



BOURNEMOUTH BOROUGH COUNCIL

CONTAMINATED LAND STRATEGY REVIEW

REVIEW DOCUMENT - JANUARY 2008

PUBLIC PROTECTION

NON-TECHNICAL SUMMARY

1. *INTRODUCTION*

This strategy has been produced to update the Contaminated Land Strategy published in August 2002. The revised strategy looks at changes in contaminated land policy and guidance since the original strategy was published and assesses the progress made by Bournemouth Borough Council in terms of the goals set in the original strategy whilst also setting new aims and objectives to work towards in time for the next strategy review in 2013.

2. *THE BOURNEMOUTH VISION*

Work undertaken by Public Protection under this contaminated land strategy directly supports the Borough's corporate plan and the vision and priorities within it. In particular by tackling the risk posed by past land uses by cleaning up the resulting polluted land, either through the planning regime or by using Part IIA of the Environmental Protection Act 1990, the priorities of improving our environment and better planning are supported.

3. *SUMMARY OF CONTAMINATED LAND WORK COMPLETED SINCE THE INTRODUCTION OF THE ORIGINAL STRATEGY.*

3.1 *Part IIA of the Environmental Protection Act,*

- 3.1.1 840 sites with a potentially contaminating former land use were identified within Bournemouth through the collation and assessment of historical maps and a variety of different data sets. A programme has been implemented to ensure that these sites have had a preliminary risk assessment. This enables the sites to be prioritised for further inspection, with priority being given to those sites with the highest potential risk. Of the 840 sites 290 have had site walkovers, and Quicksan prioritisation has been undertaken on 242 sites.
- 3.1.2 In 2005 four sites were determined as having the highest potential risk. These are council owned closed landfill sites at Millhams Mead, Turbary Common, Kings Park and Iford Meadows. Detailed inspections have been carried out at these sites involving intrusive investigations such as the digging of trial pits, installation of boreholes, landfill gas monitoring and the analysis of soil samples. The gas monitoring results over the last year will shortly be available, and these will be used to determine what, if any remediation work will be required on these sites to protect nearby residents from gas migration. This work has been achieved through the successful application to (Department for Environment, Food and Rural Affairs (DEFRA)) for funding under grants and capital support.
- 3.1.3 In 2007 a further site was deemed as high priority and in December 2007 DEFRA confirmed that funding was available to undertake intrusive investigations at a closed landfill site on Elliot Road.
- 3.1.4 In addition a site on St Michaels Road has been the first site within the Borough to be formerly determined as Contaminated Land under Part IIA of the Environmental Protection Act (EPA) 1990. The site is in a residential area which has been affected by a fuel spillage to an above ground storage tank. This caused contamination of the soil around the tank and a risk to residents through the inhalation of hydrocarbon fuels. Remediation action

has now been undertaken to vent fumes causing a risk to human health and the land is deemed as no longer posing a risk.

3.2 Planning

Many potentially contaminated sites within Bournemouth are redeveloped through the planning regime. Public Protection officers work closely with planning officers to ensure that such sites are fully investigated and risk assessed. Where a risk from contamination is identified, Public Protection officers liaise with the developers to ensure the necessary desk top studies are undertaken. If contamination is identified officers ensure that a suitable remediation scheme is designed and implemented. Finally, once officers are satisfied with the action taken, the site receives a validation report to show that it is now fit for the new use. Since the introduction of the original contaminated land strategy in 2002, over 200 sites have been dealt with under the planning regime. Examples of sites which Public Protection have been involved with include the redevelopment of the former Allied Bakeries Site on Malmesbury Park Road into residential properties, and the proposed redevelopment of Exeter Road car park into an entertainment venue.

