

# CONTAMINATED LAND INSPECTION STRATEGY

Environmental Protection Act 1990- Part 2A

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## **Environmental Protection Act 1990 - Part 2A**

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## EXECUTIVE SUMMARY

Throughout the UK there are thousands of sites which have been contaminated by previous industrial use, often associated with traditional processes which are now obsolete. There is a growing requirement for reclamation and redevelopment on these sites. A proportion of this land will be contaminated and will need to be subject to a risk based approach in its redevelopment. This land will normally be regulated through the planning and development process. However, the Government has recognised that not all sites will fall within these controls.

This document sets out the Council's approach to the identification, inspection, assessment and remediation of land which may be designated as contaminated land in accordance with the statutory definition at Part 2A of the Environmental Protection Act 1990 (EPA 90).

This strategy states how the Council will follow the legislation and statutory guidance in relation to each stage of the process as shown in Appendix A and Appendix B.

Once potentially contaminated land has been identified, the Council will carry out further investigations. This will involve a detailed review of the site, including the assessment of any investigative reports associated with it. If contamination is still felt to be probable, the Council will then visit the site and begin communications with the site owner/occupier. Where appropriate the Council will require an intrusive site investigation to be carried out. These more detailed assessments are necessary to confirm the presence or absence of a 'significant pollutant linkage'.

If, after reviewing all the evidence available to it, the Council considers that the site, in its current state, is causing significant harm or there is a significant possibility of such harm being caused, or pollution to controlled waters is being or is likely to be caused, it will identify it as being contaminated and seek the appropriate remediation. Wherever possible, the Council will seek a voluntary approach to remediation, but will use its statutory powers where necessary. In investigating potentially contaminated sites the Council will also, where necessary, consult with other relevant bodies such as the Environment Agency, Natural England, and Department for Environment, Food and Rural Affairs (Defra).

This revision of the Council's Contaminated Land Inspection Strategy has been updated to communicate progress made in carrying out the strategy and also to highlight changes in published guidance. It replaces the 2007 edition (Revision a) and is amended in line with the revised statutory guidance published by Defra in April 2012, as well as other key changes that could affect the contaminated land regime. The strategy should be read in conjunction with the Council's Contaminated Land Inspection Strategy Update and Review document.

The review of information on previous potentially contaminative land uses (by reference to Historical Ordnance Survey maps, Council records, other information sources including information presented by the public etc.), and the compilation of information on sensitive receptors within the District, has been completed. In order to allow the District Council to concentrate its investigations on those areas where the most serious contamination could be present, sites of potential concern were prioritised. This targets resources to areas where contaminated land is likely to be identified and ensures that the most pressing and serious problems are located first. Detailed inspections of the prioritised sites were initiated in 2007 and are currently on-going. Relevant information will continue to be collected as part of the inspection strategy and potentially contaminated sites prioritised and inspected accordingly.

## 1. INTRODUCTION

### 1.1 The Definition of Contaminated Land.

Contaminated Land is defined in Section 78A(2) of the Environmental Protection Act 1990 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.”*

This definition includes a number of terms that are further defined in the guidance, and these introduce further concepts that must be understood if the definition of contaminated land is to be accurately applied to any particular site.

Note:

The definition ensures that only land where contamination is causing unacceptable risks to human health or the wider environment is treated as contaminated land. It does not seek to instigate remedial action against all land where contamination is present.

#### “Significant Harm”

‘Harm’ is defined in Section 78A(4) as:

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

“Significant harm” is defined in Table 1, Appendix A.

The statutory guidance provides that unless significant harm is being caused, or there is significant possibility of significant harm being caused, land is not to be classed as contaminated.

#### “Significant possibility of significant harm”

In deciding whether the possibility of harm being caused is significant the Council must take into account the following factors

1. The nature and degree of harm
2. The susceptibility of the receptors
3. The timescale in which the harm might occur.

The conditions under which significant possibility of significant harm may occur are outlined in Table 2, Appendix A.

#### “Suitable for Use”

The legislation takes a pragmatic approach by concentrating on land posing unacceptable risks in its current use, by making land suitable for any likely new use when planning permission is granted, and by

limiting remediation work to that necessary to prevent unacceptable risks given such current or future uses. Remediation requirements must make land suitable, not necessarily free of all contamination.

### How is Contaminated Land Identified?

When deciding whether land is contaminated, the Council must firstly identify a 'pollutant linkage', and secondly, assess whether this is a 'significant pollution linkage'. A pollutant linkage means a relationship between a contaminant, a pathway and a receptor. If any part of the linkage is missing then the chain is broken and under the legislation the land cannot be deemed contaminated.



These terms are not defined by statute. The following meanings are set out in statutory guidance:

1. The **contaminant** is a substance which is in, on or under land and which has the potential to cause harm or to cause pollution of controlled waters which includes territorial waters, coastal waters, inland waters and groundwater.
2. The **receptor** is either: a living organism, a group of living organisms, an ecological system or a piece of property which is listed in Table 1, Appendix A and which is being, or could be, harmed by a contaminant; or controlled waters which are being, or could be, polluted by a contaminant.

Note: The Council is advised to disregard any receptor not likely to be present given the current use of any land under investigation. The current use of a site is deemed to include any use currently made, or likely to be made, that is consistent with existing planning permission. However 'current use' does include any likely informal recreational use of the land.

3. The **pathway** is one or more routes or means by, or through, which a receptor is being (or could be) exposed to or affected by a contaminant.

#### *Examples:*

Landfill gas (the contaminant) produced in a former unlicensed tip might be causing harm to a nearby dwelling (the receptor) as a result of the gas migrating through fissured chalk (the pathway).

Petrol (the contaminant) that leaked from storage tanks into underlying aquifers used for drinking water extraction. In this example the movement of groundwater represents both the pathway as the means by which petrol is moved from its original site and the receptor.

## **1.2 General policy of the Local Authority**

Mid Sussex District Council has established key objectives in its corporate plan. The following objectives are relevant to the inspection strategy:

## Better Environment

- Quality and Sustainable Environment
- Distinctive and sustainable towns and villages

## Better Lives

- Healthy Lifestyles
- Opportunities and quality of life for all

## Better Services

- Efficient and effective services

Under the regulations, the Council is required to inspect land in its District for contamination and prepare a strategy for submission to the Environment Agency. This strategy is produced with the Council's objectives at its forefront. It is these objectives, which are reflected in the Council's priorities in dealing with contaminated land. These are:

- To protect human health;
- To protect controlled waters;
- To protect designate ecosystems;
- To prevent damage to property;
- To prevent any further contamination of land;
- To encourage voluntary remediation;
- To encourage re-use of previously developed land.

It is recognised that some sites may be identified outside this general approach to inspection that will require urgent attention. These sites will be dealt with as they arise. The Council will support parties wishing to undertake voluntary remediation and will encourage the re-use of previously developed land for development in preference to greenfield development.

The District Council is the lead regulator on contaminated land (except in the case of Special Sites where the Environment Agency is the enforcing authority) but, wherever necessary, the Council will work in partnership with other organisations, particularly the Environment Agency.

### **1.3 Regulatory Context**

What follows is a simplified introduction to the main principles of the law applying to contaminated land. It should not be used for any other purpose and full reference to the legislation and statutory guidance is recommended.

#### Legislation

Part 2A of the Environmental Protection Act 1990 ("Part 2A") requires Local Authorities to inspect their areas for contaminated land and, where contaminated land is identified, to ensure satisfactory remediation. The Council's roles as primary enforcing authority for the purposes of Part 2A within the District are set out below. The Environment Agency's role in achieving the objectives of Part 2A is also outlined.

## The regulatory roles of local authorities under Part 2A Environmental Protection Act 1990

The primary regulatory role under Part 2A for Mid Sussex District rests with the Council, which will need to:

- Cause the District to be inspected to identify contaminated land
- Determine whether any particular site is contaminated land
- To act as the enforcing authority for all contaminated land that is not designated as forming a “Special Site” as defined in the Act. In the case of Special Sites the Environment Agency will be the enforcing authority.

In order to fulfil these duties the Council is obliged to:

- Prepare an inspection strategy setting out how the Council will inspect its area with the aim of identifying contaminated land.
- Determine if any particular area of land is contaminated land as defined in the Act;
- Determine if contaminated land is to be designated as a special site;
- Undertake immediate remediation if there is an imminent danger of serious harm;
- Consider the application of alternative statutory regimes to the site;
- Identify and notify those who may need to take action on the land;
- Determine responsibility for the remediation of the land;
- Consult with the relevant parties as to the remediation actions that are to be carried out;
- Serve remediation notices;
- Monitor the effectiveness of remediation carried out;
- Maintain a public register of details of regulatory action taken under the Act;
- Report progress made under Part 2A to the Environment Agency.

## The regulatory role of the Environment Agency.

The Environment Agency's role is to:

- Assist local authorities in identifying contaminated land;
- Provide site-specific guidance to Local Authorities;
- Act as the enforcing authority for designated Special Sites;
- Publish reports on contaminated land.

## The relationship between Part 2A and other controls.

### *Planning and development control*

Part 2A will not normally apply where land is within the normal cycle of redevelopment and regeneration. In such circumstances the planning and development control regime will continue to be the primary means of control.

### *Statutory nuisance (Part III of the EPA 90)*

Statutory nuisance no longer applies as the main control for contaminated land, however it may still apply where land is causing nuisance e.g. by odour, where the statutory definition of contaminated land can not be fulfilled.

