



Watford Borough Council

Statutory Contaminated Land Strategy

Required under the provisions of the
Environmental Protection Act 1990 Section 78B

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1 INTRODUCTION & OVERVIEW

1.1 BACKGROUND TO THE LEGISLATION

The industrial revolution and its subsequent impact on the demographic and spatial distribution of people in the United Kingdom resulted in an unprecedented change in land use patterns. In the latter half of the 20th century the character of the UK economy shifted significantly, albeit gradually, away from industrial production to a more service based economy. Inevitably, these (and other) changes have left behind a legacy of land that has been contaminated with harmful agents which may pose a risk to the environment (human, animal, natural and built). The current and projected need for homes has placed renewed pressure on local authorities to reuse land in urban areas and this provides an additional impetus for the rehabilitation of polluted land.

The following is a brief précis of the historical development of legislation to deal with contaminated land:

1985 The Government, in its response to the 11th report of the Royal Commission on Environmental Pollution, announced that the Department of the Environment was preparing a circular on the planning aspects of contaminated land. The draft of the circular stated that:

Even before a planning application is made, informal discussions between an applicant and the local planning authority are very helpful. The possibility that the land might be contaminated may thus be brought to the attention of the applicant at this stage, and the implications explained.

This statement suggested that it would be advantageous for local planning authorities (i.e. local councils) to have available a list of potentially contaminated sites to facilitate dialogue with developers.

1988 The Town & Country Planning (General Development) Order required local planning authorities to consult with waste disposal authorities if development was proposed within 250m of land which had been used to deposit refuse within the last 30 years.

1990 The House of Commons Environment Committee published its first report on Contaminated Land. This document, for the first time, expressed concern that the Government's 'suitable for use' approach, "... may be underestimating a genuine environmental problem and misdirecting effort and resources". The committee produced 29 recommendations, including the proposals that:

The Department of the Environment concern itself with all land which has been so contaminated as to be a potential hazard to health or the environment regardless of the use to which it is to be put, and;

The Government bring forward legislation to lay on local authorities a duty to

seek out and compile registers of contaminated land.

Immediately following the House of Commons report, the Environmental Protection Act 1990 had a section (s.143 - a requirement for local authorities to compile, 'Public registers of land which *may be* contaminated') inserted. If enacted this would have required local authorities to maintain registers of land which were, or may have been, contaminated as a result of previous (specified) uses.

1992 However, in March of 1992 the widespread concern about the economic effect of such registers resulted in a press release published by the Secretary of State delaying the introduction of section 143 stating:

"The Government were concerned about suggestions that land values would be unfairly blighted because of the perception of the registers."

Subsequently in July 1992, draft regulations were released which significantly reduced categories of contaminative uses, "... to those where there is a very high probability that all land subject to those uses is contaminated unless it has been appropriately treated". Because of this change in definition, it was estimated that land to be included in registers would be only 10 to 15% of the area previously envisaged. This, however, still did not resolve landowners concerns about land values, so on the 24th of March 1993 the new Secretary of State announced that the proposals for contaminated land registers were to be withdrawn and that a comprehensive review of land pollution responsibilities be undertaken.

1994 This review resulted in the publication of the Department of the Environment consultation paper, *Paying For our Past* (March 1994), which elicited no less than 349 responses. The outcome of this was the policy document, *Framework for Contaminated Land*, published in November 1994. This review emphasised a number of key points:

- The Government was committed to the "polluter pays" principle, and the "suitable for use" approach.
- Legislation was only needed with regard to past pollution incidents as there was sufficient legislative mechanisms to control current and future activities.
- Action should only be taken where the contamination posed actual or potential risks to health or the environment.
- Remedial action should have regard to the likely costs and benefits of such action.
- The long-standing statutory nuisance powers had provided an essentially sound basis for dealing with contaminated land, but needed reviewing.

It was also made clear that the Government wished to:

- Encourage market forces to drive contaminated land clean-up and its appropriate redevelopment.

1995 The proposed new legislation was first published in June 1995 in the form of section 57 of the Environment Act which amended the Environmental Protection Act 1990 by introducing a new Part IIA.

2000 After lengthy consultation on statutory guidance this came into force in April 2000.

The statutory guidance was updated in 2006 and again in 2012.

2012 The National Planning Policy Framework (NPPF) was introduced in 2012 to help achieve sustainable development, it identified the protection and enhancement of our natural environment as an aspect of one of the three dimensions to sustainable development. An updated version was released in July 2018. As such land contamination, or the possibility of it, must be taken into account in the preparation of local and neighbourhood plans and is a material planning consideration in planning decisions. It remains the responsibility of the landowner/developer to identify land affected by contamination and, if necessary, to ensure that remediation is undertaken to secure a safe development. This will normally be achieved by attaching conditions to planning permissions requiring developers to perform a contamination assessment for their site.

The NPPF states that:

Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

118: Planning policies and decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land" is a core planning principle.

170: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

178: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

179 “where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.” 180: “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”

Land uses that are considered sensitive to contamination include:

- All residential development;
- Allotments;
- Schools;
- Nurseries;
- Playgrounds;
- Hospitals.

1.2 OBJECTIVES OF THE REGIME

The Government believes contaminated land to be “an archetypal example of our failure in the past to move towards sustainable development. The first priority has therefore been specified as the prevention of new contamination via various pollution legislation, guidance and economic instruments.

Secondly, there are three stated objectives underlying the ‘suitable for use’ approach:

- To identify and remove unacceptable risks to human health and the environment;
- To seek to ensure that contaminated land is made suitable for its current use;
- To seek to ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The ‘suitable for use’ approach recognises that risk can be satisfactorily assessed in the context of a specific use; the principle aims to maintain an acceptable level of risk at minimum cost, thereby “not disturbing social, economic and environmental priorities”.

The specific stated objectives of the regime are:

- *To improve the focus and transparency of the statutory controls, ensuring authorities take a strategic approach to problems of land contamination;*
- *To ensure all problems resulting from contamination to be dealt with within one regulatory mechanism (previously separate regulatory action was needed to protect human health and to protect the water environment);*
- *To increase the consistency of approach taken by different authorities; and*
- *To provide a more tailored regulatory mechanism, including liability rules, better able to reflect the complexity and range of circumstances found on individual sites.*

In addition to providing a more consolidated basis for direct regulatory action, the Government considers that the improved clarity and consistency of the regime, in comparison with its predecessors, is also likely to encourage voluntary remediation by landowners. It is intended that companies responsible for contamination should assess the likely requirement of regulators and plan remediation in advance of regulatory action.

The Government also considered the regime would assist developers of contaminated land by reducing uncertainties about so called “residential liabilities”, in particular it should:

- Reinforce the suitable for use approach, enabling developers to design and implement appropriate and cost-effective remediation schemes as part of their redevelopment projects;
- Clarify the circumstances in which future regulatory intervention might be necessary (for example, if the initial remediation scheme proved not to be effective in the long term); and
- Set out the framework for statutory liabilities to pay for any further remediation, should that be deemed necessary.

1.3 LEGISLATIVE OVERVIEW

A comprehensive review of the legal and administrative procedures for dealing with contaminated land can be found in chapters 3, 4, 5 and 6 of this strategy document. However, the following summarises very briefly the main points of the contaminated land regime:

The enforcement of the regime falls to two public bodies – the Environment Agency (for certain types of site and contamination) and local authorities (for the majority of contaminated sites).

Part IIA of the Environmental Protection Act 1990 states in section 78B (1) that:

Every local authority shall cause its area to be inspected from time to time for the purpose:

- Of identifying contaminated land; and
- Of enabling the authority to decide whether any such land is land which is required to be designated as a special site (see Appendix 1).

Section 78B (2) states that local authorities must act in accordance with guidance issued by the Secretary of State in this respect. Statutory guidance was first published in March 2000 and has been updated twice since. The initial update was in 2006, with the publication of the Department of Environment, Food and Rural Affairs (DEFRA) Statutory Guidance within Circular 01/2006 and the most recent update resulted in the Contaminated Land Statutory Guidance of April 2012.

Specific technical guidance on the drafting of Inspection Strategies has been available since

July 2001 and has not significantly changed.

The statutory guidance makes clear that in order to carry out this duty local authorities must produce a formal contaminated land strategy document. This clearly sets out how land which merits detailed individual inspection will be identified in an ordered, rational and efficient manner, which reflects local circumstances.

The statutory guidance requires authorities to consult a range of agencies (see section 3.8) when preparing an inspection strategy. Local authorities were required to ensure that they were completed, formally adopted and published, within a period of fifteen months from the publication of the guidance (i.e. by end of June 2001).

Contaminated land is defined as:

Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- *Significant harm is being caused or there is a significant possibility of such harm being caused; or*
- *Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.*

What may and may not constitute the various categories of harm is described in the statutory guidance. Controlled waters include inland freshwater, groundwater and coastal waters (for definition, see Appendix 2).

Local authorities must search their areas for land which has both receptors (for definition, see Appendix 3) and sources of potential contamination (see Appendix 4). Where they have good reason to believe that both exist, they **must** undertake a formal risk assessment in accordance with established scientific principles in order to establish whether there is the potential for harm or pollution (this is known as a 'pollutant linkage').

