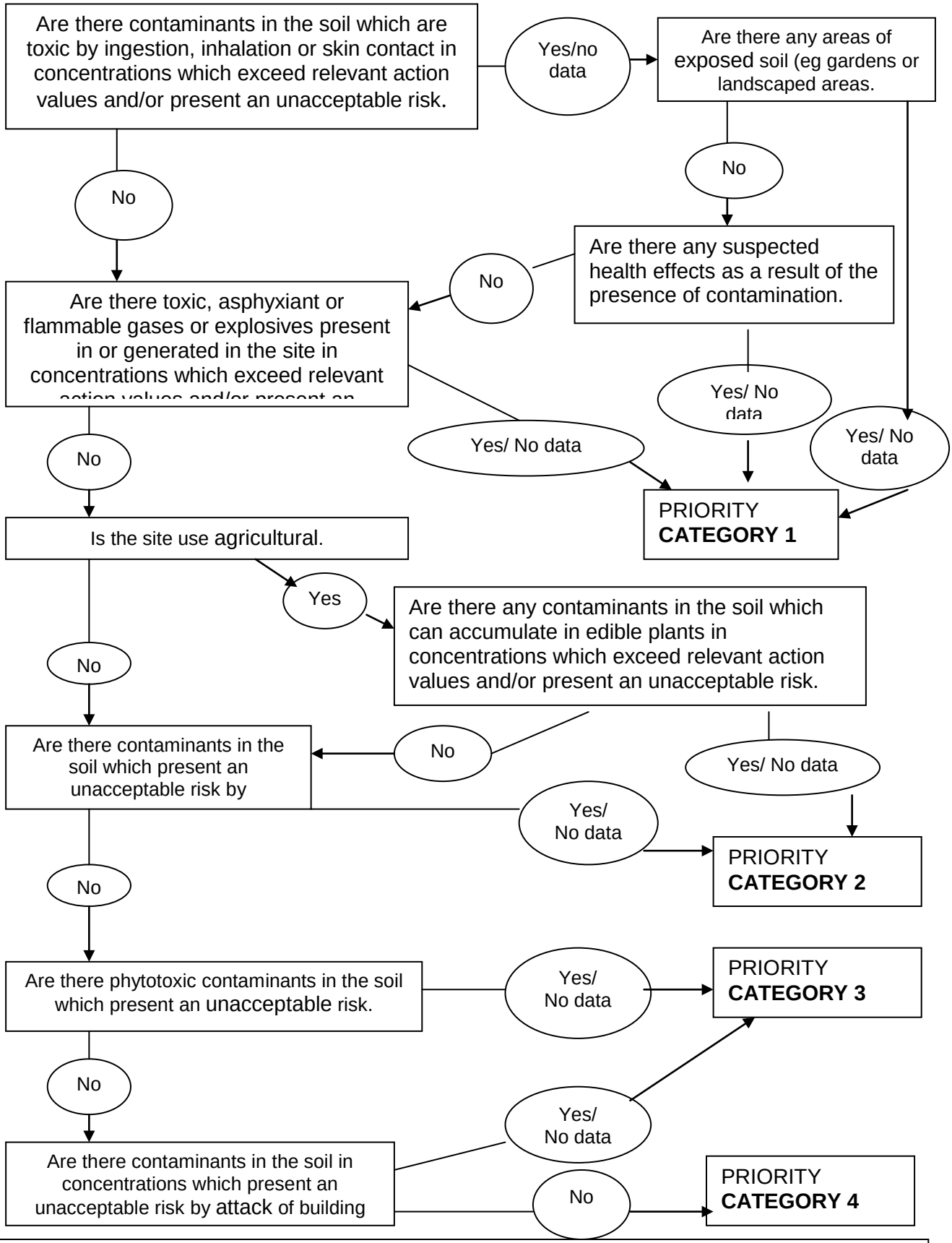


Figure 5

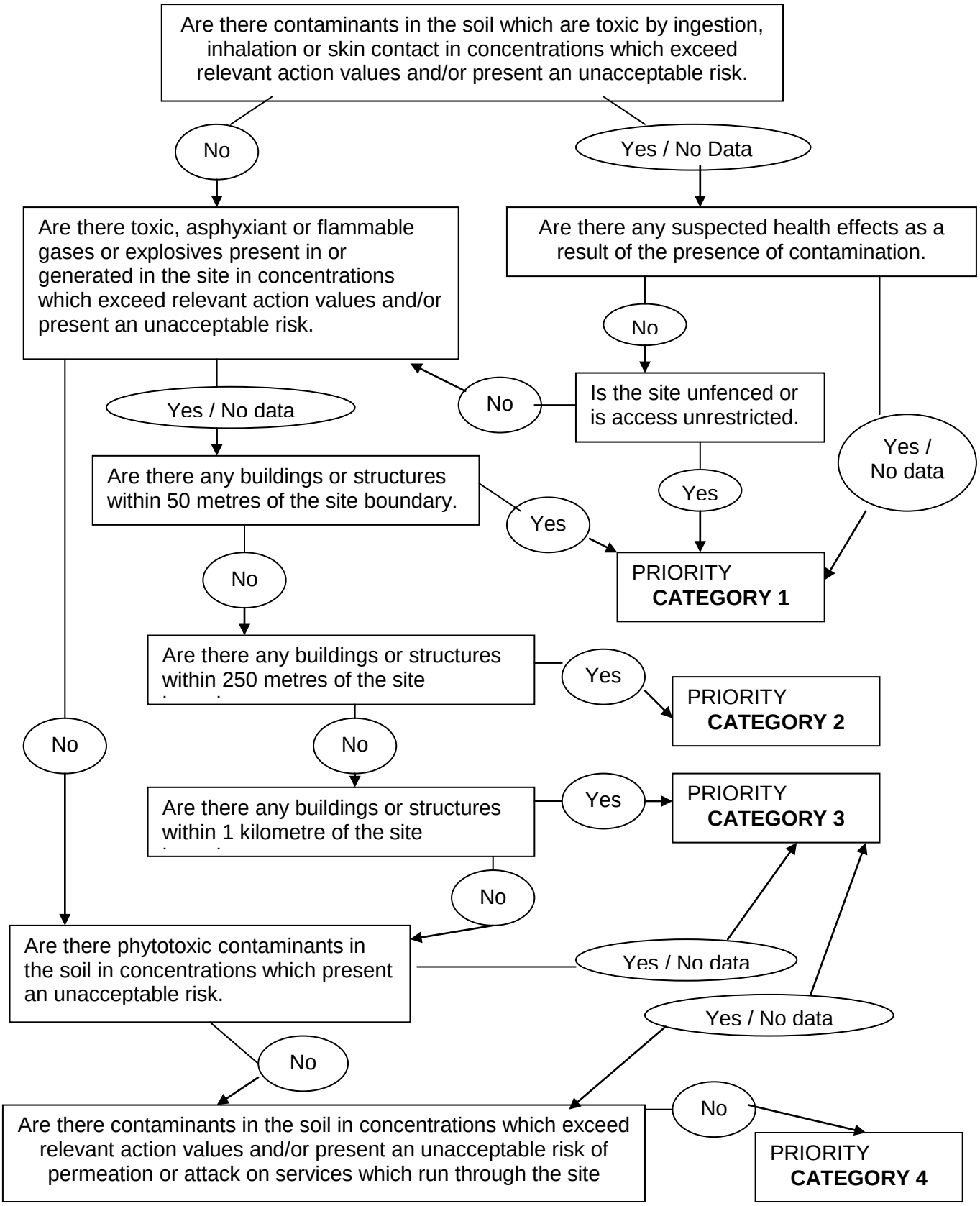
Part II Assessment – Development (Residential, Allotments, Agricultural Land, Commercial or Industrial Use, Public Open Space or Amenity)



NOTE: The answer NO only applies where the data on contamination has been compared with a checklist of the contaminants expected on the site relevant to the particular target or receptor, and has been evaluated to determine the statistical validity. For example, if a contaminant is expected to be present but has not been included in the testing programme or otherwise discounted, the answer must be NO DATA

