

# THANET DISTRICT COUNCIL

## CONTAMINATED LAND STRATEGY

Version 4.1

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## **1 EXECUTIVE SUMMARY**

Thanet District Council has produced this document to provide guidance for the identification, inspection, assessment, and remediation of land which may be designated as Contaminated Land. It is aimed at developers, land and property owners, members of the general public, and as a reference document for Council employees.

The Government has set a target for 60 percent of new homes in the UK to be built on previously developed land, also known as brownfield sites. Some of this land will be contaminated and can only be developed safely using a risk-based approach. This will normally be regulated through planning and development control regimes.

The Government recognised that not all sites will be covered by these regimes. Section 57 of the Environment Act 1990 inserted Part IIA into the Environmental Protection Act 1990. This new legislation is intended to compliment existing controls, causing the area within the district to be inspected by the Council to identify sites of contaminated land.

This strategy guidance describes how Thanet District Council will meet its statutory duty under the new legislation. In particular it sets out how the Council will follow the statutory guidance and legislation in relation to:

- Identification of Potential Sites of Contaminated Land
- Prioritisation of Identified Sites
- Inspection of Identified Sites
- Risk Assessing Inspected Sites
- Identifying Appropriate Persons
- Designating Contaminated Land Sites
- Apportioning Liability for Remediating Contaminated Land Sites
- Communicating with Interested and Appropriate Persons

## 2 INTRODUCTION

This strategy was created to provide an improved system for the inspection, identification and remediation of land where contamination is causing an unacceptable risk of significant harm to human health or the wider environment.<sup>1</sup>

The authority (Thanet District Council) intends to take a strategic approach to the diverse problems associated with contaminated land. Under the new regime it is now possible to tackle all problems resulting from contamination on or under the land as part of the same process. This will enable the Council to manage the issues more consistently and effectively over the entire district.

The Council recognises that with the increased demand for housing, and the resulting need to redevelop old Brownfield sites that this brings, the importance of ensuring that the land is suitable for its intended use and the risk of harm is even greater now than at any time in the past.

The Council intends to work in partnership with appropriate persons, providing guidance and information, to ensure contaminated sites are remediated to an acceptable standard. Where appropriate persons demonstrate a continual willingness to take voluntary remediation action, the Council will refrain from serving a remediation notice.

The following sections outline how the Council intends to fulfil its statutory role as regulator and enforcing authority for the identification, designation, and remediation of Contaminated Land.

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<sup>1</sup> The authority will refer to regulatory and statutory guidance at all times when carrying out inspections and assessments under its duties specified in Part IIA Environmental Protection Act 1990, as outlined in this strategy document.

### 3 REGULATORY CONTEXT

This section sets out the specific context of Part IIA of the Environmental Protection Act (EPA) 1990 and the duties which Local Authorities are required to carry out in accordance with them.

#### 3.1 STATUTORY DUTIES OF LOCAL AUTHORITIES

Under s.78A (2) Part IIA of the Environmental Protection Act (EPA) 1990 contaminated land is given the following definition:

*“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 significant possibility of such harm being caused; or*

*(b) pollution of controlled waters is being, or is likely to be caused”*

While the Council is responsible for identifying contaminated land within the Thanet district, the Environment Agency is responsible for the enforcement of this legislation when dealing with the pollution of controlled waters and other ‘Special Sites’.

It should be noted that when Part IIA of the EPA 1990 came into force it specified that contaminated land was now not a matter for statutory nuisance action under s.79(e) in Part III of the EPA 1990.

**3.1.1 The Council recognises the need to inspect its area for the purpose of identifying any contaminated land within its boundary.** In relation to this, the Council is required to take a strategic approach to the inspection process. To achieve this the Council has commissioned this strategy outlining how it proposes to carry out its duties under the legislation.

**3.1.2 The Council has a duty to inspect the land within its boundary with the aim of assessing whether the land is suitable for its current or proposed use.** This can be broken down into three main elements:

**(a) Assessing whether land is suitable for its current use.**

The Council is required to identify any land where contamination is causing unacceptable risk to human health or the environment. The Council reviews each site with the aim of identifying significant pollutant linkages. This involves the identification of one or more contaminants (the Source), one or more vulnerable receptors to this contaminant (e.g. children playing, water protection zone etc.), and a pathway that the contaminant may utilise to reach the receptor. This is the Source – Pathway – Receptor principle of risk assessment. Where contamination of this nature is identified, it is the role of the Council to identify the appropriate person(s) responsible for the remediation of the land.

**(b) Ensure that land is made suitable for any new use, as planning permission is given for that use.**

This requires the site to be risk assessed, taking into account the potential for significant harm from contamination, based on proposed future use. The Councils' planning department will consult with the Environmental Protection Team and in particular the Contaminated Land Officer when assessing planning applications that involve sites where actual or potential contamination exists. Applicants will be expected to demonstrate the site's suitability for the proposed use, or how it will be made suitable as part of the development process.

**(c) Limit requirements for remediation to the work necessary to bring the level of risk of significant harm to human health or the environment to within acceptable levels, taking into account the current or proposed use.**

Any change in this current or proposed use may require further remediation. Therefore, it is within the appropriate person(s) or developers best interest to identify all current and proposed uses to avoid unnecessary cost and wasting of resources.

It should be noted that the contaminated land regime and legislation is not applicable where contamination has resulted as a result of a specific breach of an environmental license or permit. In this instance the polluter is required, under the relevant regulatory regime, to remove the contamination completely.

**3.1.3 Once the land within the Councils' boundary has been inspected and if appropriate a risk assessment carried out, the Council has a duty to determine whether the land should be categorised as 'contaminated land'. This is carried out by the Environmental Protection Team and in particular the Contaminated Land Officer. (Section 8.0 of this strategy details how a site is identified, assessed and designated as contaminated land.) (See also TDC Local Plan 2001 EP4)**

**If a piece of land is determined as contaminated land, and the site is to be placed on the Contaminated Land Register, then the Council needs to establish the following:**

- (a) the owner(s) of the land in question**
- (b) the occupier(s) of all or part of the land in question**
- (c) the appropriate person(s) to bear the responsibility for any remediation action, which may be required.**

While this may not always be possible, the Council will act based on the best information available at any particular time. The Council will notify all persons identified under (a) – (c) above, as well as the Environment Agency of the fact that the land has been identified as being a potentially contaminated land.

At this point the Council is required to inform each appropriate person about the tests for exclusion from, and the apportionment of, liabilities set out in the regulatory guidance<sup>2</sup>.

**3.1.4** The notification to the Environment Agency by the Council enables the agency to decide whether it considers the site should be designated a special site, or if it wishes to provide site-specific guidance to the Council. The Environment Agency also requires this information to enable it to prepare updates on the progression of the contaminated land regime.

### **3.1.5 Powers of Entry**

Under Section 108(6) of the Environment Act, the Council has been granted powers of entry to carry out investigation. At least seven days notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment.

## **3.2 STATUTORY DUTIES OF THE ENVIRONMENT AGENCY**

The Environment Agency is responsible as the enforcing authority for Special Sites. These are sites designated either because pollution of controlled waters is being, or is likely to be, caused<sup>3</sup>. A Special Site is also any site meeting the requirements as a site of contaminated land, but also land which because of the type of contaminant present, or use, is required to be designated as a Special Site<sup>4</sup>. **In particular, the Environment Agency will:**

- (a) Manage and monitor the remediation of land determined as a Special Site.**
- (b) Take an active role in the remediation of areas where pollution of controlled waters is likely or has occurred.**
- (c) Provide technical advice and assistance in specialist areas of knowledge to the local authority**
- (d) Monitor and report on the progress and success of contaminated land remediation, strategy and local authority actions.**

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<sup>2</sup> DETR Circular 02/2000 EPA 1990: Part IIA, Contaminated Land, section D33

<sup>3</sup> Regulation 3, Contaminated Land (England) Regulations 2000

<sup>4</sup> Regulation 2, Contaminated Land (England) Regulations 2000

## 4 DEVELOPMENT OF STRATEGY

Due to the time requirement to draft a strategy the Environmental Protection Team, as part of the Environmental Services Department was given the responsibility for drafting an initial strategy, seeking specialist advice as required from relevant departments or agencies. **The Environmental Protection Team, and in particular the dedicated Contaminated Land Officer will be responsible for the implementation and enforcement of the main aspects of the Councils' regulatory duties.**

Once drafted the strategy will be issued to all persons, organisations, and agencies that may have a role, or recognised interest, in the content and operation of the contaminated land regime. This circulation will also include relevant departments within the Council. A set time will be issued for constructive feedback. A final copy of the strategy will be issued both internally and externally.

A programme setting out the Councils' implementation of the contaminated land regime is included in Appendix B. The programme set out in this strategy will be subject to review, depending on progress and the continual reassessment of priorities.

### 4.1 STRATEGY OBJECTIVES

**A primary aim of the Part IIA regime<sup>5</sup> is for the Council to carry out its approach in a strategic manner. The purpose of this strategy is to act as guidance for the Council, associated or interested parties and members of the community as to the identification, management and remediation of contaminated land.** In particular the strategy will guide the Councils approach to fulfilling its statutory duties, including the management of data and the contaminated land register.

**This strategy intends to encourage a rational, ordered and efficient approach to dealing with the issues involved in relation to contaminated land.** The strategy intends to ensure that any assessment in terms of contaminated land is proportionate to the seriousness of any actual or potential risk of harm to human health or environment. The aim of this Council is to identify the most pressing and serious sites first (in terms of risk of harm to human health or the environment). With this in mind, the Council will ensure that resources are concentrated on investigating areas where the Council is most likely to identify contaminated land. Where different land uses and types are present the Council will set out in this strategy to ensure that the requirements for the detailed inspection of particular areas of land is efficiently identified.

This strategy fulfils the requirement to issue the Environment Agency with details of how the Council intends to deal with the issue of contaminated land. Details of the Councils' progression in terms of following its strategy will also be forwarded to the Environment Agency on a periodic basis.

This strategy document, and a summary leaflet, will be made available to all residents of the Thanet district through Council offices and public libraries. Interested

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<sup>5</sup> Part II A is the section of the Environmental Protection Act 1990 (as inserted by the Environment Act 1995 and detailed in the Contaminated Land Regulations 2000) that sets out the statutory controls on Contaminated Land. Statutory guidance is available as DETR Circular 02/2000, Contaminated Land.

parties and organisations will also be able to access the strategy through these locations and the Council internet site (<http://www.thanet.gov.uk>).

## **5 CHARACTERISTICS OF THE THANET DISTRICT COUNCIL AREA**

The Isle of Thanet has a unique and varied character that may influence how the Council carries out its identification and risk prioritisation assessments. This section outlines the main characteristics that will be considered when developing an inspection strategy.

### **5.1 GEOGRAPHICAL LOCATION<sup>6</sup>**

The peninsula of the Isle of Thanet lies at the eastern most extremity of Kent, in the southeast of England. Urban development comprising the towns of Margate, Ramsgate and Broadstairs has largely covered Thanet's extensive and attractive chalk cliff coastline. Even so, the Thanet towns retain their separate identities.

Surrounding and penetrating the large urban area is gently undulating open countryside of large open arable fields consisting of some of the highest quality and most intensively farmed agricultural land in Kent and England. In the small rural hinterland are seven villages<sup>7</sup>.

Road communications to the rest of Kent are constantly improving with the main recent improvement being the dualling of the Thanet Way (A229). Ramsgate port and London-Manston airport provide the area with excellent links to the European mainland, only thirty miles away.

### **5.2 BRIEF DESCRIPTION AND HISTORY**

Up to the mid 1800's, the Thanet area was predominantly a commercial arable farming community with some seafaring activities. In particular, the Margate docks monopolised the corn trade to London in the 1850's. Broadstairs in the 18<sup>th</sup> and 19<sup>th</sup> century was known for its shipbuilding. Around this time, the area became popular for its seaside activities, in particular visitors from London. This popularity increased with the development of the train network to the area. Today tourism remains important but like other seaside resorts, this sector has suffered because of cheap 'sun holidays' abroad.

With an unemployment rate well above the average for Kent and one of the highest in England, Thanets' economic and social problems have been recognised through its designation as a Development Area (August 1993). Thanet has also been granted Objective 2 status under the European Structural Fund (January 1994).

In modern times, there is a predominance of light industrial employment with small to medium size firms, although heavier industry did take place. These are predominantly grouped on purpose built and historic industrial parks, but many are isolated amongst other urban development. The Council has identified the majority of these areas as part of its Local Plan<sup>8</sup>.

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<sup>6</sup> Taken from Thanet District Council Local Plan 1998

<sup>7</sup> A map illustrating the urban concentrations is included in Appendix D

<sup>8</sup> Isle of Thanet, Local Plan Proposals Map, 1998

### 5.3 SIZE AND POPULATION DISTRIBUTION

The area within the Councils' boundary is 10,322 hectares (25,505 acres), and has a population of approximately 130,000 people. 95% of the population live in the main urban centres of Ramsgate, Broadstairs, Margate and Birchington. The remaining 5% reside in the surrounding villages<sup>9</sup>.

### 5.4 COUNCIL OWNERSHIP OF LAND

The Council has extensive land ownership within the district. The majority of this land is in the coastal areas with some isolated areas throughout the remaining district. Land use includes primarily beach and holiday facilities, offices, business parks and housing. **The Council is currently in the process of creating a GIS system that will hold details of all Council owned land, size and use.** The existing Council records are paper based and labour intensive.

### 5.5 CURRENT LAND USE CHARACTERISTICS<sup>10</sup>

Thanet District is divided between 30% urban and 70% rural land uses (by area). With the exception of the seven villages, the majority of the rural area is in agricultural use, primarily for intensive arable production.