Where an enforcing authority is satisfied that the land meets either of the above definitions of contaminated land they **must** declare that a significant pollutant linkage exists and that the land is therefore statutorily contaminated. In cases where the contaminated land falls within the special site category, the local authority must obtain the agreement of the Environment Agency (EA) and work with the EA to deal with the land.

Part IIA required local authorities to identify the persons responsible for the contamination and to negotiate its remediation. If these negotiations fail (or if immediate action is warranted) then the local authority **must** serve a remediation notice specifying, inter alia, what needs to be done to render the site safe. In certain circumstances the council may undertake the work itself and may seek to recover the costs at a later date.

Subsequent chapters will describe in more depth how this process will be implemented by Watford Borough Council.

2 CHARACTERISTICS OF THE WATFORD AREA

2.1 GEOGRAPHY AND LAND USE

Hertfordshire is located in the eastern region of the United Kingdom, immediately to the north of London and adjoining the counties of Buckinghamshire, Bedfordshire, Cambridgeshire and Essex.

Hertfordshire covers an areas of 164,307 hectares with a population density of approximately 6.8 persons per hectare¹.

Watford Borough was granted a Royal Charter in 1922. It is an urban authority covering an area of 2,142 hectares of developed land. Traditionally a market town, it has developed into an attractive sub-regional shopping center and important center for cultural and recreational facilities. There are no greenfield development sites within the Borough, although there are greenbelt and conservation areas. Watford is a major town in the region and historically a centre for the printing industry. The town is tightly enclosed by the Hertfordshire green belt and bordered by Three Rivers and Hertsmere districts. The Borough has a population of approximately 93,700.

2.1.1 HYDROGEOLOGY AND WATER RESOURCE ISSUES

Watford incorporates some important water environments. These include the Rivers Colne and Gade, the Grand Union Canal, and local streams, ponds and underground reserves.

The urban area is underlain by a highly permeable chalk aquifer and river terrace gravels which hold the main drinking water resource for the area. Details of abstraction facilities and aquifer vulnerability have been provided by the Environment Agency. The aquifer is highly susceptible to urban pollutants, particularly near the River Colne. The Council is working together with other agencies to ensure the sustainability of the ground water reserves and to minimise surface water run-off by good management. These policies may reduce the potential for the long distance transportation of contaminants. The Council will take into account the geology, hydrogeology and hydrology of the area, and the surrounding districts on which contaminated land within the Borough may impact. The aquifer, other groundwater and surface waters will receive priority attention during consideration of potentially contaminated sites.

There are two private drinking water supplies registered in the Borough, abstracting from the aquifer. One is a single domestic supply and the other is a Regulation 9 supply.

2.1.2 PROTECTED LOCATIONS

The Lairage Land (4.7 ha) in West Watford and Harebreaks Wood (5.4 ha) in North Watford both have a Local Nature Reserve (LNR) designation, whilst other areas of importance for

¹ Office of National Statistics – 2011 Census

nature conservation include Watling Chase Community Forest, the Colne Valley linear park and the Grand Union Canal Corridor study area.

The Borough does not contain a Site of Special Scientific Interest, but there are two such sites immediately adjacent – Whippendell Woods and Croxley Common Moor, both of which are in Three Rivers District.

Where appropriate, the Herts Biological Records Centre will be consulted to establish whether particular land is likely to have implications on the natural environment.

2.1.3 KEY PROPERTY TYPES

Watford has a number of old and important buildings and structures whose presence, character and setting are essential parts of the heritage of the town. These include approximately 90 listed (grades I and II) buildings, and a number of conservation areas including the following:

- Grove Mill
- St Mary's Churchyard
- Vicinity of St. John's Church
- Watford Heath
- Vicarage Rd Cemetery and 'The Square' area

A local Sites and Monuments Register (SMR) is maintained by Hertfordshire County Council. This contains a detailed record of the known archaeological sites and ancient monuments in Watford (and the rest of the County of Hertfordshire).

Any building can be a receptor for the purposes of Part IIA, including sub-surface structures. It is also important to realise that crops, including homegrown produce and that grown on allotments, commercial livestock and domestic animals, can also be receptors in a Part IIA pollutant linkage.

2.1.4 POTENTIAL SOURCES OF CONTAMINATION

The potential sources of contamination must be identified. In order to do this, the following information will be considered:

(a) Industrial History - A comprehensive list of potentially contaminative uses is attached at Appendix 4. The first step in the process of identifying potentially contaminated sites will be to consider historical data available from old Ordnance Survey maps and written records. Local knowledge will also be very important at this stage, and contact will be made, for example, with the historical society.

(b) Current Industry - The existing industrial areas of the Borough are potential sources of contamination and these will be considered against the statutory guidance to establish whether there is the potential for contamination to exist. If so, it may be more appropriately controlled under other legislation which is designed to prevent land

contamination from occurring. (See section 2.8 above).

- (c) Environmental Protection Act 1990 Part I** - Processes authorised for Local Authority Industrial Pollution Prevention and Control (LA-IPPC), and Local Air Pollution Prevention and Control (LAPPC). The LA-IPPC regime controls unauthorised discharges from these processes to land and water. There are 23 processes which are prescribed for the control of emissions to air only and therefore will not necessarily require consideration under this regime.
- (d) Hazardous Substances** - this Council is a Hazardous Substances Authority for the purposes of the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015. This legislation requires consent to allow the presence on land of hazardous substances above a specified quantity.
- (e) COMAH sites** - The Control of Major Accident Hazards Regulations 2015 (SI 483) are enforced by the Health & Safety Executive and any appropriate agency (acting jointly) to control both on and off site risks from industries with a high potential for disaster from dangerous substances (flammable, toxic or explosive).
- (f) Explosives** - are not directly covered by the hazardous substances regulations but are controlled by the Health & Safety Executive under licences issued under the Explosives Regulations 2014 (Amendment) Regulations 2016. Any licensed sites will be identified.
- (g) Current landfill and waste processing sites** - are licensed by the Environment Agency under the provisions of Part II of the Environmental Protection Act 1990. Details of all these sites have been obtained.
- (h) Closed Landfill Sites** - are a potentially significant source of risk, especially those that operated before the licensing requirements of the Control of Pollution Act 1974. All closed landfills in the District have been identified and their association with any specified receptors considered in detail.
- (i) Sewage Works** – All operating and redundant sewage works will be identified, together with land that may have been used for the disposal of sewage sludge.
- (j) Waste or Derelict Land** - often owned by the utilities, railways or local authorities is left seemingly abandoned because it has no particular use or is difficult to access. These areas can accumulate unwanted materials and can be used to dispose of wastes and effluents illegally.
- (k) Previously Developed Contaminated Sites** - the inspection of the District will identify many potentially contaminated sites which have been developed over the years. In some cases the methods and extent of remediation may be very detailed, in others the extent or effectiveness may be unknown.

Details of statutory and non-statutory consultees and contact points who may hold information regarding receptors and the potential sources of contamination are included in

Appendix 2.

3 PROCEDURES

3.1 THE IDENTIFICATION OF POTENTIALLY CONTAMINATED SITES AND THEIR PRIORITISATION ACCORDING TO RISK

The identification of contaminated land will be carried out using a methodology based on the principles of risk assessment. Significant and imminent risks to human health, whether directly or via the water environment, will be given the highest priority.

Before land can be declared contaminated by definition a, significant pollutant linkage, must be identified. Unless all three elements of a pollutant linkage are identified, land cannot be considered contaminated. The identification methods will therefore concentrate on areas where both contaminants and receptors are known or likely to exist. It is important to fully understand this concept, as it will form the basis of all future site investigation and prioritisation procedures. Where a potential pollutant linkage exists, a formal risk assessment in accordance with established scientific principles will be undertaken. This will establish whether there is the potential for harm or pollution as described.

If, for example, an area of land is known to be badly affected with potentially dangerous contaminants, it will, however, not be considered as a matter of the highest priority if studies confirm there are no specified receptors within the area of influence. If there are receptors evident, the risk assessment process will seek to determine the likelihood of them coming together at any time. If the chances of this are calculated as significant, and the consequences would result in significant harm, or pollution of controlled waters, a significant pollutant linkage will be said to exist and the land can be determined as Contaminated Land.

In summary, for Contaminated Land to exist the following are pre-requisites:

1. One or more contaminant substances.
2. One or more specified receptors.
3. At least one plausible pathway between contaminant(s) and receptor(s).
4. A good chance that the pollutant linkage will result in significant harm or pollution to one of the specified receptors.

The strategy for identification commenced with a desktop survey of the District to identify areas of land where:

- Previous uses indicate contamination existed; and
- There are known receptors within a determined area of influence

Potentially contaminated land shall, prior to detailed investigation, be prioritised according to a preliminary assessment of risk. This will be achieved using a simple, but robust, 'scoring' methodology, which places a higher priority on human health risks than on risks to other receptors.

The detailed on-site investigation of contaminated land is inevitably a time consuming and expensive process. Therefore it must be emphasised that all investigations will be carried out on an incremental basis and terminated immediately it is clear that no significant pollutant linkage exists.

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the Council will authorise urgent action to deal with the risks involved.