3.3 Conveyancing

Since the introduction of Part IIA of the EPA 1990 it has been a routine part of the conveyancing process to include an Environmental Search. If such searches undertaken by private companies reveal the potential for contamination, then purchasers and their solicitors frequently require additional information from Public Protection to inform their decisions. The information used to supply such searches is gained from records and reports held by the Business Unit and other data stored on the dedicated Geographical Information System (GIS). This system allows the overlaying of information in graphical form on top of current and historical ordnance survey mapping. Since the introduction of the EPA 1990 550 such searches have been undertaken

CONTENTS

1. Introduction and Background
2. The Bournemouth Borough Council Vision and Priorities
3. Dorset and New Forest Consortium
4. Overview of work completed to date outside of the inspection strategy
5. Progress on meeting the aims and priority actions identified in the original CLS
6. Revised aims and objectives
7. Changes in national legislation and policy
8. References and further information

1. INTRODUCTION/BACKGROUND

- 1.1 In April 2000 the government introduced Part II of the Environmental Protection Act (EPA) 1990. Under the provisions of this act each local authority (LA) has a duty to inspect the land within its area to identify contaminated land. The LA is required to publish a Contaminated Land Inspection Strategy detailing the approach it will take towards the identification and inspection of potentially contaminated land.
- 1.2 As a consequence of this the Bournemouth Borough Council adopted a Contaminated Land Strategy (CLS) in 2002. This documented Bournemouth's particular aims, objectives and priorities in conjunction with the methods to be used to inspect the Borough and record all information gained during the inspections. Statutory guidance also requires that the strategy is kept under periodic review.
- 1.3 Since the introduction of the contaminated land legislation in the form of Part IIA of the EPA 1990, Public Protection have been involved in considerable levels of work related to the contaminated land regime, primarily (but not only) through the following two areas:
 - Part IIA of the EPA - This involves detailed inspection of the Borough in line with statutory guidance and as detailed within the CLS produced in 2001. This area of work involves assessing whether potential contamination poses a risk to human health and the environment, based on the *current* use of a site.
 - The planning regime - Public Protection act as consultees to the Borough's Planning and Transport Business Unit, providing site specific advice on whether contamination on a site poses a risk to human health and the environment regarding the proposed *future* use of a site.
- 1.4 This review document provides information for Elected Members, residents and employees regarding the remit of work undertaken - both in terms of updating strategy and policy in relation to contaminated land and to report on progress to date. The Strategy for Contaminated Land will continue to meet the statutory requirement to publish and review an inspection strategy and consequently this report should be read in conjunction with the Contaminated Land Strategy published in 2002.
- 1.5 The Objectives of this review document for Contaminated Land are as follows:
 - To contribute to Bournemouth Borough Council's Corporate Plan
 - To provide an overview of work completed to date on the implementation of Contaminated Land outside of the Inspection Strategy
 - To discuss progress on meeting specific and general objectives relating to inspection of the Borough for contaminated land
 - To review changes to national legislation and policy changes since the introduction of the 2002 Strategy and how this affects the work of the relevant officers.
 - To set out updated and new objectives and aims on inspection procedures and progress in all areas of contaminated land regulation

2. BOURNEMOUTH'S VISION AND PRIORITIES

- 2.1 Since the adoption of the Contaminated Land Strategy (CLIS) 2002 the Borough has introduced new priorities and vision for Bournemouth. The work undertaken by Public Protection under the CLS directly supports these priorities through work to clear up the Borough's legacy of polluted land, making certain that future development is conducted in a manner which protects current and future residents of the Borough and ensuring that contamination does not impact on Bournemouth's ecosystems and unique water environment,
- 2.2 In May 2007 a new Council was elected, and the new Administration set out its priorities in the following terms, which have been incorporated into the Corporate Plan 2007/8.

Council Priorities:

1. Improving our Environment
2. Tackling Crime
3. Better Planning
4. Community Action
5. Efficient Council

Of these, work on contaminated land impinges on (1) in relation to enhancing our natural, built and social environment, on (2) and (4) since this work releases land for use which might otherwise provide a focus for undesirable activity and neighbourhood blight, on (3) in relation to long term planning which protects the character of Bournemouth, and on (5) in relation to responsive and effective services, which deliver value for money.

Council Investment Priorities:

1. Building schools for the future
2. Transportation
3. Pavilion Refurbishment
4. All-Weather, Family Attractions
5. More Affordable Housing

Of these, the work impinges on any aspect that may involve future development of contaminated land for residential and commercial building, or road use e.g. (1), (4), (5). Assessing and releasing 'brown field' sites for development relieves the pressure to build on other areas and keeps development costs down.

The contaminated land regime is aimed at ensuring that land within the Borough is "suitable for use", so different levels of remediation are appropriate for different land uses i.e. residential land would have a higher clean up/remediation standard than an industrial site. As outlined in statutory guidance, this approach limits remediation costs to what is necessary for sites on an individual basis and means that more previously developed land can be recycled thus helping to increase the economic, environmental and sustainability benefits from regeneration projects, Enforcing this approach in Bournemouth ensures and enables effective reuse

of many sites within the Borough and contributes to the thriving development and property market.