The main urban area is located around the coast. The main industrial areas are located at the centre of this urban zone, in and around the Westwood area. New industrial areas have been identified in the local plan at Rose Farm, Thanet Reach and Manston Park (north of London-Manston Airport). The airport itself is a major and prominent land use feature in its own right, comprising of more than 300ha.

#### 5.5.1 PROTECTED LOCATIONS (NATURAL HABITATS ETC.)

Most of the Thanet Coast (with the exception of Viking Bay, Broadstairs, and some areas around Ramsgate harbour) is covered by statutory nature conservation designations. The Thanet coast has also been identified as one of the 17 most sensitive marine areas in England. Kent Wildlife Trust and Kent County Council identified more than 250 sites of local or county importance in a recent Phase 1 habitat survey<sup>11</sup>.

Specific designations include two Sites of Special Scientific Interest (under the Wildlife and Countryside Act 1981, as amended), one Site of International Importance under the Ramsar Convention, one Special Protection Area (under EU Wild Birds Directive), and two candidate Special Areas of Conservation (under the EU Habitats Directive).

Certain parts of the district are also designated as Sites of Nature Conservation Interest (of county importance) and Landscape Protection Areas. (For details see Local Plan)

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<sup>9</sup> Appendix D includes an urban distribution map of the district.

<sup>10</sup> A map illustrating general land use characteristics is included in Appendix B.

<sup>11</sup> Appendix G : SSCI Schedules Thanet Local Plan 1998

### **5.5.2 KEY PROPERTY TYPES**

As well as its rich natural environment, the district has a rich historic environment with 1860 Listed Buildings, 15 Scheduled Ancient Monuments, and 16 Building Conservation Areas.

### **5.5.3 KEY WATER RESOURCE / PROTECTION ISSUES**

The Isle of Thanet has nearly 26 miles of coastline, which are characterised by a distinctive and rare combination of chalk cliffs and extensive sandy beaches. The district also contains large areas of low lying land, most comprising the former flood plain of the river Wantsum. Key water resource areas include those designated as of local, regional or national importance e.g. Sites of Special Scientific Interest.

Abstraction and water storage sites, along with groundwater source protection zones (SPZ's) comprise the remaining key water resource areas. Southern Water supply the majority of the District's drinking water.

### **5.5.4 KNOWN INFORMATION ON CONTAMINATION IN THE DISTRICT**

Known information on contamination in the district is primarily limited to previous industrial sites and redeveloped sites adjacent to the urban area. If development is proposed on an area of land where past use may have resulted in contamination, the Council may have requested a site investigation as part of a planning condition. If development proceeded on these sites, remedial works will often have been carried out to improve the site conditions. Planning records will therefore form a valuable resource during the investigation process.

### **5.5.5 CURRENT AND PAST INDUSTRIAL HISTORY**

There is a limited industrial legacy in the district. The main historical industrial activities included town gas production, electricity generation (former Richborough Power Station) and small scale metal processing. Historically the main land use was agricultural with some marine associated activities (e.g. boat building and shipping) carried out at the main coastal areas. Tourism later emerged for a time as a significant land use activity and employer.

Ink and chemical manufacturing are the current industrial sites of note. However, service industries are now the predominant employer.

### **5.5.6 GEOLOGICAL / HYDROGEOLOGICAL CHARACTERISTICS**

The Thanet Peninsula is predominantly upper chalk beds that plunge underground in the south. In the past, this layer was covered by a thin layer of younger rocks known as the Thanet Beds. Today these beds are only present in the south of the peninsula. In the southern most areas of the peninsula are some scattered deposits of drift or alluvium (silt). The chalk beds are not large aquifers but there are large areas of groundwater reservoirs that are used for mains water supply and agriculture. These groundwater reservoirs make up the bulk of the Environment Agency's groundwater source protection zones. Some clay beds exist in the former Wantsum Channel.

## **5.6 REDEVELOPMENT HISTORY AND CONTROLS**

Historically the main control mechanism for development and redevelopment has been through the planning system (as described in Planning Policy Guidance number 23, Planning and Pollution Control). This will remain as the primary control mechanism for development and redevelopment, using the contaminated land statutory powers to compliment and guide the planning controls when dealing with sites of potentially contaminated land.

## **6 CONTAMINATED LAND STRATEGY**

The contaminated land strategy sets out the process by which the Council will deal with identifying, prioritising, designating and remediating contaminated land sites.

### **6.1 OVERALL AIMS**

One of the principle aims of the Council is to set up an appropriate management system, i.e. a geographical information system (GIS) which will be used to identify areas of potential contamination using historical mapping and associated land use data. Additional information on groundwater and sensitive ecosystems will also be added to the system as individual datasets. The system will serve as an electronic copy of the contaminated land register and a working record of identified land that may require further investigation as to whether historical or current land use in the area may have contributed to the contamination of a site or controlled waters. Areas surrounding land that is subsequently identified as contaminated will also be assessed to ensure that any identified contamination has not spread to surrounding sites.

The Council will prioritise its identification and assessment of land within its district in terms of the potential sites of contamination that pose the highest risk of harm to human health and the wider environment. Following this prioritisation, the inspection and assessment of identified sites will be carried out in a strategic and organised manner.

Current and former sites of industrial and commercial (including agricultural) use will be highlighted as potential sites of contamination. This will be achieved using historic and current land use maps. The sites that pose the highest risk of harm to human health or environment will be evaluated first, with the sites that pose a lesser risk being evaluated last. The risk of contamination or infringement on the quality of human health and the wider environment will be evaluated in terms of the proximity of human settlements or activities, groundwater source protection zones, water abstraction points, the proximity of environmentally sensitive sites, and any other additional characteristics of the area which may influence the behaviour of a suspected contaminant.

### **6.2 OBJECTIVES AND MILESTONES**

The timescales for the main objectives and milestones are included in the programme of implementation table (Appendix B).

#### **▪ Draft and Issue a Contaminated Land Strategy**

The first objective of the Council is to draft and issue a contaminated land strategy that will provide rational, ordered and efficient guidelines for the identification, assessment, remediation or subsequent management of contaminated land within the district boundary.

- **IDENTIFY AND PRIORITISE SITES OF POTENTIALLY CONTAMINATED LAND**

The Council will prioritise effort and resources available with the aim of identifying sites of potentially contaminated land, which pose the greatest risk or potential risk of harm to human health or environment. The Council will at the same time identify all sites of potentially contaminated land where this Council may be the appropriate person. These will be evaluated in the same way as any other potential site where resources will be aimed at identifying the sites that pose the greatest risk of harm to human health and the wider environment first.

Identification will be achieved mainly by the use of existing information on file in relation to known contaminated or potentially contaminated sites, and employing the geographical information system's (GIS) use of current and historical maps to identify areas of current and former industrial, commercial or other use which has a potentially contaminative associated process. Trade directories and other local information guides will also be incorporated into the identification phase.

- **IDENTIFY LOCATION AND VULNERABILITY OF PRIMARY RECEPTORS**

In addition, in the desk study process the location and vulnerability of the primary receptors<sup>12</sup> will be identified and classified in terms of the risk of harm to human health or environment.

- **ASSESS AND EVALUATE THE RISK OF HARM FROM THE CONTAMINATED SITE**

Once the potential areas of contaminated land and the receptors have been identified, an assessment and evaluation will be carried out with regard to the possible presence of source contaminants and pathways. This will assist in determining what impact the identified contaminants may have on any receptors present.

- **IDENTIFY APPROPRIATE PERSONS**

Once a site of potentially contaminated land has been identified, the Contaminated Land Officer will inform all relevant internal departments. If the risk of harm from the potential contamination is evaluated as significant then the Council will inform the owner, occupier, appropriate person(s), and any external organisations which may have an interest in the site e.g. Environment Agency, Southern Water, English Nature etc. Details of communications and how they will be carried out as outlined under section 10 of this strategy.

- **CARRY OUT INSPECTIONS**

Where intrusive inspection of particular areas is required to make a decision on designation, the Council will inform all relevant organisations and, or person(s) in writing, stating the justification for these actions. The Council must be confident that there is a high risk of contamination being present, and that this contamination poses a significant risk of harm to human health or environment. Where it is believed that contamination exists but no pathway or receptor is present, then no further action is

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<sup>12</sup> DETR Circular 02/2000, Environmental Protection Act 1990: Part IIA, Contaminated Land, Table A, p. 73

required under the Environmental Protection Act 1990, Part IIA. The Council may negotiate with the owner, occupier, or appropriate person(s) to carry out further investigations at its discretion

▪ **CARRY OUT A PERIODIC REVIEW OF CONTAMINATED LAND OR LAND IN A CONTAMINATED STATE**

The Council will periodically review all identified sites of contaminated land or land in a contaminated state within the district to ensure that any assumptions and decisions made in relation to the nature of the site, its use, and any potential risk of harm to human health and environment is current and accurate. This review will be carried out at least every 5 years. The review will primarily be in the form of desk study and onsite visits.

## 7 PRIORITY ACTIONS AND TIMESCALES

**The Council recognises the need to set appropriate timescales for the completion of the various phases involved in the setting up and management of the contaminated land system within the district.** A table outlining the various stages and their expected completion dates is included in Appendix B.

## 8 PROCEDURES<sup>13</sup>

**The Council will manage contaminated land issues in a consistent and organised manner, taking into account statutory guidance and the objectives set out in this strategy.** This section details the level of service the business community and members of public can expect from the Council in dealing with these issues.

### 8.1 INTERNAL MANAGEMENT ARRANGEMENTS FOR INSPECTION AND IDENTIFICATION

Within the District Council, the Environmental Services Department has responsibility for the implementation of Part IIA EPA 1990. As part of the Environmental Protection Team, the Contaminated Land Officer is the lead officer on Contaminated Land, reporting to the Environmental Protection Team Leader, the Chief Environmental Services Officer and the Director of Community Services.

**The Contaminated Land Officer will deal with the day-to-day implementation of the strategy once approved by elected members. The Contaminated Land Officer will also be responsible for serving remediation notices, subject to consultation with the Environmental Protection Team Leader and the Councils' solicitor.**

Elected members will be informed at the earliest opportunity of any plans to designate an area of Council-owned land, or land where the Council is the “appropriate” person and may be liable for remediation costs.

### 8.2 CONSIDERING THANET DISTRICT COUNCIL INTERESTS IN LAND

As discussed later in section 8.7.3, inspection of Council-owned land will be carried out alongside the inspection of other prioritised sites.

### 8.3 INFORMATION COLLECTION

**Many sources of information will be required to identify potential sources of contamination and potential receptors.** These will include Historical Maps and Literature, Kelly's Trade directories, Ordnance Survey current maps, Environment Agency Groundwater Maps and Records, English Nature designation information, Geological Maps, Environmental Services Records, District Local Plan, Integrated Pollution Control Register, Council Land Registry records, and discussions with appropriate 'local knowledge' persons.

#### 8.3.1 INFORMATION PROVIDED IN THE FORM OF A COMPLAINT

From time to time, the Council may receive a complaint regarding contaminated land from a member of the public, business or community group. Interested residents may also voluntarily supply information relating to land contamination that is not directly affecting themselves, their families or their property. These complaints or offers of information may impact on the approach to inspection and so the procedures to be adopted are detailed here.

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<sup>13</sup> See Appendix C for an illustration of the Contaminated Land Inspection, Enforcement and Liability Apportionment procedures.

A complaint regarding contaminated land will be dealt with following the same procedure as currently used by the Environmental Services Department to deal with statutory nuisance complaints. All complainants may expect:

- (a) their complaint to be logged and recorded**
- (a) to be contacted by an officer regarding their complaint within three working days of receipt**
- (a) to be kept informed of progress towards resolution of the problem.**

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does however, present a number of obstacles to speedy resolution of problems:

- (a) proof of a viable pollutant linkage before any formal designation as contaminated land is permissible, which might only be possible with detailed investigation**
- (b) prior consultation with interested parties before designation as contaminated land**
- (c) a minimum of a three month period between designation and serving of a remediation notice**
- (d) the requirement for the enforcing authority to make every effort to identify the original polluter of the land (or “Class A” person)**

The regulations allow conditions (b) and (c) to be waived in extreme cases, but not conditions (a) and (d).

#### **8.4 INFORMATION EVALUATION**

When evaluating information as part of the identification, inspection and assessment process, the Council will place a high value on information based on factual events or data. For instance, information given on Ordnance Survey (OS) maps will be assumed correct until the information can be verified by an alternative source. Sites that have a known former use with known associated contaminants such as a former gas works site, will be assumed by the Council to have some degree of these contaminants present. While these sites may later be found to have had some form of remediation present, they will initially be prioritised based on their potential risk to the surrounding environment should no remediation have taken place.

Where information has been collected and verified as part of the inspection or assessment process then this will be recorded on the register once a site is designated as contaminated land. Information recorded, as a matter of public record will also be placed on the register where applicable. Information based on ‘hearsay’ or unsubstantiated will not be entered on the register. Such information is unsuitable for public use as it may be misleading. **Information held prior to the designation decision will be treated as ‘work in progress’ and therefore not subject to the Access to Environmental Information Regulations 1992.**

Where unsubstantiated information (including information provided anonymously) is available, this may be used by the Council to prioritise in terms of inspection and assessment timescales. In particular, information on real or potential source

contamination, pathways and, or receptors will be taken into account during this prioritisation. Any evidence that may back up the information must stand on its own merits in terms of justifying whether or not a site may be classified as 'contaminated land'. **No site will ever be classified as contaminated on unsubstantiated evidence alone.**

**The aim of the Council will be to verify and evaluate any 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 action available under its statutory powers. The Council will ensure that decisions are taken based on the best available information (in the opinion of the Council) with the aim of preventing harm to human health and the wider environment.