The suggestion that land may be contaminated can have a significant impact on the way others view it, and in particular, it's perceived value. The Council will therefore seek to obtain as much information as possible about a suspected site without causing unnecessary alarm. This may involve detailed inspection of historical data in its possession such as Planning and Building Control files. Others with information may include:

- The Environment Agency
- DEFRA (formerly MAFF)
- The Health & Safety Executive
- Thames Water
- Developers
- Current and Previous occupiers
- Current and Previous landowner(s)

A Memorandum of Understanding has been agreed between the Environment Agency and the Local Government Authority whereby site-specific data will be exchanged on request.

If the information obtained confirms that there is no significant pollutant linkage, then the investigation will cease and no further action will be taken. It may be, however, that circumstances will be identified whereby a significant pollutant linkage could occur at some time in the future. In these cases arrangements will be made to keep the situation under review.

3.2 INFORMATION COLLECTION

The initial stages of inspection will be predominantly desk-based exercises. Numerous sources of information will be consulted and used to identify potential sources, pathways and receptors during the general inspection, and any further scrutiny of individual sites. Appendix 6 outlines some of these resources and their sources. It should be noted that some sources may make a charge for access to information.

The GIS system will be the primary tool for the management of contaminated land information. The GIS will be used to correlate information and compare receptors with sources of contamination, consider proximity, and look for potential pathways.

3.3 COMPLAINTS AND VOLUNTARY INFORMATION

From time to time a member of the public, business or the wider community may

communicate a concern, or complain, to the Council about Contaminated Land. In addition, individuals may supply information voluntarily whether or not it affects them, or their property, in any way. The receipt of such information may impact on the approach to inspection in Watford.

3.3.1 COMPLAINTS / CONCERNS

As a minimum, any complainant may expect:

- The complaint/concern to be logged and recorded, including time and date of receipt, details of complainant (name, address, postcode, contact telephone number), and name of officer receiving complaint; and
- To receive a response in respect of the complaint within 7 working days of receipt.

Every effort will be made to resolve complaints and concerns quickly and efficiently. However the nature of the contaminated land regime means that some degree of investigative work may be required before a satisfactory resolution can be reached, since:

1. the Council must prove a viable significant pollutant linkage before land can be formally determined as Contaminated Land;
2. the Council must consult with certain parties before determination (except in cases of urgency);
3. a statutory three month consultation period must be observed between determination of a site as Contaminated Land and the service of any Remediation Notice (except where urgent remediation is required); and
4. the Council must make every effort to identify the original polluter (or 'Class A' person(s)).

3.3.2 CONFIDENTIALITY AND ANONYMOUS INFORMATION

Complainants will be asked to supply their name and address, because the Council may need to contact them at a later date to request further information or to provide an update on the investigation.

However the identity of all complainants will remain confidential. It may only be made public where a Remediation Notice is contested in a court of law and the health effects of the complainant were an important basis for the original determination of the land as Contaminated Land.

Complainants will be encouraged in every instance to provide contact details. However, anonymously supplied information will be assessed in relation to the information held by the Council and the individual circumstances. Where it appears that there is the potential significant pollutant linkage the Council will undertake further investigatory work.

3.3.3 VOLUNTARY PROVISION OF INFORMATION

Any information supplied by a person or organisation that has no direct impact on their health or property will not be treated as a complaint. The information will be recorded and may be acted upon, and the Council may keep the informant updated on progress as a matter of good practice.

3.3.4 ANECDOTAL EVIDENCE

Anecdotal evidence will be noted. However the Council will observe the statutory requirement that robust scientific evidence must support any determination of land as Contaminated Land.

3.4 ARRANGEMENTS FOR CARRYING OUT DETAILED INSPECTIONS

Detailed inspections shall be carried out on particular areas of land identified as justifying further scrutiny through the initial inspection. The aims of any detailed inspection are to ensure that sufficient information is available to determine whether any land appears to be Contaminated Land, and if so, whether the land is required to be designated as a special site.

At all stages, in the spirit of the regime, the Council will try to encourage voluntary action to investigate sites by those responsible for the sites, as the preferable means of action.

Evidence collected during a detailed inspection should include evidence that a pollutant (or pollutants) is (or are) actually present.

A detailed investigation may include any, or all, of the following:

- (i) 'Phase I' investigation (detailed desktop study) – documentary research;
- (ii) 'Phase II' investigation (preliminary/visual inspection)
- (iii) 'Phase III' investigation (intrusive)

A risk-based approach will be taken in all investigations.

Site investigations will be conducted, wherever practicable, in accordance with British Standard 10175:2011+A2:2017 – Investigation of Potentially Contaminated Sites – Code of Practice.

The Council shall endeavour to ensure that all reasonable precautions are taken during site investigations to avoid harm, water pollution, or damage to natural resources or features of historical or archaeological significance as a result of the investigation.

Should the need arise, the Council may exercise statutory powers of entry (conferred under Section 108 of the 1995 Environment Act) in order to enter premises or land to carry out a detailed inspection.

If the Authority is considering a potential special site, it shall seek to make arrangements

with the Environment Agency (as the enforcing authority for special sites) to carry out the detailed inspection of the land on behalf of the Authority. According to the wishes of the Environment Agency, it may be that a joint investigation will be undertaken.

Before entering any suspected contaminated site, the Council shall give full consideration to Health and Safety aspects. The hazard identification stage may indicate that the site poses threats to personal safety. In addition, debris and vegetation can quickly form a superficial cover over potentially dangerous features. Relevant guidance for H&S aspects of site investigation is included within HSE HS(G)66 Protection of Workers and the General Public during the Development of Contaminated Land (HMSO 1991). A risk assessment for the use of personal protective equipment will be carried out where persons authorised by the Council will be entering potentially contaminated areas.

The Council may decide to employ an external contractor to carry out detailed inspections. Depending on the expected cost of works, external professionals may be approached directly for quotations, or open tenders may be invited.

3.5 INFORMATION EVALUATION – RISK ASSESSMENT

The UK approach to managing contaminated land is risk-based. This approach is underpinned by the pollutant linkage concept. Risk assessments of contaminated land will be used to evaluate information on substances in, on, or under, the land to verify a significant pollutant linkage, with the aim of setting targets for risk management (remediation) in an objective or scientific way. The risk assessment framework will also be used to evaluate the effectiveness of any previous action in preventing or dealing with contamination, such as action undertaken as part of a planning condition.

Risk assessment should be carried out on a site-specific basis, because risks will be influenced by a number of factors, depending on the individual site, as follows:

- sensitivity of intended use
- nature of contamination
- location of contamination
- quantities (concentration) of contaminant(s)
- physical and chemical properties of the soil
- bioavailability of the contaminants

Because of these factors, there are no prescriptive limits or guideline values for contaminant concentrations in soils. Appropriate guideline values must be derived or selected which reflect the conditions on the individual site.

3.5.1 PRINCIPLES OF RISK ASSESSMENT

A model procedure for environmental risk assessment has been set out by the former DETR, comprising two phases, each containing two sub-phases:

Phase I: Hazard Identification and Assessment

Hazard Identification – information gathering through desk studies and site reconnaissance (walkover) to gain an understanding of potential risks.

Hazard Assessment – gathering of further information to refine understanding of risks, by confirming the likelihood of suspected pollutant linkages and development of a conceptual site model.

Phase II: Risk Estimation and Evaluation

Risk Estimation – detailed ground investigations to collect sufficient data to estimate risks from hazardous substances to receptors.

Risk Evaluation – all available risk-based information is reviewed to determine whether the estimated risks are unacceptable, taking into account any technical uncertainties.

3.5.2 CLEA MODEL

On the 14th March 2002, the Department for Environment, Food and Rural Affairs and the Environment Agency published a series of reports that provide a scientifically based framework for the assessment of risks to human health from land contamination. By providing a consistent approach to risk assessment, the Contaminated Land Exposure Assessment (CLEA) framework will facilitate the rapid identification of sites that pose a significant risk to human health and help avoid blight on other sites. The framework does not consider risks to other receptors such as plants and animals, buildings, and controlled waters, so other receptors must be assessed using other appropriate criteria.

The package consists of four main reports (CLR 7, 8, 9 and 10) and supporting toxicology reviews and Soil Guideline Values for individual substances. Together, they are now considered to represent the key instruments for generic assessment of the human health risks from land contamination. The package can be used to aid decision-making for contaminated land and brownfield sites, based on sound science, thus removing doubt and potential blight from many sites.

The development of the CLEA model and the Soil Guideline Values is an on-going programme of work supported by the Department for Environment, Food and Rural Affairs, the Environment Agency, and the Scottish Environmental Protection Agency. Future publications will include evolution of the CLEA model, its technical basis and algorithms, as well as further individual toxicology reviews and Soil Guideline Values to expand the list of substances for which information is already available. CLR documents relevant to the CLEA R&D Programme are available for download.

An update (1.071) to the software was published on 04/09/2015. The model and the supporting handbook are available at

<https://www.gov.uk/government/publications/contaminated-land-exposure-assessment-clea-tool>).