2.3 Since 2002 the Bournemouth Partnership has been renamed as "Bournemouth Vision 2026". The key themes of the Partnership for 2007 are:

1. Investing in people
2. A thriving economy
3. Safer and stronger communities
4. A sustainable environment
5. Health and wellbeing

Work on contaminated land ensures safe use of such land (3) also impacting on health and wellbeing (5). The specific implications for a sustainable environment (4) relate to the following key partnership issues:

2.4 Increased monitoring of environmental quality and act on that monitoring. (Contaminated land monitoring and action is clearly part of this key issue.)

2.5 Reduce the gap between greenhouse gas emissions and incorporation into the biosphere. (Contaminated land monitoring includes an assessment of greenhouse gas evolution from contaminated sites and inputs into future planning.)

2.6 Improve access to affordable housing of decent quality by increasing supply. (See comment under 2.2 above in relation to releasing brown field sites for development.)

3. THE DORSET AND NEW FOREST CONSORTIUM

- 3.1 In 2001 the local authorities of Dorset and the New Forest, who have responsibility for Contaminated Land regulation, established a working partnership to ensure county wide consistency and efficiency in the provision of regulatory and advisory services concerned with Contaminated Land.



- 3.2 The Dorset and New Forest Contaminated Land Consortium of Local Authorities is made up of the following members:-

- Bournemouth Borough Council
- Christchurch Borough Council
- East Dorset District Council
- New Forest District Council
- North Dorset District Council
- Purbeck District Council
- West Dorset District Council
- Weymouth and Portland Borough Council

- 3.3 The Consortium meets on a regular basis to review actions being taken under Part IIA of the EPA 1990, to discuss Contaminated Land problems common across the consortium and to keep abreast of legislative changes.

- 3.4 The Consortium collectively have contracts with WPA Consultants Ltd to provide expert advice and support on technical issues such as the development of IT support services and Planweb. In addition they provide consultative services with regard to complex remediation strategies for both Planning applications and detailed assessments for Part IIA of the EPA 1990.

- 3.5 One of the achievements of the consortium since 2002 was to produce an information booklet and standard planning condition, which is provided to developers when a site is proposed for redevelopment. This information ensures all planning applicants are aware of the need for contaminated land assessments and standards at an early stage.

- 3.6 At the present time the contract with WPA is up for review and the tendering process will be ongoing during 2008 with a view to letting the contract by the end of 2008.

4. OVERVIEW OF WORK COMPLETED TO DATE OUTSIDE OF THE INSPECTION STRATEGY

4.1 Planning regime -

4.1.1 The government have introduced targets in relation to the redevelopment of brownfield sites (sites which have previously been developed, often by industry) and also recognises that potential contamination is a material planning consideration. Public Protection liaises with the Planning and Transport Business Unit, developers and environmental consultants regarding the redevelopment of potentially contaminated sites. Public Protection officers, provide expert advice on the risks posed by contamination on site and oversee the investigation and remediation of sites. A Planning Advice Note has also been produced to provide guidance to developers in relation to their responsibilities regarding contaminated land.

4.1.2 A system of referrals for all planning application with the potential for contaminated land has been implemented in conjunction with Planning and Transport. On receipt of a planning application Public Protection officers check the IT database of known contaminated land sites within the Borough and also check on past uses of the site. Where a potential risk from contamination is identified further information is then required from the developer on a phased basis:

- A desk study documenting the site's history and potential contamination sources on site
- A site investigation report, detailing intrusive sampling and chemical analysis undertaken to assess actual soil and groundwater contamination levels on site;
- Quantitative risk assessment of actual contaminant levels found on site following current statutory and government guidance;
- Where the investigation and risk assessment reveals significant contamination, the developer must specify, and implement, a detailed remediation/mitigation scheme. This must avoid a risk arising both during the development phase and the occupation phase, thus ensuring the site will be suitable for its proposed use; and
- At the end of the works, a validation report confirming and detailing the correct installation of the approved remedial measures.

The process for planning application consultations can take some time, particularly for sites that require remediation works and a validation report. The process can take some months or even years depending on the level of contamination.