## 8.5 IDENTIFICATION

**The Council will identify all current and historic sites where potentially contaminative processes such as those in certain industrial or commercial sectors have taken place.** Sites used for storage or disposal of potentially contaminative substances such as industrial waste or fuel oil will also be identified. Areas of fill or former quarrying will be identified due to their potential to hold unknown material. Sites identified as part of this process will be primarily compiled with the use of current and historical land use mapping. Other sources such as trade directories, Council records, and other historical documents will be utilised.

The specific map data sets that will be utilised are:

### **Ordnance Survey Data**

- |                |                  |             |
|----------------|------------------|-------------|
| ▪ First Epoch  | (Scale 1:10 560) | 1877        |
| ▪ Second Epoch | (Scale 1:10 560) | 1898 – 1899 |
| ▪ Third Epoch  | (Scale 1:10 560) | 1907 – 1908 |
| ▪ Fourth Epoch | (Scale 1:10 560) | 1936 – 1946 |
| ▪ Fifth Epoch  | (Scale 1:10 000) | 1954 – 1995 |

### **Landmark Historical Use Data**

- Point Data

### **British Geological Survey**

- Geological Maps

Other map data sets that will be used include Environment Agency supplied information, existing Council records, and conservation designations.

This information is then entered on the GIS system. Sites will be reviewed to identify any potential contaminants (the source), pathways, or receptors that may be present.

Once this stage is completed, sites will be prioritised for inspection and placed in priority groups and categories.

## 8.6 RISK PRIORITISATION

Once potentially contaminated land sites have been identified, they will be prioritised for assessment based on the level of risk of harm they pose to human health or the environment.

The sites will be preliminary prioritised into groups based on current use<sup>14</sup>. For this purpose the following additional information will be identified and recorded where possible using current OS maps:-

- the boundary of the site
- the National Grid Reference for the approximate centre
- the presence of buildings or structures on the site
- type of development or land use on or near the site (within 50m and 250m)

Sites identified as potentially contaminated land will be placed into Priority Groups using the guidelines set out in the procedural flow chart 8.6a. A desk and visual inspection will then be carried out on each site in Priority Group A (see section 8.7.4). Once this is completed the sites will be placed into one of four Priority Categories using the guidelines set out in the procedural flow diagrams 8.6b and 8.6c. Details of the type of site that will be included in each category and the resulting action that will be taken is outlined in table 8.6.

<b>PRIORITY CATEGORY's</b>	<b>DESCRIPTION</b>	<b>COUNCIL RESPONSE</b>
<b>CATEGORY 1 HIGH RISK</b>	<ul style="list-style-type: none"> <li>• Site probably or certainly not suitable for present use and environmental setting</li> <li>• Contaminants probably or certainly present and very likely to have an unacceptable impact on key targets</li> <li>• Urgent Action needed in the short term</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out further inspections and assessments to determine source and extent of any contamination</li> <li>• Identify potential Appropriate Persons</li> <li>• Agree voluntary remediation or serve Remediation Notice and designate as Contaminated Land</li> </ul>
<b>CATEGORY 2 MEDIUM RISK</b>	<ul style="list-style-type: none"> <li>• Site may not be suitable for present use and environmental setting</li> <li>• Contaminants probably or certainly present, and likely to have an unacceptable impact on key targets</li> <li>• Actions may be needed in the medium term</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out further inspections and assessments to determine source and extent of any contamination</li> <li>• Identify potential Appropriate Persons</li> <li>• Agree voluntary remediation or serve Remediation Notice and designate as Contaminated Land</li> </ul>
<b>CATEGORY 3 MODERATE RISK</b>	<ul style="list-style-type: none"> <li>• Site considered suitable for present use and environmental setting</li> <li>• Contaminants may be present but unlikely to have an unacceptable impact on key targets</li> <li>• Action unlikely to be needed whilst site remains in present use or otherwise remains undisturbed</li> </ul>	<ul style="list-style-type: none"> <li>• Place site on review timetable for periodic inspection and assessment</li> <li>• Require a full contaminated land investigation report in line with BS10175:2001 to accompany any planning applications</li> </ul>
<b>CATEGORY 4 LOW RISK</b>	<ul style="list-style-type: none"> <li>• Site considered suitable for present use and environmental setting</li> <li>• Contaminants may be present but very unlikely to have an unacceptable impact on key targets</li> <li>• No action needed while site remains in present use and remains undisturbed</li> </ul>	<ul style="list-style-type: none"> <li>• Place site on review timetable for periodic inspection and assessment</li> <li>• Require a full contaminated land investigation report in line with BS10175:2001 to accompany any planning applications</li> </ul>

table 8.6

The categorisation of sites within priority groups will be carried out in a staged approach. The sites in Priority Group A will be reviewed, inspected and categorised

<sup>14</sup> CLR Report 6, 1995 'Prioritisation and Categorisation Procedure for Sites which may be Contaminated'

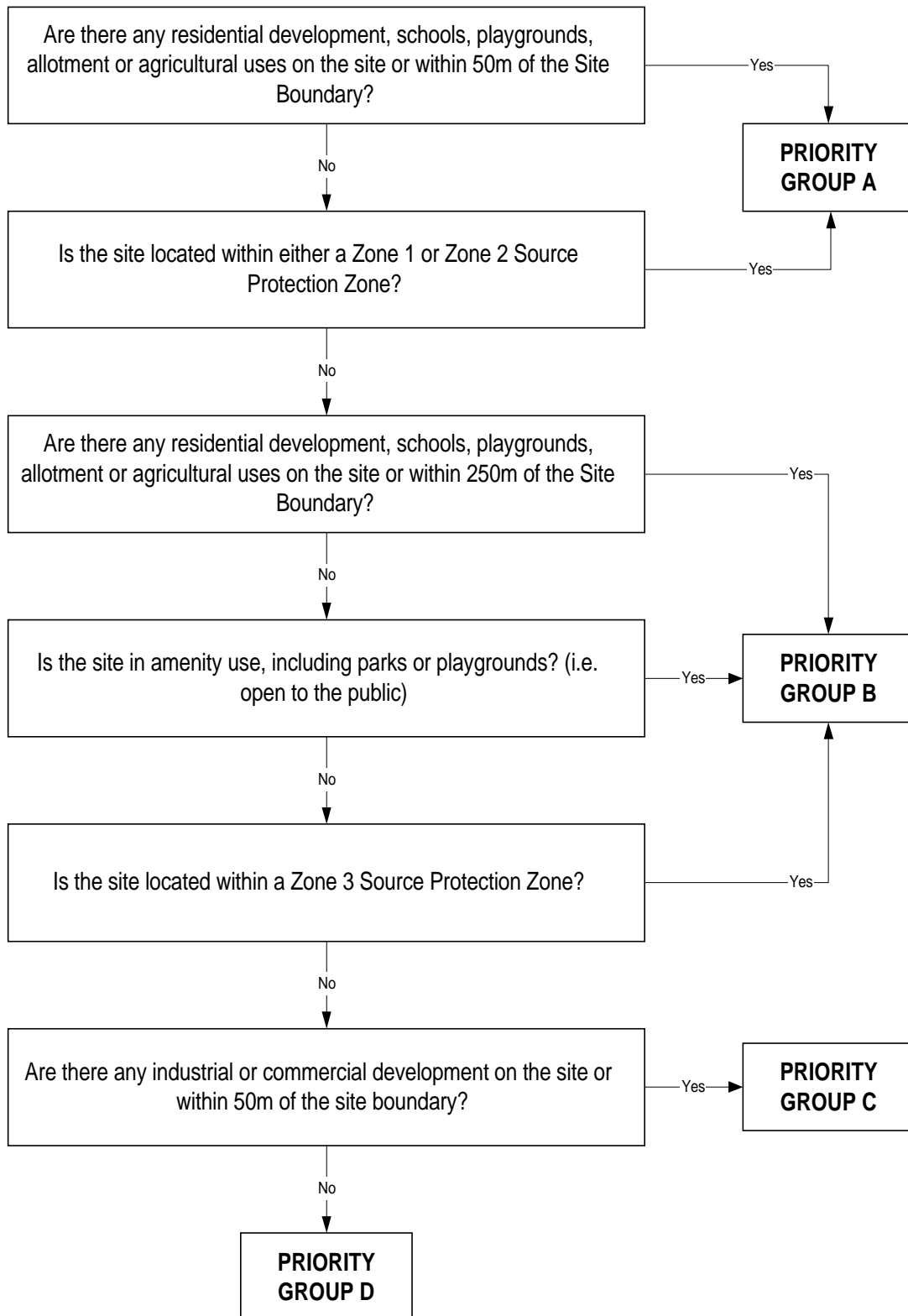
first. Once completed this process will be repeated for Priority Groups B, C and finally Group D.

Where sites pose a potential risk to surface and groundwater environments they will be assessed using both priority categorisation flow diagrams (8.6b and 8.6c). Where this is the case and two priority categories are identified, the highest priority category will be taken as the priority category for that site. The following example illustrates how one potentially contaminated site would be placed into priority groups and categories.

*A site (used as a fuel depot since 1962) had been identified as a potentially contaminated site due to its proximity to residential housing and its location within a Zone 2 groundwater source protection zone. The site was placed into Priority Group A (in line with flow diagram 8.6a). The two receptors of concern for this site are the residential gardens and the underlying groundwater aquifer. A preliminary site walkover identified significant black staining surrounding the majority of the tanks, particularly those adjacent to residents' gardens on the eastern boundary. The officer carrying out the site survey assessed that there was a significant likelihood that the contamination had migrated to the neighbouring gardens or would do so in the near future. In terms of the surface risk to vulnerable receptors, the site was placed into Priority Category 1 (in line with flow diagram 8.6b). Previous drilling records onsite identified an impermeable layer (3m below ground level) which would prevent any downward flow of hydrocarbon contamination reaching the groundwater aquifer. In terms of the risk to groundwater, the site was placed into Priority Category 2 (in line with flow diagram 8.6c). The highest priority category group is taken for the site as Priority Category 1 (table 8.6). (This example is for demonstrational purposes only and any similarities, which may exist with other sites, are purely accidental.)*

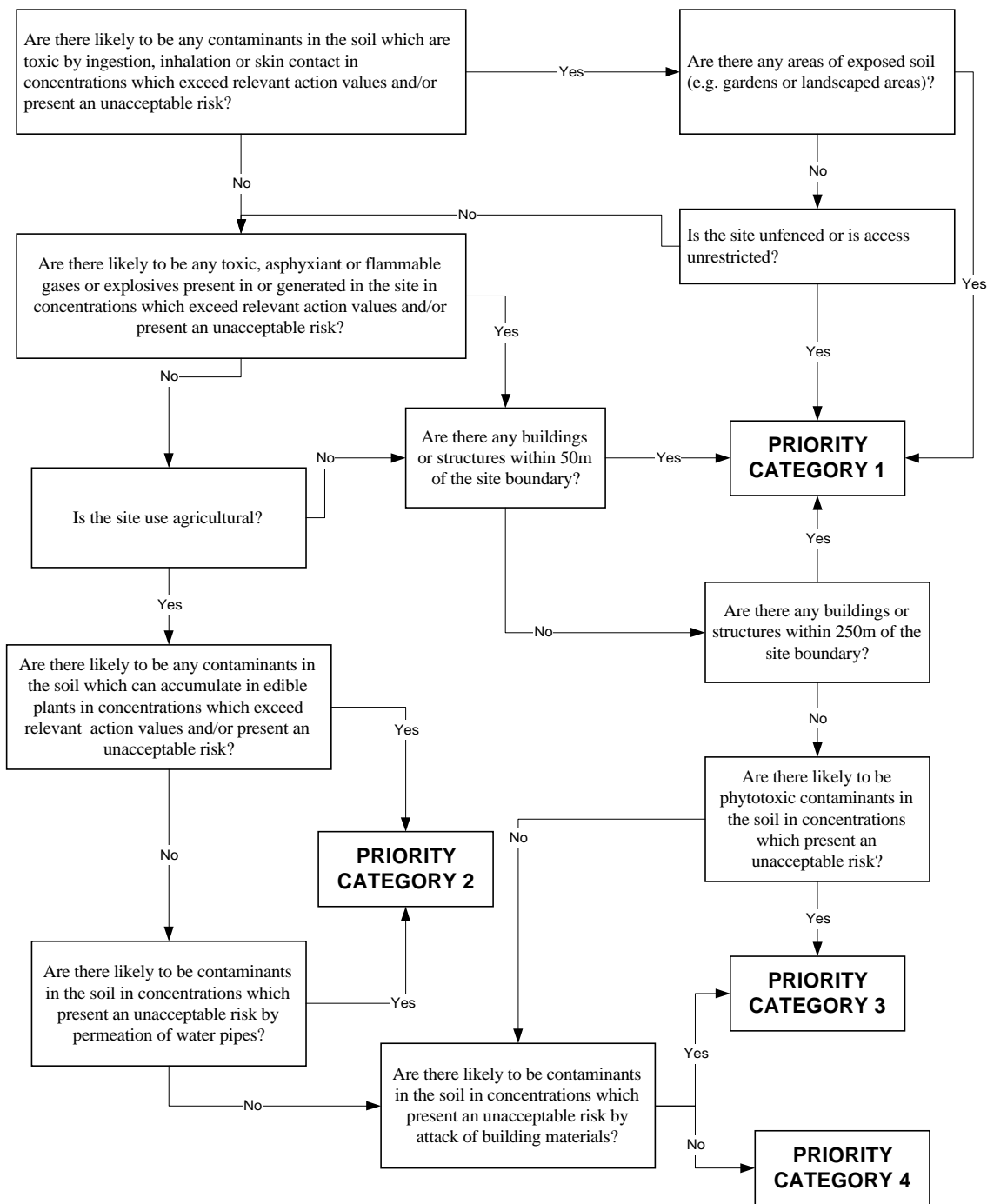
**Wherever a site is identified as posing an immediate risk of harm to human health or the environment it will be inspected and assessed as a matter of priority. Sites with a risk that is 'perceived' as high by the Thanet community will be reviewed and prioritised with an emphasis on completing the inspection process as early as practicable.**