### *Integrated Pollution Prevention and Control (IPPC)*

Part 2A will not be applicable where the Environment Agency has the ability to remedy contamination arising from a breach of a process licensed under the above legislation.



### *Waste management licensing. (Part II EPA90)*

Part 2A will not normally apply where contamination is arising from land subject to a waste management licence unless the contamination did not arise through a breach of the license conditions.

### *Water Resources Act 1991*

The Water Resources Act 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters. There is an overlap with the Part 2A regime, and the Council will undertake the following steps in respect of the pollution of controlled waters:

- The Council will consult the Environment Agency before determining that land is contaminated in respect of pollution of controlled waters.
- The Council will take into account any comments the Agency makes with respect to remediation requirements.
- The Council will determine land as contaminated land when it is notified by the Agency of any case where actual or potential water pollution is arising from land affected by contamination.

### *Environmental Damage (Prevention and Remediation) Regulations 2009 (EDR)*

The aim of EDR is to deal with the most serious cases of environmental damage caused by economic activity and, as Part 2A, these regulations are based on the 'polluter pays' principle. The duty to prevent or remediate environmental damage falls on the operators of activities. They only apply to damage caused after EDR came into force in March 2009.

On 4<sup>th</sup> August 2006, the Contaminated Land Regime as introduced by Part 2A Environmental Protection Act 1990, was extended to include land contaminated with radioactive substances. The extended regime provides a system for the identification and remediation of contaminated land, where such land is causing lasting exposure of radiation to any person or where there is significant possibility of exposure. Furthermore, an amendment that came into force on 30<sup>th</sup> September 2010 redefines the term "substance" for 'radioactive contaminated land', removing the exclusion for radon and its decay products. The change allows the regulator to take action where land is contaminated by radon or its decay products as a result of the after-effects of a radiological emergency or a past activity e.g. radium luminised paint remnants. Naturally occurring radon gas continues to remain outside the scope of the regime.

The duty of the local authority to inspect its area is restricted to circumstances where there are 'reasonable grounds' for believing land to be Radioactively Contaminated Land (RCL). All sites determined as Contaminated Land wholly or partially by virtue of radioactivity will be treated as 'Special Sites' and regulated by the Environment Agency.

## **1.4 Development of the Strategy**

The Council is obliged by section 78B(2) of Part 2A to act in accordance with any statutory guidance issued by the Secretary of State for identifying and regulating contaminated land. The statutory guidance imposes a duty on local authorities to take a strategic approach when identifying land that may merit detailed inspection. This approach must:

- Be rational, ordered and efficient
- Be proportionate to the seriousness of actual or potential risk
- Ensure that the most pressing and serious problems are located first
- Concentrate resources on investigating in areas where the authority is most likely to identify contaminated land
- Efficiently identify requirements for detailed inspection of particular areas of land.

The Council's strategy is required to reflect local circumstances including:

- Available evidence of significant harm or pollution of controlled waters;
- The prevalence of each defined receptor within the District;
- The extent to which these receptors are likely to be exposed to defined contaminants;
- Available information on land contamination;
- The history, scale and nature of industrial or other activities which may have contaminated the land in the District;
- The nature and timing of past redevelopment within the District;
- The extent to which remedial action has already been taken to deal with land contamination or is likely to be taken as part of impending redevelopment;
- The extent to which other regulatory authorities might consider harm is being or may be caused to particular receptors, or pollution of controlled waters is being or may be caused, within the District.

This Strategy is based on collaborative work by district and borough councils across East and West Sussex assisted by the Environment Agency (Southern Region).

### **1.5 Objectives of Strategy Document**

This strategy sets out the Council's strategic approach as the primary enforcing authority for Part 2A. It explains how the Council will respond to the challenges posed within the District by contaminated land, and in particular how it will:

- Inspect any particular land that may be contaminated;
- Notify any affected person and the Environment Agency if contaminated land is identified;
- Decide whether any particular land is a 'Special Site' in consultation with the Environment Agency;
- Formally require remediation of contaminated land by any appropriate person, and determine responsibility, after consulting them;
- Take enforcement action against any person who fails to comply with a formal notice;
- Exercise its power to carry out remediation and recover the costs of doing so;
- Maintain a public register of land known to be contaminated.

## 2. THE CHARACTER OF THE DISTRICT OF MID SUSSEX

Across the United Kingdom there are marked differences in geography, industrial activity and prevalence of vulnerable 'receptors' such as protected wildlife and water resources. The manner in which contaminants have been deposited, have moved and have affected (or threatened) vulnerable receptors can vary even between localities a few miles apart. The Council has considered the character of the District when developing priorities and objectives for inspecting land that may be contaminated.

### Geographical location

Mid Sussex District is one of seven Districts and Boroughs within the County of West Sussex. The Council's jurisdiction covers a total area of approximately 130 square miles lying on the eastern edge of West Sussex, adjoining the County boundaries with East Sussex to the south and east and Surrey to the north. The District stretches from the boundary with Brighton and Hove City Council at the South Downs northwards to the southern edge of Crawley Borough Council. To the north, east and west are the boundaries with the District Councils of Lewes, Horsham, Wealden, and Tandridge.



### Population Distribution

Mid Sussex is home to approximately 130,000 people. Throughout the District there are a number of villages of various sizes, however, approximately 60% of the population live in one of the three towns of Burgess Hill, Haywards Heath and East Grinstead each having a population of approximately 25,000.

### History/Description of Mid Sussex

Much of the District is countryside with some 58% of its area designated as Areas of Outstanding Natural Beauty. The southernmost area of the District forms part of the Sussex Downs Area of Outstanding Natural Beauty and, since 31st March 2010, part of the South Downs National Park, whilst most of the northern half of the District is covered by the High Weald Area of Outstanding Natural Beauty. The Weald

is a complex landscape comprising hills, ridges and valleys. The area is also characterised by large expanses of woodland.

Between the 13th and 17th centuries the Weald was one of the country's pioneering iron industry areas, containing many iron smelting furnaces. The legacy of the iron industry has created added interest with many man-made ponds remaining in the area.

### Burgess Hill

Burgess Hill is located in the south of the District. The town began to grow in the 1840s after the opening of the railway and became a centre of the brick making industry in the 19th century supplying bricks and tiles to the coastal towns via the railway. There was a rapid growth in the town in the 1950s when the population rose by 64%. It continues to expand, though less rapidly, with the new housing and business areas built to the west of the town.

The topography of the town has served to contain development, with ridgelines to the south and east in particular providing important definition and a vital setting to the town. Overall the gentle slopes and low lying relief of the area tend to emphasise the importance of even minor ridges, for example to screen development or to provide views in and out of the town. One of the important environmental assets of the town is the distinct boundary, which often extends right up to the urban edge.

The town is visible in the middle distance of views from the South Downs, and from this direction the east/west ridge running south of the town screens much of the development to the north and west. Glimpses of the South Downs are available from many locations in the town.

### Haywards Heath

Haywards Heath is located in the centre of the District. This town also owes much of its growth to the railway. Initially developed as a market centre in the late 19th century, the growth of the town, particularly after the 1930s when the railway was electrified, resulted in its merging with the historic village of Lindfield, though the village has retained its own distinct character.

The rapid post-war expansion of the town has been relatively well contained physically by the topography of the area, with the wooded High Weald ridge to the north, and the further ridgeline to the south and east providing particularly important definition to its setting.

Whilst the town has two industrial estates providing employment, many of the town's residents work outside of the locality. A major new housing development, Bolnore Village, is currently under construction, to the southwest of the town.

### East Grinstead

East Grinstead is located on the northern edge of the District and has a long history dating back to the 13th century, being one of the oldest towns in the County. It contains a number of historic buildings including many dating from the medieval period. It experienced rapid growth in the 1980s, although development has slowed more recently. Whilst East Grinstead also has rail links to London, unlike Burgess Hill and Haywards Heath, the town is not on the main London to Brighton line.

The town is set in very attractive countryside, which extends to the edges of the built up area and which includes, to the south and east, part of the High Weald Area of Outstanding Natural Beauty. The town has been developed on a flat-topped ridge, which extends from Ashurst Wood in the southeast to Imberhorne Lane in the west. A ridge also extends along Holtye Road to the northeast, and southwards towards Saint Hill Green. Steep-sided wooded river valleys to the south of the town dissect these ridges. This physical form has given the town a distinctive character and setting in relation to the surrounding

area. It has been a major factor in shaping the nature of the past development of the town and also acts as a constraint for the future.

## The Rural Areas

### The Southern Villages and Surroundings

The South Mid Sussex area contains some extremely attractive scenery. The southern part of the District lies within the Sussex Downs AONB and South Downs National Park, and the northern part within the High Weald AONB. Lying between these two areas is the Low Weald plain, which whilst not designated as AONB, is of high landscape importance. This area is based on clay and is generally flatter than the High Weald to the north. The farmland is divided into fields by hedgerows and woodland copses.

The villages of the Low Weald are generally small and attractively integrated into the landscape. The largest settlements are at Hassocks and Hurstpierpoint. The Sussex Downs Area of Outstanding Natural Beauty and South Downs National Park lie directly south of both villages conserving and enhancing the natural beauty, wildlife and cultural heritage.

Originally two separate settlements, the village of Keymer and Hassocks grew considerably after the opening of the railway line in the 19th century. Lying very close to the South Downs there are magnificent views of the undulating agricultural land to the south with the village clearly visible from vantage points on the Downs. A major ridgeline runs to the north, where the countryside is predominant in views from the railway.