4.1.3 Public Protection keep up to date records of all planning consultations received. This is done using an internal database system. However this method of recording was not introduced until 2004. Prior to 2004 consultations were carried out on an ad hoc basis and not recorded specifically as contaminated land. This makes providing the number of consultations carried out prior to 2004 very difficult. Since the introduction of the current system Public Protection have been able effectively to record all activities undertaken regarding individual sites and have acted as consultees on over 200 planning applications. This process involves making

comments and recommendations which are used to inform planning officer's reports and decisions. Table 1 below shows the number of planning applications consulted on per year. It clearly shows that year on year the number of planning applications consulted on is increasing.

Table 1: Number of Planning Application Consultation

Year	No. of consultations
2001/2002	
2002/2003	
2003/2004	
2004/2005	11
2005/2006	33
2006/2007	110
2007/2008 (up to 2.01.08)	107

4.2 Contaminated Land Reports

4.2.1 Since the introduction of Part IIA of the EPA 1990 it has become a routine part of conveyancing searches to include an Environmental Search. The purpose is to ascertain whether the property being purchased is situated on, or affected by, contaminated land or land that has the potential to be determined as contaminated land in the future. It is common practice for these searches to be carried out by commercial search companies. Frequently, property purchasers who have initiated such searches turn to the Council to provide clarification or further detailed information in order to make decisions regarding their proposed purchase.

4.4.2 The provision of this additional information involves collating information from Public Protection records, historical mapping, previous site investigations, boreholes and monitoring records and compiling into a letter report with any appropriate maps and diagrams attached. The number of such enquiries received by the service unit is detailed in Table 2 below. This clearly shows that the number of enquiries has risen significantly over the last two years.

Table 2: Number of Conveyancing Enquiries Received

Year	No of enquiries/searches
July 2001/2002	45
2002/2003	31
2003/2004	60
2004/2005	60
2005/2006	60
2006/2007	111
2007/2008 (up to 2.1.08)	75

5. PROGRESS ON MEETING THE AIMS AND PRIORITY ACTIONS IDENTIFIED IN THE ORIGINAL CLS

- 5.1 It was identified within the CLS that the primary aim of Bournemouth Borough Council in respect to contaminated land was efficiently to collate and act upon all available information relating to possible land contamination in the Borough. This data would be collated by creating a Geographical Information System (GIS)
- 5.2 The secondary aim of the CLS was to create an electronic database integrated with its GIS
- 5.3 In order to achieve these aims a number of steps were taken. These are detailed in Table 3 below.

Table 3. Steps taken to meet the aims of the CLS

	Steps taken	Achieved?
1	<p>Review and collation of existing council records Public Protection and general historic data held within the council was examined and a database has been created in relation to petroleum licences and fuel tanks, IPPC authorisations, records of remediation already undertaken through planning</p>	Yes
2	<p>Collation of data from external sources Data has been purchased and collated from the following sources: British Geological Survey (BGS); Environment Agency (EA) - groundwater source protection zones; Landmark - historical land use data; historical Ordnance Survey mapping has also been purchased.</p>	Yes
3	<p>Creating GIS All data obtained has been transferred onto the electronic mapping project which is GIS these maps are layered with each layer containing different data sets. For example all closed landfill sites are shown on one layer of the maps and all fuel tanks can be viewed on another layer.</p>	Yes
4	<p>Creation of an electronic database integrated with GIS An access database has been created listing all the sites of potential concern that were identified through the total collation of information. This database contains factual information and file references for further information on each site where this is known. The database has been imported to the GIS so cross referencing between the two has been enabled.</p>	Yes

5.4 Further priority actions were identified within the CLS to ensure that the duties placed on Bournemouth Borough Council were met. These priority actions and considerations are discussed below in Table 4

Table 4: Priority actions

	Priority actions	Outcome
1	Identify and plan for action on council owned, or previously owned land	Many of the larger areas of potentially contaminated land are the responsibility of Bournemouth Borough Council due to the fact they consist of areas of former council operated landfill. Following risk assessments of these sites it was determined that detailed assessments were required and action is ongoing on 4 such former landfill sites
2	Identify and plan for action on sites known to Public Protection following data collection	Data was collected from various sources both within the council and from outside agencies such as Landmark. Sites were then earmarked for prioritisation according to identified past uses. See below for more detailed information
3	Identify and plan for action to meet the requirement to determine status of known sites	Depending on the past and current use of sites, desktop studies and site walkovers are ongoing on a programmed basis. Currently all sites with fuel tanks have been assessed and work has started on past hospital and railway sites.
4	Identify and plan for action for further investigations	Sites are allocated a risk category as per the CLS and the highest category sites have been taken forward for detailed inspection. Such detailed inspections need to be planned on a site specific basis and no generic plan can be derived other than to follow up to date guidance and best practice.

