**ENVIRONMENTAL PROTECTION ACT 1990 – PART IIA**

# CONTAMINATED LAND STRATEGY

**Produced by**
**Torbay Council**
**Environment Services Directorate**

## CONTENTS



## APPENDICES

# EXECUTIVE SUMMARY

The Environmental Protection Act 1990, Part IIA, imposes a new statutory duty on all Council's to write a strategy on how it will identify and deal with contaminated land within its Local Authority area. This came in to force on the 1st April 2000, with a requirement for the Strategy to be written and published by 30th June 2001. The strategy must then be implemented, with a copy being sent to the Department of the Environment, Transport and the Regions. This is the Council's draft Contaminated Land Strategy that has been prepared as a consultation document.

The Council's priorities in dealing with contaminated land are to:

- To protect human health
- To protect controlled waters
- To protect designated ecosystems
- To prevent damage to property
- To prevent further contamination of land
- To encourage voluntary remediation
- To encourage re-use of brownfield sites

The Strategy consists of two parts that will run in tandem. The first is the identification of sites where there is immediate concern, because they fit within the priorities set out in this document. These sites will be inspected, and where necessary a programme of remediation set out, to remove the risk. The second part will be about setting up on the Council's Geographical Information System (GIS); a tool to enable quick and effective identification of potentially contaminated sites. This will be completed by June 2006. As the second part is implemented, it is possible that new sites of concern will be identified, and those will be examined at, at that time. An implementation timetable is included within the Strategy (See Appendix 3).

Torbay Council is the lead authority for the implementation of the contaminated land legislation, but it will be working in partnership with other bodies and agencies, most notably the Environment Agency. Detailed consultation must be undertaken with statutory consultees, and other interested bodies.

Any comments relating to the Strategy should be forwarded to Steve Cox, Senior Environmental Health Officer, Environmental Health & Consumer Protection, Roebuck House, Abbey Road, Torquay, TQ2 5EJ, (Email Steve.Cox@Torbay.gov.uk) by 24th May 2001.

# 1. INTRODUCTION

## Background

1.1 Contaminated land is largely the result of past industrial processes, which have left behind a legacy of many substances including oils and tars, 'heavy metals', organic compounds and soluble salts.

1.2 These can represent a risk to those who work, live or who have access to these sites.

1.3 Management of contaminated land, through a Strategy has two important impacts:

- It proposes remedial work for land already contaminated, through either the planning process, or, for those sites that present an immediate risk through the powers under Environmental Protection Act Part IIA.

- It enables the implementation of the correct management standards to minimise future contamination.

## Corporate aim

1.4 Torbay Council's overall service promise, states *'' We aim to improve the quality of life for the people of Torbay''*.

1.5 One of the Corporate Themes, states *'' To keep Torbay a clean and attractive place in which to live and work''*.

1.6 A healthy and safe environment is a key part of improving the quality of life for both residents and visitors to Torbay.

## Enforcement

1.7 The Council has adopted the Cabinet Office Enforcement Concordat, which commits the authority to good enforcement policies and procedures. This has resulted in Environmental Health and Consumer Protection's Enforcement Policy. Part IIA of the Environmental Protection Act 1990 (EPA) will be enforced in a consistent manner which will meet the principles set out in its Enforcement Policy.

## Public access to information

1.8 The Council recognises that the release of information on contaminated land is a sensitive issue. If the process is not undertaken carefully it can cause property blight. The Council is committed to openness in relation to all information,

provided the information is being given to an appropriate person for a proper purpose.

1.9 The Environmental Protection (EP) Team of Environmental Health and Consumer Protection Division (EH&CPD) will continue to respond to specific written requests for information held by the Team on historic land uses and investigation data. A disclaimer is added to any written response making it clear that the information provided is, that which is available at that time. The approach will be consistent with the requirements of the Environmental Information Regulations (as amended) 1992. The Head of Service will be the lead officer and primary point of contact within the Council on contaminated land issues, though responsibility for land owned by the council, will remain a corporate responsibility.

1.10 Where information or reports on sites are provided by a third party, the status of the information, i.e. whether it is considered confidential or subject to national security consideration, will be determined and confirmed at the outset where possible. Third party information will only be made publicly available provided consent has been obtained to release the information in accordance with the above regulations.