3.5.3 WITHDRAWAL OF ICRL GUIDELINE VALUES

Following the introduction of the CLEA model, DEFRA has now withdrawn the main DOE technical document previously used to help assess land contamination. This is ICRL Guidance Note 59/83 (2nd edition), first published in 1983 and updated in 1987, which was prepared by the former Inter-Departmental Committee on the Redevelopment of Contaminated Land (ICRL). ICRL 59/83 contained “trigger values” for a series of substances commonly found in contaminated land. These have been a useful tool, but are now technically out of date and their approach is not considered to be in line with Part IIA and associated policy. In particular, they are no longer considered suitable for assessing the “significant possibility of significant harm” to human health, which the regime calls for. They are also no longer acceptable for the assessment of human health risks from land contamination being considered as part of a development proposal.

3.5.4 OTHER RISK ASSESSMENT TOOLS

A number of other sets of generic guideline values and risk assessment models are available, which should be selected appropriately, depending on the specific conditions on the site in question:

- LQM/CIEH S4ULs for Human Health Risk Assessment;
- Defra Category 4 Screening Levels (C4SLs);
- EIC/AGS/CL:AIRE Generic Assessment Criteria;
- Environment Agency Soil Guideline Values (SGVs);
- Drinking Water Standards (DWS), Environmental Quality Standards (EQS), World Health Organisation (WHO) Guidelines for Drinking Water Quality;
- Remedial Targets Methodology and ConSim.

When selecting soil/groundwater guideline values, care will be taken to ensure that the set is both appropriate and relevant. Guideline values are usually based on a number of assumptions, which may or may not be relevant to any scenario the Council is dealing with.

Advice will be sought from the Environment Agency on risk assessments where controlled waters, or potential special sites, are affected. Advice will be sought from English Nature where a protected ecosystem is being considered as a receptor.

4 GENERAL COMMUNICATION AND LIAISON

Much of the work proposed under this strategy will require effective communication and liaison with other individuals and organisations.

4.1 STATUTORY CONSULTEES

A number of organisations will be consulted on the inspection strategy, as follows (see also Appendix 2):

- Environment Agency;
- DEFRA (former MAFF);
- English Nature;
- English Heritage;
- Hertfordshire County Council;
- Food Standards Agency;
- East of England Development Agency.

These statutory consultees will be invited to comment on the consultation draft of the strategy, and any subsequent revisions.

The Authority will also consult with:

- Environment Agency – when considering land that may be contaminated by virtue of pollution of controlled waters, and potential special sites;
- English Nature – when considering land that may be contaminated by virtue of an ecological system effect;
- English Heritage – when considering land that may include any features of historical and archaeological significance; and
- DEFRA and the FSA – when considering land that may be contaminated by virtue of damage to property in the form of crops or livestock.

4.2 NON-STATUTORY CONSULTEES

There is considerable scope for involvement of local business, the public and the wider community in addressing contaminated land issues in Watford. These groups will all be encouraged to participate in the general process of identifying and investigating potentially contaminated land. Interested parties will be able to comment on the draft strategy, and will be able to assist in the inspection of the area by the provision of information.

4.3 COMMUNICATING WITH OWNERS, OCCUPIERS AND OTHER INTERESTED PARTIES— PROMOTING VOLUNTARY ACTION

One of the Council's aims for contaminated land is to encourage and promote voluntary action, as the preferred alternative to enforcement action ('persuade and cajole' rather

than 'command and control'). In many cases an effective solution is more likely to be achieved by agreement.

The government believes that the clarity and consistency contained in Part IIA and the accompanying guidance lends itself towards the encouragement of voluntary action. Polluters will be able to anticipate, and thus act in advance of, regulatory enforcement action. Regulatory action against a site will be recorded on the public register and this can be avoided if voluntary action is undertaken.

Effective communication between polluters, owners, occupiers and other interested parties is required to effectively encourage and promote voluntary action. The Contaminated Land Officer will be the main point of contact within the Council for contaminated land issues and will endeavour to keep all parties fully informed about the progress of an investigation, whether or not the outcome will be a formal determination of land as Contaminated Land.

4.4 FORMAL DETERMINATION OF LAND AS CONTAMINATED LAND

Wherever there is a requirement to formally determine an area of land as Contaminated Land, the Authority will take the following actions:

- write to the owner and/or the occupier and any other appropriate person(s), notifying them of the intention to make the determination, and summarising the basis for the determination. The letter will notify the recipient of the capacity in which they are being informed e.g. owner of the land. The Authority will also notify the Environment Agency Liaison Officer at this stage. This will take place at least 5 working days prior to the determination. If the area of land is being considered as a special site, the Environment Agency will be notified as such at this stage.
- write to the owner and/or the occupier and any other appropriate person(s), together with the Environment Agency Liaison Officer, informing them that the determination has been made. This letter will seek to encourage remediation without the need for service of a Remediation Notice. This notification will also inform the recipient about tests for exclusion from, and apportionment of, liability.
- dispatch a copy of any additional information required to facilitate consultation, requested by any notified persons, within 5 working days of receipt of the request;
- write to the owner and/or occupier of neighbouring properties within 5 working days of making the formal determination, notifying them of the determination.
- If any other person is identified at any stage as an appropriate person for the purposes of remediation, they will be notified in writing as soon as possible, and brought up to date on progress.

4.5 FORMAL DESIGNATION OF SPECIAL SITES

If the Authority decides that an area of land might need to be designated as a special site, it

will write to the relevant Environment Agency Liaison Officer requesting their advice, prior to the formal determination of the land as Contaminated Land.

If the Authority decides, having regard to any advice, that the area of land needs to be designated as a special site, it will notify the owner and/or occupier, and any appropriate person(s), as well as the Environment Agency, in writing of the designation.

4.6 SERVICE OF A REMEDIATION NOTICE

The Authority will as a general rule observe the statutory three-month period between notification of appropriate persons of the determination of an area of Contaminated Land, and the service of a Remediation Notice.

An exception applies where the Secretary of State is asked to decide whether an area of land is required to be designated as a special site. Where the Authority receives notification that the land is not to be designated as a special site, a period of three months will elapse from receipt of the notification before the service of a Remediation Notice.

Remediation notices are served only as a last resort (not withstanding urgent cases). Notices will be authorised after two tests are satisfied:

- That the remediation actions will not be carried out otherwise.
- That the Council is not required to carry out the work itself.

Wherever the Authority considers that there are sufficient grounds for the service of a Remediation Notice, the following actions will be taken:

- a Remediation Notice will be served on all appropriate persons, specifying the remediation action required;
- a copy of the Remediation Notice will be sent to the EA and the owner and/or occupier of the Contaminated Land; and
- the Authority will write to the owner/occupier of neighbouring land within 5 working days of the notice being served.

The Head of Community & Environmental Services will specify what remediation measures are to be carried out in the remediation notice. These will be both appropriate and cost effective, employing the 'best practicable techniques'. The aim of the remediation will be to ensure that the land is no longer contaminated, taking the shortest and lowest cost route. The "reasonableness" of the requirement is paramount. "Reasonableness" is demonstrated by comparing the cost of carrying out remediation with the cost of failing to (i.e. the costs resulting from the continuing of likely pollution).

Should any urgent remediation of land be required, this procedure will be observed as far as is practicable, although some deviation from the timescales specified is to be expected. In particular, the Authority is exempted from prior consultation before the service of a Remediation Notice, and observing the three-month time lapse between the notification of determination and the service of a Remediation Notice.

4.6.1 SITUATIONS WHERE THE COUNCIL MAY CARRY OUT REMEDIATION

Before the Council can serve a Remediation Notice it will first determine whether it is appropriate to carry out any of the remediation actions itself. There are five specified circumstances where this may be the case:

- Where urgent action is required (see below);
- Where no appropriate person can be found;
- Where one or more appropriate persons are excluded (on grounds of hardship);
- Where the local authority has made an agreement with the appropriate person(s) that it should carry out the remediation;
- In default of a previous remediation notice.

Some sites may be determined as 'orphan' sites. These are sites where it is not possible after reasonable enquiries to find anyone responsible for them, or where the Class A or Class B persons are exempted from liability for specified reasons. In those cases the enforcing authority will bear the cost of remediation in accordance with guidance.

The Council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated soon enough by enforcement action. In the case of a special site the Council will determine the land as Contaminated Land in accordance with the statutory procedure and, in consultation with the Environment Agency, determine who will then be responsible for the remediation.

Wherever possible the Council will seek to recover the costs of any remediation works it has completed.

4.7 POWERS OF ENTRY

The enforcing authority is required to give at least seven days notice to the occupier where entry onto residential premises is proposed, or where mobilisation of heavy equipment is required, to carry out the inspection. If consent is not given, the authority may exercise statutory powers of entry conferred under Section 108(6) of the Environment Act 1995 in order to carry out an inspection.

Where the Environment Agency is to carry out an inspection using statutory powers of entry on behalf of the Authority, the Authority shall authorise a person nominated by the Agency to exercise S.108 powers of entry. The Environment Agency do not have the power under Part IIA to investigate land which may be contaminated land without the authorisation of the Council.

The seven-day notice period may be waived where the Authority considers that there is an immediate and serious risk to human health or the environment.

4.8 LIABILITY AND ENFORCEMENT ACTION

Contaminated Land Investigations will be carried out in accordance with the Enforcement

Concordat, which aims to ensure consistent, fair and transparent practices are used when enforcement action is taken.