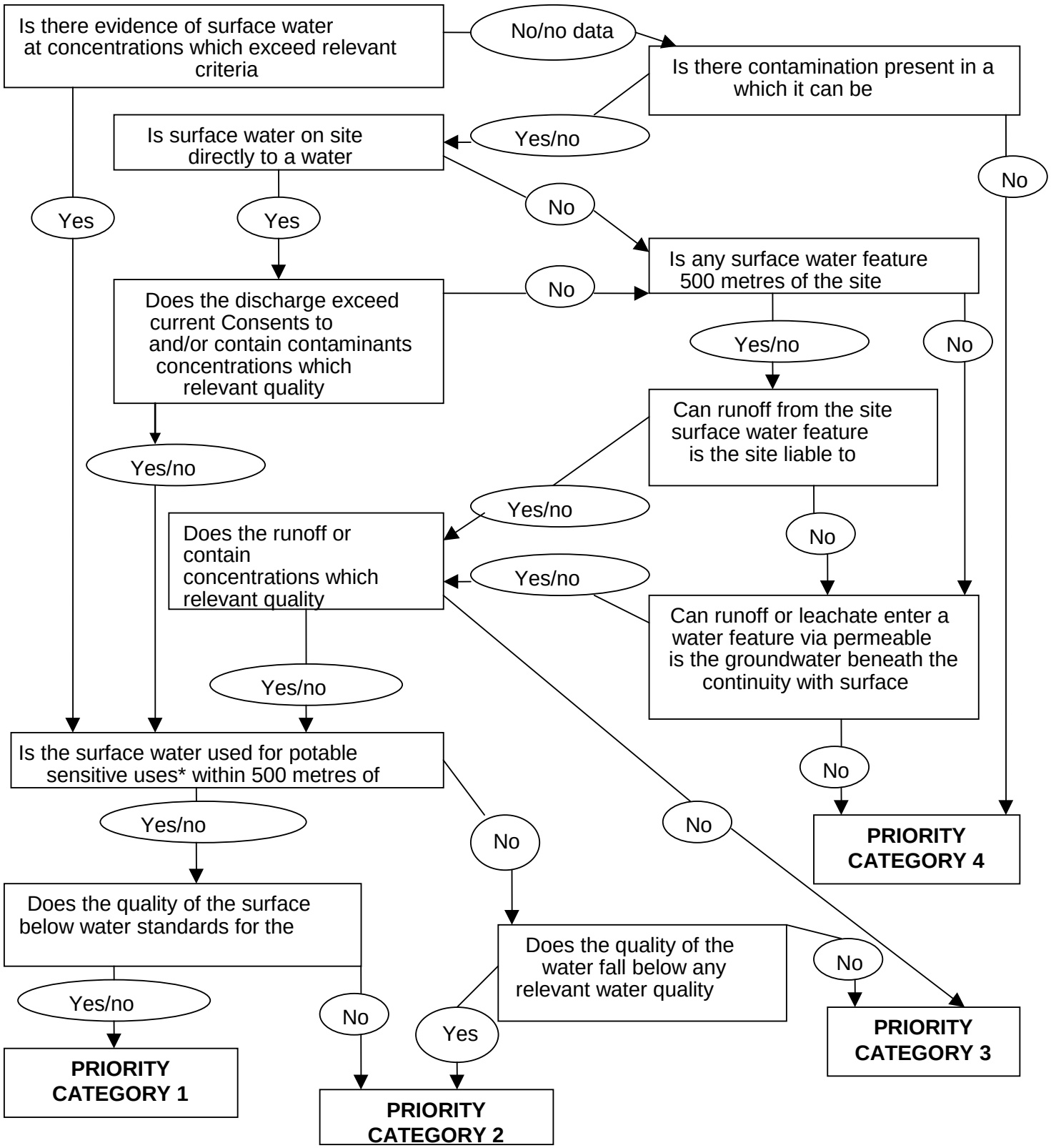
Figure 6

Development – Unoccupied Land



NOTE: The answer NO only applies where the data on contamination has been compared with a checklist of the contaminants expected on the site relevant to the particular target or receptor, and has been evaluated to determine the statistical validity. For example, if a contaminant is expected to be present but has not been included in the testing programme or otherwise discounted the answer must be NO DATA.