1.11 A public register will be created and kept in the Environmental Health and Consumer Protection Division (EH&CPD) to record information on sites where notices have been issued or a formal Remediation Statement has been prepared in line with the Act.

## 2. LEGISLATIVE BACKGROUND

**Regulatory context**

2.1 The first requirement placed upon Local Authorities was the requirement to prepare a public register of all contaminated land under the provisions of Environmental Protection Act 1990. This was never implemented, and was later repealed, because of concern over property blight.

2.2 This was followed in 1993 by a White paper entitled ‘‘Paying for our Past’’. This resulted in the Environment Act 1995 inserting a new Part (Part IIA), into the Environmental Protection Act 1990.

2.3 Further consultation followed this enabling legislation, with regulations and statutory guidance finally coming in to force in April 2000. It is the introduction of this new regulatory regime, generally referred to as Part IIA that has required the drafting of this strategy document.

2.4 Part IIA of the Environmental Protection Act 1990, requires an overall risk-based approach to dealing with contaminated sites. This is consistent with the general good practice approach to managing land contamination. The regulatory regime set out in Part IIA is based on the following activities:

- Identify the problem
- Assess the risks
- Determine the appropriate remediation requirements
- Consider the costs
- Establish who should pay
- Implementation of remediation

2.5 Section 78A(2) of the Act defines contaminated land for the purpose of Part IIA as:

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

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

(b) Pollution of controlled waters is being, or is likely to be, caused.”

2.6 The basis of the definition is complex and incorporates the concept of risk assessment. This involves identification of contaminant, pathway and receptor with the essential establishment of pollutant linkages by which the contaminant

from the source can reach the receptor via the pathway with the possibility to cause significant harm or the pollution of controlled waters.

2.7 The interpretation of ‘‘significant harm’’, or the ‘‘significant possibility of such harm’’, is defined in statutory guidance.

**The roles of Torbay Council and the Environment Agency**

2.8 Local Authorities have been given the primary regulatory role under Part IIA, as they have historically had responsibility for both Statutory Nuisance and Planning issues with regard to contaminated land.

2.9 The Local Authorities role is to

- Inspect their area to identify contaminated land.
- Consult the Environment Agency (EA) on pollution of controlled waters.
- Ensure remediation of land identified as ‘‘contaminated land’’.
- Transfer “special sites” to the EA.
- Maintain public registers.

2.10 The EA has a complementary regulatory role under the regime including:

- Provision of information and advice, including site-specific guidance, to local authorities.
- Regulation of ‘‘Special Sites’’.
- Maintain a register of special sites’ remediation.
- Preparation of a national report on the state of contaminated land.
- Provide advice on quality of controlled waters.

**Relationship between Part IIA and other Controls**

2.11 ***Planning and Development Control*** – Part IIA will not normally apply where land is being managed within the normal cycle of land redevelopment and regeneration, where the planning and development control regime will continue to be the primary means of control. Some site remediation schemes may, however, require planning permission before site remediation commences.

2.12 ***Environmental Protection Act 1990 Part III – Statutory Nuisance*** – Statutory nuisance provisions will no longer apply where the nuisance arises in relation to land in a ‘contaminated state’. However, nuisance provisions could still apply where land gives rise to a nuisance (such as an odour) that is an offence to human senses but which is not covered under the various categories of harm set out in the contaminated land Statutory Guidance.

2.13 ***Integrated Pollution Control (IPC) and Pollution Prevention and Control (PPC)*** – Part IIA will not apply where the Environment Agency powers under

IPC provisions of the Environmental Protection Act 1990 can be used to take action to remedy contamination resulting from the breach of a process authorisation. Similar arrangements will apply to processes authorised under PPC.

2.14 ***Waste Management Licensing (Part II of EPA 1990)*** – Part IIA will not normally apply where contamination has resulted from land subject to a waste management licence, although it may apply where adverse effects arise from causes other than a breach of licence conditions or from activities that are permitted under the licence. Some site remediation schemes may, however, require a waste management licence.

2.15 ***Water Resources Act (WRA) 1991*** – The WRA 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters. Decisions about the most appropriate regime in any particular case will be handled through consultation between the Council and the Agency.