Land may be declared contaminated upon the identification of only one significant pollutant linkage. Full liability cannot therefore be determined until all significant pollutant linkages on the site have been identified. When all significant pollutant linkages have been identified, the procedure relating to the apportionment of liability must commence. This has five distinct stages as follows:

1. Identifying potential appropriate persons and liability groups;
2. Characterising necessary remediation actions;
3. Attributing responsibility to liability groups;
4. Excluding members of liability groups;
5. Apportioning liability between members of a liability group.

These procedures may be complex. The process commences with the establishment of liability groups. All appropriate persons for any one linkage are a 'liability group'. These may be class 'A' or class 'B' persons (see explanation of terms). The Council will make all reasonable enquiries to identify class 'A' persons before liability reverts to owners or occupiers.

The matter of appropriate persons must be considered for each significant pollutant linkage. Therefore where a site has had a series of contaminative uses over the years, each significant pollutant linkage will be identified separately and liability considered for each.

In most cases the members of a liability group will have the total costs falling on the group as a whole apportioned between them. However, it may also be necessary to apportion costs between liability groups. There are three basic principles that apply to exclusion and apportionment tests:

1. The financial circumstances of those concerned have no relevance;
2. The Council must consult persons affected to obtain information (on a reasonable basis having regard to the cost); and
3. Where there are agreements between appropriate persons the local authority has to give effect to these agreements.

It may be appropriate to exclude some appropriate persons from liability. For Class A persons, the Regulations specify tests which must be applied in order to determine exclusion from liability. These will be applied in sequence and separately for each pollutant linkage. The exclusion of Class 'B' persons is more straightforward as they must have an interest in the capital value of the land. Most tenants will therefore be excluded.

When the Council has apportioned the costs of each remediation action and before serving Remediation Notices, it will consider whether any of those liable may not be able to pay. The Council can consider waiving or reducing the costs, or carrying out the work itself.

4.9 RISK COMMUNICATION

The Council recognises that contaminated land issues are often complex, with a need to resolve conflicting views. The risk-based approach adopted by the new regime means that harm regarded as 'significant' under Part IIA may be viewed very differently by others. There are a number of factors that influence the perception of risk to the individual:

- Level of familiarity with the issue;
- Level of personal control over the issue/event;
- Proximity in space;
- Proximity in time;
- Scale of event;
- Personal values;
- Life experience;
- Culture;
- Background.

Any of these factors may create barriers to effective communication. In addition, the views of any stakeholder may change with time, and ultimately, decisions on risk acceptability are personal and subjective.

The Council recognises that effective and efficient communication is a two-way process. When dealing with any site, the Council will aim to initiate communication with all interested parties at an early stage, and be open and inclusive. By providing clear information, the Council will try to share a good understanding of risks to allow interested parties to raise their concerns and hopefully participate in the process of managing contaminated land risks.

Any concerns raised by a stakeholder will be treated seriously and with respect, recognising the importance of the issue to the individual or group. Anyone with concerns relating to contaminated land may contact the Contaminated Land Officer to discuss their concerns.

Whilst community acceptance of decisions is considered important for the successful management of contaminated land issues, the local authority only has powers to address unacceptable and significant risks. In addition, under the terms of any Remediation Notice served, the Council is limited to being able only to require remedial action that will remove unacceptable risks, and no more. It is anticipated that some members of the community may have difficulty accepting this.

The expectations of some members of the public will not be met by the powers of local authorities under Part IIA.

4.10 THE PUBLIC REGISTER

The Council is required to maintain a register of statutory Contaminated Land, for public inspection. The Environmental Health Team, based at Wiggshall Depot, Watford, will hold and maintain the register. It will be accessible by prior arrangement during office hours, Monday to Friday.

The register is likely to be paper-based for the foreseeable future. The Contaminated Land (England) Regulations 2000 clearly prescribe the information to be held on the register, which includes:

- Details of Remediation Notices, including appeals against notices;
- Remediation Declarations and Remediation Statements;
- Notices of designation of special sites; and
- Convictions in relation to Remediation Notices.

Information affecting national security and commercially confidential information is excluded from inclusion on the register. It will not include land identified as *potentially* contaminated. Neither will it include research documents used to investigate a potentially contaminated site.

Written requests for information under the Environmental Information Regulations 2004 will be dealt with within the statutory timescale for response. However, certain grounds for exemption from disclosure exist including:

- information is being held for judicial purposes;
- Where disclosure would affect legal proceedings;
- Where it would involve the supply of a document or record which is still in the course of completion;
- Where the information is not accessible;
- Information would affect national security or is commercially confidential

4.11 PROVISION OF INFORMATION TO THE ENVIRONMENT AGENCY

The Agency is required to prepare a State of Contaminated Land Report for the Secretary of State either on request, or from 'time to time' (S. 78U(1), EPA 1990). The report will include:

- a summary of local authority inspection strategies, including progress made against the strategy and its effectiveness;
- the amount of contaminated land in England and Wales and the nature of the contamination; and
- measures taken to remediate land.

This national report will be based on information provided by the enforcing authorities. A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association setting out how information is to be exchanged between local authorities and the Agency. The Council will provide information to the Environment Agency, in accordance with these agreed guidelines.

The Council will provide information to the Agency whenever a site is determined to be Contaminated Land, and whenever a Remediation Notice, Statement or Declaration is issued or agreed, using standard forms provided by the Agency for this purpose.

5 QUALITY CONTROL, PERFORMANCE INDICATORS AND ARRANGEMENTS FOR REVIEW

The strategy describes the general approach that will be taken in inspecting the Watford area for potentially contaminated land. This section will describe triggers for undertaking inspections outside of the general approach, triggers for reviewing inspection decisions, and a mechanism for reviewing the strategy. The frequency of inspection of the area for the purpose of identifying contaminated land is also addressed in this section.

5.1 TRIGGERS FOR UNDERTAKING INSPECTION

There may be a need to carry out inspections outside of the general approach to inspection. Triggers for such inspections will include:

- Unforeseen Events – e.g. any contaminative incident where consequences cannot be addressed through other relevant environmental protection legislation;
- New receptors – e.g. housing proposed for a potentially contaminated site;
- Localised health effects – apparently relating to a particular area of land;
- Responding to information on particular areas of land.

Non-routine inspections must not be allowed to interfere significantly with the general approach to inspection, of the overall strategy is to prove effective. This issue will be considered before undertaking any non-routine inspections.

5.2 TRIGGERS FOR REVIEWING INSPECTION DECISIONS

There may be situations where changes in the condition or circumstances of the land or its surrounding environment prompts the Authority to review its inspection decision for a particular area of land,. Triggers for such a review may include:

- Proposed changes in use of surrounding land;
- Unplanned changed in use of the land;
- Unforeseen events – where consequences cannot be addressed through other relevant environmental protection legislation;
- Localised health effects apparently relating to a particular area of land;
- Verifiable reports of unusual or abnormal site conditions;
- Responding to information from other statutory bodies, owners or occupiers, or other interested parties;
- Significant changes in legislation;
- Significant precedents set by case law decisions;
- Significant reviews in toxicological data upon which risk assessments based.

Care will be taken to ensure that all decisions are made and recorded consistently and clearly for efficient review.

5.3 REVIEW OF THE STRATEGY

As part of quality management procedures there will be a need to review the strategy for inspection routinely to ensure that it represents an efficient use of resources and that it is effective in meeting the requirements of the Part IIA regime.

This strategy will be reviewed every five years (as recommended in the Statutory Guidance), or following any significant changes in regulation or guidance. The Environment Agency, English Nature, Thames Water and the Vivendi Water partnership will be consulted regarding the review. Particular matters that will be kept under review include:

- The general content of the strategy;
- Priorities for further investigation of potentially contaminated sites;
- The potential for the introduction of new receptors;
- The potential for new contamination;
- Progress on voluntary remediation;
- The enforcement process generally and the identification of appropriate persons particularly;
- Identification of special sites;
- The methods used and progress with the implementation.

The authority has a duty to inspect its area 'from time to time' under the legislation. However the frequency of inspection is not prescribed. The reviews will be used as opportunities to consider the frequency of inspection, based on the results of the first inspection and local circumstances.

6 PROJECTED COSTS AND TIMETABLE

The Explanatory and Financial Memorandum to the Environment Bill stated that the creation of the new contaminated land regime would have neither financial nor manpower implications. In the light of responses received to the draft guidance, however, the Government acceded that successful operation would necessitate considerable resources.

Accordingly, as part of the Government spending review in July 1998 a sum of £50M was made available to local authorities over three years to develop inspection strategies, carry out site investigations and take forward enforcement action. In addition £45M was to be spent on remediation over the same period through the Supplementary Credit Approval (SCA) programme.

The Council identified that financial provision would be needed for the following activities over the period 2001 – 2008:

- The acquisition of site-specific data;
- The use and augmentation of the Arcview Geographical Information System;
- Consultancy services for the identification of contaminated land;
- Consultancy services for the identification of remediation solutions;
- Investigation and remediation of Council owned land, orphan sites and sites where urgent action is required.

It was anticipated that the identification and initial prioritisation of sites would be largely completed by April 2003. Most of the detailed inspections and assessments would take place between 2003 and 2008. The prioritisation of sites was completed during this period. No detailed inspections and assessments have been undertaken to date.

The investigation of seven former landfill sites in the Watford area was undertaken in 1993. Further gas monitoring was undertaken at these sites in 1998.