## PLACING SITES INTO PRIORITY GROUPS BY ENVIRONMENTAL SETTING AND RECEPTOR



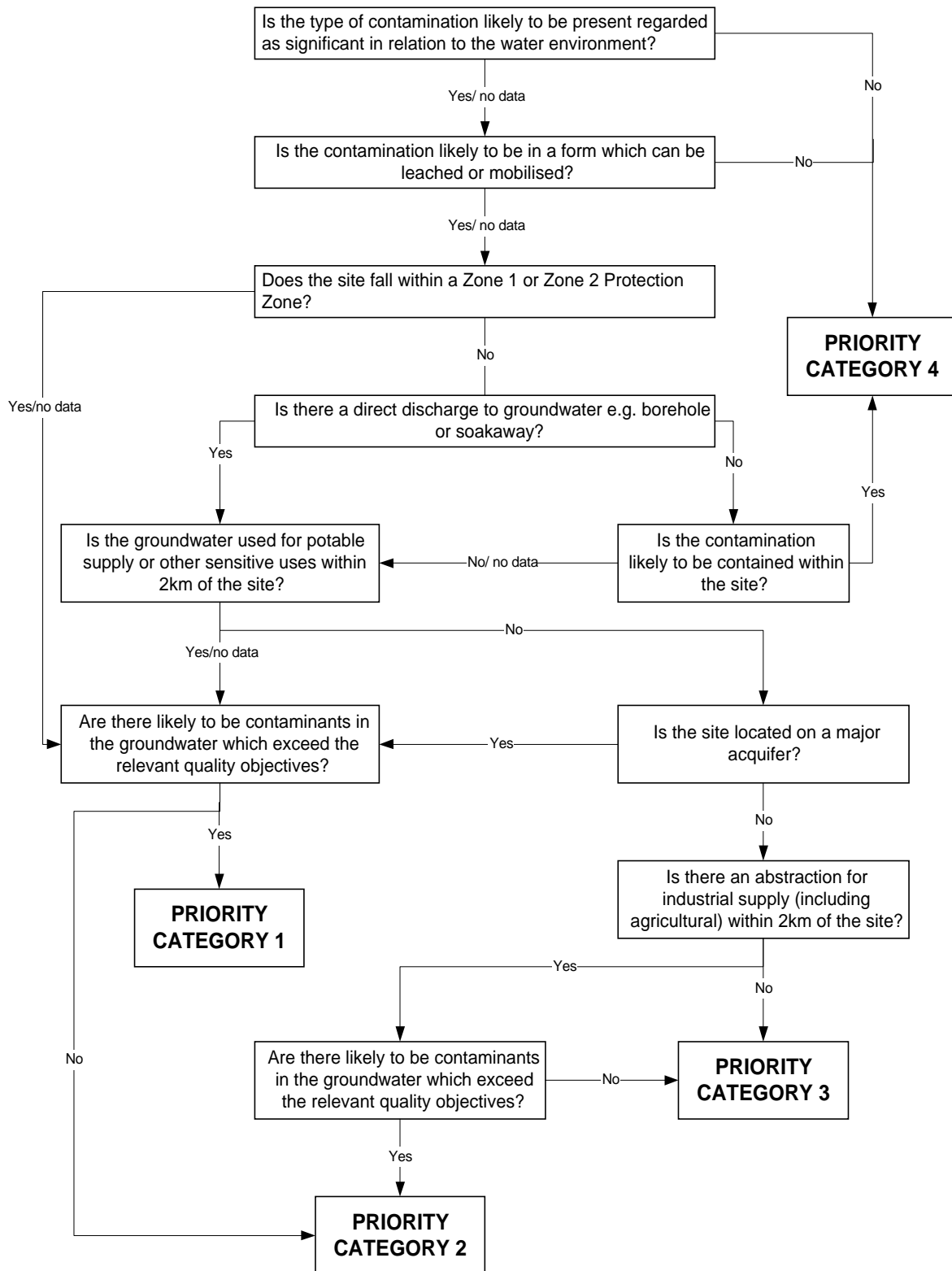
*flow diagram 8.6a*

## PLACING SITES INTO PRORITY CATEGORIES BY SOIL AND SURFACE SOURCES OR PATHWAYS



*flow diagram 8.6b*

# PLACING SITES WHERE GROUNDWATER IS AT RISK INTO PRIORITY CATEGORIES



flow diagram 8.6c

## 8.7 INSPECTION

In carrying out its inspection duty under section 78B(1)<sup>15</sup> the Council will take a strategic approach to the identification of land that merits detailed individual inspection. **This approach will:**

- a) **Be rational, ordered and efficient.**
- b) **Be proportionate to seriousness of any actual or potential risk**
- c) **Seek to ensure that the most serious problems are located first**
- d) **Ensure that resources are concentrated on investigating in areas where the Council is most likely to find contaminated land; and**
- e) **Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.**

### 8.7.1 CRITERIA FOR SELECTING AREAS AND INDIVIDUAL SITES FOR INSPECTION

**Sites will be prioritised for inspection based on the current use and proximity to vulnerable receptors (discussed in section 8.6). Once prioritised, the Council will focus on sites that pose the highest risk of harm. This is expected to include residential areas, groundwater source protection zones and environmentally sensitive sites.**

Thanet District Council owned land will be identified, prioritised and assessed in the same manner and in parallel with the remainder of the Thanet District.

### 8.7.2 ENVIRONMENTALLY SENSITIVE AREAS

As described under the characteristics of Thanet, the district contains a large number of designated environmentally sensitive areas. Where a site is identified as contaminated or potentially contaminated and is located within, adjacent to, or in the locality of an area designated as environmentally sensitive, the organisations or associations which have a vested interest in the designated area will be kept informed at all significant stages of the investigation process.

**Care will be taken at all stages of the inspection, assessment, and remediation process to ensure that the character and nature of the site and its designation will not be adversely affected.**

### 8.7.3 COUNCIL OWNED PROPERTY

**Sites of potential contamination where the Council may be the appropriate person will be managed and investigated in much the same way as other sites.**

The Contaminated Land Officer will review the Councils' available land records to compile a list of potentially contaminated land. The Contaminated Land Officer will then carry out an in depth desk study into the history of these sites, including an onsite walkover inspection. If these preliminary site assessments prove insufficient to determine whether the site is contaminated or potentially contaminated then an

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<sup>15</sup> Part IIA, Environmental Protection Act 1990 (as inserted by s.57, Environment Act 1995)

independent company may be contracted to carry out in-depth site investigations to determine what, if any course of action may be required.

Landfill Sites previously operated by the local authorities will be reviewed to determine if any significant risk is being posed to human health or the environment. All Council owned sites that have a potential to introduce contaminants into the surrounding environment, in particular, controlled waters, will be prioritised in line with their potential impact. Sites that may impact adversely on groundwater (particularly Source Protection Zones) or other vulnerable receptors will be prioritised for inspection.

**Where the Council is the only appropriate person identified it will begin investigations at its earliest opportunity to determine the remediation requirements for the site.** The Council will prioritise the remediation of the site in line with current DETR guidance and the actual or potential risk to human health and the wider environment. Remediation of the site to a standard suitable to its current or proposed use will then be carried out.

#### **8.7.4 METHODS OF INSPECTION**

**The Council will incorporate three main methods of inspection as part of its strategy to carry out the effective inspection of sites of potentially contaminated land.**

##### **(a) DESK INSPECTION**

This is a continuation of the identification process, with a detailed review of a sites specific history. This should identify any recorded pollution incidents and contaminants that may be associated with the site. If the site has a perceived risk of contamination present then a visual inspection will be carried out. A visual inspection will also be carried out if there are vulnerable receptors in the immediate area of the site.

##### **(B) VISUAL INSPECTION**

Where a site has been identified as part of a desk inspection, as a site that would pose a significant risk of harm to human health and the wider environment if contaminated, then a site walkover and visual inspection will be carried out. A suitable person who would be reasonably expected to identify any visual evidence of contamination that may be present should carry out this inspection. The Council will use all information collected to categorise the sites and decide whether further analysis of the site is required.

##### **(C) INTRUSIVE SAMPLING**

A desk study and visual inspection should give a reasonable level of information as to whether a site may be contaminated, and whether that contamination if present, would pose a significant risk of harm to human health and the wider environment.

There are three instances where further investigation and, or analysis may be required:

- (a) The desk study and visual inspection does not provide enough information to allow the Council to make a decision as to whether the site poses an actual risk of harm to human health and the wider environment.**
- (b) The Council has reason to believe that there is a high likelihood of contamination being present which would pose a significant risk of harm to human health and the wider environment.**
- (c) The Council requires further information to assess the sites suitability for current use or the type of contaminants present.**

In all of the above instances, the Council requires further information of an intrusive nature to determine the best course of action. Once intrusive sampling has been carried out the resulting action may be designation as contaminated land or that no further action is required. Alternatively, the Council may require a risk assessment of the site to enable it to reach a satisfactory decision.

As in the case of a visual inspection, intrusive sampling should be carried out by a 'suitable person'. This person will be appropriately qualified and experienced to carry out the necessary inspection and, or analysis. Examples of suitable persons would include suitably experienced consultants or professionals. Reports prepared by a suitable person should provide the Council with the information it requires to determine whether the site should be designated as contaminated land, and if so, what remediation is required to make the site suitable for its current or intended use.

#### **8.7.5 ARRANGEMENTS FOR CARRYING OUT DETAILED INSPECTIONS**

**Detailed inspections will be required on all contaminated or potentially contaminated land sites to determine the risk of harm to human health and the wider environment and the correct course of action required for remediation (if required).** A suitable person should carry out these inspections.

The Council aims to work with appropriate or potentially appropriate persons to achieve a realistic and effective approach to any site inspection, assessment or remediation works. To achieve this aim the Council recognises that it needs to establish good communication links with relevant statutory bodies and those with a recognised interest in a particular site. It is recognised that large national landowners may need to prioritise site evaluations to some degree. The Council will endeavour to work with the landowner to ensure they are aware of the contamination issues to enable them to prioritise their response in line with the actual or potential risk of harm to human health or environment.

**Where the Council carries out detailed inspections, it will ensure that it evaluates and reviews its documentation and information after each stage. All reports and assessments prepared by the Contaminated Land Officer will be checked by the Environmental Protection Team Leader. A review of decisions and assessments may also be carried out by the contaminated land working group. This**

**information review process should guarantee that the quality and interpretation of a sites data is reasonable and logical. The review will also ensure that the Contaminated Land Officer has worked within the legal framework, statutory guidance, and Council policy.**

**Where the Council has not carried out the detailed inspection, the person or body carrying out the inspection or investigation on its behalf must ensure that they employ a quality assurance process.**

#### **8.7.6 INSPECTION FREQUENCY**

Not all sites that have contamination present will be designated as contaminated land. Where no pollutant linkages are present or the site is suitable for its current use, the site does not meet the statutory requirement for a contaminated land designation.

**Where a site has been identified as a site in a contaminated state but not by definition, ‘contaminated land’, a review will be carried out at least every four years to assess whether any new receptors or pathways are present, and that the site remains suitable for its current use.**

#### **8.7.7 SPECIAL SITES**

**The Council will request the advice of the Environment Agency where it identifies potential Special Sites of contaminated land or potentially contaminated land affecting controlled waters. Special Sites are designated based on land use and ownership, serious pollution of controlled waters, and pollution of surface waters and potable water supplies.**

To demonstrate serious pollution of controlled waters the Council will need to show that because of a contaminated land site, one of the following is occurring:

- Pollution of a Potable Water Abstraction (Drinking Water)
- Surface Waters are Failing their designated classification, based on existing monitoring points
- Pollution of a Major Aquifer, by a List 1 Pollutant<sup>16</sup>

When making a decision as to designating a Special Site the Council will take into account Environment Agency recommendations, DETR Guidance and The Contaminated Land (England) Regulations 2000.

Sites with the potential to pollute controlled water will normally be prioritised for inspection as part of the risk prioritisation process. It is expected that the majority of sites adversely affecting, or with the potential to adversely affect controlled waters will be inspected early in the inspection process.

If after discussion with the Environment Agency the Council decides that the site requires designation, the Council will give notice in writing to the Environment Agency, the owner and occupier(s) of the land, and any persons who appear to be an appropriate person.

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<sup>16</sup> As listed under List I of the Groundwater Regulations 1998

The Environment Agency then has 21 days within which it must notify the Council if it disagrees with the designation decision. If the Environment Agency disagrees with the Councils' decision, the case will be referred to the Secretary of State.

### 8.7.8 ORPHAN SITES

Where the Council fails to identify an appropriate person (i.e. Class A or Class B person under section 8.9) for a contaminated site, it may declare the site an orphan site. Sites, designated as contaminated land, where the appropriate person falls under the 'hardship' classification may also be designated as orphan sites.

**Under this classification the Council is required to decide the most appropriate course of action for the site. The Council as the appropriate person for orphan sites will then be responsible for the remediation process and associated costs.**

While some funding may be available from central government, the majority of the costs of remediation may not be available. In this case, the Council must find the deficit. Costs incurred by the Council as part of its inspection, assessment and remediation actions may be recouped by placing a charge on the land. In all instances, the Council will take all available measures (in line with DETR guidance) to recover any costs it incurs.

