

Contaminated Land Inspection Strategy 2020-2025

Approved by the Cabinet Member for Housing and Safer Communities, 14 April 2020

Contents Page

1.0	INTRODUCTION.....	1
1.1	Background to the Legislation.....	1
1.2	Objectives of the Regime.....	1
1.3	Definition of Contaminated Land.....	1
1.4	Contaminant Linkages.....	2
1.5	Interaction with other Regulatory Regimes.....	3
1.6	The Contaminated Land Inspection Strategy (The Strategy).....	3
1.7	The Planning Regime.....	4
2.0	CHARACTERISTICS OF HARROGATE DISTRICT.....	6
2.1	Geographical Location.....	6
2.2	Current Land Use Characteristics.....	7
2.3	Local Authority Ownership of Land.....	7
2.4	Protected Locations and Key Property Types.....	8
2.5	Current and Past Industrial History.....	8
2.6	Key Water Resource Protection Issues.....	9
2.7	Radon.....	10
2.8	The Geological and Hydrogeological Characteristics of Harrogate District.....	10
2.9	Specific Local Features.....	10
2.10	Redevelopment History and Management.....	11
3.0	THE INSPECTION STRATEGY.....	12
3.1	Aims.....	12
3.2	Objectives.....	12
3.3	Priorities.....	12
3.4	Timescales.....	13
4.0	PROCEDURES – ARRANGEMENTS FOR IDENTIFICATION, PRIORITISATION AND COLLECTION OF INFORMATION.....	14
4.1	Information Collection and Identification.....	14
4.2	Information on Sources of Contamination.....	14
4.3	Information on Receptors.....	14
4.4	Managing Information.....	15
4.5	Information Evaluation and Prioritisation.....	16
4.6	Considering land owned by the Council.....	16
4.7	Dealing with Additional Information.....	17

5.0	DETAILED INSPECTION	18
5.1	The Detailed Inspection will include the following phased activities:.....	18
5.2	Following preliminary inspection of a site	18
5.3	Reviewing Site Specific Information Provided by Others.....	18
5.4	Intrusive Site Inspection.....	19
5.5	Statutory Powers of Entry to Undertake Site Inspection	19
5.6	Making arrangements for Inspection by the Environment Agency.....	19
5.7	Liaison with Neighbouring Local Authorities.....	20
5.8	Site Inspection Findings.....	20
5.9	Undertaking Non-Routine Inspections.....	21
6.0	PROCEDURES – DETERMINATION AND REMEDIATION	22
6.1	Determinations on Land Being Contaminated Land	22
6.2	Communication on Determination of Contaminated Land	22
6.3	Record of Determination	22
6.4	Determining Liability.....	23
6.5	Remediation	23
6.6	Remediation on Council owned land.....	24
6.7	Urgent Action	24
6.8	Appeals.....	24
6.9	Reviewing Inspection Decisions/Determinations.....	24
7.0	CONTAMINATED LAND REGISTER AND PROVISION OF INFORMATION.....	26
7.1	Contaminated Land Inspection Strategy	26
7.2	Contaminated Land Public Register.....	26
7.3	Environmental Information Enquiry – General information	26
7.4	Information for Developers.....	27
8.0	REVIEW MECHANISMS	28
8.1	Consultation.....	28
8.2	Review of Strategy.....	28
	GLOSSARY OF TERMS.....	29
	BIBLIOGRAPHY	35
	Appendix A – CONTAMINATIVE USES – SOURCES OF CONTAMINANTS	37
	Appendix B – PART 2A RECEPTORS.....	39
	Appendix C – DEFINITION OF A SPECIAL SITE	40
	Appendix D – RISK MANAGEMENT	42

Executive Summary

Due to its long term industrial heritage and previous waste disposal practices the UK has a legacy of historic land contamination. Although there are now considered to be various regimes in place to prevent new pollution from industrial activities, the historic contamination still has the potential to adversely affect human health, as well as damage water quality, ecological systems and property. Common contaminants include heavy metals, petroleum hydrocarbons (oils and fuels), polycyclic aromatic hydrocarbons, and asbestos and landfill gas.

The contaminated land regime was introduced in 2000 to protect people from harm, such as life threatening diseases, serious injuries and birth defects caused by exposure to historic land contamination. The regime also applies to the protection of ecological systems, crops and livestock, property, buildings and controlled waters. The purpose of the regime is to ensure that unacceptable risks are removed and that land is suitable for its current use.

Harrogate Borough Council is required to have a strategy in place to detail how it will carry out the requirements of the regime. This latest version of the strategy summarises the key principles of the contaminated land legislation and how the council will identify potentially contaminated land in its area in the context of the specific characteristics of the Harrogate district. The strategy sets out how the council intends to go about the process and replaces the previous versions of the Council's Contaminated Land Inspection Strategy.

1.0 INTRODUCTION

1.1 Background to the Legislation

The contaminated land regime places a duty on the council to inspect land within its area for the purpose of identifying land where contamination is causing unacceptable risks to human health and the wider environment as a result of historic contamination. The regime also provides a system for securing remediation of any contaminated land that is identified to ensure that land is suitable for its current use.

The Environmental Protection Act 1990 was amended by Section 57 of the Environment Act 1995 by the introduction of a new Part IIA (known as Part 2A.), which established a legal framework for dealing with contaminated land in England. The regime came into force in April 2000 with the implementation of the Contaminated Land (England) Regulations 2000. The regulations have since been modified to change various definitions and extended to include land contaminated by radioactivity.

Part 2A requires that the council acts in accordance with any statutory guidance issued by the Secretary of State, this is legally binding and must be strictly followed. The current version of the guidance was published in 2012 by the Department for Environment, Food and Rural Affairs (DEFRA), entitled 'Environmental Protection Act 1990: Part 2A – Contaminated Land Statutory Guidance'. Guidance relating to radioactive contaminated land was recently updated and published in 2018 by the Department for Business, Energy and Industrial Strategy entitled 'Environmental Protection 1990: Part IIA – Radioactive Contaminated Land Statutory Guidance'.

1.2 Objectives of the Regime

The overarching objectives of the Part 2A regime are to:

- Identify and remove unacceptable risks to human health and the environment
- Seek to ensure that contaminated land is made suitable for its current use
- 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 Government requires that a balance between precaution and over precaution be struck to ensure that any necessary Part 2A intervention is likely to achieve a net benefit. The starting point of the regime is that land is not contaminated unless there is a reason to think otherwise. Part 2A is intended to deal with the worst sites where no appropriate or alternative solutions are available.

1.3 Definition of Contaminated Land

The definition of contaminated land is contained within Part 2A of the Environmental Protection Act 1990:

*‘any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of **SUBSTANCES** in, on or under the land that*

*(a) **significant harm** is being caused or there is a **significant possibility of such harm** being caused; or*

*(b) **significant pollution of controlled waters** is being caused or there is a **significant possibility of such pollution being caused.**’*

The Statutory Guidance states that the following should always be considered to constitute significant harm to human health: death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions. Harm also applies to other living organisms or interference with the ecological systems of which they form, and harm to property.

And radioactive contaminated land is defined as:

*‘any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of **SUBSTANCES** in, on or under the land that*

*(a) **harm** is being caused or;*

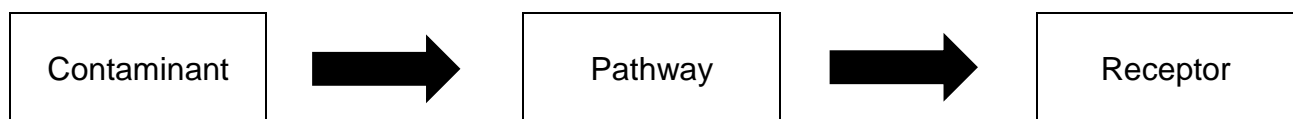
*(b) there is a **significant possibility of such harm** being caused;*

The legal definition of contaminated land is slightly different if harm is due to radioactivity, as defined in Regulation 5(1) of The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006. With regard to radioactivity, “harm” means lasting exposure to any human resulting from the after effects of a radiological emergency, past practice or past work activity.

1.4 Contaminant Linkages

For land to be determined as contaminated there needs to be one or more contaminant-pathway-receptor linkages (contaminant linkages) by which a receptor is affected by the contaminant in question.

Figure 1: Contaminant Linkage



A '**contaminant**' must have the potential to cause significant harm to a relevant receptor, significant pollution of controlled waters, or harm attributable to radioactivity. See Appendix A for a list of possible sources of contamination covered by Part 2A.

A '**receptor**' is something that could be adversely affected by a contaminant for example a person, living organism, an ecological system, property or controlled waters. See Appendix B for a list of the receptors covered by Part 2A.

A '**pathway**' is a route by which a receptor is or might be affected by a contaminant e.g. the ingestion of vegetables grown in contaminated soil. Controlled waters can be both a pathway as well as a receptor in a contaminant linkage.