2.16 ***Building Regulations*** – Part C of Schedule 1 to the Building Regulations 2000 requires precautions to be taken to avoid danger to health and safety caused by substances found on or in the ground, to be covered by the building. Where it is known by Building Control bodies that development is proposed on or near a gassing landfill, approvals will only be granted subject to the design of the building incorporating adequate gas control measures.

2.17 ***Radioactivity*** - Part IIA currently does not apply to radioactively contaminated land although DETR have indicated that its scope may be broadened to include such land. The regime does not apply to naturally occurring radon gas either.

**Principles of pollutant linkage and risk assessment**

2.18 The definition of significant harm is based on the pollutant linkage being present. A pollutant linkage consists of three parts:

- A "contaminant" is a substance, which is in, on or under the land, which has the potential to cause harm or to cause pollution of controlled waters.
- A "pathway" is one or more routes or means by, or through, which a receptor is being exposed to, or affected by, a contaminant, or could be so exposed or affected.
- A "receptor" is specified in the DETR guidance (see below).

2.19 Receptors recognised as being potentially sensitive are:

- **Human beings**

- **Ecological systems or living organisms forming part of a system within certain protected locations including:**
- Sites of Special Scientific Interest (SSSI's)

- National Nature Reserves
- Marine Nature Reserves
- Special Areas of Conservation (SAC's)
- Special Protection Areas (SPA's)
- Candidate SAC's
- Ramsar sites
- Areas of special protection for birds

- **Property in the form of buildings**

- **Property in other forms:**
- Livestock
- Crops
- Home-grown produce
- Owned or domesticated animals
- Wild animals subject to shooting or fishing rights

- **Controlled waters:**
- Defined in section 78A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters and ground waters.

2.20 The significance of risk is dependent upon a number of factors, including:

- Characteristics of the substances in the land
- Local geology and hydrogeology
- Nature and presence of receptors
- Land-use on site
- Adjacent land-use(s)
- Presence of existing pathways, and the potential to create new ones
- Whether or not any measures currently exist to reduce/limit risk

2.21 Before it embarks on the 'Risk Assessment' phase, the Council must therefore identify, collate and review some or all of the following data to establish significant pollution linkages:

- Local knowledge, expertise and information currently held within the Council;
- Environment Agency data on water pollution;
- Information provided by other statutory consultees;
- Historical and current land-use data used to identify and locate highly contaminating activities. Sources of information will include historical maps, the Councils Local Plan and trade directories;
- The broad geology of the area, including artificial and superficial deposits, solid geology and borehole data;

- The broad hydrogeology of the area, including the location of water courses, licensed abstractions, private water supplies and aquifer classification and protection zones;
- Baseline geochemical data (when available) from the British Geological Survey (BGS)
- Any potential 'pathways' existing in the area, which could transfer pollutants from a contaminated site to a receptor;
- The location of 'potentially sensitive receptors', e.g. schools, playing fields, SSSI's etc, and the likelihood of them being at risk from contamination.

2.22 At the preliminary Risk Assessment stage, a desktop study will identify areas of land that may pose a significant risk to the public, the environment, property or controlled waters. If the desktop study indicates that a pollutant linkage exists, (i.e. Source – Pathway – Receptor), a site walkover is necessary. Should further information on contaminants be required the Council must carry out an intrusive site investigation, and seek the advice of experts, where appropriate.

2.23 Having identified a pollutant linkage and undertaken a risk assessment, which indicates that significant harm is being caused to a receptor, the land must then be determined as "contaminated land".

## 3. DEVELOPMENT OF THE STRATEGY

3.1 Local authorities are responsible for preparing Inspection Strategies for their district. The Statutory Guidance requires that the approach adopted should:

- Be rational, ordered and efficient
- Be proportionate to the seriousness of any actual or potential risk
- Seek to ensure that the most pressing and serious problems are located first
- Ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land
- Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land

3.2 This document has been prepared having regard to the DETR Technical Advice For Local Authorities – Contaminated Land Inspection Strategies.

3.3 The responsibility of managing the process lies with the Head of Service, responsible for the Environmental Health and Consumer Protection Division (EH&CPD).