## 8.8 RISK ASSESSMENT

All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current governmental guidelines as part of the risk assessment process.

### 8.8.1 RISK ASSESSMENT AND CONTAMINATION LEVELS

Until recently the Interdepartmental Committee on Redevelopment of Contaminated Land (ICRCL) levels have been utilised by the Environmental Protection Team when assessing contamination in soil samples. While ICRCL may have a role to play in future assessments, a new set of guidelines, the CLEA guidelines are expected from the DETR shortly. The Contaminated Land Exposure Assessment (CLEA) guidelines will provide a wider interpretation of the risks associated with a site, and any contamination present.

The Council will determine the best risk assessment approach based on available information and advice. This may involve sampling, modelling, and/or seeking expert opinion from a suitable person.

The Council will require an environmental assessment for all contaminated land, or land in a potentially contaminative state due for development. **The appropriate person or developer should seek advice from the Contaminated Land Officer, prior to undertaking the assessment, to ensure that it will meet the Councils' requirements for the particular site.** As a minimum, the risk assessment must provide the Council with enough information to determine the appropriate course of action. This must include a remediation strategy to tackle the identified contamination

(hazards) and the associated risk. A site completion report will be required which demonstrates successful completion of any remediation action.

**The risk assessment process will be carried out in stages:**

- 1. As part of the risk prioritisation phase prior to inspection, the Contaminated Land Officer will identify the sites that pose the highest risk of harm to human health or the environment.**
- 2. Once the site has been risk prioritised and inspected the Council will decide whether further analysis is required to enable a decision as to whether the site should be designated as Contaminated Land.**

The main aim of the second stage of the risk assessment is to formally identify whether any significant pollutant linkages (SPL) exist for a particular site, and to quantify any risk of harm to human health or the environment. The Council must demonstrate a risk of 'significant harm', or the 'significant possibility of significant harm' occurring before designation as a contaminated land site can proceed. Significant harm and significant possibility of significant harm is determined based on statutory guidance<sup>17</sup>.

Identifying pollutant linkages and quantifying the risk may require detailed intrusive analysis and modelling of the site. The Council will attempt to work with the appropriate person for a pollutant linkage, to quantify any risk that may exist. If an appropriate person does not exist for a Contaminated Land site, or the land is Council owned, then the Council may carry out the detailed risk assessment itself (in line with legislative controls and guidance). Any costs incurred by the Council on contaminated land investigations may be recovered by placing a charge on the land.

The second stage of the risk assessment should also include a detailed proposal on the necessary action required to remediate the land, making it safe for current or proposed use.

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<sup>17</sup> DETR Guidance Circular 02/2000. Environmental Protection Act 1990 Part IIA Contaminated Land. Chapter A, Tables A & B, pp. 72-75

## 8.8.2 RISK COMMUNICATION

The complex nature of contaminated land issues does not lend themselves to easy explanation to the layperson. Development of effective methods of risk communication is therefore essential.

The Council will treat any concerns raised by a member of the public seriously, recognising the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barriers to effective risk communication:

- **Familiarity:** increased concern about unfamiliar issues
- **Control:** increased concern if the individual is unable to exert any control over the events
- **Proximity in Space:** increased concern about nearby events
- **Proximity in Time:** increased concern about immediate consequence rather than long term effects
- **Scale:** particularly in terms of media coverage, where one large incident appears much worse than several small incidents
- **‘Dread Factor’:** lack of understanding can lead to stress and make further explanation more difficult

The Part IIA legislation (and subsequent regulations) grant only limited powers to local authorities to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their own home. It will be critical to explain this can only be done where this is a risk of significant harm, and it is to be expected that some members of the public will have difficulty accepting this.

Further information on communication of risk and site information can be found in section 10.0.

## 8.9 APPROPRIATE AND INTERESTED PERSONS

**An Interested Person is any person who can demonstrate that they have an interest in a potentially contaminated land site.** A typical list of interested persons for a site would include the owner (current and former), the occupier (current and former), neighbours, mortgage lenders, regulating bodies, statutory bodies (e.g. for a Site of Special Scientific Interest (SSSI) this would be English Nature), and employees.

**There are two categories of Appropriate Person, a Class A and a Class B person.** A Class A person is any person, organisation or company that has caused or knowingly permitted the contaminant, by which the land could be considered as contaminated land, in, on, or under the land. A Class B person is normally the current

owner or occupier. A Class B person will only be responsible for remediation where no Class A persons can be found.

The Council aims to identify all interested and appropriate persons for each significant pollutant linkage and, or site. The inspection and risk assessment stages of the investigation should provide the Council with enough information to allow a decision to be made in relation to a contaminated land designation. These stages should also provide the Council with details of potential interested and appropriate persons.

Determination of appropriate persons and liabilities will be preliminary assessed by the Contaminated Land Officer and verified by the Team Leader, Environmental Protection Team. Where appropriate persons seek exclusion from liability the council will seek evidence to justify the claims for exclusion.

As the Council is required to inform appropriate persons of their responsibility 3 months prior to serving a remediation notice, it is in the public interest to inform potential appropriate persons as early as possible in the investigation. Once identified and informed the Council will update potential appropriate persons after each subsequent stage.

#### **8.10 CONTAMINATED LAND DESIGNATION**

A contaminated land designation will be made once one or more of the following has been identified:

- a) Significant harm is being caused by a significant pollutant linkage**
- b) There is a significant possibility of significant harm being caused**
- c) Pollution of controlled waters is being caused**
- d) Pollution of controlled waters is likely to be caused**

The Contaminated Land Officer will consider all relevant and available evidence and carry out an appropriate scientific and technical assessment of that evidence<sup>13</sup>. This evidence will be evaluated with the aim of determining whether any of the points (a)-(d) above are present.

In addition, the Contaminated Land Officer will determine the significant pollutant linkages causing one or more of the points (a)-(d) above to be present. Each stage of the pollutant linkage will be detailed (i.e. the Source, Pathway, and Receptor). Once a pollutant linkage has been identified as forming the basis for a contaminated land designation, it then becomes a significant pollutant linkage. Any pollutant that forms part of a significant pollutant linkage is a significant pollutant.

Once a designation has been made, appropriate and interested persons will be informed.

#### **8.11 APPORTIONING LIABILITY BETWEEN LIABILITY GROUPS**

When determining liability the Council will apply the exclusion tests set out in the statutory guidance<sup>15</sup>. These tests will then decide which of the identified potential

appropriate person(s) are liable for the remediation of a particular significant pollutant linkage. The tests will be applied for each significant pollutant linkage.

A liability group will exist for each significant pollutant linkage, and is made up of appropriate persons. Where only one member exists within a liability group, there will be no need to apportion liability within the group. Where more than one liability group exists for a site the Council will need to apportion the liability between groups.

If a separate remediation action is required for each significant pollutant linkage, the liability group for each linkage is liable for the costs of remediating that significant pollutant linkage. If a joint remediation action is required, the appropriate persons may divide the cost of the action equally or proportionally based on the cost of a separate remediation action<sup>18</sup>.

Where an orphan linkage exists, the relevant authority (i.e. the Council, or Environment Agency if a Special Site) becomes the appropriate person for that significant pollutant linkage. If the orphan linkage would be remediated by an action to remediate another significant pollutant linkage, then the orphan linkage is deemed not to exist for the purpose of apportioning liability. Where the orphan linkage would not be remediated by any other significant pollutant linkage remediation action, the relevant authority shall bear the remediation cost for that orphan linkage.

It is likely that with the potentially significant costs involved in contaminated land remediation, some appropriate persons may not be in a position to fund all, or any of the cost. Where this is the case, the appropriate person may put forward a case for 'hardship' under the contaminated land regime. The Council will review all such applications in line with the statutory guidance<sup>19</sup>.

Appropriate persons within a liability group will have 21 days to appeal the Councils decision, once a remediation notice has been served. At any stage prior to the serving of a remediation notice, the appropriate person(s) may decide to take a suitable remediation action. If a voluntary remediation action is likely then the Council will place all enforcement action on hold.

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<sup>18</sup> Liability Apportionment will be carried out in line with DETR Guidance Circular 02/2000. Environmental Protection Act 1990 Part IIA Contaminated Land. Chapter D, pp. 103-124

<sup>19</sup> DETR Guidance Circular 02/2000. Environmental Protection Act 1990 Part IIA Contaminated Land. Annex 2, 10.8-10.10, p.51

## 9 CONTAMINATED LAND REGISTER

**The Council will record information onto the contaminated land register in line with Schedule 3 of the Contaminated Land (England) Regulations 2000, Part IIA of the Environmental Protection Act 1990, and Contaminated Land Guidance 02/2000.** Details of a contaminated land site will be recorded on the register when a remediation notice has been served, or a remediation declaration has been published. The register will be held at the Councils' principal office at Margate. It will be paper-based (rather than electronic) and be accessible on request to members of the public during office hours, Monday to Friday. The register will be updated on a 6 monthly interval or by new sites being added to the register as amendments.

### 9.1 REMEDIATION NOTICES

In relation to a remediation notice served by the Council, the following information will be recorded in the Contaminated Land Register (The Register):

- Name and Address of the person(s) on whom the notice is served
- Location and content of the contaminated land to which the notice relates. This will include sufficient information to enable it to be identified by reference to a plan or otherwise. The Council will refer to a six-figure ordnance survey grid reference when referring to any identified sites.
- The significant harm or pollution of controlled waters by reason of which the land in question is classified as contaminated land.
- The substances by reason of which the land in question is classified as contaminated land. If any of these identified substances have escaped from other land, the location of the source contaminated land must also be noted.
- The current use of the contaminated land in question
- What each appropriate person is to do by way of remediation and the periods within which they are required to do each of the specified actions
- The date the notice was served

**It is the aim of the Council to negotiate and work with appropriate person(s) to ensure that contaminated land sites are remediated to a standard that is nationally recognised as suitable for its current or proposed use.**

Where possible it is the intention of the Council not to issue a remediation notice. This Council believes that working together to remediate will provide a more effective and efficient means of contaminated land remediation. Where a site is voluntarily remediated certain exemptions are available to benefit the remediator. In particular the appropriate person may apply to HM Customs and Excise for an exemption from landfill tax for waste resulting from a remediation scheme.

Irrespective of whether or not a remediation notice is served, there is a requirement for a remediation statement to be prepared and issued to the Council. This must provide sufficient information so as to permit the Council to make an informed decision on the suitability of the site for its existing or proposed use. (See Section 11.0 Content and Quality of Reports)

## 9.2 APPEALS AGAINST REMEDIATION NOTICES

The Council will record any appeals against a remediation notice served on its behalf. Entries made under this section will include details of the grounds on which the appeal was made and any decision on such an appeal. Any appeals resulting from action taken under Part IIA will be reviewed in line with current statutory guidance and legislation.

## 9.3 REMEDIATION DECLARATIONS

**Details of any remediation declaration prepared and published by the enforcing authority will be recorded on the register.** This will include the location and extent of the contaminated land in question, sufficient to enable it to be identified whether by reference to a plan or otherwise. A remediation declaration includes details of remediation actions that the Council would have specified in a remediation notice, if it were not precluded from doing so under sections 78E(4) or (5). Details of why the Council may not include these actions will be outlined in the remediation declaration.

## 9.4 REMEDIATION STATEMENTS

**Details of any remediation statement prepared and published by the responsible person or the enforcing authority must include the location and extent of the contaminated land in question, and details of how the issues raised as part of the remediation notice, or declaration will be dealt with.** Where no notice or declaration has been issued the remediation statement must identify how the issues of significant harm or pollution of controlled waters will be identified and addressed, substances by reason of which the contaminated land in question is contaminated land and the current use of the contaminated land. Remediation completion notification will also be recorded, including details of when the work was carried out, and by whom.

## 9.5 APPEALS AGAINST CHARGING NOTICES

Where the Council has served a charging notice on an appropriate person and they have appealed then all details of this appeal including any given reasons must be included in the register. This must include any decision i.e. result in relation to this appeal.

## 9.6 DESIGNATION OF SPECIAL SITES

Where the Council has identified an area of contaminated land that it believes should be designated as a special site, details of the special site of contaminated land in question will be recorded. This will include details of the contaminated land in question including the reasons for which the site has been designated (as contaminated land) and any notices that have been served. This will include all the details as outlined in the remediation notice section under Special Sites.

Where the Environment Agency has made a decision to adopt a remediation notice for an area of contaminated land with the purpose of designating the land in question as a special site then details of when and why this was carried out will be recorded in the register.

Details of any termination of any notice of special site status will also be recorded.

Any communications with the Environment Agency will be carried out in line with the communication guidelines as outlined later in this strategy.

## **9.7 CONVICTIONS**

Any convictions of a person for failure to comply with a remediation notice (section 78M<sup>14</sup>) will be recorded in the register. This will include the name of the offender, the date of conviction, the penalty imposed and the name of the court. Details of the area of contaminated land under which the notice was served may also be recorded. This section of the register will be reviewed periodically to remove individual's personal details of a past conviction. Details that a conviction has taken place however will remain on record.

## **10 GENERAL LIAISON AND COMMUNICATION STRATEGIES**

The Council recognises that effective liaison and communication is an essential part of the Contaminated Land Regime. As part of its strategy, the Council will establish communication links with a wide variety of statutory consultees and interested parties to ensure efficient and effective transfer of information.

### **10.1 STATUTORY CONSULTEES**

The following list of Statutory Consultees will be incorporated into the discussion and review of this strategy.