1.5 Interaction with other Regulatory Regimes

The statutory guidance states that enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. Therefore, Part 2A should not be used where existing legislation may be enforced or where contamination has arisen due to a breach of an existing licence or permit or overlaps with;

- Planning
- Water Pollution
- Waste Management
- Integrated Pollution Prevention Control legislation

Other legislative regimes include;

Environmental Damage (Prevention and Remediation) Regulations 2009,
Environmental Permitting (England and Wales) Regulations 2010
Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009.
The Town and Country Planning Act 1990
The Building Regulations 2010

1.6 The Contaminated Land Inspection Strategy (The Strategy)

In order to carry out the objectives of the regime the council is required to prepare and publish a strategy for inspecting its area for contaminated land.

In carrying out its inspection duties under Part 2A, the council takes a strategic approach to the identification of land which merits detailed individual inspection.

The approach, therefore is:

- Rational, ordered and efficient and appropriate to the seriousness of any actual or potential risk;
- Seeks to ensure that the most pressing and serious problems are located first;
- Ensures that resources are concentrated on investigating areas where the council is more likely to identify contaminated land, and
- Ensures that the council efficiently identifies requirements for the detailed inspection of particular areas of land.

In developing a strategic approach the council considers its responsibilities under Part 2A in the context of the specific characteristics of the Harrogate district and with regard to the Statutory Guidance.

The council adopted its first strategy in 2001, with minor reviews undertaken in 2002 and 2008. The 2008 strategy was reviewed in accordance with the Statutory Guidance of 2012 and was updated accordingly, creating the 2014-2019 edition. The 2020-2025 strategy replaces the 2014-2019 revision and has been adopted by the Cabinet Member for Housing and Safer Communities. The review was published and included on the council's website for consultation.

The 2020-2025 strategy reflects the current reality of the work that is being carried out in relation to contaminated land. The strategy has been altered to emphasise that most of the work with respect to land contamination is fulfilled through the planning regime, whereby the majority of contaminated sites are remediated by developers and landowners. A large number of sites within the district have been investigated and remediated through this route and will therefore not require Part 2A action.

1.7 The Planning Regime

Local planning policies are set out in the statutory development plan, which comprises the Harrogate District Local Plan 2014-2035, the Ripon Neighbourhood Plan to 2030, and adopted minerals and waste plans produced by North Yorkshire County Council. Local planning policies are developed in the context of national planning policy, set out in the National Planning Policy Framework (NPPF). Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF (2019) identifies that local policies should accommodate development needs in a way that makes as much use as possible of previously developed (brownfield) land, except where this would conflict with other NPPF policies. The Harrogate District Local Plan 2014-2035 includes an objective that encourages the reuse of previously developed land and allocates significant levels of development to previously developed sites. The Ripon Neighbourhood Plan does not include policies to address development needs in the city, however, the plan discusses positively the re-use of previously developed land and includes community actions relating to the regeneration of three areas that mainly comprise previously developed land.

Harrogate Borough Council maintains a brownfield land register in line with national regulations. Sites in part one of the register are considered suitable and available for residential development, and such development is considered achievable. Including a site in part two of the register (in addition to part one) grants permission in principle on the site for the type and scale of development set out in the register. Following a grant of permission in principle a site must also gain technical details consent for full planning permission to be considered granted.

Planning applications will be considered against Local Plan policy NE9: Unstable and Contaminated Land as well as national planning policies, set out in the National Planning Policy Framework (2019), and take into account national guidance, set out in the Planning Practice Guidance. Policy NE9 requires that applications that fail to demonstrate that the intended use would be compatible with the condition of the land or which fail to exploit

appropriate opportunities for decontamination are refused. In addition, national policies require there to be no long-term detrimental effect on the environment or unacceptable risks to the health and safety of the local population as a result of the disturbance of contaminants during and after development.

Government policy recognises that voluntary remediation will often be funded by redevelopment and Part 2A was designed and intended to be used alongside the established role of planning and building control in those cases where the land is suitable for or scheduled for redevelopment. The emphasis on brownfield development means that this process will inevitably deal with much of the legacy on contaminated land. The Environmental Protection team within the Safer Communities service is consulted on all planning applications with associated contaminated land reports and significant resource is used to assess and comment on the submitted data to inform the planning process.

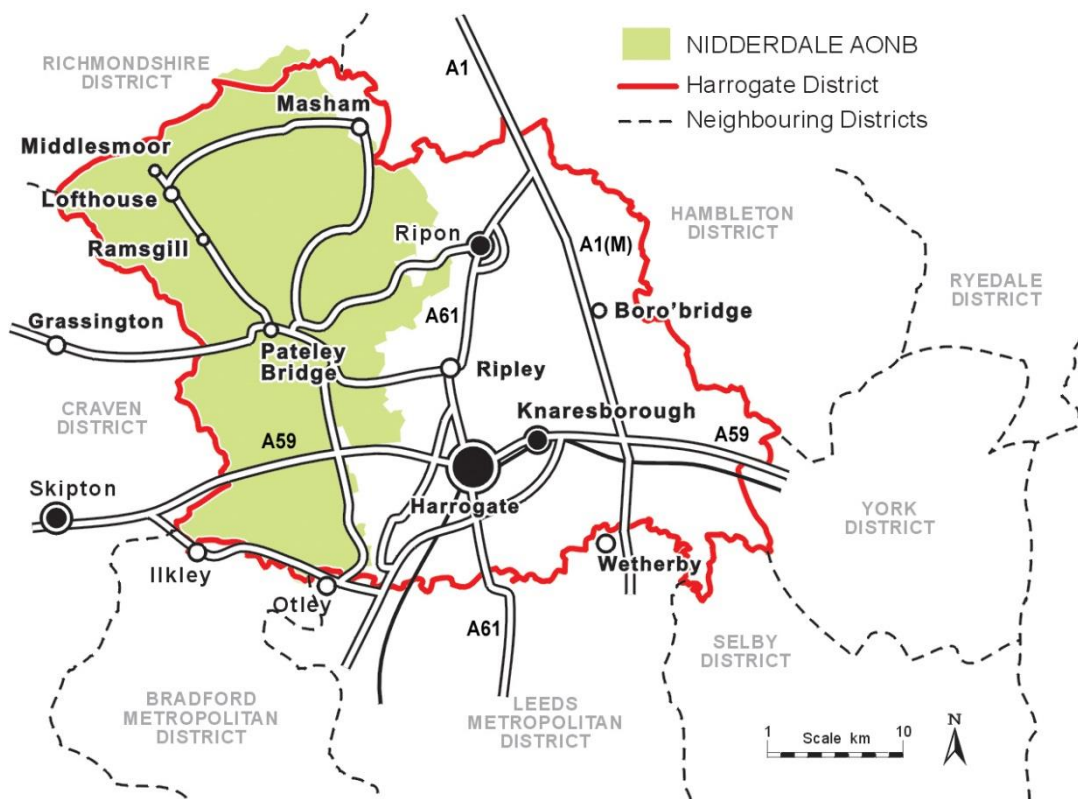
2.0 CHARACTERISTICS OF HARROGATE DISTRICT

2.1 Geographical Location

The Harrogate district is centrally located in northern England. It is one of the largest shire districts in the country, covering an area of approximately 1305 square kilometres (505 square miles). The district is in the county of North Yorkshire and local government is split between Harrogate Borough Council and North Yorkshire County Council (NYCC). To the east the district is broadly contained by the Rivers Swale, Ure and Ouse whilst the River Wharfe generally marks the southern boundary and to the west and north, the land rises to form part of the Pennine upland chain.

The West Yorkshire metropolitan authorities of Leeds and Bradford are situated to the south of the district, while the North Yorkshire districts of Craven, Richmondshire, Hambleton and Selby lie to the west, north-west, north-east and south-east respectively. In addition the unitary authority of York is situated to the east.

The A1 (M) runs north-south through the eastern part of the district and provides good road links with the rest of the motorway network. The A59 provides links to areas east and west of the district, while the A61 and A658 provide road links to Leeds and Bradford (including Leeds Bradford Airport) respectively. Rail links are provided by the Leeds-Harrogate-York rail line, which serves settlements in the south and east of the district and provides connections to the national rail network.



2.2 Current Land Use Characteristics

The Harrogate district is renowned for the high quality and diversity of its landscapes. The area is characterised by rural and urban environments, with large sparsely populated areas as well as the three main settlements of Harrogate, Knaresborough, and Ripon.

In 2011 the district had a population of approximately 160,000 with around two thirds of people living in the three main settlements ^{Source}. These urban areas are predominantly residential in character but also contain central commercial areas and, more recently, edge of centre and out of town commercial areas.

Harrogate is the largest settlement and its historic core retains much of the Victorian and Edwardian character created when the town became an important spa resort. A spacious layout of elegant buildings and the Stray, a large area of open space protected by an Act of Parliament, are important characteristics. The town remains an important visitor centre, with exhibition and conference facilities supported by a wide range of hotel accommodation.