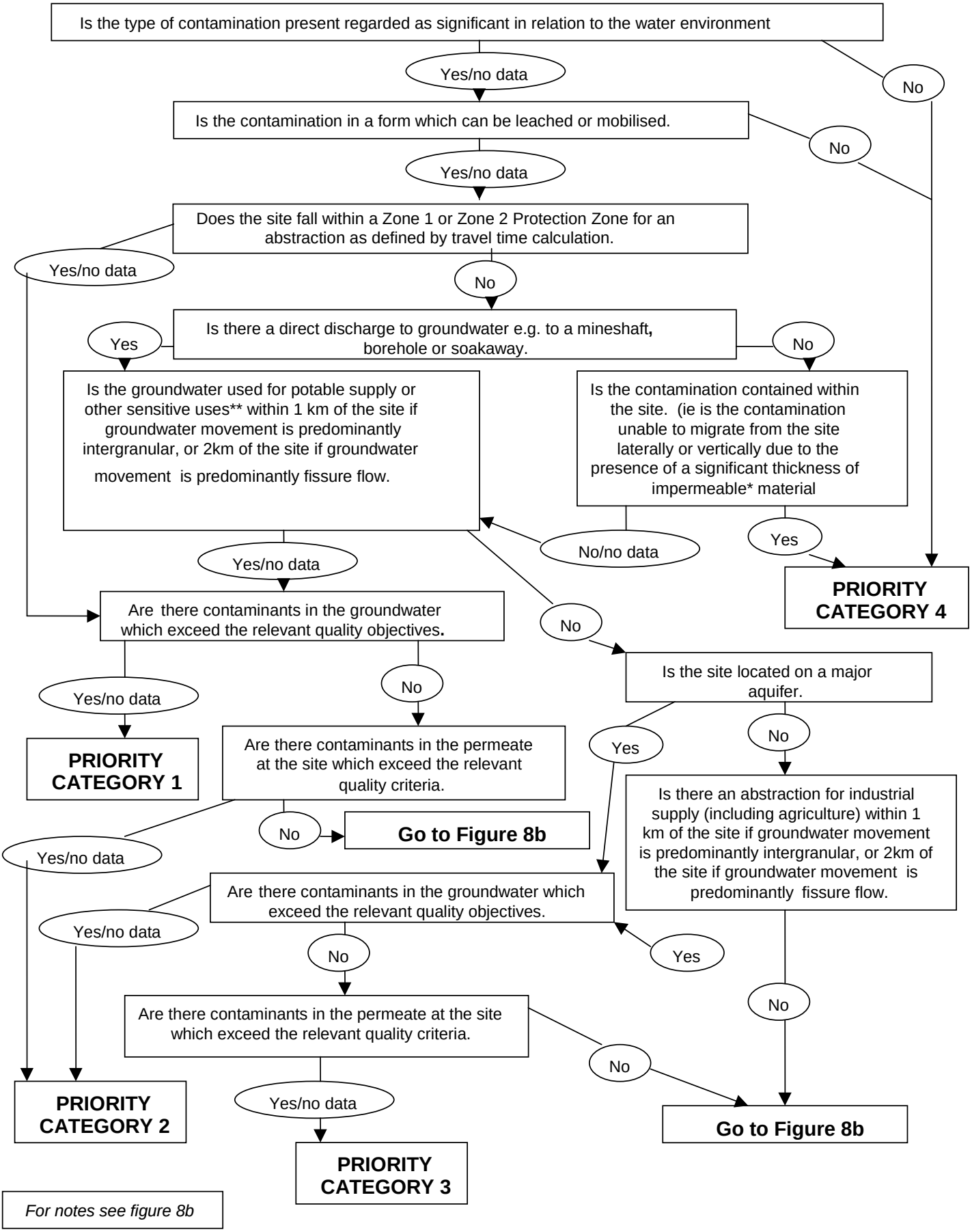
Figure 7
Part II Assessment – Surface Water



NOTE: The answer NO only applies where the data on contamination has been compared with a checklist of the contaminants expected on the site relevant to the particular target or receptor, and has been evaluated to determine the statistical