5	<p>Identify the working resources and time scale required for items 1-4 and prepare a plan to meet the commitment</p>	<p>Existing resources with Public Protection have been utilised to respond to the duties placed on the Council by PtIIA of the EPA. It was determined that officers would require specialist knowledge of the GIS systems and contaminated land issues and appropriate training has been undertaken. At present there are 2 1/3 members of staff who undertake contaminated land work in addition to other activities within Public Protection. The services of a contractor are used for more complex cases and to provide peer reviews of reports submitted under the planning regime.</p>
---	--	--

5.5 Details of further work to prioritise and assess categories was also presented in the original CLS. These matters are listed below and then discussed separately to assess the progress and achievements so far.

- Creation of prioritisation tool.
- Initial desk top study using “Quickscan” tool
- Initial site walk-over
- Prioritisation of potentially contaminated sites
- Detailed desk study and site walk-over
- Design and tender to consultants for intrusive sampling and risk assessment on site
- Design and implementation of remediation scheme if needed

5.6 Creation of prioritisation tool

5.6.1 A prioritisation tool called “Quickscan” was developed in conjunction with a Microsoft ‘Access’ database of potentially contaminated land. Quickscan assesses many of the specific factors at a site such as the receptors and potential pathways present as well as considering whether any previous remediation works have been undertaken. Based on the number of factors present and the size or significance of such factors each site is allocated a score allowing sites to be ranked in priority order based on the site’s score and the potential risk posed at each site.

5.6.2 Quickscan was initially intended to function solely as a prioritisation tool, but due to the amount of information which is input into the programme it is now being used as a preliminary desk study tool in addition to a prioritisation tool.

5.7 Initial desk top study using “Quickscan” tool

5.7.1 After collation of relevant information it was determined that there are 840 sites in Bournemouth which have a potentially contaminative former land use. These consist of a range of types. There are 320 sites that still have or have had fuel tanks on them for storing diesel or petrol such as former petrol stations or haulage yards. The remaining 520 sites consist of a wide

range of former industrial uses such as gasworks, quarries, scrap yards, landfill sites, chemical works, railway sidings, and past hospital sites amongst many others.

| 5.7.2 Consequently further site specific information needs to be gathered and assessed for each site. A “Quickscan” assessment has currently been undertaken on 242 of these sites. Sites which have the highest scores have a higher priority and are those which will require further investigation. Sites with low scores do not generally require further intervention, and will only require action if the use changes following a planning application.

5.7.3 It is hard to predict at this stage how many sites will require detailed intrusive investigations under Part IIA, however it is likely that many sites on the list would require investigation if they were redeveloped and the land use changed.

5.7.4 All future detailed investigations will be undertaken on a phased basis, firstly undertaking a desk study to further refine the risk assessment prior to determining the need for any intrusive investigations. In some instances where limited documentary information can be found it may be necessary to undertake minimal intrusive investigations to provide data to decide whether detailed investigations are necessary.

5.8 Initial Site Walk over

A site walkover proforma has been created to enable effective site visits to be undertaken. The site visit allows gathering of additional information to either confirm initial expectations determined from the desk study or to inform a further amended desk study and reassess the prioritisation of a site. Additional information is likely to include visual indicators such as whether surface staining is present, there is evidence of vegetation distress or non-uniform ground levels due to infilling. Approximately 300 site walkovers have been completed to date.

5.9 Prioritisation

Once all of the initial desk studies and walk-overs have been completed full prioritisation of all sites will be undertaken. All sites anticipated to be high risk are being assessed first, to enable the highest priority sites to be taken forward for detailed inspection.