The oldest part of the village is around Keymer where several buildings are listed, of which the Manor House, now divided into two properties and dating from the 15th century is the oldest. Oldland Mill, dating from the 17th century lies to the north east of the village and is one of the few remaining Post Mills still standing in the southeast.

Hurstpierpoint lies to the west of Hassocks. The oldest part of the settlement is the linear High Street containing a number of listed buildings. Residential development has extended the settlement northwards at either end of the village along Cuckfield Road and College Lane, the latter linking to the hamlet of Hurst Wickham.

There are a number of smaller villages and hamlets spread across the remainder of the southern area, contributing to the character of the area.

### The Central Villages and Surroundings

The Central Mid Sussex area is predominately rural in character. It comprises a number of villages and hamlets set in extremely attractive countryside, of which all but three small areas fall within the High Weald AONB.

The geology of the High Weald comprises mostly sands and soft sandstones intermingled with clays, giving rise to a distinctive landscape comprising a hilly country of ridges and valleys. The main ridges run east to west and are dissected by secondary streams giving rise to a close network of smaller ridges and valleys or ghylls. This complex relief results in a number of extensive views within the AONB, as well as beyond its boundaries. The prominent ridges also form important landscape features when the area is viewed from outside.

Superimposed on this natural background area the man-made features of the landscape. There is a close patchwork of small fields, hedges and areas of woodland patterning the ridges and valleys. Whilst much of the earlier dense forest has now gone, areas of ancient woodland can still be found there. However, there are still abundant areas of woodland, predominately broadleaved, with oak and ash the

dominant species, although more recently planted areas comprise predominantly conifers.

Remnants of the earlier Wealden iron industry, such as hammer ponds are still in evidence and add interest to the landscape. The variable topography and geology of the area has also given rise to a variety of wildlife habitats. These have been supplemented by the creation of more recent man-made features such as Ardingly Reservoir.

The largest settlements in the central area are Cuckfield and Lindfield, lying to the west and north of the main town of Haywards Heath respectively.

The village of Cuckfield, is bounded to the north and west by the High Weald AONB. Land to the south slopes away giving fine views across the Weald to the South Downs. This area is characterised by small fields broken up by blocks of woodland and small streams that have created steep ghylls in the undulating landscape.

The historic part of the village centres around the narrow winding streets leading from South Street rising northwards through the High Street towards Whitemans Green. There are a number of Listed Buildings in the village including the Grade I Listed Church, constructed circa 1250 on the foundations of a twelfth century church.

Lindfield, lying immediately to the north of Haywards Heath, is famous for its picturesque High Street and village pond. The village Church dates from the 13<sup>th</sup> century and there are a number of buildings dating from the 15<sup>th</sup> and 16<sup>th</sup> centuries. The Common, lying to the south of the High Street, is an attractive open space with tree-lined roads and a variety of recreational uses

### The Northern Villages and Surroundings

The northern part of the District contains extensive areas of forest and large tracts of agricultural land comprising small fields bounded by hedgerows and tree lines. The area also includes parts of the gathering grounds of the reservoirs at Ardingly and Weir Wood. In terms of past industrial use, the area contains evidence of the past importance of the iron industry through the existence of many ancient hammer and furnace ponds.

The main villages in the northern part of the District are Copthorne and Crawley Down, with a combined population of approximately 10,000.

Copthorne is located in the Central Weald approximately 3 miles east of Crawley. The area rises from south to north forming a shallow escarpment along what is known as Copthorne Bank. Copthorne Common, dating back to the medieval period is divided into the Upper and Lower Common. Early growth of the village dates back to the nineteenth century around The Green with further development taking place in the post war period.

Crawley Down is located on a plateau, on a broad ridge running northwards from Turners Hill. The village really established itself at the end of the nineteenth century.

### **Details of authority ownership of land**

The Council owns around 460 individual sites. The vast majority of which are open spaces and recreation related buildings. A full list of the Council's assets was produced as part of the implementation of this strategy.

### **Current land use characteristics**

Mid Sussex is characterised by a number of towns, villages and hamlets set in extensive countryside

with large expanses of woodland. Agriculture remains the predominant land use, although only a small number of people are still actually employed in farming. Within the built up areas housing and employment uses prevail with a large number of people employed in the service and manufacturing industries.

### **Protected locations (natural habitats, etc.)**

#### Ashdown Forest

As a result of formal advice from Natural England, as of 13<sup>th</sup> August 2012 all planning applications within a 7km buffer zone around the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) resulting in a net increase in residential dwellings are required to mitigate their effects of increased recreational pressure on the forest. Ashdown Forest itself is located within Wealden District, however the 7km buffer zone affects a significant area of north east Mid Sussex, including East Grinstead, Turners Hill, Ardingly and Horsted Keynes. Appropriate Assessments are undertaken by the Council for all planning applications proposing a net increase in residential dwellings within the buffer zone. The evidence to support this approach is contained within the draft Habitats Regulations Assessment for the revised draft Mid Sussex District Plan (May 2012).

Within the District there are many areas that are afforded special protection:

#### South Downs National Park

On 31st March 2010, the South Downs became the 10th National Park to be designated in England. The South Downs National Park is over 1,600 square kilometres and stretches 100 miles from the edge of Winchester to Beachy Head, including the southernmost area of the Mid Sussex District.

#### Areas of Outstanding Natural Beauty (AONBs)

Much of the District is countryside with some 58% of its area designated as Areas of Outstanding Natural Beauty.

The southernmost area of the District also forms part of the Sussex Downs Area of Outstanding Natural Beauty, which was designated in 1966. The Sussex Downs Area of Outstanding Natural Beauty is characterised by chalk hills, which gently dip to the south with a north-facing escarpment, which rears above the lowlands to the north comprising a mosaic of fields and woods.

The High Weald Area of Outstanding Natural Beauty designated in 1983 covers most of the northern half of the District. The Weald is a complex landscape comprising hills, ridges and valleys. The area is also characterised by large expanses of woodland.

#### Sites of Special Scientific Interest (SSSIs)

SSSIs are designated by Natural England as the best examples of the nation's heritage of biodiversity, wildlife habitats, geological features and landforms. There are 13 SSSIs within Mid Sussex.

#### Local Nature Reserves (LNRs)

These are areas that have been established by the District Council in consultation with Natural England, where it was considered that a habitat of local significance will make a useful contribution both to nature conservation as the principle function of the site and to education. There are six LNRs in the District.

### Sites of Nature Conservation Importance (SNCIs)

SNCIs are non-statutory sites, designated by local authorities on account of the special interest in their flora/fauna. There are currently 50 SNCIs in Mid Sussex District.

### Historic Parks and Gardens

There are nine registered Parks and Gardens of Special Historic Interest in Mid Sussex.

### Key property types, e.g. ancient monuments

Within the District there are over 1000 Listed Buildings, of which the majority are Grade II.

There are over 1000 sites of archaeological interests within the District of which 25 are Scheduled Ancient Monuments.

### Key surface water resource/protection issues

Mid Sussex is located in a relatively high geographical position. The District largely drains southwards into the English Channel via the Rivers Adur and Ouse. The area east of Burgess Hill and Hassocks drains westwards into the water system of the River Adur.

The Haywards Heath/Cuckfield area drains eastwards and joins the River Ouse. This is the most important River within the District, canalised to enable the building of the Balcombe viaduct. This river rises from Ardingly Reservoir to the north, which balances the River Ouse water system.

The north of the District, around East Grinstead and Ashurst Wood, drains to the River Medway that rises at Turners Hill to the southwest of East Grinstead. The upper reaches of the river system are managed by the Weirwood Reservoir.

The remainder of the northern part of the District drains into the headwaters of one of the tributaries of the River Mole, which rises at Copthorne Common.

Both the River Medway and the River Mole drain into the River Thames.

### **Industrial Land Uses**

Between the 13th and 17th centuries the Weald was one of the country's pioneering iron industry areas, containing many iron smelting furnaces. The legacy of the iron industry has created added interest with many man-made ponds remaining in the area.

There are also long established brickworks in the District at Horsted Keynes, West Hoathly and Burgess Hill (the latter now only produces tiles).

In addition, there are several industrial estates within the District; the largest and most notable being the Victoria Industrial Estate built on the former pleasure gardens in Burgess Hill. Other sizeable industrial estates include The Birches Industrial Estate and Charlwoods in East Grinstead, Burrell Road and Bridge Road in Haywards Heath, and Sheddingdean in Burgess Hill. In addition to these, there are a significant number of smaller industrial estates providing a valuable source of local employment.

### **Broad Geological Characteristics**

The geological make up of Mid Sussex changes across the district. Travelling from north to south, the Hastings Beds in the north stretch from Copthorne through East Grinstead to Haywards Heath. Further



south, Burgess Hill is built over Weald Clay. Thin strips of Lower Greensand and Upper Greensand cover the area around Hassocks and Hurstpierpoint before reaching the chalk at the foot of the South Downs.

The Low Weald is a broad low-lying clay vale, which runs around three sides of the High Weald through Kent, Sussex and Surrey, bounded for much of its length by the Wealden Greensand. Topography and soils vary with higher drier pockets of land on the outcrops of limestone or sandstone - which are commonly the sites of settlements - within the often flat and wet soils of the vale. The area is well wooded, with many of the fields created by woodland clearance. It is also rich in ponds and small streams. Ponds are also evidence of a history of brick making, marl pits and the iron industry.