7 PROACTIVE INSPECTION OF SITES UNDER THE PART IIA STRATEGY

The detailed inspection and assessment of sites is expensive (often costing tens of thousands of pounds). In the past, Part 2A inspections were funded by Central Government through the Contaminated Land Capital Grants Programme. Unfortunately, this grants programme was withdrawn in April 2014 and the Council has insufficient funds to undertake any proactive inspections or assessments of sites.

Progress in carrying out detailed inspections and assessments is reliant upon resources and risks. No current high risk sites have been identified and as such further proactive site investigations outside of the planning regime are currently planned under this strategy.

Contaminated land is a material planning consideration, so the Council's Development Control Team consults the Community & Environmental Services Team on planning applications and associated contaminated land reports. We are responsible for reviewing all investigation and remediation work undertaken by developers, to ensure that it is completed to a satisfactory standard and that the site is suitable for its proposed use. The legal responsibility for ensuring the works are carried out and the risks removed remains with the developer and the owner(s) of the site.

Within Watford Borough Council, land which requires consideration under the Part IIA Contaminated Land Strategy is likely to be dealt with on an informal basis or, alternatively, triggered through the planning system by redevelopment of a site.

APPENDIX 1: SPECIAL SITES

Once a local authority has identified land as contaminated land by definition, it must also consider whether it falls into the category of a special site. Special sites are sites where, more often than not, the Environment Agency have had, or still have, an enforcement role.

What exactly constitutes a special site is specified in the Contaminated Land (England) Regulations 2000. For a legal definition the Regulations must always be consulted. In simple terms, however, they include land:

- Polluting controlled waters (in certain circumstances - see appendix 3);
- On sites subject to Integrated Pollution Control (see Environmental Protection Act 1990 Part I - Prescribed Processes and Substances Regulations 1991 schedule 1 part A);
- With waste sulphuric acid tar lagoons (on sites used for refining benzole, used lubricants or petroleum);
- Used as an oil refinery;
- Used to manufacture or process explosives;
- Used to manufacture or dispose of atomic, chemical or biological weapons (non biological contamination only);
- Used for other nuclear purposes;
- Owned or occupied by a defence organisation for naval, military or air force purposes (not off base housing / NAFFI);
- Held for the benefit of Greenwich Hospital.

Contaminated land beyond the boundary of these premises (but contaminated by them) also forms part of the special site.

Procedure in relation to the investigation and declaration of special sites is covered in sections 2.10.1, 4.4, and 5.5 above.

APPENDIX 2: LIST OF CONSULTEES AND CONTACT POINTS

EXTERNAL

Environment Agency	Alchemy, Bessemer Road, Welwyn Garden City, Hertfordshire, AL7 1HE
DEFRA	Seacole Building, 2 Marsham Street, London, SW1P 4DF,
HSE	Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW
Hertfordshire CC	County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DN
English Heritage	6th Floor, 100 Wood Street, London, EC2V 7AN
Natural England	County Hall, Spetchley Road, Worcester, WR5 2NP
Food Standards Agency	Floors 6 and 7, Clive House, 70 Petty France, London, SW1H 9EX
Affinity Water	Tamblin Way, Hatfield, Hertfordshire,

AL10 9EZ

Thames Water

Clearwater Court,
Vastern Road,
Reading,
Berkshire,
RG1 8DB

INTERNAL

- Planning Officer
- Local Plan Team
- Building Control Officer
- Legal
- Information Technology
- Property Services
- Housing
- Quality of Life
- Corporate Communications

APPENDIX 3: POLLUTION OF CONTROLLED WATERS

(1) Controlled waters are defined for the purposes of Part IIA as:

- Coastal waters including docks
- Relevant territorial waters (usually to three miles)
- Inland fresh waters (relevant rivers, watercourses, lakes, ponds, reservoirs - including bottom / channel / bed, even if dry)
- Groundwater (section 104 of the Water Resources Act 1991)

(2) The pollution of controlled waters is simply defined as:

The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter

(3) There is no power in the Act to enable the Secretary of State to issue guidance on what degree of pollution may constitute pollution of controlled waters. This has been accepted as a potential area of conflict. When, however, considering cases where it is thought very small quantities of a contaminant are causing pollution, local authorities must consider what remediation it may be reasonable to require. This should act as a limiting factor thereby ensuring unrealistic demands are not made in relation to cases of very minor pollution.

(4) Pollution of controlled waters will rarely be dealt with by the local authorities. Below is a summary of the issues relating to controlled waters.

(5) Where pollution of groundwater has occurred and the source cannot be identified, or the polluting substances are contained entirely within the body of water (and not in or on the land), then Part IIA does not apply and the matter would be dealt with by the Environment Agency under section Part III of the Water Resources Act 1991 (see also paragraph i.8 (c) above).

(6) Where pollution has occurred from land which subsequently affects the wholesomeness of drinking water within the meaning of section 67 of the Water Industry Act 1991 (Water Supply [Water Quality] Regulations 1989 / Private Water Supplies Regulations 1991), then the land becomes a **special site**.

(7) Where pollution has occurred from land which results in surface water failing to meet the criteria in Regulations[#] made under section 82 of the Water Resources Act 1991, then the land becomes a **special site**:

[#] Regulations made under section 82 of the 1991 Water Resources Act:

The Surface Water (Dangerous Substances) (Classification) Regulations 1989

The Bathing Waters (Classification) Regulations 1991

The Surface Water (Dangerous Substances) (Classification) Regulations 1992

The Surface Water (River Eco System) (Classification) Regulations 1994

The Surface Water (Abstraction for Drinking Water) (Classification) Regulations 1996

The Surface Water (Fish life) (Classification) Regulations 1997
The Surface Water (Shellfish) (Classification) Regulations 1997
The Surface Water (Dangerous Substances) (Classification) Regulations 1997
The Surface Water (Dangerous Substances) (Classification) Regulations 1998

(8) Where the pollution of a specified aquifer* is caused by any of the following contaminants the land becomes a **special site**:

- Organohalogen compounds and substances which may form such compounds in the aquatic environment;
- Organophosphorus compounds;
- Organotin compounds;
- Substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;
- Mercury and its compounds;
- Cadmium and its compounds;
- Mineral oil and other hydrocarbons;
- Cyanides.

*Specified aquifers are those contained in the following rocks:

Pleistocene Norwich Crag;
Upper Cretaceous Chalk;
Lower Cretaceous Sandstones;
Upper Jurassic Corallian;
Middle Jurassic Limestones;
Lower Jurassic Cotteswold Sands;
Permo-Triassic Sherwood Sandstone Group;
Upper Permian Magnesian Limestone;
Lower Permian Penrith Sandstone;
Lower Permian Collyhurst Sandstone;
Lower Permian Basal Breccias, Conglomerates and Sandstones;
Lower Carboniferous Limestones.

(9) This, in effect, leaves local authorities with the potential responsibility for the pollution of controlled waters where:

a) Surface or coastal waters are affected but not breaching the Regulations in paragraph 7 above.

b) Groundwater (other than a principal aquifer specified as in 8 above) is contaminated and the water is not used for drinking.

APPENDIX 4: LIST OF POTENTIALLY CONTAMINATIVE LAND USES

This list has been drawn up to provide a broad indication of the type of sites that are known to use, or to have used in the past, materials that could pollute the soil. It must be understood that the list is not exhaustive, also that inclusion on this list does not necessary infer the existence of a pollutant linkage.

Abattoirs	Dyers and finishers
Adhesives manufacture	Electricity generation
Agriculture	Electrical engineers
Aircraft manufacture	Electro platers
Airports	Engineering works
Animal burial	Explosives manufacture (including fireworks)
Animal by-product processing	Farms
Anodisers	Fertiliser manufacture
Anti-corrosion treatment	Fellmongers
Asbestos products	Fibre glass works
Asphalt works	Food processing
Automotive engineering	Foundries
Battery manufacture	Fuel manufacture
Bearings manufacture	Fuel storage
Blacksmiths	Garages and depots
Boiler makers	Gas mantle manufacture
Bookbinding	Gas works
Brass and copper tube manufacture	Glass works
Brass founders	Glue manufacture
Brewing	Gum and resin manufacture
Car manufacture	Hatters
Carbon products manufacture	Hide and skin processors
Cement works	Ink manufacture
Chemical manufacture and storage	Iron founder
Chrome plating	Iron works
Ceramics manufacture	Knackers yards
Coal carbonisation	Laquer manufacture
Coal merchant	Laundries
Concrete batching	Leather manufacture
Coppersmiths	Metal coating
Descaling contractors (chemical)	Metal manufacture
Detergent manufacture	Metal sprayers and finishers
Distilleries	Mining
Dockyards	Mirror manufacture
Drum cleaning	Motor vehicle manufacture
Dry cleaners	Oil fuel distributors and suppliers
Dye works	