validity. For example, if a contaminant is expected to be present but has not been included in the testing programme or otherwise discounted the answer must be NO.

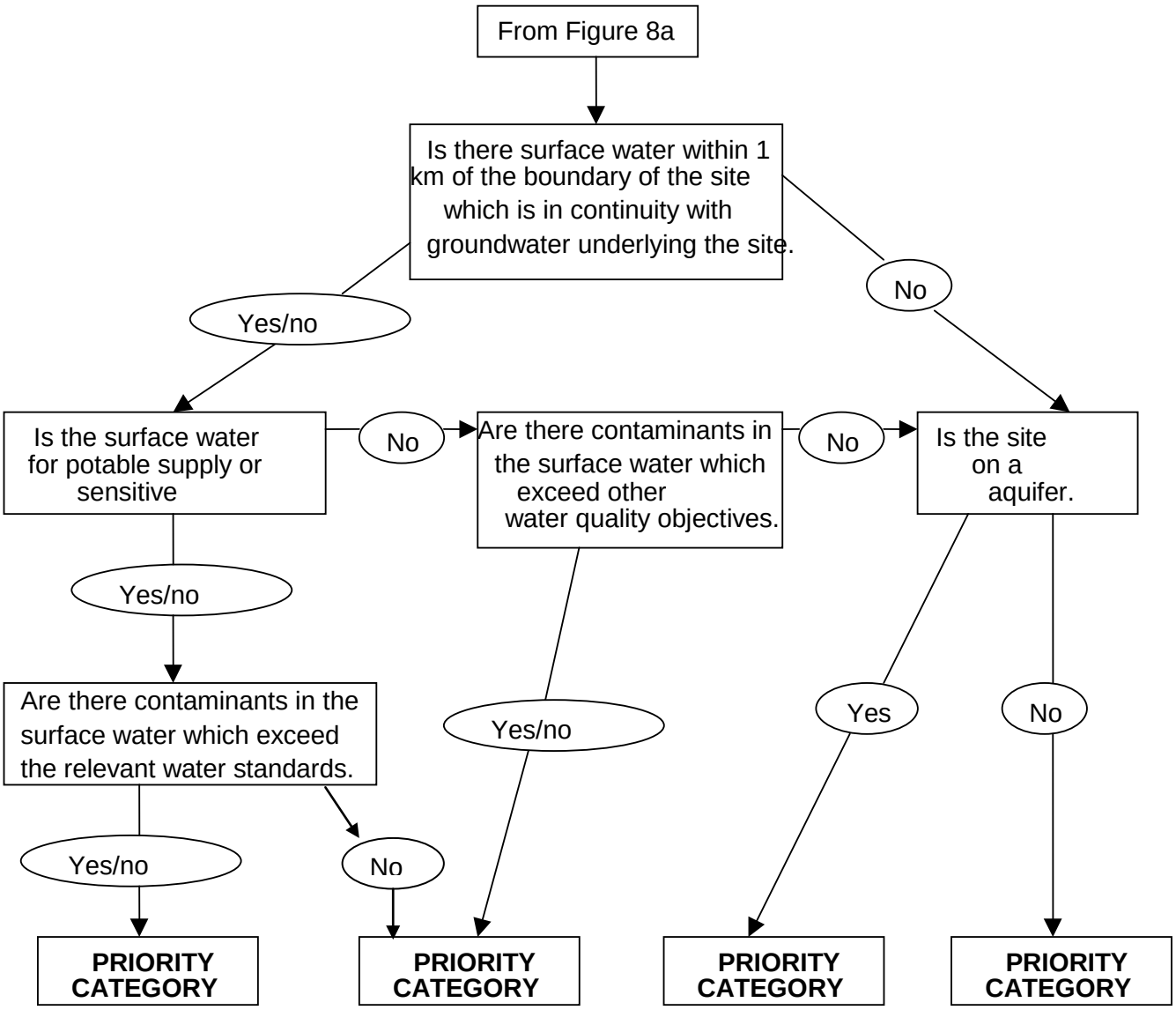
** Other sensitive uses of surface water include recreation (bathing, canoeing) salmonid fishery designation*