The Low Weald area coincides with the outcrop of the Weald Clay, lying below the irregular escarpment of the Greensand belt and the Chalk. It gives rise to a broad vale that is typically low-lying and undulating, rarely exceeding more than 30 m - 40 m AOD with many areas as low as 15 metres. Towards the south, the undulations become rolling and larger in scale.

Localised deposits of limestone and sandstone form gentle ridges and high points throughout the Low Weald. In many places, these are the sites of farmsteads, hamlets or larger settlements. The Weald Clay produces heavy, poorly drained soils, which are nutrient-poor and are largely used as pastureland, with use for arable crops less common.

From 1<sup>st</sup> April 2010 the Environment Agency's Groundwater Protection Policy started using new aquifer designations that are consistent with the Water Framework Directive. These designations reflect the importance of aquifers in terms of groundwater as a resource (drinking water supply) but also their role in supporting surface water flows and wetland ecosystems.

The aquifer designation data is based on geological mapping provided by the British Geological Survey. The maps display the following aquifer designations:

#### Principal Aquifers: (highly permeable).

These are aquifers important for public drinking water supply and other purposes due to the rate at which the particular geological formation will yield water during abstraction. Within Mid Sussex, the Lower and Upper Greensand and Cretaceous Chalk are the principal aquifers. In terms of location, one principal aquifer is based in an east-west belts stretching from the District boundaries and covering Hassocks and Hurstpierpoint. A section of this aquifer includes a section extending from Poyning's Crossways west along the Henfield Road and south to Fulking and across to the District Boundary at Edburton. A further principal aquifer is located from Clayton southwards, including the South Downs and stretching to the coast. In most cases, principal aquifers are aquifers previously designated as major aquifer.

#### Secondary Aquifers: (variably permeable).

These include a wide range of rock layers or drift deposits with an equally wide range of water permeability and storage. Secondary aquifers are subdivided into two types:

Secondary A - permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formerly classified as minor aquifers. The majority of the District north of Burgess Hill is classified as a secondary A aquifer lying on Tunbridge Wells Sand and Ashdown Beds.

Secondary B - predominantly lower permeability layers which may store and yield limited amounts of groundwater due to localised features such as fissures, thin permeable horizons and weathering. These are generally the water-bearing parts of the former non-aquifers.

Secondary Undifferentiated - has been assigned in cases where it has not been possible to attribute

either category A or B to a rock type. In most cases, this means that the layer in question has previously been designated as both minor and non-aquifer in different locations due to the variable characteristics of the rock type.

It should be noted that principal aquifers can occur beneath secondary aquifers.

### Unproductive Strata: (negligibly permeable).

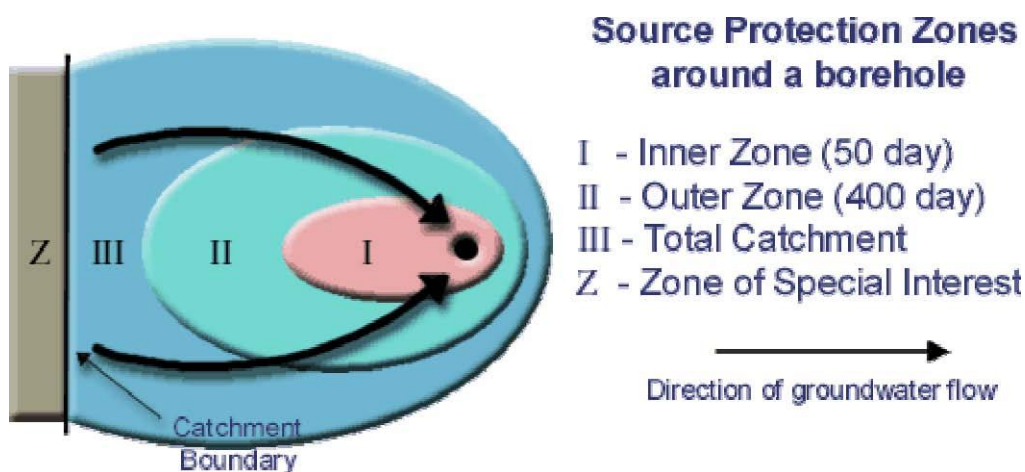
These are rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow. Principal or secondary aquifers may be present beneath unproductive strata.

### Source Protection Zones

Groundwater plays a fundamental role in the environment. It not only provides over one-third of all our drinking water but it also maintains the flow in many of our rivers. In some areas of southern England up to 80% of drinking water is from groundwater. The protection of groundwater is the duty of the Environment Agency.

There are currently nearly 2000 major groundwater sources for which Source Protection Zones (SPZ) have been defined by the Environment Agency (wells, boreholes and springs) used for public drinking water supply. The SPZ provide an indication of the risk to groundwater supplies, for which SPZ have been defined, that may result from potentially polluting activities and accidental releases of pollutants. Generally the closer the activity or release is to a groundwater source the greater the risk. Three zones (an inner, outer and total catchment) are usually defined although a fourth zone (zone of special interest) is occasionally defined.

The primary use of groundwater SPZ is to signal that within specified areas there are likely to be particular risks posed to the quality of abstracted groundwater at the source(s) to which the SPZ refer should certain activities take place nearby. Used in conjunction with the Environment Agency's Groundwater Protection Policy they offer an initial screening tool for assessing specific activities. The SPZ can also help pollution prevention measures to be more effectively targeted and planned in those areas most at risk.



source: Environment Agency

**Zone I (Inner Protection Zone)** - This zone is defined by a travel time of 50-days or less from any point within the zone at, or below, the water table. Additionally, the zone has as a minimum a 50-metre radius. It is based principally on biological decay criteria and is designed to protect against the transmission of toxic chemicals and water-borne disease.

**Zone II (Outer Protection Zone)** - This zone is defined by the 400-day travel time, or 25% of the source catchment area, whichever is larger. The travel time is derived from consideration of the minimum time required to provide delay, dilution and attenuation of slowly degrading pollutants.

**Zone III (Total catchment)** - This zone is defined as the total area needed to support the abstraction or discharge from the protected groundwater source.

**Zone of Special Interest** - For some groundwater sources an additional "Zone of Special Interest" may be defined. These zones highlight areas (mainly on non-aquifers) where known local conditions mean that potentially polluting activities could impact on a groundwater source even though the area is outside the normal catchment of that source.

The shape and size of the zones is controlled by many factors. Some of these reflect natural ground (hydrogeological) conditions, other environmental factors and the operation of the groundwater abstraction.

Zones may be subject to change as additional data become available or when the hydrogeological regime changes, for example, through changes in the amount of water pumped out of the ground. The Environment Agency will update the SPZ data set at an appropriate frequency to ensure that the SPZ remain current.

### **3. AIMS AND OBJECTIVES OF THE INSPECTION STRATEGY**

#### **3.1 Aims of the Strategy**

The Council aims to identify actual and potential contaminated sites within the District by rational, ordered and efficient investigation, to remove unacceptable risk to human health and the environment and prevent the creation of new contaminated sites.

In order to achieve this aim, the Council will continue to:

- Reinforce a "suitable for use" approach enabling developers to design and implement appropriate and cost effective remediation schemes as part of their redevelopment project of contaminated sites to bring damaged land back into beneficial use;
- Identify sites which do not come under Environmental Protection Act 1990, Part 2A but could still be contaminated, to ensure that the land is suitable for its current use or can be made suitable for its intended future development use, where a receptor may be introduced;
- Record information on a public register stored as part of the corporate 'Geographical Information System' (GIS), showing the sites identified under Part 2A of the EPA 1990;
- Maintain a formal review mechanism between Environmental Health, Planning, and Building Control to enable more effective monitoring of contaminated sites undergoing redevelopment or with permission for redevelopment;
- Complete a review of all actual and potential sites of concern;
- Complete a risk assessment on each of the identified sites.

#### **3.2 Objectives**

The main objective is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health and the wider environment, assessed in the context of the current use and circumstances of the land and to prevent the creation of new contaminated sites.

The Council's main objectives are:

- Prioritise effort and resources for the investigation of potential contaminated sites by relating it to the potential risk to any receptor, as set out in Table 1, Appendix A (Categories of Significant Harm). These sites will include those where the Council may be the 'appropriate person' and evaluation will be carried out in accordance with the prioritisation procedure described in this document. This will ensure that site posing the greatest risk to human health or the environment are targeted first, irrespective of the appropriate person;
- Determine whether the sites are contaminated sites under EPA Part 2A, by identifying all receptors as set out in Table 1, Appendix A (Categories of Significant Harm) and all controlled waters within the District, by means of local knowledge and plans and contact with other agencies such as EA, Defra, Natural England etc; Receptors will generally be prioritised in the following order: humans (highest priority) > animals > plants > non-living property (buildings, for example) (lowest priority);
- Investigate sites not owned by the Council to establish who should bear responsibility for the remediation, and contact the owners or occupiers of the sites with information on the new regime and what it means for them, also requesting additional information of the particular site;
- Complete an assessment of all actual and potential contaminated land within the District where the Council has responsibilities by virtue of its current or former ownership or occupation, making use of historic records, local plans etc. Research of the Council's historical records relating to past ownership and potentially contaminative uses will be undertaken. However, it is understood the records may not be comprehensive due to the numerous changes of Councils and ownerships

which has occurred with Local Government reorganisation over the decades;

- Consider all available evidence that significant harm or pollution of controlled waters is actually being caused, considering contaminant - pathway - receptor;
- Evaluate the information gained from the assessment of actual and potential contaminated sites and prioritise them in accordance with their individual risk;
- Justify inspection of particular areas established as contaminated sites under Part 2A;
- To decide, after consultation, what remediation is required in relation to the site, either through agreement with the appropriate persons or by serving a remediation notice;
- Establish a liaison with other authorities and agencies for information exchange;
- Make information on all regulatory action taken by the Council on contaminated land available by way of a public register.