5.10 Detailed desk study and Site Walk-over & Design and Tender to consultants for Intrusive sampling and risk assessment on site

5.10.1 Detailed inspection and site investigation has been conducted/are ongoing on 5 sites within Bournemouth as a result of the inspection strategy, these are discussed below. The approach taken Public Protection officers in investigating these sites is a phased approach as outlined in the DEFRA and Environment Agency (EA) guidance document CLR11 - Model Procedures for the Management of Land Contamination. Such a system involves completing a preliminary site investigation and risk assessment and then using the results of this phase to undertake more detailed assessment at the parts of the site necessary. This approach may take longer and involve additional work in organising and project managing each stage however, since investigation and risk assessment are extremely costly it is the approach which offers best value and avoids unnecessary expensive investigations.

- 5.10.2 After making successful applications for funding to DEFRA under the capital support scheme for in excess of £50,000, Site investigations and risk assessments have been carried out at four Council owned closed landfill sites. These sites are at Kings Park, Turbary Common, Millhams Mead and Iford Meadows. Our consultants WPA assisted in detailing works to be undertaken in carrying out site investigations including soil sampling, geophysical survey of the sites and landfill gas monitoring. Third party consultants were used to undertake these specialist functions.
- 5.10.3 The initial site investigations and risk assessments undertaken highlighted the need for further monitoring of landfill gases. This monitoring is currently ongoing.
- 5.10.4 In December 2007 a further application for funding to DEFRA under the capital support scheme for £59,000 was successful and site investigations and risk assessments will be undertaken in 2008/2009 at an additional closed landfill site at Elliot Road.

5.11 Design and implementation of remediation scheme

- 5.11.1 There is the potential that some level of remediation may be required on one or all of the sites discussed above. This will be dependant on the final investigation and risk assessment results,
- 5.11.2 Remediation has however already been undertaken at one site within the Borough. A complaint was received regarding diesel like fumes within a basement flat. Investigations uncovered a historic fuel tank spillage at a neighbouring property, and investigations confirmed that the vapours from spilled diesel were posing a potential health risk to the residents of the basement flat. Following site investigations and risk assessment, a report was submitted detailing a proposed remediation scheme by consultants appointed by the owner of the property where the spill occurred. Following a peer review of the remediation scheme by our consultants, WPA, works were undertaken to vent the vapours and as such remove the potential health risk to residents. The site is the first site within the Borough to be formerly determined as Contaminated Land under Part IIA of the EPA 1990.

6. REVISED AIMS AND OBJECTIVES

Revised aims and Objectives have been set to reflect changes in policy and legislation in addition to providing objectives to be achieved during the next three years:

- Complete categorisation and walkovers on the remaining potentially contaminated sites by the end of September 2010
- Commit to continuing to undertake detailed inspections and site investigations on the highest risk sites identified through prioritisation
- Publish 2nd review of Contaminated Land Strategy in 3 years time
- Update contaminated land strategy and policy in line with new statutory guidance regarding radioactively contaminated land
- Publication of a revised planning advice note for development on potentially contaminated land

7. CHANGES IN LEGISLATION AND POLICY

A number of changes to legislation, policy and guidance have been introduced since the publication of the original Strategy document in 2001. The main changes and their impact on Bournemouth's working practices and policy is outlined below.

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

7.1.1 published by DEFRA and the EA. These documents provide technical guidance relevant to the assessment of human health risk arising from long-term exposure to contaminants in soil and are considered to represent the key instruments for generic human health risk assessment. Officers within Public Protection have received formal training with regards to the contents and requirements of CLEA and incorporate the system into risk assessments undertaken by the Borough and in the assessment of risk assessments submitted via Part IIA or the planning regime.

7.1.2 CLEA 2002 has now been withdrawn and DEFRA has released an updated known as CLEA UK prior to a review, due shortly.

7.2 Withdrawal of the ICRCL guidance note 59/83 - December 2002

7.2.1 The ICRCL guidance notes 59/83 have been withdrawn and replaced by Soil Guidance Values (SGVs). The values had been widely used in contaminated land risk assessments since their introduction in 1997. However, it was considered that the derivation of the trigger values were not consistent with the definitions of contaminated land introduced by Part IIA of the EPA 1990 and were consequently no longer suitable for assessing the significant possibility of significant harm. As a result of this Public Protection no longer accept the use of ICRCL values as best practice in risk assessments submitted.