- Environment Agency
- English Nature
- English Heritage
- Ministry of Agriculture, Fisheries and Food
- Kent County Council
- South East England Development Agency

Each organisation will be invited to comment on the consultation draft of the strategy.

### **10.2 NON-STATUTORY CONSULTEES**

There is great scope for members of the public, businesses and voluntary organisations to play an important role in dealing with contaminated land, and in shaping the Councils contaminated land strategy. The following is just some of the organisations that will be invited to comment on the consultation draft of the strategy.

- Local Agenda 21 Steering Group
- Parish Councils
- Thanet Archaeological Society & Trust
- General Public by way of Press Release

The Council also recognises that sites of potentially contaminated land may extend across the district boundary into our neighbouring authority districts. Both Dover District Council and Canterbury City Council will be consulted as part of the strategy consultation and at any time where sites of this nature are identified.

Consultees (Statutory and Non-Statutory) will be advised of any sites where they may have a material interest. Where communication protocols or procedures have been agreed these will be followed.

A copy of the strategy will be available in Margate and Ramsgate libraries and on Thanet District Council's internet site.

### **10.3 COMMUNICATING WITH APPROPRIATE PERSONS, OWNERS, OCCUPIERS AND OTHER INTERESTED PARTIES**

**As mentioned previously the Councils' approach to its regulatory duties under the contaminated land regime is to seek voluntary action before taking enforcement action.** In many cases this may provide a more effective remediation agreement. 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 work to keep owners, occupiers and other interested parties informed at each stage of an investigation, regardless of whether there is a formal designation as contaminated land.

**The Council recognises that communicating with large national landowners or large organisations (for example Lattice Property Group and Railtrack Plc) will need to take into account that these landowners may have funding problems and higher priorities in terms of contaminated sites that need remediation.** It is the aim of the Council to work with representatives from such organisations to ensure that a suitable timescale is agreed, taking into account the risk to receptors from the contaminated land in question.

**The Contaminated Land Officer and the Council will at all times endeavour to communicate the risk of harm to human health or the environment.** The Council recognises that residents or interested persons adjacent to a potentially contaminated site may have a variety of concerns prior to any investigation work. In the early stages of a site investigation the Council may not be in a position to quantify the risk. Where this is the case, the Council will aim to issue a preliminary risk assessment as soon as possible.

In summary the following communication action will be carried out:

- **Communication channels and information will be made available to interested parties who have a confirmed material interest in the site. Public announcements will be made through normal channels (i.e. Public Communications Unit).**
- **The Council will regularly consult and liaise with occupiers and owners, offering free advice and guidance where possible.**
- **Where further intrusive investigations are required the ward councillors for the area in which the site resides will be notified.**
- **Consultation with the Director of Community Services will be carried out where investigations requiring new budgetary requirements may be required.**
- **For sites where the Council is the owner or appropriate person the situation will be reported to the Director of Support Services.**

- **Where it is felt beneficial the Public Health Laboratories (East Kent Health Authority) or Public Analyst will be consulted to give advice on the possible affects to human health.**

## **11 Content and Quality of Reports**

The Councils' expectations in terms of the content of a risk assessment, remediation proposal, statement or remediation completion report will vary from site to site. It must be noted that all of these reports must provide the Council with sufficient quality information to allow it to make an informed decision on the site. (A site investigation advice sheet will be made available from the Environmental Services Department.) It is in the interest of the person or body carrying out the report or assessment to ensure that they are aware of what the Council expects to see in relation to a particular site. The Contaminated Land Officer will make every effort to make this information available upon request. This will allow the process to be standardised, minimising the necessity for additional work to be carried out. The Council will specify its requirements in a remediation notice for a site. In the case of a site that is remediated without notice close liaison with the Council is necessary to ensure that the site is remediated effectively, and to the Councils' required standard.

## 12 REVIEW MECHANISMS

The review process is an essential part of the contaminated land regime. It is a very real possibility that a site could be seen as having a 'diminished value' as a result of a contaminated land classification. Therefore it is essential that the any designation or publication of facts relating to a site are accurate and capable of standing up to intense scrutiny in the event of an appeal.

A review will be carried out by the Environmental Protection Team Leader to ensure that the contaminated land designation and related information is factual and relevant, prior to being published.

### 12.1 REVIEW OF ASSUMPTIONS AND INFORMATION (TRIGGERS FOR INSPECTION)

The strategy has already recognised there may be occasions where inspections may have to be carried out outside of the general inspection framework. Triggers for undertaking non-routine inspection will include:

- **Unplanned events** – *e.g.* if an incident such as a spill has occurred
- **Introduction of new receptors** – *e.g.* if housing is to be built on a potentially contaminated site, designation of a new protected ecosystem, persistent trespass onto a site by young people
- **Supporting voluntary remediation** – *e.g.* a potentially liable party wishing to undertake clean-up before their land has been inspected by the local authority
- **Identification of localised health effects** which appear to relate to a particular area of land
- **Responding to information** from other statutory bodies, owners, occupiers, or other interested parties

While these occurrences may trigger non-routine inspections, if this strategy is to prove effective, they must not be allowed to significantly interfere with the milestones laid down in the general inspection framework. It will be important to consider this issue in all strategy reviews.

### 12.2 TRIGGERS FOR REVIEWING INSPECTION DECISIONS

In addition, there may be occasions where the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were:

- Significant changes in legislation
- Establishment of significant case law or other precedent
- Revision of guideline values for exposure assessment

It is important therefore that all decisions are made and recorded in a consistent manner that will allow efficient review.

### 12.3 REVIEWING THE STRATEGY

As part of the overall quality management of this work, it is important to consider the need to review the strategy from time to time. The strategy will be finalised following

consultation during April 2001 and work will then begin in earnest on site inspection. It will be appropriate to review the milestones in light of progress after the first full year of operation. This review will therefore take place in April 2002 and the findings will be reported to the Councils' Contaminated Land Working Group. If any changes to the strategy are necessary, the revised edition will need to be reviewed and approved prior to re-issue.

If the strategy is found to be operating satisfactorily, the next review date will be in the 4<sup>th</sup> Qtr 2005.

## **13 INFORMATION MANAGEMENT**

The Council will manage and hold all information it gathers in line with the Access to Environmental Information Regulations (as amended) 1992. Any requests for information about sites not designated as contaminated land should be made in line with these regulations. Additional information, not held on the contaminated land register in relation to a designated site can also be requested under these regulations.

**The Contaminated Land Register is available for inspection at the Councils' principle office at Cecil Street, Margate.**

The Contaminated Land Officer will provide information to interested or appropriate persons. This will specifically include information that will enable the appropriate persons to remediate the site effectively. Additional information may be available under the Access to Environmental Information Regulations (as amended) 1992.

The GIS layers on which the contaminated land data is held will be securely monitored and stored. Access to this layer will be restricted to the Environmental Protection Team and other designated authorised personnel. Specific cases requiring access to these layers will be reviewed on merit.

The Council information technology department will manage all aspects of file storage, including data backup and protection. The GIS working group within the Council will develop a cohesive standard of GIS information management that will be adopted by the Contaminated Land Officer.

The Council is required to inform the Environment Agency of its progress and current situation in relation to Contaminated Land. This is an annual requirement and will be issued to the Environment Agency by the Contaminated Land Officer. Details of identification, prioritisation, inspection, assessment, and designation action taken in the previous twelve months will be included in the report.

### **13.1 CONFIDENTIALITY**

Before anything is entered on the register, the Council will consider whether that information should be excluded on the basis that its inclusion would be against the interests of national security or the information is commercially confidential. Certain grounds of commercial confidentiality are excluded from anonymity by the legislation. If the Council excludes any information then a note must be entered on the register stating that additional information is available but has been removed for specific reasons.

## 14 CONTACT POINTS FOR CONSULTATION

### **Thanet District Council**

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Kent ME19 5SH

Jan Hookey  
Groundwater Protection Officer  
Environment Agency  
Orchard House  
Endeavour Park  
Addington  
West Malling  
Kent ME19 5SH

Jonathon Atkinson  
Contaminated Land Officer  
Orchard House  
Endeavour Park  
Addington  
West Malling  
Kent ME19 5SH

### **English Nature**

Kent Team  
The Countryside Management Centre  
Coldharbour Farm  
Wye, Ashford  
Kent TN25 5DB

### **English Heritage**

South East Region  
Eastgate Court  
195-205 High Street  
Guildford  
Kent GU1 3EH

### **South East England Development Agency**

SEEDA Headquarters  
Cross Lanes  
Guildford  
Kent GU1 1YA

## **FOOD STANDARDS AGENCY**

PO Box 31037  
Room 238  
Ergon House  
17 Smith Square  
London SW1P 3WG

## **Kent County Council**

Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

## **Department of the Environment, Transport & the Regions**

Land Quality Team  
Marine, Land and Liability Division  
DETR  
3/B4 Ashdown House  
123 Victoria Street  
London SW1E 6DE

## **Ministry for Agriculture, Fisheries and Food**

Room 142  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

## **Health and Safety Executive**

South East Area Office  
3 East Grinstead House  
London Road  
East Grinstead  
West Sussex RH19 1RR

## **Dover District Council**

White Cliffs Business Park  
Dover  
Kent CT16 3PE

## **Canterbury City Council**

Canterbury City Council  
Military Road  
Canterbury  
Kent CT1 1YW

## **Thanet Archaeological Society & Trust**

Crampton Tower Yard  
High Street  
Broadstairs  
Kent CT10 2AB

## **APPENDICES**

### **APPENDIX A**

## **GLOSSARY**

The DETR Circular 02/2000 Environmental Protection Act 1990: Part IIA, Contaminated Land, contains a detailed glossary of terms that provides legal definitions of terms that may be used in this strategy. This glossary provides some of those definitions and also an interpretation of terms used in the strategy.

### **AONB**

Area of Outstanding Natural Beauty

### **APPROPRIATE PERSON**

Any person who is an appropriate person, determined in accordance with section 78F of EPA 1990 Part IIA, to bear responsibility for any thing which is to be done by way of remediation in any particular case.

### **BROWNFIELD SITE**

A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. Only a small proportion of brownfield sites are expected to meet the definition of contaminated land.

### **CLASS A PERSON**

A person who is an appropriate person for a significant pollutant linkage in that he/she has caused or knowingly permitted a pollutant to be in, on or under the land

### **CLASS B PERSON**

A person who is an appropriate person for a significant pollutant linkage in that he/she is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a remediation action

### **CLEA**

Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment. (Expected publishing date: 07/2001)

### **CONTAMINATED LAND**

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 harm being caused; or
- b) pollution of controlled waters is being, or is likely to be caused.

### **CONTROLLED WATERS**

These include:

Inland waters (rivers, streams, underground streams, canals, lakes and reservoirs)

Groundwaters (any water contained in underground strata, wells or boreholes)

Coastal Waters

### **COUNCIL**

For the Thanet area, Thanet District Council

### **DETR**

Department of the Environment, Transport and the Regions

### **EA**

Environment Agency

### **ECO-SYSTEM**

A biological system of interacting organisms and their physical environment

## **ENVIRONMENTAL PROTECTION TEAM**

The team within TDC Environmental Services responsible for the implementation of Part IIA of the Environmental Protection Act 1990

## **GIS**

Geographical Information System

## **GROUNDWATER**

Any water contained in underground strata, wells, or boreholes

## **HARDSHIP**

Where an appropriate person can demonstrate that carrying out a remediation action would cause him/her 'hardship', the Council will assess whether it is appropriate to require that person to carry out the remediation. Discussed in paragraphs 10.8-10.10 of Annex 2 of the Statutory Guidance.

## **HARM**

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/her property.

## **ICRCL**

Interdepartmental Committee on Remediation of Contaminated Land

## **LAND IN A CONTAMINATED STATE**

Land that appears to the local authority in whose area it is situated that:

- a) there is a high likelihood of a contaminant source being present in, on or under the land
- b) there is a high likelihood of the land meeting the contaminated land definition should a pathway or receptor introduced to the site.

## **LIABILITY GROUP**

The persons who are appropriate persons with respect to a particular significant pollutant linkage

## **NNR**

National Nature Reserve (National Parks and Access to the Countryside Act 1949 or Wildlife and Countryside Act (1981))

## **ORPHAN SITE**

A site that is identified as contaminated land, but where no appropriate person is liable for the remediation of the significant pollutant linkage.

## **PART IIA**

Part IIA of the Environmental Protection Act 1990, as inserted by s.57 of the Environment Act 1995

## **PATHWAY**

One or more routes by which a receptor can be exposed to a contaminant

## **POLLUTANT LINKAGE**

The relationship between a contaminant, a pathway, and a receptor

## **RAMSAR SITE**

A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed

## **RECEPTOR**

Sometimes referred to as “the target”. Any part of the human or wider environment that can be adversely affected by a source contaminant through a pathway.

## **RELEVANT AUTHORITY**

For contaminated land sites, the relevant authority is Thanet District Council. For contaminated land sites, with the additional designation as a Special Site the relevant authority is the Environment Agency.

## **REMEDIATION**

Carrying out of works to assess, prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of land

## **REMEDIATION ACTION**

Any individual thing which is being, or is to be, done by way of remediation

## **RISK**

The likelihood and consequences of a defined hazard

## **RISK ASSESSMENT**

The assessment of the likelihood and consequences of a hazard.

## **SAC**

Special Area of Conservation (EU Directive 92/43/EEC Conservation of Natural Habitats and of Wild Fauna and Flora)

## **SIGNIFICANT HARM**

Any harm that is determined to be significant in line with the statutory guidance

## **SIGNIFICANT POLLUTANT LINKAGE**

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

## **SIGNIFICANT POLLUTANT**

A pollutant which forms a part of a significant pollutant linkage

## **SOURCE**

A substance in, on or under the land with the ability to cause harm

## **SOURCE PROTECTION ZONE (SPZ)**

A groundwater source protection zone (SPZ) is a designated area of an underground water aquifers used for potable water abstraction. Within these zones, certain activities and processes are strictly regulated.