## **4. REVIEW OF THE COUNCIL'S CURRENT POSITION**

### **Investigating complaints of statutory nuisance**

The Council has a duty under the Environmental Protection Act 1990 to investigate complaints alleging that premises, accumulations or deposits are "in such a state as to be prejudicial to health or a nuisance". Current practice with respect to contaminated land complaints is that all such complaints of nuisance are investigated with a view to addressing the matter on an informal basis with the co-operation of the persons(s) responsible for the nuisance. Should a nuisance be substantiated and the Environmental Health section is unable to secure the cooperation of the person(s) responsible, the matter is dealt with through the service of an abatement notice under the above Act. The nuisance provisions of the Environment Protection Act 1990, are used with respect to contaminated land where the land in question does not fall within the definition of contaminated land under Part 2A of the Act, but is nonetheless causing a statutory nuisance.

### **Developing future land-use plans**

The current adopted Development Plan for Mid Sussex District Council is formed of the Mid Sussex Local Plan (adopted 2004) and the Small Scale Housing Allocations Development Plan Document (adopted 2008). Local Plan Policy CS20 and the supporting text in Paragraphs 10.49 - 10.51 address the issue of development on potentially contaminated land. All planning applications, (this encompasses applications for new development, redevelopment, changes of use and conversions) should have due regard to the policies of the Development Plan as well as national policies and guidance.

The Mid Sussex Local Plan is due to be replaced by the Council's District Plan at the end of 2013. Consultation on a Draft District Plan took place between October 2011 and January 2012 and a Revised Draft District Plan was released in June 2012. The District Plan will cover the period to 2031 and will be the main planning document used by the Council when considering planning applications.

### **Dealing with applications for planning permission and building control consent**

Many land-uses, new and old, pose potential threats of contamination. The Council's main role as Local Planning Authority is to consider the implications of new proposals and make decisions as appropriate.

A review of national planning guidance was recently undertaken to make it shorter and simpler. This resulted in the publication of the National Planning Policy Framework (NPPF) in March 2012, which sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaced the former Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS)

With regard to land contamination, the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location and that developers and/or landowners are responsible for securing the safe development of land. As a minimum, land should not be capable of being determined as contaminated land under Part 2A after it has been remediated via the planning process.

Approved Document C: Site preparation and resistance to contaminants and moisture, provides guidance regarding land contamination and Building Control with respect to the requirements of Schedule 1 to and Regulation 7 of the Building Regulations 2000 (SI 2000/2531) for England and Wales.

### **Responding to land charge enquiries**

Concerns about contaminated land have increasingly featured in the standard questions dealt with

through the conveyancing process, particularly during the 1990s when the Government was developing the idea of a register of contaminated land.

Section 3.12 of CON29 Part 1, Standard Enquiries of Local Authority, refers to information held on public registers relating to Contaminated Land.

### **Responding to requests for environmental information**

We receive requests for information regarding contaminated land. Such enquiries are generally responded to under the Environmental Information Regulations 2004. Many of these requests are complex, seek a wide range of information and take up a significant amount of officer time. As a consequence, a charge is made for providing this information to offset an element of the cost involved.

Although, at present, the extent of site specific information available is limited, it is intended that this will be developed and enhanced as the Strategy is progressed and further information becomes available.

### **Known information on contaminated land**

The Environmental Health section maintains records of those sites which have been known to be subject to past potentially contaminative uses or incidents in the Mid Sussex area. Records of known landfill sites provided by the Environment Agency and West Sussex County Council are also maintained. The maintenance of a database of such records enables easier and more efficient access to the available information.

## **5. LOCAL AUTHORITY PRIORITY ACTIONS AND TIMESCALES**

### **5.1 Priorities**

The Council has identified a large set of potentially contaminated sites within its District. These sites have been prioritised in order to identify those requiring more detailed assessment. This targets areas where contaminated land is likely to be identified and ensures that the most pressing and serious problems are located first.

The Council's main priority, therefore, is to identify actual or potential human health risks via ingestion, skin contact, inhalation or through fire/explosion. This main priority encompasses human health from drinking contaminated drinking water via groundwater contamination, which can affect a wider human health base than that within the immediate locality of a contaminated site.

The Council purchased a specialist software package to provide an initial screening tool in order to assist with the prioritisation of potentially contaminated sites on the basis of pollutant linkages. This enabled sites to be ranked against each other, allowing resources to be directed towards investigating the highest priority sites i.e. those areas where pollutant linkages are mostly likely to be found.

Analysis of data using the prioritisation software indicated that there were 56 high priority sites, 1,900 medium priority sites and 804 low priority sites.

#### Inspecting land Previously Developed

The Council has begun to inspect land subject to a potentially contaminative use that has previously been redeveloped. The inclusion of domestic dwellings, allotments and public open spaces on such land is a high priority and is ranked as such in the prioritisation procedure described above.

Those developments completed over 20 years ago have been given highest priority, as the standard of site investigation and remediation at the time of redevelopment is less likely to be that of current standards. This reflects the Council's high priority to inspect areas actually or potentially causing significant human health effects.

The Council will also re-examine the site investigation/remediation works undertaken for redevelopment works carried out from 1980 up until the present day.

### **5.2 Timescales**

The Council has set timetables for the completion of the various phases involved in inspecting its District. These timescales are subject to regular review in the light of the availability of future resources. The following is a breakdown of the practical steps that have been taken and are yet to be undertaken in order to complete and implement this strategy.



## **STRATEGY IMPLEMENTATION TIMETABLE**

<b>ACTION</b>	<b>DATES OF ACTION</b>
Take action to address urgent sites, when these arise.	<b>ONGOING</b>
Complete draft strategy and present for consultation.	<b>COMPLETE</b>
Complete strategy and present to the Cabinet for adoption.	<b>COMPLETE</b>
Compilation of all reasonably accessible information on previous potentially contaminative land uses, by reference to Historical Ordnance Survey maps, Council records, and other information sources, including information presented by the public. Relevant information will continue to be collected as the strategy is progressed.	<b>COMPLETE</b>
Compilation of information on sensitive receptors within the District.	<b>COMPLETE</b>
Undertake prioritisation of sites within the District and rank according to the likelihood of them being determined as contaminated, based on source-pathway-receptor.	<b>COMPLETE</b>
Undertake site inspections, including verification of the prioritisation, of the identified sites. By its nature the system for undertaking inspections will need to be flexible enough to take account of operational considerations such as incorporating inspection of the urgent sites or dealing with emergency incidents. The systems for undertaking site investigations will be kept under regular review.	<b>APRIL 2007 ONWARDS</b>
Complete detailed inspections of the highest priority sites.	<b>COMPLETE</b>
Publication of revised strategy	<b>JANUARY 2013</b>
Complete detailed inspections of the medium priority sites.	<b>2016</b>
Strategy review	<b>NOVEMBER 2017</b>

## 6. PROCEDURES

### 6.1 Internal management arrangements for inspection and identification

#### General – Roles and Responsibilities

The Council has assigned the following roles to address its responsibilities for preparing and implementing an Inspection Strategy.

<b>Work Area</b>	<b>Department / Individual</b>	<b>Role</b>
<b>Develop the Inspection Strategy</b>	Head of Housing, Environment Health and Building Control	To assume primary responsibility for coordinating the Council's Inspection Strategy.
	Contaminated Land Officer	To act as the coordinator for the Inspection Strategy.
	Environmental Health Planning Building Control Planning Policy	To support the coordinator in delivering the Council's inspection strategy.
<b>Carry out Part 2A inspection, liaison and enforcement</b>	Contaminated Land Officer	To undertake data management.
		To advise on and supervise the remediation of contaminated land.
	Contaminated Land Officer External Consultants	To undertake detailed inspection of land in accordance with Part 2A.
	Head of Legal Services	To provide legal advice and enforcement action.
<b>Resource Implications</b>	Cabinet	To consider financial implications.
<b>Respond to enquiries</b>	Contaminated Land Officer	To co-ordinate all external enquiries made in accordance with the Environmental Information Regulations 2004.
	Local Land Charges	To co-ordinate all land charges enquiries that may involve contaminated land.
	Planning	To co-ordinate all development control activities and relevant external enquiries that may involve contaminated land.
	Building Control	To co-ordinate all building control applications and relevant external enquiries that may involve contaminated land.
<b>Liaison with external organisations</b>	Contaminated Land Officer	To co-ordinate all external liaison concerning contaminated land inspection and enforcement.

Note: the Draft Inspection Strategies Advice Note<sup>1</sup> advises: “In identifying responsibilities it should be borne in mind that much of the information for, and resulting from, inspection is pertinent to other local authority functions, such as land use planning and development control, environmental protection and economic development. There may therefore be tangible benefits in ensuring that Part 2A roles and responsibilities are formally linked or integrated with other local authority activities.”

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<sup>1</sup> DETR technical advice note - page 8, para 1.3.

## **6.2 Considering local authority interests in land**

A search of the Council's archives was carried out to identify land previously owned/leased by the Council (including the former Cuckfield Rural District Council prior to 1974). Sites which are potentially contaminated as a result of the Council's former activities were identified.