Near to Harrogate is the medieval market town of Knaresborough, famous for its castle and riverside, and a little further north is the cathedral city of Ripon. These settlements have retained their own traditional characters, maintaining their appeal as tourist centres, whilst also continuing as local centres of economic activity. Outside of these urban areas the smaller market towns of Boroughbridge, Masham and Pateley Bridge are local service centres for nearby villages and their rural hinterlands.

The Nidderdale Area of Outstanding Natural Beauty (AONB) covers the western half of the district and is designated nationally for the quality of its diverse landscapes, which vary from heather moorlands in the western parts to more pastoral landscapes containing historic parks and gardens, country houses and the Studley Royal World Heritage Site (including the ruins of Fountains Abbey) in the eastern parts. There are 6,000 hectares of blanket bog in the district, primarily within the AONB, which covers five percent of the district's area.

The eastern third of the district is lower lying and flat, and contains most of the area's grade one and grade two agricultural land. This is farmland that is more able to support arable crop production. In total twenty percent of the district's land area is grade one or grade two agricultural land. In addition there are around 7,660 hectares of woodland, covering six percent of the district's area.

Source: Census (Office of National Statistics, 2011)

2.3 Local Authority Ownership of Land

Harrogate Borough Council owns a significant amount of land excluding housing land, throughout the district. Included are one large works depot in Harrogate and two smaller depots; 372 hectares of parks gardens and open spaces; including seven on former landfill sites and one former sand and gravel extraction area.

2.4 Protected Locations and Key Property Types

The high quality and the diversity of the environment in Harrogate district is reflected in the number and variety of areas that carry designations to protect their natural and/or built environment.

Much of the district's landscape has a strong character and is of high quality. The Nidderdale Area of Outstanding Natural Beauty (AONB) is designated nationally for the quality of its diverse landscapes, while locally valued landscapes that make an important contribution to the character and setting of Harrogate, Knaresborough and Ripon are locally designated as special landscape areas.

The district incorporates parts of two different Green Belts, the West Yorkshire Green Belt and the York Green Belt. The former is designated to check the further growth of the West Yorkshire conurbation and to protect the towns of Harrogate and Knaresborough by preventing them from merging. The latter is designated to protect the special character of the city of York.

Human settlement and endeavour have shaped the district's environments and left a rich heritage of historic assets. The Studley Royal Park, including the Ruins of Fountains Abbey, World Heritage Site is designated by UNESCO as having a cultural and natural significance so exceptional that it transcends national boundaries. There are also over 22,000 listed buildings, 169 scheduled monuments, 12 registered parks and gardens, and three registered battlefields, as well as 53 conservation areas in the district.

The district has a rich diversity of wildlife habitats and many areas are protected through international, national and local designations. The district contains several special protection areas (SPAs) and special areas of conservation (SACs), these are sites protected through the EU Birds Directive and EU Habitats Directive respectively. There are also 25 sites designated nationally as sites of special scientific interest (SSSIs). In addition there are many sites that hold local designations, including five local nature reserves and over 100 sites of importance to nature conservation (SINCs).

2.5 Current and Past Industrial History

Unlike many of the larger urban and metropolitan areas nearby, the Harrogate district does not have a history of heavy industrial activity and, therefore, there are relatively few derelict, abandoned or current industrial sites that are heavily contaminated. Due to their longer histories as significant centres, much of the district's industrial history is focused on Knaresborough and Ripon.

In the past Knaresborough was an important centre for textiles with linen developing as the main industry until the late nineteenth century. However, by the end of the nineteenth century the town had reverted to having a small market town economy with purely local trades. Today the town has a predominantly tourism and service role, although wider sectors continue to contribute to the local economy.

In Ripon traditional industries included brewing, wood turning and milling. The opening of the Ripon Canal in the late eighteenth century and the arrival of the railways in the mid-nineteenth century greatly stimulated the growth of industries, including spur making, the manufacture of paints and varnishes, iron working and general engineering. Many of the

areas that accommodated these older industries have since been redeveloped for housing. Ripon's current industrial base is largely made up of light industrial and service activities, although tourism and wider sectors are also important parts of the city's economy.

The growth of Harrogate is largely the result of the development of the town as tourist centre in the late nineteenth and early twentieth centuries due to the presence of spa waters. During the twentieth century the town became an important centre for research, training, administrative and professional occupations, and some of these businesses remain. Since the end of the Second World War business tourism has been a prominent feature of the economy.

With the exception of the smaller market towns of Boroughbridge, Masham and Pateley Bridge, all of which have had important local industries, much of the rest of the district has experienced little industrial development. In contrast the Nidderdale area had a long history of textile manufacture, lead mining, and sand and gritstone quarrying. Although some quarrying remains, the lead mining and textile industries have declined leaving a legacy of important structures and remains that form important features within this protected landscape. In most rural areas of the district agriculture remains the dominant sector with commercial forestry also an important activity in some areas.

2.6 Key Water Resource Protection Issues

There are a number of significant reservoirs throughout the Harrogate District, particularly in the Nidderdale AONB and the majority of them are owned and managed by Yorkshire Water who supplies Harrogate district and neighbouring local authorities with their public drinking water.

There are also a number of major rivers, which flow through the district including the Rivers Wharfe, Ouse, Nidd, Ure, Skell, Tutt, Burn and Laver. These river and stream corridors form an important element of the landscape of the area and it is therefore important that the environment and amenity of these corridors is conserved and enhanced.

Ground water is a key water resource protection issue in the Harrogate District as it is underlain by two of the Dales Principal Aquifers. In the east of the district, the Triassic Sherwood Sandstone is a Principal Aquifer as is the underlying upper and lower Magnesian Limestone. The millstone grit is classified as a Secondary Aquifer.

As well as the river corridors, there are also a number of river flood plains, particularly associated with the Rivers Nidd and Ure. Within these plains, there are a number of settlements, which are at risk from flooding including areas of Harrogate, Knaresborough, Ripon, Boroughbridge, Masham and Pateley Bridge.

There are approximately 634 private drinking water supplies throughout the district ranging from serving single properties to those serving small villages. These are regularly sampled by the council for water quality according to regulatory requirements.

As well as the private supplies, there are a number of ground water abstractions in the Harrogate District, which are licensed and regulated by the Environment Agency. The large public ground water supplies have Source Protection Zones delineated around them.

2.7 Radon

The presence of Radon in, on or under the land does not constitute 'contaminated land'. Current radon UK maps for the district can be found [at Public Health England](#).

2.8 The Geological and Hydrogeological Characteristics of Harrogate District

An overview of the geological and hydrogeological characteristics of Harrogate District was provided by the British Geology Survey (BGS). The following features are of particular relevance to the development of a contaminated land strategy for the District:

- The heavy till deposits in the south and west of the district and glacial lake deposits between Ripon and Boroughbridge and extending eastwards to Marston Moor are the least permeable and provide the most protection to the underlying strata and the best containment of fluid flow.
- The majority of the flooded gravel pits in the district have the potential to let any contaminants put in them pass down into the underlying strata or through them into the local drainage.
- The lead mines and their spoil heaps around Greenhow and Pateley Bridge are potentially a problem since they may yield waters rich in heavy metals.
- Extensive quarrying of sandstone, limestone and permeable rocks and subsequent use of a number of the quarries for landfill purposes may give rise to potential groundwater pollution problems as the rocks are also used as local aquifers.
- The use of gypsum subsidence areas for landfill in the Ripon area potentially allows the rapid migration of leachate into the groundwater system and through to the rivers.
- The sandstone group in the east of the district is a Principal Aquifer supplying farms and villages with water, which over most of its outcrop can allow the rapid transmission of pollutants from the surface (or from disused sand and gravel pits) into the potable groundwater supply.
- The drift deposits across the Harrogate District are likely to be variable and can be water bearing with Secondary Aquifer status.

2.9 Specific Local Features

The District contains a number of specific local features, which may have significant implications for the incidence of contaminated land:

- The problem of gypsum dissolution (referred to in the previous section) particularly prevalent in the Ripon area.
- There is a concentration of naturally occurring springs and spas in Harrogate District, particularly in and around Harrogate town. Although these springs have long been capped as a water source, they nevertheless may be important in considering the potential for contamination. Springs should also be protected as a ground water resource as they may be used in the future.
- There are a number of current and former military sites in the district. Current sites include RAF Dishforth (due to be vacated in the early 2030s'), the Army Foundation College near Harrogate and Menwith Hill in Nidderdale. The former Deverell and Claro Barracks in Ripon are allocated for housing and mixed-use development respectively in the council's local plan. Other former sites include Tockwith Airfield.

2.10 Redevelopment History and Management

In the recent past local planning policies have concentrated most housing and commercial development within the urban areas of Harrogate, Knaresborough and Ripon and this approach has seen large areas of brownfield land successfully redeveloped. Throughout the district many agricultural buildings have also been re-used or redeveloped for housing and employment uses, as have a number of former mill buildings, particularly in Nidderdale.