Figure 8a
Part II Assessment - Groundwater



For notes see figure 8b

Figure 8b
Part II Assessment – Groundwater



NOTE: The answer NO only applies where the data on contamination has been compared with a of the contaminants expected on the site relevant to the particular target or receptor, and has been to determine the statistical validity. For example, if a contaminant is expected to be present but included in the programme or otherwise discounted the answer must be NO
** For purposes of assessment, material is defined as permeable if it has a vertical coefficient of permeability equal to or greater than*
*** Other sensitive uses of groundwater include use in food manufacture, mineral water bottling*
****Other sensitive uses of surface water include recreation (bathing, canoeing) salmonid fishery and SSSI designation.*

8.7 Overview of Map-Based Inspection

1. Mark up the local authority area (using a base map of appropriate scale, eg 1:10,000) with the following current land uses:

    - Housing
    - Schools
    - Allotments
    - Informal play areas (e.g. derelict/abandoned industrial land where there is free public access, whether authorised or not)
    - Playing fields (other than those associated with schools)
    - Public open space
    - Agriculture
    - Commercial development
    - Industrial development

    Note that it is not important at this point to be unnecessarily precise about the boundaries associated with particular areas of land. Exact boundaries may not be firmed up until a relatively late stage of inspection, for example when individual parcels of land are being assessed during Detailed Inspection.

2. Highlight important surface and groundwater features, eg

    - major rivers, streams, lakes, canals, ponds
    - "sensitive" groundwater resources
    - potable water abstraction points (surface water & groundwater)
    - abstraction points where water is used for "other" sensitive purposes

3. Highlight areas of permeable strata or probable thin impermeable strata

4. Highlight areas occupied by protected organisms/ecosystems (as defined by the Statutory Guidance)

5. Delineate positions of known/suspected landfill sites (and other major potential sources of gases in the ground).

6. Delineate areas which are known/expected to undergo development before next review of the strategy.

7. Using larger-scale map data where appropriate, highlight which 1km grid squares contain the land uses set out below, following the general order set out and refining earlier categorisations where necessary:

    - Housing
    - Schools
    - Allotments
    - Informal play areas (play areas)
    - Development (occupied buildings) on/adjacent to landfills
    - Groundwater abstraction points for potable use
    - Surface water abstraction points for potable use
    - Protected habitats/species
    - Playing fields
    - Public open space (POS)

- Development (unoccupied buildings) on/adjacent to landfill
- Water abstractions used for "other" sensitive purposes
- Property (livestock, crops, buildings)

8. It may be necessary at this point to undertake some preliminary (visual) inspection of the local authority area to confirm the location and distribution of the land uses set out above and to address particular aspects. (e.g. whether or not certain areas are open to unauthorised access and establishing whether there is evidence of children playing in particular areas; whether allotments or other areas are still in use; whether or not buildings appear to be occupied).