The Council's existing land holdings have also been identified internally and prioritised along with the 'historical sites' in accordance with this strategy.

In general, the Council's interests in land has been considered along with all other potentially contaminated sites, the justification for inspection of any particular Council owned/leased land being in accordance with the inspection strategy.

## **6.3 Information collection**

The Council will continue to amass a large body of information during the inspection process, as many different sources of information are required to identify potential areas of contamination, potential receptors and pathways. These sources include:

- Historical maps and literature;
- Planning records and District Local Plan;
- Trade Directories;
- Ordnance Survey maps;
- Aerial photographs;
- Environment Agency groundwater vulnerability maps and source protection zones;
- Geological maps;
- Natural England designations;
- Land Registry records;
- Integrated Pollution Control register;
- Other local information/knowledge.

Information on the pollution of controlled waters will continue to be obtained from the Environment Agency.

Information on actual harm to humans will be obtained from the local health authority. Additionally, and in respect of other receptors information will be obtained from other regulatory agencies such as Natural England, English Heritage, adjacent District/Borough Councils, the County Council (including East Sussex County Council where appropriate, as both a neighbouring authority and particularly where land was previously within the jurisdiction of that County), and Parish Councils. In addition, members of the public, trade organisations and local interest groups are all valuable sources of information.

Formal contacts for all relevant regulatory agencies have been identified and are included in Section 11.

Information on possible receptors will continue to be identified through the relevant statutory agencies shown in Section 11 and from current ordnance survey maps and site visits.

Where information has been collected and verified as part of the inspection process, all relevant information will be recorded on the register once a site has been designated as contaminated land. Information collected and not placed on the register is available as public information subject to the Environmental Information Regulations 2004. However, information held prior to a designation decision will be treated as 'work in progress' and therefore may not be subject to the Environmental Information Regulations 2004.

## 6.4 Information and complaints

Information provided in the form of a complaint from a member of the public, business or community group will be dealt with in the following procedure.

All complainants may expect:

- Their complaint to be logged and recorded;
- A response within 5 working days or within 24 hours in a deemed emergency;
- To be kept informed of progress towards resolution of the problem.

Every effort will be made to resolve complaints quickly, but legislative requirements related to contaminated land will make resolution a slow process due to:

- Proof of a pollution linkage(s) before formal designation as contaminated land is possible, which may involve a detailed site investigation;
- Prior consultation with interested parties before designation as contaminated land;
- A statutory minimum of a three-month period between designation and serving of a remediation notice.

## 6.5 Information evaluation

The aim of the Council is to verify and evaluate all information that may be used in support of a contaminated land designation to ensure that the Council is in the best position to make a decision. Where further information is required to enable a satisfactory evaluation, the Council will take any necessary action available under its statutory powers. To assist in the evaluation of information, the Council will adopt all relevant and authoritative guidance such as Defra and Environment Agency technical guidance and other good practice publications.

Model Procedures for the Management of Land Contamination (CLR11) was published by the Environment Agency in September 2004 to provide the technical framework for applying a risk management process when dealing with land affected by contamination. The process involves identifying, making decisions on, and taking appropriate action to deal with land contamination in a way that is consistent with government policies and legislation within the UK.

The technical approach presented in the Model Procedures is designed to be applicable to non-regulatory and regulatory contexts that include:

- Development or redevelopment of land under the planning regime;
- Regulatory intervention under Part 2A of the Environment Protection Act 1990 or Part III of the Waste & Contaminated Land (Northern Ireland) Order 1997;
- Voluntary investigation and remediation;
- Managing potential liabilities of those responsible for individual sites or a portfolio of sites.

When evaluating information as part of the inspection process, the Council will place a high value on factual data or events. For example, information obtained from Ordnance Survey maps will be assumed to be correct unless an alternative source confirms otherwise. Sites known to have had a former potentially contaminative use will be assumed by the Council to have some degree of relevant contaminants present. Whilst a proportion of these sites will have undergone some form of remediation in the past, they will initially be prioritised assuming no remediation has been carried out, thus ensuring that sites where remediation works were not implemented to current standards are identified.

## Evaluating Information on Actual Harm or Pollution of Controlled Waters

In evaluating information relating to actual harm occurring to the health of a living organism, ecosystem or property, the Council must be satisfied that the harm occurring is 'significant', in accordance with the statutory guidance. The Council will therefore not take account of harm to receptors other than that shown in Table 1, Appendix A.

When evaluating the degree of significant harm or pollution of controlled waters for the purposes of assessing the nature and degree of remediation, the Council will consider:

- Whether significant harm or pollution of controlled waters is already being caused
- The risk of the possibility of significant harm being caused or the likelihood of pollution of controlled waters
- The nature and importance of the receptor or controlled water
- The number of receptors which may be affected
- The nature and extent of the significant harm affecting the receptor(s) or the pollution of controlled water
- Whether the effects of the significant harm or water pollution would be irreversible.

The Council shall also consider in relation to significant harm or pollution of controlled water whether the receptor has already suffered damage or the controlled water has been polluted by other means and if this is the case, whether the additional effects of significant harm or water pollution would materially affect its condition.

When evaluating information relating to the pollution or likelihood of pollution of controlled waters, the Council must be satisfied that a pollutant is continuing to enter controlled waters or is likely to enter controlled waters. The Council will therefore not consider a substance already present in controlled waters where entry into controlled waters of that substance is no longer occurring and it is likely that entry will not recur.

Where the significant harm affects an ecological system, the Council will liaise with Natural England as part of the evaluation process. Similarly, where the receptor concerned is a designated ancient monument, the Council will liaise with English Heritage; where it is controlled water, with the Environment Agency; and where it is an agricultural crop or livestock, the Department for the Environment Food and Rural Affairs.

## Effectiveness of Previous Actions or Other Regimes in Preventing or Dealing with Contamination

Evaluation of the effectiveness of previous actions to deal with contamination will be carried out on a site-specific basis. These sites will be identified under the prioritisation procedure described in section 5 above, as there is no central record system of sites having undergone remedial action in the past. Remediation of contaminated sites within Mid Sussex has principally been dealt with through the development control process. However, in some cases, there may be little firm information on which to base a useful assessment.

When evaluating the effectiveness of any past remediation, the following factors will be taken into account:

- The nature and extent of the remediation works carried out;
- Whether the remediation works were completed and validated at the time;
- Whether the remediation works are sufficiently durable given the current use and circumstances of the land in question;
- Where past remediation works required on-going management and maintenance (for example the maintenance of gas venting or alarm systems), whether these systems have been maintained and

continue to be effective.

Where other regimes control certain activities or processes on land which require a license or permit (for example Waste Management Licenses under Part II of the EPA 1990 or authorisations under Part I of the EPA 1990), the Council will assume that the licence/permit conditions will provide a suitable level of environmental protection. However, should information suggest otherwise, the Council will liaise with the appropriate regulatory body.

## **7. GENERAL LIASON AND COMMUNICATION STRATEGIES**

The Council recognises that effective liaison and communication is an essential part of implementing its strategy. As part of this strategy, the Council established communication links with a wide variety of statutory consultees and interested parties to ensure efficient transfer of information, including the Environment Agency, Natural England, English Heritage and West Sussex County Council.

### Communicating with 'Appropriate Persons', Owners, Occupiers and Other Interested Parties

The Council's approach to its regulatory duties under Part 2A is always to seek voluntary action in the first instance provided that it is satisfied that the standard of voluntary remediation proposed is of an equivalent or better standard that would be specified in a Remediation Notice. The Council recognises that this approach will require effective communication with owners, occupiers and other interested parties. The Contaminated Land Officer will be the central contact point within the Council on contaminated land issues, and as such will keep owners, occupiers and other interested parties informed at each stage of an investigation.

The Council also recognises that, when communicating with major national landowners or companies, account will need to be taken of their corporate priorities with respect to remediation of contaminated land sites. It is the aim of the Council to work with representatives of such organisations to ensure that a suitable timescale is agreed, taking into account the nature and degree of risk to receptors from the contaminated land in question.



## 8. PROGRAMME FOR INSPECTION

### 8.1 Arrangements for carrying out detailed inspections of land

When inspecting land for contamination the Council will follow the approach set out in this strategy and act in accordance with Part 2A and statutory guidance. The aim of inspection is to determine whether a pollutant linkage exists and whether any land appears to be Contaminated Land as defined.

The Council will inspect the District to:

- Identify land where potential pollutant linkages exist;
- Gather evidence that pollutants are actually present;
- Determine whether land appears to be contaminated;
- Decide whether any land should be designated as a Special Site.

If it appears that any land in a neighbouring District or Borough may require investigation to ascertain whether it is contaminated land affecting the Mid Sussex District, the Council will inspect that land for the purposes of Part 2A in consultation with the appropriate local authority. Where it is clear from information available that any particular land would be a special site, the Council will seek arrangements whereby the Environment Agency would inspect the land.

Detailed inspection may include:

- Collating and assessing documents and information from other organisations;
- Assessing the geology and hydrology of the land;
- Liaison with owner/occupiers of the land and 'appropriate persons';
- Visiting land to make visual inspections and, in some cases, limited sampling e.g. surface deposits;
- Undertaking intrusive investigation of land, e.g. exploratory excavations.

Where necessary inspections of land will be conducted using statutory powers of entry. Before doing so, however, the Council will satisfy itself on the basis of information already obtained that:

1. There is a reasonable possibility that a pollutant linkage exists on the land; and
2. In the case of proposed intrusive investigation there is:
  - a) a likelihood that a contaminant is actually present; and
  - b) knowledge or a likelihood that a receptor is present, given the current use of the land.