3.0 THE INSPECTION STRATEGY

The objectives of the Part 2A regime have been detailed at 1. 2. and these are reflected in the aims and objectives of the inspection strategy which describes the strategic approach that the council takes to implement the regime.

3.1 Aims

- To ensure compliance with and enforcement of Part 2A of the Environmental Protection Act 1990 to protect human health controlled waters, ecosystems and property.
- To ensure that the planning process deals effectively with any land contamination so that land is suitable for its proposed use.
- To encourage re-use of brownfield sites.
- To consider all council owned land and former land holdings and to avoid liability associated with any land transactions.
- To encourage sustainable methods of remediation of land as appropriate.
- To ensure that remedial action is reasonable, practicable, effective and durable.
- To encourage voluntary remediation.

In order to meet these aims the strategy has the following objectives:

3.2 Objectives

- To develop a strategic inspection programme for the identification, inspection and determination of contaminated land.
- To assess planning applications to ensure that land contamination issues are investigated and remediated appropriately by developers.
- To evaluate development proposals within the district as they are identified and compare these with historical records of contaminative uses.
- To compare the database of potentially contaminated sites with those in council ownership to establish any potential liabilities.
- To inspect urgent sites that come to light as a matter of urgency.
- To regularly update Development Management (planning) on information collected as a result of the inspection programme.
- To help, encourage and support voluntary remediation.
- To continue with the effective procedures for communication, liaison and information exchange within the council and with third parties.
- To raise awareness and promote understanding of land contamination issues.
- To continue to support on-going training for council officers in implementing both Part 2A and supporting the development process.

3.3 Priorities

- Prioritise and transfer mapped data of all identified potentially contaminated sites using the newly acquired IDOX Uniform database prioritising receptors according to the following priority order of where:

1. Human health is affected.

2. Controlled waters are affected.
 3. Protected organisms or ecosystems are affected.
 4. Buildings are affected.
- Prioritise land in council ownership according to the risk posed along with all other sites within the district. The same procedures will be followed and detailed records etc. will be maintained in the same way as for privately owned sites in order to ensure transparency and consistency.
 - Carry out detailed inspection of the areas of land identified in priority order as funding, resources and council priorities allow.
 - Ensure that development on potentially contaminated sites will not be permitted unless evidence has been submitted to show that the possibility, nature and extent of contamination has been properly investigated and assessed and that any remedial measures necessary to deal with the contamination are effective.
 - Deal with urgent sites as a matter of priority as and when they arise.

3.4 Timescales

Potentially contaminated sites will be inspected in priority order as budgetary resources, staffing levels and service priorities allow. The time taken to progress this work cannot be accurately predicted and so preparing a timetable for the completion of various tasks or number of inspections cannot realistically be undertaken. Developing the new database and populating the corporate Geographical Information System (GIS) and gathering information will be an on-going process.

It is not possible to set a timetable for determining sites as contaminated land as each site will be individual and the time taken can vary considerably from site to site; however in carrying out this work the council will have regard to current Statutory Guidance. The inspection programme will have to remain flexible as new information comes to light. If urgent action is indicated, or there are changes in legislation or guidance, or if resource issues change, then it is likely that the inspection programme will also change.

It should also be emphasised that a significant number of sites identified as potentially contaminated are very likely to be suitable for their current use while others may have already been or are being dealt with through the planning process.

4.0 PROCEDURES – ARRANGEMENTS FOR IDENTIFICATION, PRIORITISATION AND COLLECTION OF INFORMATION

4.1 Information Collection and Identification

To identify potentially contaminated land it is first necessary to identify those land uses, past and present, which have the potential to give rise to contamination. It is also necessary to identify relevant receptors so that contaminant linkages can be assessed in light of the current use of a particular site. This process was started by collecting information on potential sources of contamination throughout the district.

4.2 Information on Sources of Contamination

The main source of information on contaminative uses has been achieved through the use of historical maps. The following information has also been collated:

SOURCES OF INFORMATION (CONTAMINANTS)

Information	Information source
Maps (Historical)	Landmark Information Group/ Ordnance Survey (OS)
Maps (current)	Ordnance Survey
Pre-1974 Landfill sites	Harrogate Borough Council/BGS
Post-1974 Landfill sites	Environment Agency
Part A and B Industrial; Processes	Harrogate Borough Council
Trades 1884-1982	Trade directories
Brownfield sites	National Land use database
Abattoirs	Harrogate Borough Council
Airfields	Yorkshire Air Museum
Cemeteries	Harrogate Borough Council
Gas Works	Historic Maps/OS/Trade directories
Hospitals	Historic Maps/OS
Metal works	Historic Maps/OS/Trade directories
Sewerage works	Historic Maps/Trade directories
Scrapyards	Historic Maps/OS/Trade directories
Timber yards	Historic Maps/OS/Trade directories
Tanneries	Historic Maps/OS/Trade directories
MOD Land	Ordnance Survey

Any site with a past industrial use or a history of waste disposal (i.e. a closed landfill site) could potentially be contaminated. Generic uses of land which are likely to have given rise to contamination are listed at Appendix A.

4.3 Information on Receptors

Information on receptors has been amassed from records held by various council and county council departments as well as from statutory bodies such as the Environment Agency and Natural England.

SOURCES OF INFORMATION (RECEPTORS)

Information	Information source
Maps (current)	Ordnance Survey
Solid geology	British Geology Survey (BGS)
Superficial deposits	BGS
Residential land	HBC - Local Land Property Gazetteer
Allotments	HBC/Parish councils
Schools	NYCC
Recreational land (e.g. parks, playing field, open space)	HBC – Parks and Open Spaces team
Boreholes and wells	BGS
Water courses	Institute of Hydrology/OS
Licensed water abstractions	Environment Agency
Aquifer vulnerability	Environment Agency
Source Protection Zones	Environment Agency
Private Water supplies	HBC – EP records
Sites of Special Scientific Interest (SSSIs)	Natural England HBC - planning and land use records
National Nature Reserves (NNRs)	Natural England HBC - planning and land use records
Special areas of conservation (SAC)	Natural England HBC - planning and land use records
Areas of outstanding natural beauty (AONB)	Natural England HBC - planning and land use records
Sites of interest for nature conservation. (SINC)	Natural England HBC - planning and land use records
Areas of special protection for birds	Natural England HBC - planning and land use records
Special Protection Areas (SPA)	Natural England HBC - planning and land use records
Ramsar sites	Natural England HBC - planning and land use records
Sites of archaeological importance	NYCC Archaeological Section
Historic parks and gardens	HBC - planning Conservation and Design
Listed buildings	HBC - planning Conservation and Design
Ancient Monuments	English Heritage/HBC
Woodlands	Forestry Commission
Crops, including timber	DEFRA
Wild animals subject to shooting or fishing rights	DEFRA

4.4 Managing Information

Information Management is an essential element of the implementation of the strategy. The council uses the corporate GIS which has been populated with specific site data in relation to the location of former landfill sites and other information.

It is the council's intention to maintain and continually develop the current corporate GIS system to store and visualise this information. A new IDOX Uniform database for contaminated land will also be populated and used to prioritise and store information from the work detailed in the strategy.

4.5 Information Evaluation and Prioritisation

The use of the GIS system and database to store and manage information gathered can identify the likelihood of:

- any receptors being found in the vicinity of a potentially contaminated site
- any of these receptors being exposed to a contaminant e.g. as a result of the land use.

Over 5000 potential sites have been identified including formers pits ponds and ditches which are not present in later maps. However this number was exaggerated as several of these records were duplicated. The list of potential sites forms the starting point to prioritise the sites and areas according to the potential likelihood for a contaminant being present.

As required by Statutory Guidance the council takes a strategic approach to this task to ensure that the most serious and pressing problems are dealt with first.

The initial prioritisation of the area is undertaken using the principle of risk assessment to evaluate the information gathered. All information collected or received with respect to land contamination is evaluated according to risk.

- (a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a substance with the potential to cause harm); and
- (b) the magnitude (including the seriousness) of the consequences.

This prioritisation process will result in a list of sites for priority inspection such that the detailed inspection process will commence with the sites most likely to contain serious contaminants that are likely to harm a number of people. Sites will be listed according to their priority however following assessment, not all sites will require detailed inspection and very few are likely to meet the definition of contaminated land. It should be noted that no sites have been prioritised to date.

4.6 Considering land owned by the Council

The council owns and has owned a considerable amount of land within the District. Records of land holdings can be obtained from the Estates team and from NYCC.

The council may have been the party responsible for a historical activity, which has caused potential contamination, such as sites linked with past waste management activities or industrial activities. Many of the council owned sites are linked with sensitive uses such as allotments, recreational grounds and public open spaces.