## **SPA**

Special Protection Area for Birds (EU Directive 79/409 Conservation of Wild Birds)

## **SPECIAL SITE**

Any contaminated land which as a result of its current or previous use, or contaminants present is required to be designated as a Special Site (defined by section 78A(3) of EPA 1990 Part IIA), under the regulation of the Environment Agency.

## **SUITABLE PERSON**

A person suitably qualified and experienced to carry out a specific task, as assessed by the relevant authority

## **SSSI**

Site of Special Scientific Interest (Wildlife and Countryside Act 1981)

**TDC**  
Thanet District Council

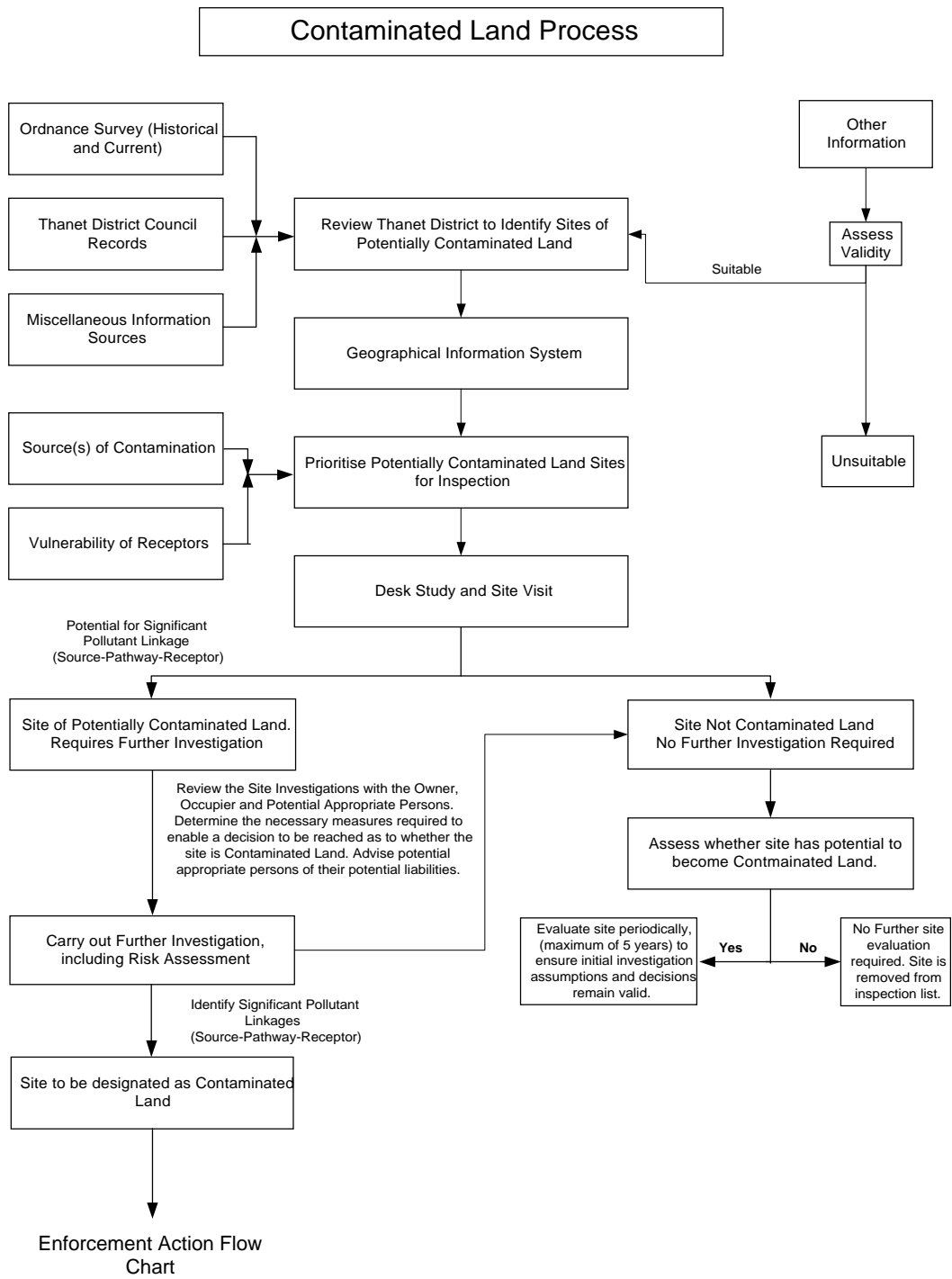
**APPENDIX B**  
**PROGRAMME OF IMPLEMENTATION TABLE**

		2000				2001				2002				2003				2004				2005				
		1ST QTR	2ND QTR	3RD QTR	4TH QTR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	
Draft Strategy	Draft Strategy Completion																									
	Strategy Consultation																									
	Final Strategy Publication																									
Initial Review	Set up Geographical Information System and Maps																									
	Identify Sites of Potentially Contaminated Land																									
	Review Historical Maps																									
	Review Existing Contaminated Land Records																									
	Identify Current Sites with Contaminating Potential																									
	Review Trade Listings and other relevant information																									
	Review Council Owned Land																									
Detailed Review	Review Sites Associated with Controlled Waters or Protected Areas																									
	Identify Possible Contaminants, Pathways and Receptors																									
	Prioritise Site Inspection Process, based on Risk Prioritisation																									
	Carry Out Inspections and Risk Assessments																									
	Detailed Desk Study																									
	Site Walkover																									
	Intrusive Analysis																									
	Carry Out Risk Assessment																									
	Designate Site as Contaminated Land and Identify Appropriate Persons																									
	Deal with Urgent Sites																									
Regulatory Action																										
Strategy Review																										

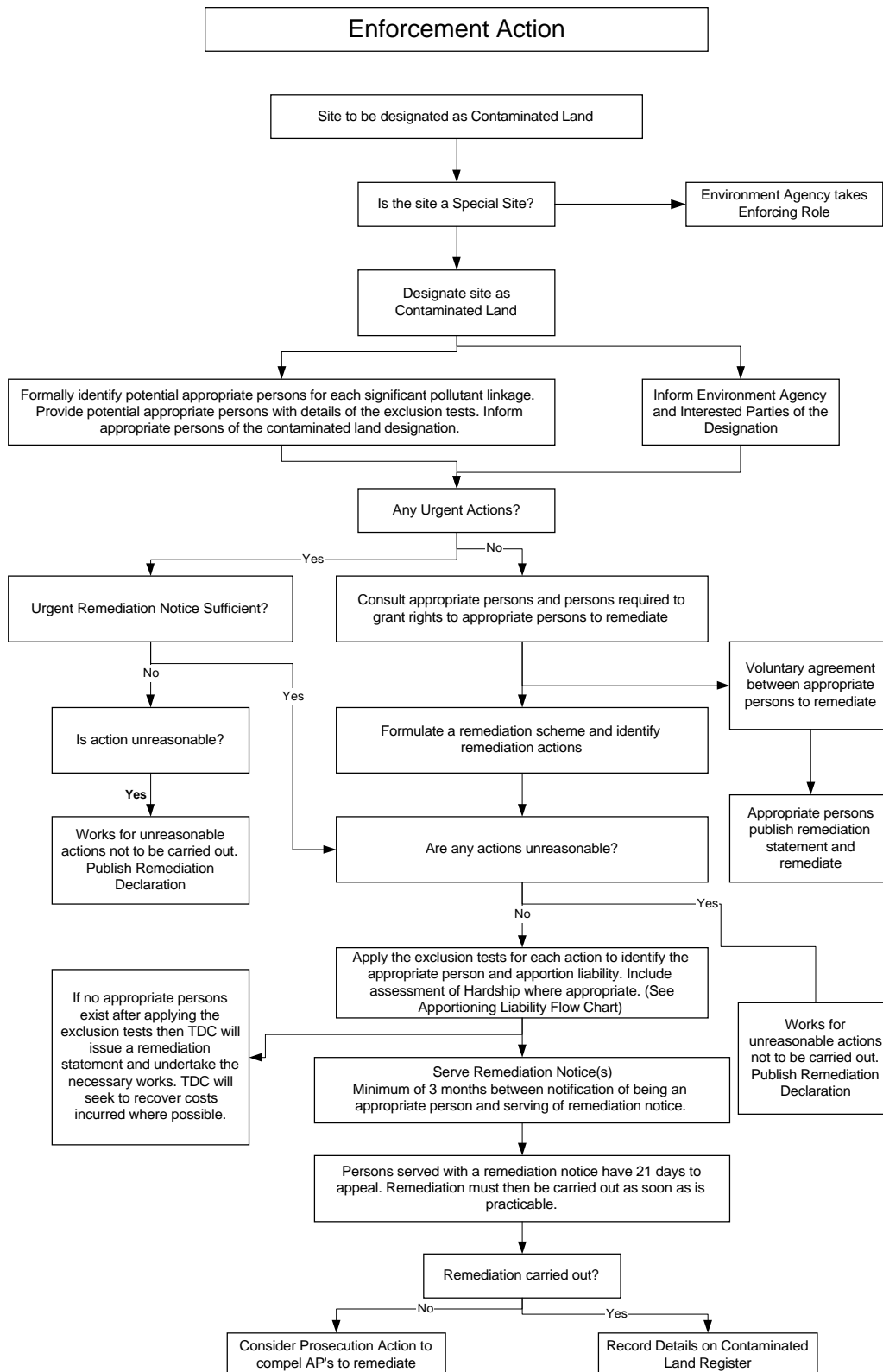
**APPENDIX C**  
**CONTAMINATED LAND PROCEDURAL FLOW CHARTS**

- A. CONTAMINATED LAND PROCESS**
- B. ENFORCEMENT ACTION**
- C. APPORTIONING LIABILITY**

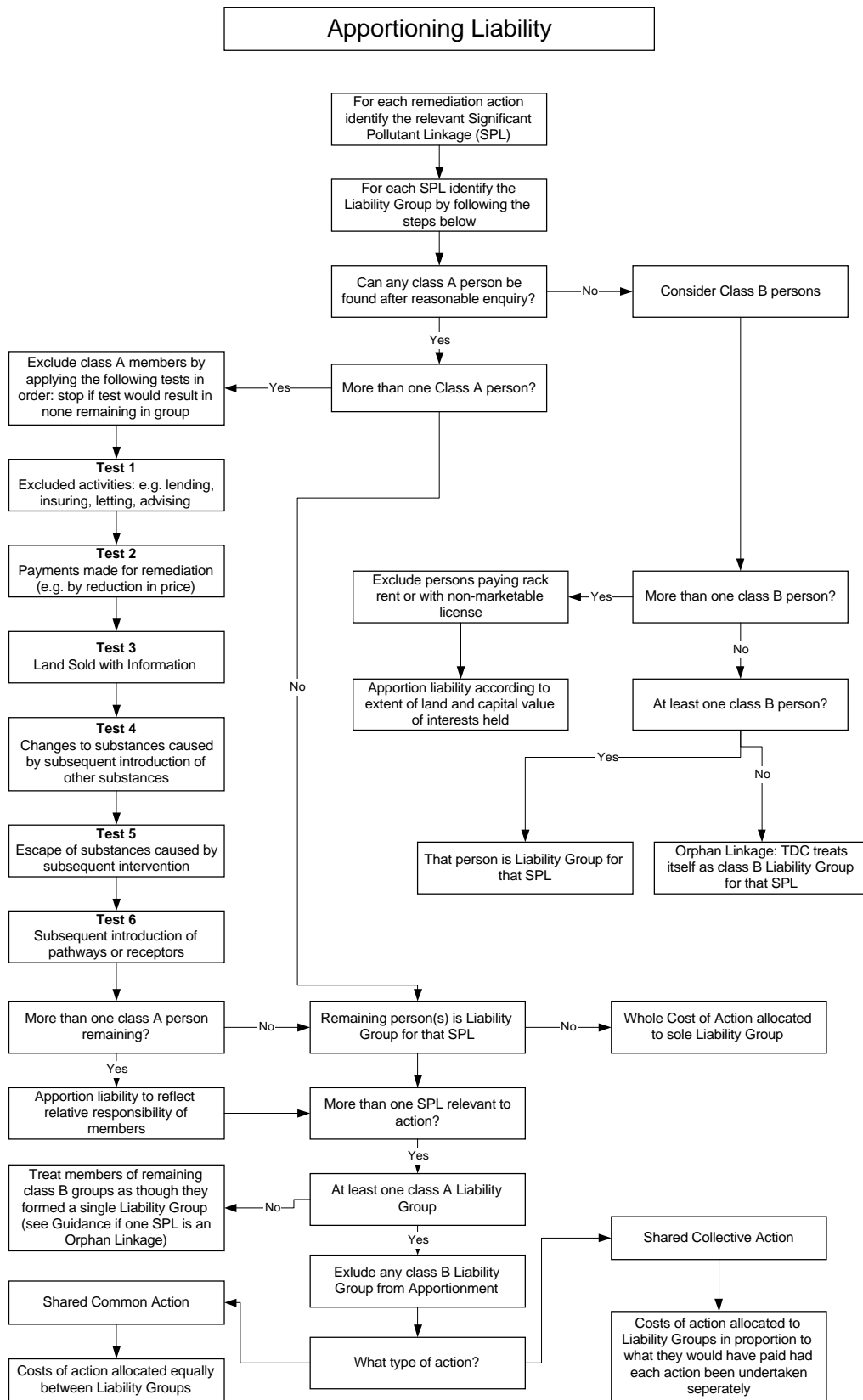
A.