The Council will not carry out an inspection using statutory powers of entry that involves intrusive investigation when detailed information has been provided on the condition of the land by the Environment Agency or some other person (i.e. the owner of the land), which provides an appropriate basis for the Local Authority to determine whether the land is contaminated in accordance with the requirements set out in Section 5 of the Contaminated Land Statutory Guidance, or a person offers to provide such information within a reasonable and specified time and the information is then provided in that time.

Any intrusive investigations will be carried out using appropriate technical procedures and taking all reasonable precautions to avoid harm, water pollution or damage to natural resources or features of historical or archaeological interest that might be caused as a result of the investigation.

If at any stage the Council considers, on the basis of information from a detailed inspection, that there is no longer a reasonable possibility that a particular pollutant linkage exists, the Council will cease detailed inspection of that linkage.

The following steps may form part of an inspection:

- Liaison with owners, 'appropriate persons', Environment Agency, Natural England, English Heritage and any other relevant bodies to obtain available information;
- Preparatory research on the history of the site and its environment before the visit such as viewing maps, Part A1, A2 and Part B permitted processes (IPPC), landfill site information and other documentary sources to identify past uses;
- Consider relevant Codes of Practice and other documentation available for identification of contaminated land;
- The visual identification of possible contaminants on the site visit i.e. geology, soil type and vegetation of the general area of the site, taking note of street names, boundaries and entrances, buildings, site debris etc.;
- Intrusive sampling if necessary for example by exploratory excavations.

### Health and Safety Issues

The Council will follow good technical practice in carrying out, and recording, detailed inspection work. The Council will take appropriate steps to ensure such work does not harm people (site workers, local residents and the general public) or damage the wider environment.

If the history of the site indicates that it may pose threats to personal safety, the Council will undertake the necessary procedures regarding this matter and have regard to documentation such as BS 5930 (1981) regarding mining, quarrying and waste disposal sites and/or HSE HS(G)66 Protection of workers and the general public during the development of contaminated land (1991) (HMSO).

If at any stage the Council considers, on the basis of the information obtained from a detailed inspection, that there is no longer a reasonable possibility that a pollution linkage exists on the land it will not carry out any further detailed inspection for that pollutant linkage.

### **8.2 Land that may be a Special Site**

If the Council has determined the land to be contaminated and it also falls within one or more of the 'special site' descriptions prescribed in the Contaminated Land (England) Regulations 2000 then the Council will, after due consultation with the Environment Agency, designate the land as a special site and notify the Agency accordingly. Special sites generally include:

- Prescribed industrial processes already primarily regulated by the Environment Agency for Integrated Pollution Prevention and Control (IPPC);
- The following industrial processes: Acid Tar Lagoons, Petroleum Refineries and Chemical Weapons Sites;
- Land used primarily by the Ministry of Defence (MOD), or at any time for specific weaponry or nuclear sites;
- Places at which drinking water is abstracted and action is required due to contamination affecting supplies;
- Controlled waters where water quality is seriously affected due to contaminated land;
- Land wholly or partially contaminated by virtue of radioactivity.

Assuming the Environment Agency agrees with the determination, the Agency will then become the enforcing authority for that land. The Council will endeavour to advise and assist the Agency upon request, for example when the Agency prepares remediation proposals. In the event that the Council and the Agency cannot agree on the designation of a special site, the matter will be referred to the Secretary of State for decision. It may of course be possible to agree on the transfer of potential special sites to the Environment Agency for investigation before they are formally designated as contaminated land. In such

instances a well-argued case will be presented to the EA whenever such sites are identified during the inspection process as to why the local authority considers the site under consideration might be special.

In some instances, the Council will seek to make arrangements with the Environment Agency to carry out an inspection of the land on behalf of the Council. Where the Environment Agency is to carry out an inspection on behalf of the Council, the Council will authorise a person nominated by the Agency to exercise the powers of entry conferred by section 108 of the Environment Act 1995. Before the Council gives such authorisation, the Environment Agency will have to satisfy the Council that the conditions for the use of statutory powers of entry set out in paragraphs 2.10 - 2.11 of the Statutory Guidance of Part 2A are met.

### **8.3 Making Arrangements for External Appointments of Consultants**

The Council has the sole responsibility for determining whether any land appears to be contaminated. The Council will not delegate this responsibility (except in accordance with Section 101 of the Local Government Act 1972). The Council may choose from time to time to rely on information or advice provided by another body such as the Environment Agency, or by a consultant appointed for that purpose. This also applies when the Agency carries out an inspection on behalf of the Council.

#### Determining that 'there is significant possibility of significant harm being caused'

The Council will determine whether land is contaminated on the basis that there is a significant possibility of significant harm being caused (as discussed in Section 1.1) where:

1. It has carried out scientific and technical risk assessments arising from the pollutant linkage, according to relevant appropriate, authoritative and scientifically based guidance on such risk assessments;
2. That the assessment carried out shows that there is significant possibility of significant harm being caused;
3. There are no suitable and sufficient risk management arrangements in place to prevent harm.

#### Determining that pollution of controlled waters is taking or is likely to take place

The Council will also determine whether land is contaminated on the basis that pollution of controlled waters is taking place or is likely to take place where:

1. It has carried out appropriate risk assessments arising from the pollutant linkage;
2. It has sought and taken into consideration site specific advice provided by the EA including any relevant guidance;
3. An assessment has been made that indicates that there are no suitable and sufficient risk management arrangements in place to prevent such pollution.

#### Frequency of Inspections

The Council from time to time will inspect its area for the purpose of identifying contaminated land (section 78B(1)). By doing this the authority will act in accordance with Section 2 of the Statutory Guidance.

#### Records of the determination that land is contaminated land

The Council will prepare a written record of any determination that particular land is contaminated. The record will include:

- Identity of site/owner/occupier;
- Date of sampling;
- A description of the particular significant pollutant linkage, identifying all three components - pollutant, pathway and receptor;
- A summary of the evidence upon which determination is based;
- A summary of a relevant assessment of this evidence;
- A summary of the way in which the authority considers that the requirements of Sections 4 and 5 of the Statutory Guidance have been satisfied.

This information will be recorded on a public register, showing the sites identified under Part 2A of the EPA 1990, stored as part of the corporate 'Geographical Information System' (GIS).

#### Risk communication strategy, especially with local communities

The Council, having obtained information from the detailed inspection, which indicated that there is a possibility of significant harm being caused to local communities, will have procedures in place to inform the local communities. The Council will notify the owners of any area of scientific interest (SSSI) and consult Natural England on any action which, if carried out by the owner or occupier of the land, would require the consent of Natural England under Section 28 of the Wildlife and Countryside Act 1981.

## 9. REVIEWING THE STRATEGY

This strategy will be reviewed every five years. An earlier review will be conducted if:

- a. there is any change in the legislation;
- b. there is any change in the statutory guidance issued by the Secretary of State;
- c. there is any change in key guidance in connection with site investigation;
- d. there is any change in proposed land use planning;
- e. there is any change in the local development plan.

The aim will be to conclude reviews within six months of any such change occurring.

### Review of Assumptions and Information (Triggers for Inspection)

Assumptions and information used in arriving at decisions as to the status of particular areas of land and/or the need for inspection will be reviewed every four years as a minimum. An earlier review will be conducted in the event of:

- a. proposed changes in the use of the land or surrounding land;
- b. unplanned changes in the use of land (e.g. persistent, unauthorised use of land by children or other members of the public);
- c. unplanned events (e.g. localised flooding, accidents, fires, spillages; where consequences cannot be addressed through other relevant environmental protection legislation);
- d. reports of localised health effects relating to a particular area of land;
- e. reports of unusual or abnormal site conditions from any source which are verified;
- f. new information received from any other statutory body;
- g. new information from owners or occupiers or other interested parties;
- h. new information or guidance on contaminants, pathways, receptors.

The aim will be to conclude reviews within three months maximum of any of the above events.

### Audit of Inspection Procedures

Inspection procedures will be audited in house on an annual basis.

## **10. INFORMATION MANAGEMENT**

Information is held on a Geographical Information System (GIS), which enables the Council to store and analyse data and to transfer it, when necessary, to external organisations such as the Environment Agency.

### **Data Confidentiality**

During preparation and implementation of this strategy, large amounts of information on previous land uses and associated contamination issues have been and will continue to be collected covering large areas of the Council. The confidentiality of all information generated or obtained (especially where provided by a third party) must be confirmed without delay and handled accordingly. Any third party involved should justify requests for information to be treated as confidential or subject to national security considerations. Some of this information will be sensitive and ultimately when in the public domain may have the potential to blight properties or areas of land. All information collected will be handled in a responsible and sensitive manner. When responding to specific enquiries about land contamination and associated matters, the Council will seek to respond as fully and promptly as possible and will act in full accordance with the Access to Environmental Information Regulations 2004 as amended.