A list of council owned closed landfill sites has been identified and together with other closed landfill sites these have all been categorised by the Environmental Protection Team as high, medium or low risk by virtue of the degree of risk from the site to sensitive

receptors e.g. nearby houses, water courses. Work has already been undertaken on two of these sites to assess and manage the risk.

4.7 Dealing with Additional Information

The council can receive additional information at any time which can affect the prioritisation of sites for detailed inspection:

Complaint

Should a complaint concerning land that may be contaminated be received from the public, businesses or other establishments by the Safer Communities' Environmental Protection Team it will be treated in the same manner as other Environmental Protection service requests by:-

- The complaint/information with all available details will be logged and recorded.
- An appropriate officer will make contact with the complainant within 10 working days or within 24 hours, if the complaint appears to warrant an emergency/urgent response.
- The complainant will be kept informed of progress throughout the investigation and will be informed of how the matter has been resolved or concluded.
- As with other Environmental Protection complaints the identities of complainants will be kept confidential as far as is practicable.

Anecdotal Information

Any anecdotal information, possibly identifying sites where potentially contaminative uses do or have occurred within the district will be checked and cross-referenced with information already held from other sources. No anecdotal information will be disregarded and even if there is no issue at present the information will be held and reviewed should circumstances change, such as receptors being introduced through the planning process.

5.0 DETAILED INSPECTION

The purpose of a detailed site inspection is to gather sufficient site specific information to carry out an appropriate risk assessment to help establish whether there is significant harm, the significant possibility of significant harm occurring or the significant pollution of controlled water.

5.1 The Detailed Inspection will include the following phased activities:

- Carry out a desk study to amass and assess as much information as possible about a particular site from maps, historical records, the records held by other services in the council and from consultation with other bodies as detailed in the previous chapter.
- Investigation of any past pollution incidents.
- Carry out a site visit and walkover survey for visual inspection to assess and identify the proximity of contaminants and receptors.
- Carry out a preliminary risk assessment as a result of which a conceptual site model will be formulated to determine what further investigations are necessary.
- Carry out limited sampling of surface deposits, water or ground gas sampling as required, to assess the validity of the desk study data. This will be carried out in accordance with relevant British Standards and good practice technical procedures.
- Where necessary carry out a more detailed risk assessment to determine if a significant contaminant linkage exists.

5.2 Following preliminary inspection of a site

The council will:

- Prepare a report on the findings of the desk study and the site walkover recommending what further actions are necessary.
- Where it is not considered that land is contaminated land prepare a written statement to that effect to be issued to the site owners.
- Where land is considered likely to be contaminated land prepare a risk summary, explaining the reasons for this decision.

5.3 Reviewing Site Specific Information Provided by Others

An intrusive investigation will only be carried out where there is a reasonable possibility that a significant contaminant linkage exists. Before carrying out an intrusive investigation the council will check:-

- If detailed information has been provided, by the Environment Agency, the owner of the land, another Local Authority or some other source sufficient to make a determination on the status/condition of the land;
- If someone such as the landowner has offered to make the necessary information available within a reasonable period of time;

5.4 Intrusive Site Inspection

Following the polluter pays principle intrusive investigations will be required to be carried out by the appropriate person but where that person cannot be found or is not prepared to cooperate, the council will have to arrange to carry out the investigations, and if necessary stand the cost.

The site owner, occupier or their agent will be contacted prior to any site visit to discuss the council's concerns and to arrange access. It is preferable to arrange for the site owner, occupier or their agent to be present at such a site visit as this can aid the process of identification. The council will liaise with the site owner and all affected persons as well as the relevant agencies at the earliest opportunity and will continue to communicate its activities throughout the process.

In the event that the council arranges the specialist site investigation the council will employ suitably qualified consultants to undertake the work on its behalf which includes the detailed investigations (trial pitting and drilling), laboratory analysis of soils and water, specialist risk assessment and consideration of remediation proposals.

Specialist consultants chosen will be required to follow detailed specification of investigation and sampling, including health and safety procedures and undertake site inspection and assessments in accordance with current scientific and authoritative guidance.

5.5 Statutory Powers of Entry to Undertake Site Inspection

Section 108 of the Environment Act 1995 (as amended) provides the council with powers to enter, or to authorise in writing, other "suitable persons" to enter premises to carry out an inspection of the land – known as 'inspection using statutory powers of entry'. These powers are extensive and 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 examinations and investigations as necessary.
- To take samples, photographs, carry out tests, install monitoring equipment etc.

Where the council is arranging an intrusive inspection of a site the council will serve a notice on the site owner/occupier giving at least seven days' notice of the date of the investigation unless the situation is deemed to be an emergency. If consent is refused, access to investigate will be obtained by warrant under Schedule 18 of the Environment Act 1995.

Site conditions will be carefully recorded before, during and after completion of the necessary works including the taking of photographic records.

5.6 Making arrangements for Inspection by the Environment Agency

Where the council feels that there is a reasonable possibility of a contaminant linkage being present and where the presence of that contaminant linkage would require the site to be designated a Special Site, the council will make arrangements for the Environment Agency to have a formal role at the inspection stage. The descriptions of land required to

be designated as Special Sites are set out in the Contaminated Land (England) Regulations 2006 and are detailed at Appendix C.

In such instances, a nominated Environment Agency officer will be authorised to carry out the inspection on behalf of the council. Procedures will be agreed with the local Environment Agency office to undertake this process. Both the council and the Environment Agency can identify potential 'Special Sites', but a site cannot be designated as a Special Site until the council determines it to be 'contaminated land'. Once a site has been designated as a Special Site, the responsibility of securing remediation then passes to the Environment Agency.

5.7 Liaison with Neighbouring Local Authorities

The council will liaise with neighbouring local authorities at the earliest opportunity about priority sites, which cross the district boundary. Each site will be dealt with individually and consultation will be carried out to determine whether it is appropriate for one or both authorities to undertake detailed inspection. This may depend on the extent of the site falling within each authority area where the potential contaminant(s) and receptor(s) are located etc. Information held by the two authorities will be shared and the council will ensure that both authorities are involved in the decision making process.

5.8 Site Inspection Findings

The council will follow the system of categorisation in the statutory guidance when considering whether a significant possibility of significant harm exists on a site. For each type of receptor the guidance details four Categories of site, Categories 1 and 2 sites being capable of being determined as contaminated land with Categories 3 and 4 not being capable of being determined as contaminated land on such grounds. In deciding whether there is actual significant harm to human health occurring, advice may be sought from Public Health England.

Category 4 Screening levels published in 2014 by DEFRA will also be used to help decide when land is suitable for use and definitely not contaminated land. Current Soil Guideline Values (SGV's) and other Generic Assessment Criteria (GAC's) will also be referenced. See Appendix D for more information on site risk assessments.

It is recognised that there are background levels of substances on all land as a result of our varied and complex geology. These background levels may be as a result of low levels of diffuse pollution and common human activities such as the historic use of leaded petrol or the spreading of ash in domestic gardens. Therefore if it is established that land is at or close to normal levels of contamination, it will not be considered further within Part 2A. Where the council considers that the site represents a Significant Possibility of Significant Harm (SPOSH), the council will consider determining the site in accordance with Statutory Guidance.

If, following inspections it is shown that a contaminant linkage does not exist, in such circumstances this information will be recorded and the site monitored where the introduction of relevant new receptors is likely. The information will also be made available to the council's Place-Shaping and Economic Growth Service should such a site be identified for future development.

5.9 Undertaking Non-Routine Inspections

Non routine inspections may be undertaken under the following circumstances:

- Proposed changes in the use of surrounding land.
- Unplanned changes in the use of land (e.g. unauthorised use by a sensitive receptor).
- Unplanned events - spillages, accidents, fires, flooding
- Reports of localised health effects relating to a particular area of land.
- Reports of unusual site conditions from:
 - voluntary organisations
 - business
 - the public
- Responding to information from other statutory bodies.
- Responding to information from owners, occupiers of land or other relevant parties.

Flexible trigger review mechanisms are built into the inspection programme to allow for priorities to be amended in the light of unforeseen circumstances.

6.0 PROCEDURES – DETERMINATION AND REMEDIATION

6.1 Determinations on Land Being Contaminated Land

Once the council is satisfied that a significant contaminant link exists at a particular area of land, with reference to the Statutory Guidance, the council will undertake the formal process of determining the land as contaminated land.

The council will determine the land to be contaminated land on one of the four possible grounds for non-radioactive contaminated land:

- i) Significant harm is being caused
- ii) There is a significant possibility of significant harm being caused
- iii) Significant Pollution of controlled waters is being caused
- iv) Pollution of controlled waters is likely to be caused

The determination will identify all three elements (contaminant, receptor and pathway) of a significant contaminant linkage or linkages and will identify their significance in accordance with the statutory guidance. In considering radioactive contaminated land the Council will have regard to the statutory guidance covering radioactive contaminated land.