   This inspection should be fairly cursory (e.g. walk/drive around the local authority area) although it should be targeted at specific issues. It is important to stress at this stage that any visual inspection should be to confirm initial assumptions - not to carry out detailed surveys of the condition of all the land within each 1km square.

9. Collate historical maps for each relevant grid square - take (say) 30-40 year intervals, eg mid 1800s, 1890, 1930, 1960)

10. For each grid square and for each of the identified land uses within the square and following the general priority order set out above, score the land according to the likelihood that pathways and sources exist.

11. Refer to CLR 3 for advice on the map-based information which indicates an industrial use of land, and CLR 6 for assessing the likelihood of pathways for different types of land use.

12. Use a scoring system to assist in assigning a priority to various areas of land. In assigning scores to the various parcels of land, take into account:

    - any other information available to the Authority that relates to the land in question (e.g. site investigation reports, land reclamation/remediation reports);
    - information already available to the Authority regarding past pollution incidents, fires, accidents, and other similar events;
    - information provided to the Authority by other statutory bodies (eg Environment Agency, Health & Safety Executive, MAFF, conservation/heritage bodies); and
    - information provided to the Authority by businesses, the general public or other organisations or individuals.

13. Use the scores to decide which areas of land are likely to justify more detailed individual inspection

14. Record land falling within the various priority categories on the base maps at an appropriate scale. Highlight any land which is subject to factors likely to alter its priority for more Detailed Inspection. Relevant factors could include:

    - any evidence of an existing problem
    - likelihood that past reclamation work has reduced the potential for the presence of contaminated sources

- imminent redevelopment proposals (as indicated by the grant of outline or detailed planning permission where the potential for contamination is being addressed by the planning and development control system)

15. Where a number of areas of land with the same priority have been identified, additional criteria to help in further refining priorities should be collated and examined. For example, potential Special Sites and land which is likely to meet criteria under both the "harm" and "pollution of controlled waters" aspects of the legislation may achieve a high overall priority rating. Possible criteria for differentiating between receptor classes having the same priority rating include:

Human Health

- Size/type of gardens & ability to support home-grown vegetables
- Allotments, play areas, public open
- Extent of use (well used, partially used, poorly used)

Controlled Waters

- Volume of water abstracted , number of units served

It may be necessary to use qualitative criteria to modify the priorities assigned to individual areas of land. For example, land which is the subject of particular local concern may achieve a higher priority than would be otherwise justified on purely technical grounds.

It is important that appropriate records are kept of the criteria used to justify further refinement of the priority listings, particularly where such criteria are essentially qualitative in nature.

8.8 Filling Gaps in Information

ANNEXES

A Industrial Archaeology

B Details of Sources 1: Principal Map Sources (Ordnance Survey)

- B.1 OS 6”(1:10,560) and 1:10,000
- B.2 OS 25” (1:2,500)
- B.3 OS 1:1,250
- B.4 OS Town Plans
- B.5 Ordnance Survey Indexing
- B.6 Index Maps
- B.7 Identifying the published editions of County Series Maps
- B.8 Identifying relevant post 1946 maps
- B.9 Boundary Changes
- B.10 London

C. Details of Sources 2: Supplementary Map Sources

Supplementary map sources based on Ordnance Survey

- C.1 British Geological Survey maps
- C.2 Land Use Survey maps
- C.3 Soil Survey and Land Research Centre maps

Maps other than those based on Ordnance Survey

- C.4 Directory maps
- C.5 Early County maps
- C.6 Estate maps
- C.7 Goad Fire Insurance plans
- C.8 Plans of Statutory and Public Undertakings
- C.9 Parliamentary Enclosure maps
- C.10 Property plans
- C.11 Tithe maps
- C.12 Town maps and plans

D. Details of Sources 3: Principal Collated Sources

- D.1 Directories
- D.2 DoE Survey of Landfill Sites 1973/4 and 1988
- D.3 Statutory Planning Registers
- D.4 Waste Disposal Site Licences
- D.5 Welsh Office Survey

E Details of Sources 4: Supplementary Collated Sources

- E.1 Aerial and Satellite Photography

8.9 Bibliography

8.9.1 Central Government Publications

- Environmental Protection Act 1990: Part IIA (Inserted by Section 57 of the Environment Act 1995).
- The Contaminated Land (England) Regulations 2000.
- The Environmental Information Regulations 1992.
- The Environmental Information (Amendment) Regulations 1998.
- The Town and Country Planning (Permitted General Development) Order 1995.
- The Town and Country Planning Act 1990.
- The Health and Safety at Work (Etc) Act 1974.
- The Construction Design and Management Regulations 1994.
- The Building Regulations 1991.
- The Waste Management Licensing Regulations 1994.
- The Water Resources Act 1991.
- The Water Industry Act 1991.