Oil merchants
Oil refineries
Oil storage
Paint and varnish manufacture
Paper works
Pesticides manufacture
Petrol stations
Photographic film works
Photographic processing
Paper manufacture
Plastics works
Plating works
Power stations
Print works
Printed circuit board manufacture
Radioactive materials processing
Railway land
Railway locomotive manufacture
Refiners of nickel and antimony
Resin manufacture
Rubber manufacture
Scrap metal dealers
Sealing compound manufacture
Sewage works
Sewage sludge disposal areas
Sheet metal merchants and works
Ship breakers
Ship builders
Skein silk dyers
Small arms manufacture
Smokeless fuel manufacture
Soap manufacture
Solvent manufacture
Solvent recovery
Steel manufacture
Stove enamellers
Synthetic fibre manufacture
Tank cleaning
Tanneries
Tar and pitch distillers
Textile manufacture
Thermometer makers
Timber treatment
Timber preservatives manufacture
Tin plate works
Transport depots
Tyre manufacture and retreading
Vehicle manufacture
Vulcanite manufacture
Vulcanisers
Waste disposal
Waste recycling
Waste treatment
Zinc works

APPENDIX 5: POWERS OF ENTRY AND THE APPOINTMENT OF “SUITABLE PERSONS”

- (1) Section 108 of the Environment Act 1995 gives the local authority power to authorise, in writing, “suitable persons”, to investigate potentially contaminated land. These powers are extensive and will be considered in detail with the Council’s Solicitor prior to any resisted entry being attempted. It should be noted that these powers are not available to the Environment Agency. The powers which a person may be authorised to exercise include:
- To enter at any reasonable time (or in urgent cases, at any time, if need be by force) any premises / land to make such examination and investigations necessary.
 - To take samples, photographs, carry out tests, install monitoring equipment etc.
- (2) At least seven days notice must be given to residential occupiers and to occupiers of land where heavy plant is to be used. Consent must be obtained to enter from the occupier, or failing that, a warrant obtained under Schedule 18 of the Act.
- (3) It should be noted that there are no circumstances in which the Council will use these powers to obtain information about the condition of land, where:
- It can obtain the information from third parties without the need for entering the site; or
 - A person offers to provide the information within a reasonable and specified time, and does so.

URGENT ACTION

- (4) Urgent action must be authorised where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises.
- (5) The terms “imminent” and “serious” are unfortunately not defined. Local authorities are advised to use the normal meaning of the words. There is, however, guidance on what may constitute “seriousness” when assessing the reasonableness of remediation.
- (6) The Council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated by enforcement action. In the case of a special site the Council will declare the land as Contaminated Land in accordance with the statutory procedure, and then notify the Environment

Agency who will then be responsible for the remediation.

- (7) In appropriate cases the Council will seek to recover costs of remediation works it has completed.
- (8) All intrusive investigations will be carried out in accordance with appropriate technical procedures to ensure:
- (a) They are effective
 - (b) They do not cause any unnecessary damage or harm
 - (c) They do not cause pollution of controlled waters

COMPENSATION

- (9) Schedule 18 of the Environment Act 1995 makes clear the circumstances when a local authority must pay compensation for loss or damage as a result of the use of these powers. The Head of Community Protection will therefore ensure that only appropriate technical procedures are deployed, the utmost care is taken at all times, and the conditions carefully recorded before, during and after completion of the necessary works.

“SUITABLE PERSONS”

- (10) The science and associated technical procedures relating to the investigation and assessment of contaminated land are extremely complex. Knowledge of several specialised disciplines is required together with an ability to interpret significant volumes of data and make a reasoned judgement, often in difficult circumstances.
- (11) Neither the Act nor the guidance considers what may constitute a, “suitable person”, for the purposes of the investigation and assessment of contaminated land. There is no list of approved consultants or any professional organisation which oversees the training of contaminated land specialists. There is no minimum qualification and no recognised qualification. Consultants come from a range of backgrounds including:
- Environmental health
 - Other environmental science disciplines (several)
 - Surveyors
 - Engineers
 - Geologists
 - Hydrologists
 - Soil scientists
 - Chemists etc.
- (12) Ultimately, the responsibility for determining what land may and may not be declared contaminated, by definition, lies with the Head of Community Protection. He will, however, often need to rely on the advice of appointed, “suitable persons”. Under

these circumstances criteria have been developed to assist in their selection.

PROCEDURE FOR THE APPOINTMENT OF “SUITABLE PERSONS” FOR THE PURPOSES OF PART IIA

(13) There are two prerequisites to commencing the process of appointing suitable external consultant / contractors, firstly:

- Adequate funding to support the process; and secondly
- A well qualified person, ‘in house’, to act in the Client role

(14) The ‘in house’ officer, as well as having sufficient knowledge and experience to specify the contract, will be allowed sufficient time to monitor it also.

(15) The Client officer will produce a comprehensive, unambiguous but succinct draft specification for each contract which clearly identifies the work to be carried out, its purpose, timetable and Client / Contractor responsibilities. A list of appropriate and suitably qualified companies will be compiled. Each of these will then be contacted in turn for an informal discussion as to their capability, expertise and experience. Prior to commencing this process the Client officer will produce a selection of questions relevant to the contract to ask each company. The outcome will then result in a shortlist of companies who will be asked to quote / tender for the work based on a final specification.

(16) A checklist of information requirements is included at the end of this section.

(17) Once appointed the Client officer will be responsible for monitoring the contract to ensure:

- The contractors are kept fully aware of their responsibilities at all times
- Quality control requirements are met
- Amendments are quickly agreed and documented
- The time table is strictly adhered to
- The aim of the contract is achieved

CHECKLIST OF INFORMATION REQUIREMENTS

CLIENT'S INFORMATION REQUIREMENTS	REQUIREMENTS OF THE CONSULTANT
1. GENERAL	
1.1 Background on company capability	How long has company been operating? What kind of work were they originally set up to do - is this an add-on? Who traditionally are their clients?
1.2 Numbers and qualifications of staff 1.3 CV and availability of key staff	If a large company, what are the interests / sympathies of those in control. Do they consider local authorities as a serious market? How many staff are available for this type of work, will they need to subcontract? Who will actually be doing the job, what are their qualifications and experience? Practical experience is KEY. Do they really understand Part IIA? Knowledge of environmental law & local government systems an important requirement.
1.4 Details of QA systems including: Allocation of responsibilities Project Management Technical Procedures Technical review Training Assessment of external suppliers	Where appropriate, need details of quality management systems indicating whether accredited by a third party. What technical procedures to be used. Which staff responsible, which will undertake technical review. How quality of subcontractors is to be ensured.
1.5 Management of Health & Safety	Identify H&S management procedures where appropriate. Do they understand the fundamental requirements of H&S legislation?
1.6 Track record on similar projects	Ever done similar work or is this a new departure?
1.7 Client references	Need several telephone numbers to enable rapid verification of statements made at interview.
1.8 Financial status	May not always be necessary but on large contracts where considerable financial outlay required need to demonstrate solvency. Bond may be required on large remediation contracts.
1.9 Details of insurance cover	Need to demonstrate insurance available 3 rd party liability and professional indemnity. Identify limitations / exclusions
1.10 Membership of professional and trade associations	May be necessary to make checks, Corporate membership of professional organisations, meeting CPD requirements?

1.11 Compliance with codes of practice	Can they demonstrate knowledge of the appropriate guidance, codes of practice etc. relevant to the job?
2. PROJECT SPECIFIC	
2.1 Technical proposal	The proposal must make it absolutely clear that work will be carried out to comply with the requirements of the specification, what the results will be, and when they will be achieved.
2.2 Project management plan / working plan	A clear timetable must be available, which states what stage will be reached by when and who will be responsible to deliver.
2.3 Details of sub contractors	Subcontractors will be necessary on large technical projects. Must state who they are, contact points and lines of responsibility.
2.4 Details of technical procedures	Again, the working plan must clarify all procedures and lines of responsibility.
2.5 Reporting	Reporting procedures must be made absolutely clear. It is essential not to have masses of reports landing on the desk of the client officer which puts the responsibility back on him / her. The responsibility for doing what has been agreed to the agreed standard must lie with the contractor.
2.6 Programme & 2.7 Financial proposal	It may be that the Contractor will want to provide a guide price or include large contingency sums. The programme of work and the quotation must not be ambiguous. A lot depends on the quality of the original specification. Stage payments and timetables must be firm and with perhaps penalty clauses if fail to deliver on time.
2.8 Conditions of engagement	Contracts need not be long and wordy, should define responsibilities of both parties, liabilities etc. succinctly.