6.2 Communication on Determination of Contaminated Land

Where formal determination of contaminated land is necessary, the council will take the following actions:

- Prior consultation will take place with all interested parties before determination as contaminated land.
- The owner/occupier and/or the appropriate persons of the land will be notified in writing at least five working days prior to determination, explaining briefly the reason(s) for determination.
- The owner/occupier and/or appropriate persons will be notified in writing that the land has been determined as contaminated land and seeking appropriate remediation by agreement.
- The Environment Agency will be notified of the formal determination.
- The owner/occupier of neighbouring properties and/or the complainant will be notified in writing within five working days of the determination.

The formal notification procedure commences the process of consultation on what remediation may be most appropriate. To aid this process the council will, therefore provide as much information as possible to the relevant parties, and the appropriate persons will also be provided with written explanations of the test for exclusion and apportionment.

6.3 Record of Determination

All information supporting a decision to determine an area of land as contaminated land must be technically robust, defensible and the decision process must be transparent and consistent. To ensure this is the case for all sites within the district all factual information

will be recorded in an ordered, specified manner to aid decision making and to ensure consistency.

Where an area of land is determined as contaminated land a written record of determination will be made and will include:

- The exact boundary of the site that is determined including grid references.
- A description of the contaminant linkage(s) confirmed, including a conceptual model;
- A **risk summary** of the assessment(s) upon which the contaminant linkage(s) were considered to be significant;
- A summary of the way that the requirements of the statutory guidance were satisfied.

6.4 Determining Liability

Land may be declared contaminated upon the identification of one significant contaminant linkage. Full liability cannot be decided until all significant contaminant linkages on the site have been identified. Only then can the procedure relating to the apportionment of liability commence. The apportionment of liability has five distinct stages as follows:

- Identifying potential appropriate persons and liability groups
- Characterising remediation actions
- Attributing responsibility to liability groups
- Excluding members of liability groups
- Apportioning liability between members of a liability group

All appropriate persons for any one linkage are a 'liability group'. These may be Class A or Class B persons.

Appropriate Persons - Class A – These are generally the polluters who caused the contamination in the first place but also include persons who 'knowingly permitted'. This includes developers who leave contamination on a site which subsequently results in the land being determined to be contaminated.

Appropriate Persons - Class B – Where no Class A persons can be found liability reverts to the owner or occupier of the land.

If no appropriate person can be found or is exempted by statutory provisions a significant contaminant linkage will become an orphan linkage or the site an orphan site. In this case the enforcing authority bears the responsibility for that site in carrying out remediation at its own cost.

6.5 Remediation

Once the land has been identified as contaminated land and the relevant persons have been notified, a process of consultation begins to determine what remediation is required on that land. Where agreement is reached for voluntary remediation the persons responsible for carrying out the remediation works will be required to prepare a **remediation statement**.

If voluntary remediation is not agreed or carried out, a remediation notice will be served on the owner/occupier or appropriate persons as required, specifying the necessary remedial action. It should be noted that after determination of contaminated land a minimum period of three months must elapse before a remediation notice is served, unless there is an imminent risk of serious harm.

Remediation notices will be served as a last resort and will not be undertaken unless the council is satisfied that:

- The remediation actions will not otherwise be carried out and
- That the council has no powers to carry out the work itself

[Safer Communities Enforcement Policy](#) incorporating the dealing of contaminated land, is designed to ensure a consistent, fair and open approach to enforcement. In appropriate cases the council will seek to recover costs of remediation works it has completed.

6.6 Remediation on Council owned land

Where land owned by the council is identified as contaminated land and is not a Special Site, the council is prohibited from taking formal action requiring remediation. The council will however deal with these sites as though it was the enforcing authority and will seek appropriate remedial works as necessary in order to satisfy the demands of the regime and to be open, transparent and consistent.

The detail of the remedial works will be entered onto the Public Register as a **Remediation Statement**.

6.7 Urgent Action

The council will undertake urgent remedial work at a site where it is satisfied that there is an imminent danger of serious harm, serious pollution of controlled waters or serious harm attributable to radioactivity being caused by the contaminated land. In such circumstances the council will use its statutory powers of entry to undertake the remedial works. The council will only undertake remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risks would not be mitigated by enforcement action.

6.8 Appeals

The rights of appeal against a remediation notice and the appeal procedure are contained within the Contaminated Land (England) Regulations 2006 at Regulation 8. Any appeals made after the implementation date of the above Regulations should be made to the Secretary of State. In the case of an appeal against a remediation notice being duly made, the remediation notice concerned is suspended and remains suspended until such time as either the appeal is finally determined or the appeal is withdrawn.

6.9 Reviewing Inspection Decisions/Determinations

Occasions may arise where the criteria on which a formal decision on an area of land is made may subsequently change. Such occasions include where:

- New information about the land comes to light
- There are significant changes in legislation
- Establishment of significant case law or precedent
- Revision of guideline values for exposure assessment.

In such cases the council may choose to revoke or vary its determination. The council will record its reasons for doing so alongside the original determination. The council will also issue a written statement of remediation action that has been taken which stops the land being contaminated land and a copy of this will be kept with the public register. See **chapter 7.2**.

No enforcement action has been taken by the council under this regime since it was implemented.

7.0 CONTAMINATED LAND REGISTER AND PROVISION OF INFORMATION

7.1 Contaminated Land Inspection Strategy

The contaminated land strategy is available for view on the council's website and can be downloaded free of charge.

7.2 Contaminated Land Public Register

The Contaminated Land (England) Regulations 2006 require the council to maintain a register for contaminated land. The Contaminated Land Public Register will serve as a permanent record of all regulatory activity undertaken to ensure the remediation of any site, which has been determined to be contaminated land.

The [Regulations](#) are prescriptive about the specific information that can be recorded on the register, it will include;

- Remediation notices.
- Details of site reports obtained by the council in relation to remediation notices.
- Remediation declarations and remediation statements.
- Notifications of claimed remediation.
- Designation of sites as Special Sites.
- Any appeals lodged against remediation notices and/or charging notices.
- Convictions.

The council will not include any information on the Public Register which it considers to be commercially confidential unless directed to do so by the Secretary of State.

The [Contaminated Land Public Register](#) is accessible to view on line on the council's website although currently, as no determinations have been made by the council there are no entries on the register. There is also a paper-based register, which is accessible to view by appointment with the Environmental Protection team (Monday to Friday).

Facilities are available to obtain copies of register entries but a charge will be made according to the council's Scheme of Charges.

7.3 Environmental Information Enquiry – General information

The council will respond to requests made by the public, solicitors or other interested parties on a site specific basis under the Environmental Information Regulations 2004 (EIR). These regulations require the council to make any environmental information they hold available on request, subject to certain exemptions. For the purpose of the regulations, 'information' includes records, registers, reports, returns and digital information.

Although requests under EIR do not have to be in writing, and can be taken by telephone, it is recommended that requests are emailed to the Environmental Protection team. Requests should include where possible a site address and plan and a list of the specific information that is required. The contact details for Environmental Protection are below;

Environmental Protection
Safer Communities
☎: 01423 500600
Email: ep@harrogate.gov.uk

A charge maybe required for such requests and in such cases an advance payment is required before the information is provided. Charges are reviewed annually and are included in the council's Approved Scheme of Charges. The council will respond in writing within 20 working days. It should be noted that in dealing with an EIR request the council has grounds to refuse a request if the request is one covered by one of the exemptions against disclosure.

7.4 Information for Developers

The council has adopted the Yorkshire and Lincolnshire Pollution Advisory Council (YALPAG) guidance document for developers [Development On Land Affected by Contamination](#). This provides information on the details to be submitted for a planning application where a contamination assessment is required as well as the information required to satisfy a planning condition.

8.0 REVIEW MECHANISMS

8.1 Consultation

In developing the strategy the council has consulted with other regulators, statutory bodies and organisations and bodies that have an interest in land contamination and in the implementation of the strategy. A draft copy of the strategy was also included on the website during the consultation process.

The following neighbouring local authorities and external bodies were invited to provide comments on the strategy:

- Environment Agency
- Natural England
- Historic England
- Public Health England
- North Yorkshire County Council
- City of York Council
- Leeds City Council
- Bradford City Council
- Hambleton District Council
- Craven District Council
- Richmondshire District Council
- Selby District Council

A number of internal services within the council were also consulted in the development of this strategy.

8.2 Review of Strategy

It is intended that the strategy will be reviewed every five years in accordance with the Statutory Guidance but if significant changes to the strategy are considered necessary, such findings will be reported including any recommendations to review the strategy within that time.

The day-to-day responsibility for implementing the Contaminated Land Inspection Strategy lies within Safer Communities' Environmental Protection Team.