8.9.2 Local Authority Documents

- The Local Plan
- The Local Agenda 21 Strategy
- Community Strategy
- Enforcement Policy
- Consultation Strategy
- Communication Policy

8.9.3 Department for the Environment, Food and Rural Affairs (DEFRA) Publications

- Circular 01/2006 Contaminated Land: Implementation of Part IIA of the Environmental Protection Act 1990.
- DoE Industry Profiles: Various dates, 48 volumes.
- DoE Contaminated Land Research (CLR) Reports: Various Dates, CLR 1,2,3,4,5,6 and 12.
- DoE Waste Management Paper No 27 1991.

8.9.4 Construction Industry Research and Information Association (CIRIA) Publications

- Report No 132: A guide for safe working practices on Contaminated Sites 1996
- Report No 149: Protecting Development from Methane 1995
- Report No 150: Methane Investigation Strategies 1995
- Report No 151: Interpreting Measurements of Gas in the Ground 1995
- Report No 152: Risk Assessment for Methane and Other Gases in the Ground 1995

- A series of Special Publications dealing with remedial treatments published between 1995 and 1999: Special Publications 101 to 112 inclusive, and 124.

8.9.5 The Environment Agency (EA) and The National Rivers Authority (NRA)

- EA, Contamination Impact on Groundwater: Simulation by Monte Carlo Method 1999.
- EA, Mobile Plant Licences (Remedial Treatment of Contaminated Soils): Working Plan Guidance and Library of Licence Conditions. Draft Guidance.
- EA, Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources. R&D Publication No 20 1999
- EA, Policy and Practice for the Protection of Groundwater 1998
- NRA, Leaching Tests for the Assessment of Contaminated Land. Interim Guidance, NRA R&D Note 301 1994.
- EA, Part IIA EPA 1990 Process Documentation 2000.
- EA and NHBC, Guidance for the Safe Development of Housing on Land Affected by Contamination.

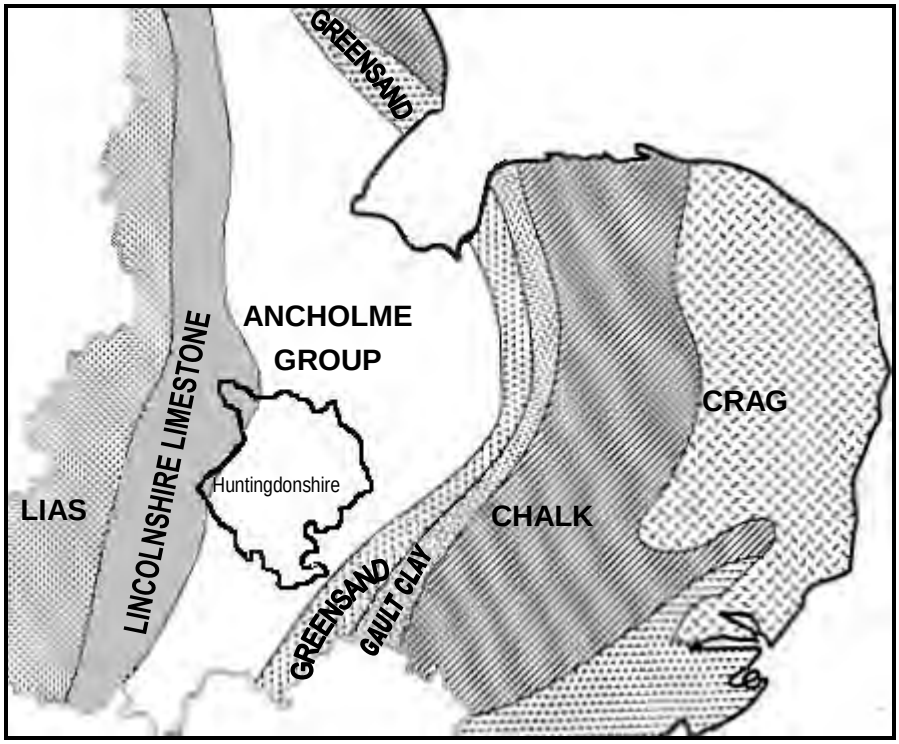
8.9.6 Other Publications

- Scotland and Northern Ireland Forum for Environmental Research: Communicating Understanding of Contaminated Land Risks. SNIFFER Project No SR97 (11)F.
- Health and Safety Executive: Protection of Workers and the General Public During the Development of Contaminated Land 1991
- European Economic Community: Directive on Pollution Caused by Certain Dangerous Substances Discharged into the Aquatic Environment of the Community. 76/464/EEC 1996.
- British Standards Institution: BS 10175:2001, Code of Practice for the Investigation of Potentially Contaminated Sites 1998.