# B.



# C.



**APPENDIX D**

**MAPS**

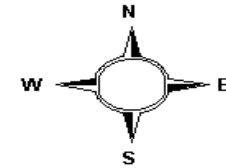
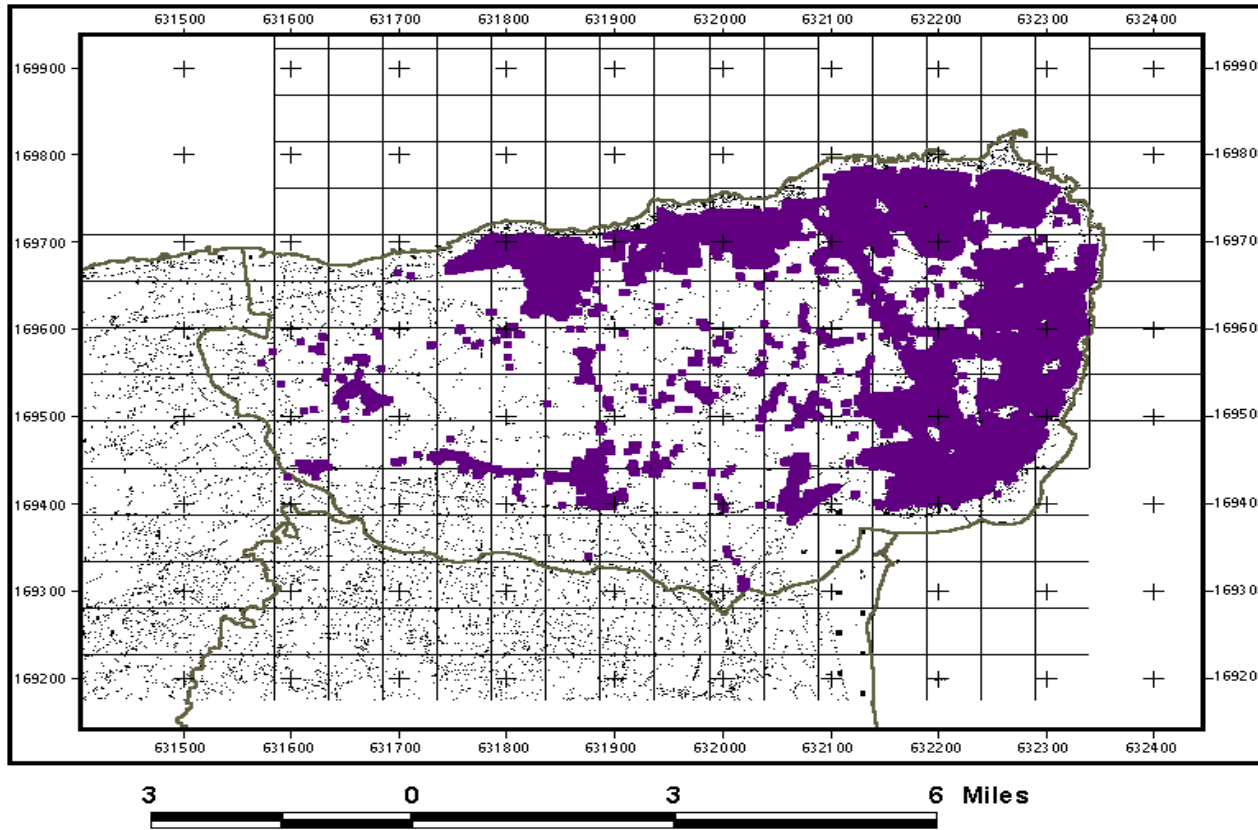
**A. MAIN URBAN AREAS**

**B. GROUNDWATER SOURCE PROTECTION ZONES**

**C. WASTE MANAGEMENT LICENSES**

A.

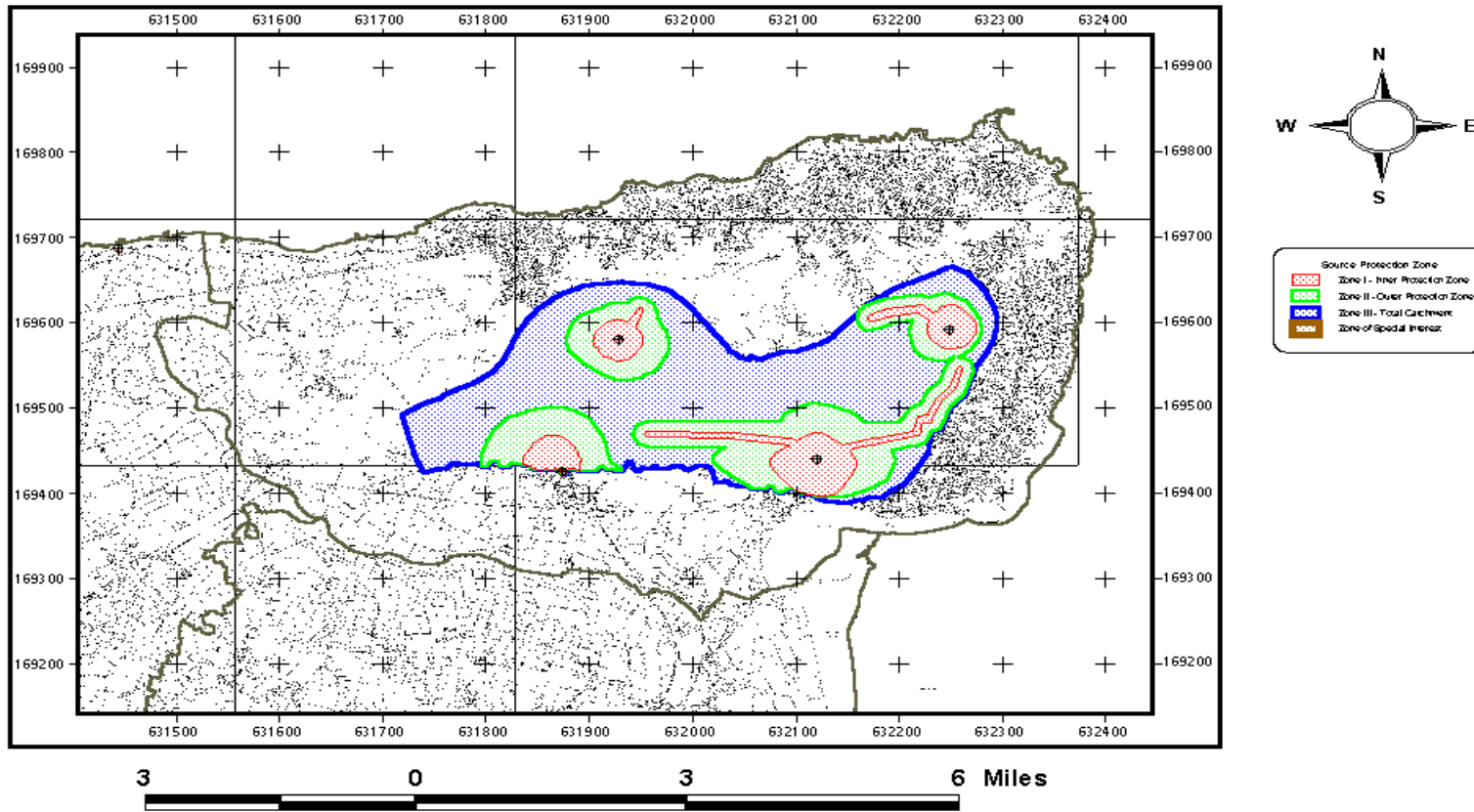
## Main Urban Areas



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Thames Valley Council License No. L467974X

B.

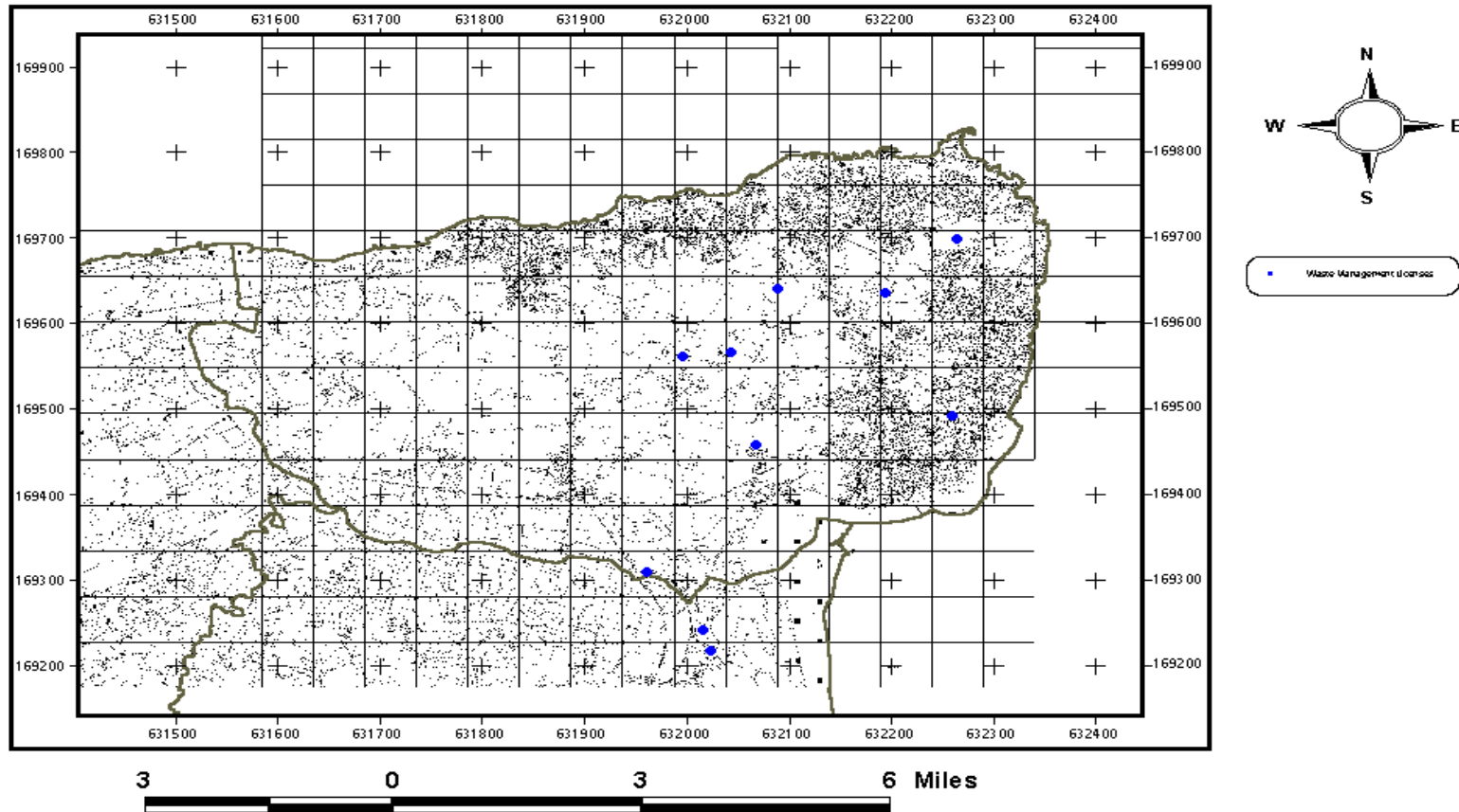
## Groundwater Source Protection Zones



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C.

## Waste Management Licenses



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## **APPENDIX F ACKNOWLEDGEMENTS**

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**Steve Davis, Director of Support Services**

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**Brian Horton, Head of Housing**

**Vic Dennis, Principal Development Control Officer**

**Colin Fitt, Principal Local Plans Officer**

**Richard Bedingfield, Building Control Officer**

**Chris Chambers, Head of Engineering and Technical Services**

**Paul Martin, Environmental Protection Team**

**Adrian Verrall, Planning Assistant**

**Julie Mossom, Environment Agency**

**Jan Hookey, Environment Agency**

**Jonathon Atkinson, Environment Agency**

**Simon Joynes, North Herts. District Council**

**Russel Vickers, Tunbridge Wells Borough Council**

**Staff at the Local Studies Room, Margate Library**

**Members of the Kent Contaminated Land Forum**

**Rob Cameron, English Nature**

**Julie Holloway, Ministry of Agriculture Fisheries and Food**

**Trevor Jones, Department of the Environment, Transport and the Regions**

## **APPENDIX G**

# **REFERENCES & ADDITIONAL READING**

Part IIA, Environmental Protection Act 1990 (as inserted by s.57, Environment Act 1995)

DETR Circular 02/2000 EPA 1990: Part IIA, Contaminated Land

Environmental Protection, England (2000 No.227) Contaminated Land (England) Regulations 2000

Thanet District Council Local Plan and Local Plan Proposals Map (1998)

Environmental Protection, England. Groundwater Regulations 1998, List I

DOE Contaminated Land Research Report No's 1-6. (1994-1995)

DOE Industry Profile. Gas works, coke works and other carbonisation plants (1995)

DOE Problems Arising from the Redevelopment of Gas Works and Similar Sites (2<sup>nd</sup> Ed.) (1987) Vols. 1 & 2

Hooker P.J. et al, (2000) Some guidance on the use of digital environmental data. BGS Technical Report No. WE/99/14.

Martin, I. And Bardos, P. (1995) A review of full scale treatment technologies for the remediation of contaminated soil. Report for the Royal Commission on Environmental Pollution. EPP Publication.

Forest of Dean District Council, (11/2000) Contaminated Land, Draft Consultation

Trowers & Hamblins, (2000) Enforcement and Liability Flowcharts