See contact details below for any queries:

Environmental Protection
Safer Communities
P.O. Box 787
Harrogate
HG1 9RW

☎: 01423 500600
Email: ep@harrogate.gov.uk

GLOSSARY OF TERMS

“Appropriate person”	Defined in section 78A(9) as ‘any person who is an appropriate person, determined in accordance with Section 78F Part 2A to bear responsibility for anything which is to be done in any particular case’. This principally would be the person who originally polluted the land (Class A appropriate person) but where that person cannot be found the owner/occupier becomes the appropriate person (Class B appropriate person).
Charging Notice	As defined in Section 78P(3) is where the enforcing authority does any particular thing by way of remediation, it shall be entitled subject to Sections 78J(7) and 78K(10) to recover the reasonable cost incurred in doing it from the appropriate person.
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. Has the same meaning as ‘pollutant’.
Contaminant linkage	The relationship between a contaminant, a pathway and a receptor
Controlled waters	Defined in section 78A(9) by reference to Part 3 (section 104) of the Water Resources Act 1991 and includes territorial and coastal waters, inland fresh waters and ground waters. Section 78A(9) was amended by section 86 of The Water Act 2003 so that for Part 2A purposes ‘ground waters’ does not include waters contained in underground strata but above the saturation zone as described in paragraph 2.9 of Annex 2
Current use	Any use which is currently being made, or is likely to be made, of the land and which is consistent with any planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications: (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time; (b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission; (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land; whether authorised by the owners or occupiers or not, (for example, children playing on the land); however, in assessing the likelihood of any such informal use, the

	<p>local authority should give due attention to measures taken prevent or restrict access to the land; and</p> <p>(d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.</p>
Harm	<p>With respect to is defined in Section 78A(4) as: ‘harm to the health of living organisms other interference with the ecological systems of which they form part, and, in the case of man, includes harm to his property</p> <p>OR</p> <p>Radioactive contamination defined in section 78A(4)(as modified) as: ‘lasting exposure to any person/being resulting from the after effects of a radiological emergency, past practice or past work activity.’</p>
Intervention	<p>Is a type of remedial action and is defined in the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 as: “ a human activity that prevents or decreases the exposure of individuals to radiation from sources which are not part of a practice or which are out of control, by acting on sources, transmission pathways and individuals themselves”</p>
Intrusive investigation	<p>An investigation of land (for example by exploratory excavations), which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information.</p>
Land	<p>Not defined in Part 2A but in Schedule 1 Interpretation Act 1978 provides that land “... includes buildings and other structures, land covered with water and any estate, interest, easement servitude or right in or over land”.</p>
Owner	<p>Means a person (other than the mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let.</p>
Part 2A	<p>Part 2A of the Environmental Protection Act 1990.</p>
Pathway	<p>One or more routes or means by, or through, which a receptor:</p> <p>(a) is being exposed to, or affected by, a contaminant, or</p> <p>(b) could be so exposed or affected.</p>
Pollution of controlled waters	<p>As defined in Section 78A (9) means the entry into controlled waters of any poisonous noxious or polluting matter or any solid waste.</p>

Possibility of harm	Relates to radioactive contamination only and is a measure of the probability, or frequency, of the occurrence of circumstances which would lead to lasting exposure being caused.
Possibility of significant harm	What is to be regarded as 'significant' harm or whether the possibility of significant harm being caused is 'significant' shall be determined in accordance with statutory guidance DEFRA circular 2012.
Reasonable Grounds	Relates to radioactive contamination only and sets out the grounds required by a local authority before it can inspect land for the purpose of identifying whether it is contaminated land and whether it should be designated as a Special Site. Grounds are: (a) a former historical land use, past practice or radiological emergency, capable of causing lasting exposure giving rise to the radiation doses of the magnitudes stated; or (b) levels of contamination present on the land arising past practice or radiological emergency, capable of causing lasting exposure giving rise to the radiation doses of the magnitudes stated.
Receptor	Either: (a) a living organism, a group of living organisms, an ecological system or a piece of property which: i) is in a category reference in the relevant statutory guidance (see Appendix B) as a type of receptor, and ii) is being, or could be, harmed, by a contaminant; or (b) controlled waters which are being, or could be, polluted by a contaminant.
Register	The public register maintained by the enforcing authority under the enforcing authority under section 78R of particulars relating to contaminated land.
Remediation notice	As defined by Section 78E(1) where a local authority has identified any contaminated land they shall serve on each person who is an appropriate person a notice specifying what the person is to do by way of remediation and the periods within which he is required to do each of the things specified.
Remediation Scheme	The complete set or sequence of remediation actions (referable to one or more significant pollutant linkages) to be carried out with respect to the relevant land or waters.
Remediation Statement	Is defined by Section 78H(7) and is a statement prepared and published by the responsible appropriate person detailing the remedial actions which are being, have been, or

	<p>are expected to be done, together with the periods within which each of the things specified are being or will be done.</p>
<p>Remediation</p>	<p>As defined in Section 78(A)(7):</p> <p>“(a)The doing of anything for the purpose of assessing the condition of:</p> <ul style="list-style-type: none"> i) the contaminated land in question ii) any controlled waters affected by that land or iii) any land adjoining or adjacent to that land. <p>(a) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose:</p> <ul style="list-style-type: none"> i) of preventing or minimising, or remedying or mitigating the effects of, any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land or ii) of restoring the land or waters to their former state. <p>or</p> <p>(b) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters; and cognate expressions shall be construed accordingly.</p> <p>Or with respect to radioactive contamination defined in Section 78A(7)(as modified) as:</p> <p>‘(a)the doing of anything for the purpose of assessing the condition of:</p> <ul style="list-style-type: none"> ‘i) the contaminated land in question, or ‘ii) any land adjoining or adjacent to that land. <p>‘(b)the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land for the purpose:</p> <ul style="list-style-type: none"> i) of preventing or minimising, or remedying or mitigating the effects of, any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land or ii) of restoring the land to its former state: or <p>‘(c)the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land.’</p>

Risk	The combination of: (a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and (b) the magnitude (including the seriousness) of the consequences.
Significant Contaminant Linkage	The relationship between a contaminant, a pathway and a receptor, and means a contaminant linkage which forms the basis for a determination that a piece of land is contaminated land.
Significant harm	Defined in section 78A(5). It means any harm which is determined to be significant in accordance with the statutory guidance in section 4 and 5 .(for example: death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions. Other health effects may be considered to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the local authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm.
Significant pollution of controlled waters	The following types of pollution should be considered to constitute significant pollution of controlled waters: Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC)
Significant possibility of significant harm:	A measure of the probability, or frequency, of the occurrence of circumstances which would lead to significant harm being caused, which is determined to be significant in accordance with the Contaminated Land Statutory Guidance and Radioactive Contaminated Land Statutory Guidance, respectively.
Substance	Has the same meaning as ‘pollutant’ and ‘contaminant’. For non-radioactive contamination, any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour. For radioactive contamination, covers only substances containing radionuclides which have resulted from the after

	effects of a radiological emergency or have been processed as part of a past activity
Unacceptable risk	A risk of such a nature that it would give grounds for land to be considered contaminated land under Part 2A.

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Contaminated Land (England) Regulations 2006 http://www.legislation.gov.uk/uksi/2006/1380/pdfs/uksi_20061380_en.pdf	S.I 227/20 06
Contaminated Land (England) (Amendment) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/263/pdfs/uksi_20120263_en.pdf	S.I 263/20 12
Contaminated Land Inspection Strategies, Technical Advice for Local Authorities	DETR 2001
Prioritisation and Categorisation Procedures for Sites which may be Contaminated CLR 6	DETR 1995
Water Resources Act 2003 http://www.legislation.gov.uk/ukpga/2003/37/pdfs/ukpga_20030037_en.pdf	HMSO 2003
National Planning Policy Framework https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf	DCLG (2019)
Environmental Damage (Prevention and Remediation) Regulations 2009 http://www.legislation.gov.uk/uksi/2009/153/pdfs/uksi_20090153_en.pdf	SI 153/20 09
Department of Environment Industry Profiles (various titles)	HMSO 1985
Investigation of Potentially Contaminated Sites - Code of Practice and its Investigations, BS10175 http://shop.bsigroup.com/ProductDetail/?pid=000000000030282173	BSInstit uti BS101 75

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Useful Web Pages

CIRIA

Construction Industry Research and Information Association documents can be found at:
ciria.org.uk

DEFRA

Land and soil contamination pages can be found at:
www.gov.uk
www.gov.uk/guidance/land-contamination-how-to-manage-the-risks

NATURAL ENGLAND

Magic Map application website

magic.defra.gov.uk/

Useful source of information on the location and qualifying features of the international and national designations.

Natural England Standing Advice

www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/default.aspx

This has information to help local planning authorities to better understand the impact of particular developments on protected or BAP species

HISTORIC ENGLAND

Good Practice Guidance on Land Contamination and Archaeology (2017) –

historicengland.org.uk/images-books/publications/land-contamination-and-archaeology/

Appendix A – CONTAMINATIVE USES – SOURCES OF CONTAMINANTS

The following historic activities are known to produce contamination and could therefore give rise to land contamination. Please note that this list is for guidance only and is not exhaustive.