8.9.7 Publications in Preparation or in Press

- DETR: Model Procedures for the Management of Contaminated Land. CLR Report number 11.
- DETR: Guideline Values for Contamination in Soils. CLR Report GV Series.
- DETR: The Contaminated Land Exposure Assessment Model (CLEA). CLR Report number 10.
- DETR: Potential Contaminants for the Assessment of Land. CLR Report.
- DETR: Contaminants in Soils. Collation of Toxicological Data and Intake Values for Humans. CLR Report number 9.
- EA: Assessing the Possible Short Term Risks to Health and the Environment of Contaminated Land.
- EA: Development of Soil Sampling Strategies for Contaminated Land.
- EA: Guidance on Site Specific Assessment of Chronic Risks to Human Health from Contamination.
- EA: Methodologies for the Comparison of the CLEA Model with other Human Health Risk Assessment Packages.

8.10 Simplified Solid Geology



8.11 Responses to Consultation on Draft Strategy

Consultee	Response	Action Taken
1. Statutory Consultees		
Environment Agency	Modifications suggested on the application of the Regulations to the identification of Special Sites. Modifications suggested on the solid geology of Huntingdonshire in relation to the potential for Special Sites. Information provided on the periodic updating of data provided by the Agency.	Modifications as suggested by the Agency made to the draft.
English Nature	Clarification given for points of contact within English Nature. Reiteration of the key points in the draft strategy that relate to the protection of statutory nature conservation sites.	Contact points noted for future reference. Comments noted.
English Partnerships	No Response	
English Heritage	No Response	
Cambs County Council	Supportive of the Council's approach. The County Council is seeking to 'put its own house in order' by examining land holdings. Some concern expressed about the protection of County Wildlife sites. Wish to be kept informed of progress.	Comments noted. County Council asked to inform the District Council of the results of these examinations. County Council advised that these sites are not designated ecosystem receptors within the definitions in Part IIA. Contact points noted for future communication.

MAFF	Information provided on the reallocation of functions within MAFF. Comments made on the inappropriateness of the risk assessment procedures in the draft strategy, in relation to agricultural produce. Information on the Agricultural Land Classification (ALC) scheme which may provide useful information on possible agricultural land contamination. Information on the role of the Food Standards Agency (FSA), and a suggestion that it should be added as a statutory consultee.	Minor amendments made to the draft in respect of names and functions of the various MAFF departments. Noted. Awaiting further guidance on appropriate risk assessment procedures from DETR. The potential use of the ALC system noted. After consulting with the Environment Agency, FSA not added as a statutory consultee.
2. Parish and Town Councils		
All 84 parish and Town Councils were consulted, of which the following responded.		
Holywell-Cum-Needingworth Parish Council	Welcomes the initiative and keen to participate.	Comments noted for future participation.
Kings Ripton Parish Council	Presence of contamination unlikely in the village.	Comments noted.
Ramsey Town Council	Welcomes the initiative, approves the draft strategy and keen to participate.	Comments noted for future participation.
St Neots Town Council	Expressed willingness to co-operate with the inspection process.	Comments noted for future participation.
Bury Parish Council	Individual Councillors have raised specific questions regarding fly tipping, pollution of groundwater, military sites and the accuracy of RAF records.	Questions to be addressed during the inspection process.
Hilton Parish Council	Verbally acknowledged receipt of the consultation document. Would not be responding in writing.	Noted.

Southoe and Midloe Parish Council	Verbally acknowledged receipt of the consultation document. Keen to participate in the provision of local knowledge.	Comments noted for future participation.
Brampton Parish Council	Concerned about historical waste disposal activities on the Brampton RAF camp. Asked if Crown Land is exempt from inspection.	Replied to saying that the Council has already opened dialogue with the RAF concerning Brampton and other MOD land, none of which is exempt from inspections.
3. Local Employers with >100 Employees		
More than 90 local employers were invited to comment on the draft strategy.		
Waitrose (Verbal response)	Splendid document, very adequate.	Comments noted.
Anglian Water	A sound approach. May have information to give in the future dependent on the outcome of a current water industry research project.	Comments noted. To be followed up at a later date.
Cambridge Constabulary	Realistic objectives and priorities.	Comments noted.
O/C RAF Brampton	Will be contacting us with a view to co-operating with our inspection activities. Their own work to date has not indicated the presence of any Contaminated Land.	Comments noted. To be followed up at a later date.
Beamglow	Would be pleased to co-operate with any future requests for information.	Comments noted. To be followed up at a later date
Cambridgeshire Health Authority	Strategy noted and co-operation promised where necessary.	Comments noted.
4. Other Consultees		
Food Standards Agency	Available for advice on food safety aspects of specific cases of contaminated land.	Comments noted for future reference.