APPENDIX 6: SOURCES OF INFORMATION

Resource	Source
Historic Maps	Council Archives, HCC, digital maps purchased from Landmark (1880's-present)
Historic Land Use Data	Council Archives, Officer knowledge, Environment Agency (EA)
Geological Maps	British Geological Survey (BGS)
Hydrogeological Maps and data	EA
Groundwater Source Protection Zones	EA
Public Water supply abstraction locations	EA
Private water supply locations	Environmental Health
Departmental Records	Environmental Health, Development Control, Building Control, Licensing
Watford District Plan	Development Plans
Waste Management Licences	EA
Register of Closed Landfill Sites	EA
Discharge Consents to Controlled Waters	EA
Discharge Consents to Sewers	
Sewage Sludge Disposal Site Register	Sewerage undertaker (Thames Water)
Part A IPC (IPPC) Process Authorisations	Sewerage undertaker (Thames Water)
Part B IPC (IPPC) Process Authorisations	EA
Sites and Monuments Record	Environmental Health
Hertfordshire Minerals Local Plan	Development Control, HCC

APPENDIX 7: REFERENCES

Legislation and Guidance

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APPENDIX 8: GLOSSARY OF TERMS

The legislation and guidance is very heavily punctuated with many complex and often unusual terms. To assist in the interpretation of these an extensive glossary has been included in DETR Circular 2/2000, *Environmental Protection Act 1990: Part IIA - Contaminated Land*. The key terms which will be used throughout this strategy are as follows:

- Contaminant - A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.*
- Contaminated Land – Any land which appears....to be in such a conditionthat*
a) significant harm is being caused or there is a significant possibility of such harm being caused, or
b) pollution of controlled waters is being, or is likely to be, caused.
- Controlled Waters - Embraces territorial and coastal waters, inland fresh waters and Ground waters.*
- Class A person – person who has caused or knowingly permitted a pollutant to be In, on or under the land.*
- Class B person - person who is the owner or occupier of land for the time being of the land in question, where no Class A Persons can be found.*
- Enforcing Authority- The local authority in whose area the land is situated, or, for Special Sites, the Environment Agency.*
- 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 property.*
- Pathway - One or more routes or means by or through which a receptor is being, or could be, exposed to or affected by a contaminant.*
- Pollutant linkage- The relationship between a Contaminant, a Pathway and a Receptor.*
- Receptor - Includes living organisms, ecological systems, property or controlled waters which are being or could be harmed or polluted by a contaminant .*
- Register - The Public Register of land which has been determined as*

“Contaminated Land” and the particulars relating to that land.

Remediation - The doing of anything for assessing the condition of the land or any controlled waters or any adjoining land, or the doing of any works....for the purpose of preventing, minimising, remedying or mitigating the effects of harm or pollution....being caused.

Risk - The combination of the probability of occurrence of a defined Hazard and the magnitude of the consequences.

Statutory Nuisance - (Environmental Protection Act 1990 Part III) - The relationship between Part IIA and statutory nuisance is not straight forward. Suffice to say if land is determined as Contaminated Land, then by definition, it cannot be considered a statutory nuisance. This is understandable and ensures there is no duplication or confusion between the two regimes. However, statutory nuisance provisions may still be applied where the land itself gives rise to a nuisance e.g. an odour that is an offence to human senses, but is not expected to cause significant harm.

The Authority will check in each particular case whether another regime is more appropriate for the management of contaminated land, since restrictions apply to the service of a Remediation Notice where the necessary level of control can be achieved by means other than Part IIA.

APPENDIX 9: ROLES AND RESPONSIBILITIES

ROLES AND RESPONSIBILITIES

The primary regulators in respect of these new powers are the district and borough councils. Within **Watford Borough Council** the strategy will be under the control of the Head of Environment, Health and Licensing. It should be noted that this could be a complex and demanding enforcement role which will be carried out in accordance with the Cabinet Office/LGA Enforcement Concordat (March 1998), which has been adopted by this Council (see section 2.2 above).

The statutory guidance states: "The local authority has the sole responsibility for determining whether any land appears to be contaminated land."

This is a significant responsibility which reflects existing local authority duties under the statutory nuisance regime and the Town & Country Planning Acts. As the primary regulatory authority for the provisions of the Part IIA regime, Watford Borough Council has been vested with 12 main responsibilities:

1. prepare a strategy for the inspection of the area for Contaminated Land;
2. determine whether any particular areas of land are 'statutorily contaminated' in accordance with the Part IIA definition;
3. decide, in consultation with the Environment Agency, whether any Contaminated Land should also be designated as a Special Site, in accordance with the Contaminated Land (England) Regulations 2000;
4. undertake immediate remediation action where there is imminent danger of serious harm to human health or the environment;
5. decide whether other statutory regimes provide a more applicable means of control other than Part IIA;
6. identify and notify those who may need to take action in respect of a particular Contaminated or Special Site;
7. determine who may be liable to bear responsibility for remediation;
8. consult with the relevant parties on what remediation action is required;
9. serve a Remediation Notice (unless restrictions apply);
10. monitor the effectiveness of any remediation works;
11. maintain a public register containing details of regulatory actions taken under Part IIA or other means; and
12. report progress under Part IIA to the Environment Agency to allow preparation of a national report on Contaminated Land.

The **Environment Agency** also has four main roles:

1. To assist local authorities in identifying Contaminated Land (particularly where water pollution is involved);
2. To provide site-specific guidance to local authorities on land for which they hold information;
3. To act as the enforcing authority for 'special sites'; and

4. To publish periodic reports on contaminated land at the request of DEFRA (formerly DETR).

In carrying out its duties under Part IIA, Watford Borough Council shall act in accordance with the statutory guidance issued for this purpose.

GENERAL APPROACH TO INSPECTION

The Council is obliged by statute to ensure that, firstly, resources are focused on areas of land where the risks arising from potential contamination are likely to be greatest, and, secondly, that the most seriously contaminated sites are dealt with first. Land will be identified based primarily on the **sources of potential contamination** and prioritised for further, more detailed investigation based on the proximity of the land to **vulnerable receptors**. Such a scheme of prioritisation is consistent with the need to establish pollutant linkages in order to determine that land is Contaminated Land.

There are currently no national guidelines for the prioritisation of potentially contaminated sites. In the Borough of Watford the prioritisation of individual sites will be achieved through a simple, but robust, 'scoring' methodology, which places a higher priority on human health risks than on risks to other receptors.

Where there is good reason to believe that a potential pollutant linkage exists, a formal **risk assessment** in accordance with established scientific principles will be undertaken. This will establish whether there is the potential for them causing **harm or pollution** as described. The detailed investigation of individual sites may involve physical sampling procedures.

URGENT SITES

An area of land may be identified at any time during the development of the Strategy or during the inspection of the Borough where the Authority is able to verify that a significant pollutant linkage (SPL) is in imminent danger of causing serious harm.

Under these circumstances the general approach to inspection is secondary to any urgent action needed to deal with such sites. The Authority may have to undertake investigative and remedial works before completion of the general approach to inspection. The government has recognised that this is a realistic scenario and this approach is consistent with Part IIA.

This situation may involve the identification and determination of special sites, in which case regulatory authority will pass to the Environment Agency.

LAND IN WHICH THE COUNCIL HAS A FORMAL INTEREST

In terms of Contaminated Land, Watford Borough Council has the following direct responsibilities:

- Sites owned or previously owned by the Authority including leased sites;
- 'Orphaned' sites where there is no appropriate person; and
- sites where the original polluter no longer exists and the contamination is migrating and

affecting neighbouring sites.

As the main regulatory authority for contaminated land the Authority recognises that it is vital to adopt a responsible and transparent attitude towards dealing with its own contamination issues. Where land owned by the Council is found to be contaminated land, unless a Special Site, there will be no enforcing authority. The Council must, however, carry out their duties as though they were the enforcing authority, undertake the same consultations and assessments, and initiate appropriate remedial works.

To this end a formal relationship will be maintained between Environmental Health and departments responsible for Council owned land.

As well as property linked with potentially sensitive uses, such as housing, schools and allotments, the Council has a substantial industrial and commercial property portfolio. It is possible that the Council own or owned at some stage in the past land where potentially contaminative activities, like waste disposal, may have occurred, for which the present Authority has liabilities. These sites will be subject to investigation as a priority, within the general scheme of inspection of the area.

A TEAM APPROACH

The statutory controls now in place for contaminated land may need to be taken into account by those responsible for other Council duties.

Planning and Development Control

The inspection of the District will identify areas of potentially contaminated land, which may be developed, awaiting development, derelict, protected or green belt. This may result in the need to re-examine past development control files or identify development routes for contaminated sites, which may subsequently impact on the Local Development Plan.

The development control process is expected to remain the primary mechanism for addressing contaminated land, where contamination is a material consideration, and any remediation required as a planning condition will continue to be enforced under the planning regime.

Developers may reasonably be expected to commission/carry out a phased risk assessment of any site they are proposing for redevelopment to determine whether contamination ought to be a material planning consideration. Guidelines on what is expected can be found in the publication entitled *Guidance for the Safe Development of Housing on Land Affected by Contamination*, (Environment Agency & NHBC, R&D Publication 66. EA, 2008).

Building Control

Has the duty to enforce protection measures in new build projects to mitigate the impact of contamination on property. Information they hold will be essential to quantify risks. Document C of the Building Control Regulations deals with building-specific aspects of

contamination.

Legal

Part IIA is a highly complex piece of legislation, which could have significant implications for the Council, landowners and occupiers. The Solicitor's advice may be required on many aspects including those relating to enforcement, liability, powers of entry, data protection, and access to information etc.

Highways

Land under highways, pavements, verges and common areas may be contaminated and present a risk to potential receptors. Hertfordshire County Council as the local Highway Authority must maintain a register under Part III of the New Roads and Street Works Act 1991 regarding, amongst other things, streets with, "special engineering difficulties". This includes risks from contamination.

Information Technology

Significant volumes of data will need to be held both on database and geographical information systems. Support will be required on the use of these systems and data protection.

Amenities and Housing

Land in use and controlled by these departments may be contaminated and require remediation. The Arboricultural Officer may need to be consulted on remediation and tree growth, whilst the Conservation Officer may be consulted on impacts on eco-receptors.