The list is based on the [D of E Industry Profiles](#) which provide information to developers, local authorities and anyone else interested in land contamination, on the processes, materials and wastes associated with individual industries for contaminated land risk assessment.

Airports
Animal & Animal processing works
Asbestos manufacturing works
Ceramics, cement and asphalt manufacturing works
Chemical Works - coatings, paints and printing inks manufacturing works
Chemical Works - cosmetics and toiletries manufacturing works.
Chemical Works - disinfectants manufacturing works
Chemical Works - explosives, propellants and pyrotechnics manufacturing works
Chemical Works - fertiliser manufacturing works
Chemical Works - fine chemicals manufacturing works
Chemical Works - inorganic chemical manufacturing works
Chemical Works - linoleum, vinyl and bitumen-based floor covering manufacturing works.
Chemical Works - mastics, sealants, adhesives and roofing felt manufacturing works
Chemical Works - Organic
Chemical Works - pesticide manufacturing works
Chemical Works - pharmaceutical manufacturing works
Chemical Works - rubber processing works
Chemical Works - soap and detergent manufacturing works
Dockyards and dockland
Engineering Works - aircraft manufacturing works
Engineering Works - electrical and electronic equipment manufacturing works (including works manufacturing equipment containing PCBs)
Engineering Works - railway engineering works
Engineering Works - ship building repair and ship breaking including naval shipyards
Engineering Works - vehicle manufacturing works
Gas works, coke works and other coal carbonisation plants
Metal manufacturing refining and refinishing works- electroplating and refinishing works
Metal manufacturing, refining and finishing works - iron and steel works
Metal manufacturing, refining and finishing works -lead works
Metal manufacturing, refining and finishing works - non-ferrous metal works (excluding lead works)
Metal manufacturing, refining and finishing works - precious metal recovery works
Oil refineries and bulk storage of crude oil and petroleum products
Power stations excluding nuclear power stations
Profile of miscellaneous industries
Pulp and paper manufacturing works
Railway land

Road vehicle fuelling, service and repair - garages and filling stations
Road vehicle fuelling, service and repair - transport and haulage centers
Sewage works and sewage farms
Textile works and dye works
Timber products manufacturing works
Timber treatment works
Waste recycling, treatment and disposal sites - drum and tank cleaning and recycling plants
Waste recycling, treatment and disposal sites - hazardous waste treatment plants
Waste recycling, treatment and disposal sites - landfills and other waste treatment or waste disposal sites
Waste recycling, treatment and disposal sites - metal recycling sites
Waste recycling, treatment and disposal sites - solvent recovery works

Radioactive Contamination

In relation to radioactive contamination, any land where there are substances present which contain one or more radionuclides (see glossary) which have resulted from the after effects of a radiological emergency or which have been processed as part of a past practice or work activity, such as the use and disposal of radioactive substances, will be considered potentially contaminated land by virtue of radioactivity.

Appendix B – PART 2A RECEPTORS

Human beings occupying or using:	Residential land with gardens. Residential land without gardens. Allotments. Schools and nurseries. Recreational land (e.g. parks, playing field, open space). Commercial/industrial premises.
Controlled waters:	Surface water (e.g. rivers, streams, lakes, ponds) Ground waters (including information on groundwater vulnerability) Water abstractions (including major public and smaller private sources) Ground water Source Protection Zones Surface and groundwater quality data
Ecological sensitive areas:	Sites of Special Scientific Interest (SSSIs) National Nature Reserves (NNRs) Areas of special protection for birds European sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPA)) Candidate SACs and SPAs Ramsar sites Nature Reserves Harrogate District Biodiversity Action Plan (BAP) habitat and ancient woodland.
Property in the form of buildings:	Ancient Monuments Sites of archaeological importance Other buildings Listed buildings Historic parks and gardens, Registered Battlefields, World Heritage Sites and conservation areas
Other forms of property:	All Designated Heritage Assets Crops, including timber Produce grown domestically or on allotments for consumption Livestock Other owned or domesticated animals Wild animals subject to shooting or fishing rights

Appendix C – DEFINITION OF A SPECIAL SITE

A Special Site is a contaminated land site that is regulated by the Environment Agency rather than by the local authority. The definition of a Special Site as given in the Contaminated Land (England) Regulations 2006 [2] is reproduced in the extract text below for information only.

Reference should be made to the full text of the legislation and statutory guidance for a full legal definition and for details of references where quoted.

Contaminated land of the following descriptions is prescribed for the purposes of section 78C (8) as land required to be designated as a Special Site:

- a) land affecting controlled waters in the circumstances specified in regulation 3;
- b) land which is contaminated land by reason of waste acid tars in, on or under the land;
- c) land on which any of the following activities have been carried on at any time;
 - i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or
 - ii) the manufacture or processing of explosives;
- d) land on which a prescribed process designated for central control has been or is being carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
- e) land on which an activity has been or is being carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
- f) land within a nuclear site;
- g) land owned or occupied by or on behalf of -
 - i) the Secretary of State for defence;
 - ii) the defence council;
 - iii) an international headquarters or defence organisation, or;
 - iv) the service authority of a visiting force, being land used for naval, military or air force purposes;
- h) land on which the manufacture, production or disposal of:
 - i) chemical weapons,
 - ii) any biological agent or toxin which falls within section 1(1)(a) of The Biological Weapons Act 1974 (restriction on development of biological agents and toxins), or
 - iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons) has been carried on at any time;
- i) land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991 (arrangements for development etc. of nuclear devices);

- j) land to which section 30 of the Armed Forces Act 1996 (land held for the benefit of Greenwich hospital) applies;
- k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
- l) land which:
 - i) is adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k); and
 - ii) is contaminated land by virtue of substances which appear to have escaped from land of such a description.

Appendix D – RISK MANAGEMENT

According to the Statutory Guidance risk assessments should be based on information which is: (a) scientifically-based; (b) authoritative; (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and (d) appropriate to inform regulatory decisions in accordance with Part 2A and the Statutory Guidance.

Site assessments of potentially contaminated land can be complex and therefore it is crucial to follow a defined series of steps with decisions that are clear, unambiguous and transparent. The Environment Agency has published a guidance document entitled “Model Procedures for the Management of Land Contamination”, CLR 11, which was developed to provide the technical framework for applying a risk management process when dealing with land affected by contamination. The process involves identifying, making decisions on, and taking appropriate action to deal with, land contamination in a way that is consistent with Government policies and UK legislation.

CLR11 is currently being updated and new guidance is due to be published in early 2020, the general principles and purpose will however remain the same.

- **RISK ASSESSMENT** – can be a highly detailed process, particularly where the risks are complex. There are a range of specific technical approaches for different contaminants and circumstances. However the process follows a tiered approach with each tier being applied to the circumstances of the site under consideration, with an increasing level of detail required by the assessor in progressing through the tiers. The three tiers are:
 1. Preliminary risk assessment - where a desktop study and site inspection is used together with information about previous contaminative uses, general physical and geological conditions, so as to gain a preliminary understanding of potential risks associated with the identification of the contamination likely to be present on the site.
 2. Generic risk assessment - includes the design and execution of a detailed investigation and analysis to collect sufficient data to allow estimation of the risk that contaminants may pose to receptors - using generic criteria and assumptions.
 3. Site specific risk assessment - where all available risk based information is reviewed to decide whether the estimated risks are unacceptable, taking into account their nature, scale and any technical uncertainties, which may be associated with the risk estimation process. The estimation process includes the use of models and detailed guidance to assess the risks to human health and other receptors such as controlled waters, ecological systems etc. site specific criteria and assumptions are used in this process.
- **OPTIONS APPRAISAL** – this is the second stage of risk management and comes into play only if risk assessment demonstrates that there are unacceptable risks associated with a site. There may be a number of ways of reducing or controlling unacceptable risks, all of which have advantages and limitations in any particular case. The options appraisal process establishes, taking all the circumstances of the site into account, which options (either singly or in combination) offer the best overall approach to remediation for the site as a whole. There are three main stages of options appraisal:
 1. Identifying feasible remediation options for each contaminant linkage.

2. Carrying out a structured evaluation of feasible remediation options and determining the most appropriate for any particular linkage.
 3. Producing a remediation strategy that will address all relevant linkages where appropriate by combining remediation options.
- **IMPLEMENTATION** – this stage involves carrying out the remediation strategy and may involve the remediation being implemented as a standalone contract or as an integral part of any development related or other infrastructure project. The remediation strategy deals with all aspects of design, preparation, implementation, verification and long term maintenance and monitoring of the remediation. Implementation of the remediation strategy must be fully recorded such that there is a permanent record of the works undertaken. This forms the verification report. Where necessary the work needs to be monitored and maintained. Monitoring may be a form of demonstrating compliance and as an early warning of adverse trends.

Implementation can involve three stages:

1. Preparing the implementation plan
2. Design, implementation and verification of the works
3. Post contract long term monitoring and maintenance.