## APPENDIX A

### TABLE 1 - CATEGORIES OF SIGNIFICANT HARM

Type of Receptor	Description of harm to that type of receptor that is to be regarded as significant harm
1 Human beings	<p data-bbox="776 338 1490 405">Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p data-bbox="776 443 1490 636">For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p> <p data-bbox="776 674 1490 737">In this Chapter, this description of significant harm is referred to as a "human health effect".</p>
2 Any ecological system, or living organism forming part of such a system, within a location which is: <ul data-bbox="180 909 732 1934" style="list-style-type: none"><li data-bbox="180 909 732 1003">~ an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981;</li><li data-bbox="180 1020 732 1087">~ any land declared a national nature reserve under section 35 of that Act;</li><li data-bbox="180 1115 732 1182">~ any area designated as a marine nature reserve under section 36 of that Act;</li><li data-bbox="180 1209 732 1276">~ an area of special protection for birds, established under section 3 of that Act;</li><li data-bbox="180 1304 732 1476">~ any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas);</li><li data-bbox="180 1503 732 1633">~ any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection;</li><li data-bbox="180 1661 732 1896">~ any habitat or site afforded policy protection under paragraph 13 of Planning Policy Guidance Note 9 (PPG9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or</li><li data-bbox="180 1913 732 1934">~ any nature reserve established under</li></ul>	<p data-bbox="776 774 1490 806">For any protected location:</p> <ul data-bbox="776 842 1490 1108" style="list-style-type: none"><li data-bbox="776 842 1490 972">~ harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or</li><li data-bbox="776 978 1490 1108">~ harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location.</li></ul> <p data-bbox="776 1146 1490 1339">In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there.</p> <p data-bbox="776 1377 1490 1507">In determining what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994.</p> <p data-bbox="776 1545 1490 1612">In this Chapter, this description of significant harm is referred to as an "ecological system effect".</p>

section 21 of the National Parks and Access to the Countryside Act 1949.

3 Property in the form of:

- ~ crops, including timber;
- ~ produce grown domestically, or on allotments, for consumption;
- ~ livestock;
- ~ other owned or domesticated animals;
- ~ wild animals which are the subject of shooting or fishing rights.

For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.

The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.

In this Chapter, this description of significant harm is referred to as an "animal or crop effect".

4 Property in the form of buildings.

For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.

Structural failure, substantial damage or substantial interference with any right of occupation.

For this purpose, the local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.

Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.

In this Chapter, this description of significant harm is referred to as a "building effect".



## APPENDIX A

### TABLE 2 - SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM

Descriptions Of Significant Harm (As Defined In Table 1)	Conditions For There Being A Significant Possibility Of Significant Harm
1 Human health effects arising from  ~ the intake of a contaminant, or  ~ other direct bodily contact with a contaminant	<p>If the amount of the pollutant in the pollutant linkage in question:</p> <ul style="list-style-type: none"><li>~ which a human receptor in that linkage might take in, or</li><li>~ to which such a human might otherwise be exposed, as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant.</li></ul> <p>Such an assessment should take into account:</p> <ul style="list-style-type: none"><li>~ the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question;</li><li>~ the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and</li><li>~ the duration of intake or exposure resulting from the pollutant linkage in question.</li></ul> <p>The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure.</p> <p>Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.</p>
2 All other human health effects (particularly by way of explosion or fire)	<p>If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning:</p> <ul style="list-style-type: none"><li>~ that type of pollutant linkage, or</li><li>~ that type of significant harm arising from other causes.</li></ul> <p>In making such an assessment, the local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give particular weight to cases where the pollutant linkage might cause significant harm which:</p> <ul style="list-style-type: none"><li>~ would be irreversible or incapable of being treated;</li><li>~ would affect a substantial number of people;</li><li>~ would result from a single incident such as a fire or an explosion; or</li><li>~ would be likely to result from a short-term (that is, less than 24-hour) exposure to the pollutant.</li></ul>

3 All ecological system effects If either:

- ~ significant harm of that description is more likely than not to result from the pollutant linkage in question; or
- ~ there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration.

Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.

4 All animal and crop effects

If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.

5 All building effects

If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or, in the case of a scheduled Ancient Monument, the foreseeable future), taking into account relevant information for that type of pollutant linkage.

## **APPENDIX B**

### **CATEGORIES OF POSSIBILITY OF SIGNIFICANT HARM TO HUMAN HEALTH**

A new four category system was introduced in the most recent statutory guidance for Part 2A of the EPA 1990 published by Defra in April 2012. The revised guidance sets out a legal framework for taking decisions on whether land is or is not contaminated in the form of a category based test, which is summarised below. Categories 1 and 2 would include land that is capable of being determined as contaminated land under Part 2A of the EPA 1990 on the basis of a significant possibility of significant harm to human health. Category 3 and 4 sites would not be capable of being determined on such grounds. A similar system can be used for determining whether or not a significant possibility of significant pollution of controlled waters exists, which is described in detail in the statutory guidance.

#### **Category 1: Human Health**

Land that is clearly contaminated and represents a high risk to human health. A significant possibility of significant harm exists or there is an unacceptably high probability, supported by robust scientific evidence, that significant harm would occur if no action is taken to stop it.

#### **Category 2: Human Health**

Land where there is little or no evidence that similar land, situations or levels of exposure have previously caused harm, but nevertheless the authority considers there is a strong case for taking action under Part 2A on a precautionary basis, having regard to the statutory guidance.

#### **Category 3: Human Health**

Land should be placed into Category 3 in the event that the strong case described above does not exist and therefore the legal test for significant possibility of significant harm is not met. The risks are not necessarily low but the authority considers that regulatory intervention under Part 2A is not justified.

#### **Category 4: Human Health**

Land that is clearly not contaminated. This includes land where no relevant contaminant linkage has been identified; or where there are only normal levels of contaminants in soil; or where contaminant levels do not exceed relevant generic assessment criteria (GACs), or other relevant technical tools; or where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to from other sources.

Defra has commissioned a research project with the aim of developing technical guidance to support the new Part 2A statutory guidance. It is proposed that Category 4 Screening Levels (C4SLs) will be developed to provide a test for deciding that land is suitable for use and definitely not contaminated land in the legal sense. It is intended that the C4SLs will represent a new set of generic screening levels that are precautionary but more pragmatic than existing GACs, soil guideline values (SGVs) and other screening criteria.

Note: The revised Statutory Guidance does not apply to radioactive contamination of land, which is now covered by separate statutory guidance published by the Department of Energy and Climate Change (DECC) in April 2012. Both sets of statutory guidance will apply in the event that land is affected by radioactive and non-radioactive contaminants. The enforcing authority should decide on the appropriate course of action having due regard to the relevant primary legislation and advice from the Environment Agency.

## **GLOSSARY OF TERMS**

<b>Appropriate Person(s)</b>	Any person who is an appropriate person, determined in accordance with Section 78F, to bear responsibility for anything which is to be done by way of remediation in any particular case.
<b>Contaminant</b>	A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.
<b>Contaminated Land</b>	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.
<b>Controlled Waters</b>	This embraces territorial and coastal waters, inland fresh waters and ground waters.
<b>Desk Study</b>	Interpretation of historical, archival and current information to establish where previous activities of the land were located, and where areas or zones containing discrete and different types of soil contamination can be expected to occur, and to understand the environmental setting of the site in terms of pathways and receptors.
<b>Detailed Investigation</b>	Main stage of on-site investigation involving sampling and analysis to characterize ground conditions for a specified purpose - may be undertaken on a single or a number (eg Stage 1 and 2) of successive stages.
<b>Harm</b>	Harm to the health of living organisms or other interference with the ecological systems of which they form part, in the case of man, includes harm to his property.
<b>Hectare</b>	10,000 square metres.
<b>Pathway</b>	The means by which a hazardous substance or agent comes into contact with or otherwise affects a receptor.
<b>Receptor</b>	The entity (eg human, animal, water, vegetation, building services etc) which is vulnerable to the adverse effect(s) of a hazardous substance or agent.
<b>Remediation</b>	(a) the doing of anything for the purpose of assessing the condition of: (i) the contaminated land in question; (ii) any controlled waters affected by that land; or (iii) any land adjoining or adjacent to that land; (b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose: (i) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or (ii) of restoring the land or waters to their former state; (c) the making of subsequent inspections from time to time for the purpose

of keeping under review the condition of the land or waters.

<b>Risk</b>	The probability that an adverse effect will occur under defined conditions.
<b>Risk Assessment</b>	The process of assessing the hazards and risks associated with a particular site or group of sites.
<b>Risk Estimation</b>	A conceptual stage of risk assessment concerned with estimating the likelihood that receptors will suffer adverse effects if they come into contact with, or are otherwise affected by, a hazardous substance or agent under defined conditions.
<b>Risk Evaluation</b>	A conceptual stage of risk assessment concerned with evaluating the acceptability of estimated risks, taking into account the nature and scale of risk estimates, any uncertainties associated with the assessment and the broad costs and benefits of taking action to mitigate risks.
<b>Significant Harm</b>	Any harm which is determined to be significant in accordance with the statutory guidance (that is, it meets one of the descriptions of types of harm in Appendix A, Table 1, second column.
<b>Significant Pollutant Linkage</b>	A pollutant linkage which forms the basis for a determination that a piece of land is contaminated land.
<b>Sites of Nature Conservation Importance - SNCIs</b>	These are locally important sites. "Orders" are made to conserve the nature interests on the land.
<b>Sites of Special Scientific Interest – SSSIs</b>	Sites of Special Scientific Interest (SSSIs) form a nationally important series which contributes to the conservation of our natural heritage of wildlife habitats, geological features and landforms. SSSIs are areas of land that have been notified as being of special interest under the Wildlife and Countryside Act 1981 or the National Parks and Access to the Countryside Act 1949.
<b>Special Site</b>	Any contaminated land: (a) which has been designated as such a site by virtue of Section 78C(7) or 78D(6); (b) whose designation as such has not been terminated by the appropriate Agency under Section 78Q(4). The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.