7.2.2 SGVs for individual substances are now considered to be consistent with the current statutory regime and represent the key instruments for generic assessment of the human health risks from contaminated land. As such Public Protection accept their use for consideration early on in the process of risk based management of sites.

7.3 Section 86 Water Act 2003 - February 2004.

7.3.1 This amended the definition of contaminated land in relation to pollution of controlled waters. *Section 86 of the Water Act 2003 states that Part IIA will only apply where "significant" pollution of controlled waters is being caused, or there is a "significant" possibility of such pollution being caused.* This change will ensure that only significant water pollution will trigger the regime, thus avoiding land being formally identified as "contaminated land" on the basis of very small amounts of matter entering controlled waters.

7.3.2 Upon the release of the statutory guidance Public Protection will consider such guidance and ensure that its contents are followed in regards to assessments of pollution to controlled waters.

7.4 Introduction of CLR 11 - September 2004

- 7.4.1 The Environment Agency published a technical framework for applying a risk management process when dealing with land affected by contamination entitled '*The Model Procedures for the Management of Land Contamination*', CLR 11 in September 2004. The process is consistent with policy and legislation (Part IIA of the EPA 1990) regarding contaminated land within the UK and involves a three-way approach to deal with contaminated land; identifying, decision-making and taking appropriate action.
- 7.4.2 The document is designed to be applicable to both redevelopment of land under the planning regime and regulatory intervention under Part IIA of the EPA 1990
- 7.4.3 This process is followed by Public Protection and it is expected that the procedures are used by consultants submitting documents for assessment under the planning regime.

7.5 Planning Policy Statement (PPS) 23: Planning and Pollution Control - November 2004

- 7.5.1 This document contained an annex 2 "Development on Land Affected by Contamination" which expands on policy considerations the Government expects local planning authorities to have regard to in taking decisions on applications in relation to development on land affected by contamination. It gives legislative and technical background and some examples of good practice to assist authorities. This document has been considered and guidance is now followed during consultations on planning applications

7.6 Radioactively Contaminated Land - August 2006

- 7.6.1 New regulations were brought about in England in August 2006 to deal with the protection of human health from radioactive contamination. As a result Part IIA of the EPA (1990) has been extended to include radioactive contamination. The extended regime provides a system of identification and remediation of land where contamination is causing lasting exposure to radiation of human beings and where 'intervention' is liable to be justified. Any guidance and best practice will be followed by Public Protection as necessary.

7. REFERENCES AND FURTHER INFORMATION

1. Bournemouth Borough Council Contaminated Land Strategy (2002):-
http://www.bournemouth.gov.uk/business/Environmental_Health/Pollution_Control/Contaminated_Land/Contaminated_Land.asp
2. The Building Regulations 2000 Approved Document C - Site Preparation and resistance to contaminants (2004 Edition) - Office of the Deputy Prime Minister
<http://www.planningportal.gov.uk/england/professionals/en/4000000000242.html>
3. Part IIA of the Environmental Protection Act 1990
This is the primary legislation referred to in Circular 02/2000 and includes the definition of contaminated land and how it is to be identified and dealt with.
http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900043_en_3.htm
4. Defra Circular 01/2006 "Contaminated land" (October 2006)
This Circular replaces DETR Circular 02/2000, describes the "Part 2A" regime and sets out the Statutory Guidance
<http://www.defra.gov.uk/environment/land/contaminated/pdf/circular01-2006.pdf>
5. The Model Procedures for the Management of Land Contamination, CLR 11 (2004)
These have been produced by the Environment Agency and have been developed to provide the technical framework for applying a risk management process when dealing with land affected by contamination
http://www.environment-agency.gov.uk/commondata/105385/model_procedures_881483.pdf
6. Planning Policy Statement 23: Planning and Pollution Control (ODPM 2004)
Annex 2 provides advice on the issues relevant to development and use of land that may be affected by contamination and the extent of controls operated through planning and environmental legislation
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps23/>
7. CLAN 5/06 The Extension of Part 2A to Include Radioactivity (DEFRA 2006)
<http://www.defra.gov.uk/environment/land/contaminated/pdf/clan5-06.pdf>
8. WPA Consultants Ltd homepage including links to the Local Authority Consortium, Landscan investigations and Planweb (GIS) can be accessed via:
<http://www.wpaconsultants.co.uk>