3.4 Although the role of managing the process has been placed with one person there are a number of officers within the Council who will have a role in the process of the Strategy development, inspection and enforcement. Much of the information needed for, and resulting from, inspection is pertinent to other local authority functions, for example land ownership, planning and development control, environmental protection and economic development. Therefore a Contaminated Land Working Group has been collectively developing this strategy.

3.5 The Working Group includes representatives from the following divisions:

- Development and Conservation Planning
- Strategy and Research Planning
- Estates
- Legal
- Civil and Structural Engineering
- IT
- Environmental Health and Consumer Protection

3.6 The main work to date, involves researching the ways of approaching such a strategy, as well as researching previous land uses, in general terms, within Torbay. This will therefore allow concise judgements to be made, on what criteria will be applied to investigating contaminated land.

3.7 The Working Group produced a draft which was circulated before being published as a draft Strategy. Comments were invited on the draft consultation

document during April and May 2001. The Statutory Guidance required the Council to consult with a series of Statutory Consultees. It will however also consulted internally and with a number of Non Statutory Consultees.

3.8 The final strategy document, incorporating comments from the consultation phase, was submitted to the Council's Environmental Services Committee on the 20th June 2001. This strategy was adopted.

3.9 This final version of the strategy was submitted to the Environment Agency and by the end of June 2001. This is in line with the statutory requirements.

## 4 CHARACTERISTICS OF THE LOCAL AUTHORITY'S AREA

### Geographical Location

4.1 Torbay is on the south coast of Devon, and forms a graceful 'C' with Hope's Nose forming its northern point, and Berry Head its southern point. On its shore are the three settlements of Torquay, Paignton and Brixham. They are sheltered except from the east. These three, once separate settlements, are now part of Torbay Council. Torbay has a population of 124,100 (1999 mid year estimate). It is one of three urban areas, in Devon, which otherwise is a rural County, with a rural based economy. The main access to Torbay, is from Exeter, where the M5 becomes the A380, which enters Torbay at its Northern end, at Torquay.

### History

4.2 The three major towns that comprise Torbay - Torquay, Paignton and Brixham, are very different both in terms of their present character and their history, Paignton and Brixham are older than Torquay; in fact the settlements date back to Saxon times. In the Middle Ages, Paignton was an important town and country seat of the Bishops of Exeter. The town expanded significantly in the mid-nineteenth century following land reclamation from the sea and the arrival of the railway. Brixham originally developed as two separate areas of settlement, one around St. Mary's Church and one around the harbour, but has since expanded to become one, largely as a result of the importance of the fishing industry. Until the eighteenth century, Torquay consisted of several distinct, and in some cases historic, hamlets but following the strategic importance of the Bay as a naval base and anchorage during the Napoleonic wars, it grew to become a fashionable watering place and holiday resort.

4.3 Torbay also embraces a number of rural settlements. Some of these are still distinct, such as Cockington, Churston, Galmpton and Maidencombe, whilst others have been submerged by later development, especially in Torquay. A number of these settlements are of considerable antiquity and have distinctive characteristics.

### Current Land Use Characteristics

4.4 Torbay owes its existence to its magnificent natural setting. The three towns Torquay, Paignton and Brixham have each in their own way developed in response to their surroundings; the relationship between the urban areas and their landscape and seascape setting is unique. In terms of geographical area, the Torbay area is approximately 6268 hectares. The urban parts cover some 3,400 hectares, the rural areas account for the rest. 976 hectares is public open space. The Bay itself (6 kilometres in width) between the limestone headlands of Hope's Nose and Berry Head accounts for roughly 3,400 hectares. The landscape element is of particular importance because it not only separates the main settlements and

preserves their individual identity but also provides a strongly unifying element which underlines Torbay's overall identity.

4.5 The high quality of Torbay's landscape and scenery is not only of intrinsic value. This quality of the environment is fundamental to the economy of the area as a tourist destination, and is of national and regional importance by virtue of the statutory landscape designations.

4.6 The landform is a consequence of Torbay's varied and interesting geology, with hard limestone's forming the headlands of Hopes Nose and Berry Head, while the softer sandstones have eroded to form the Bay. Other variations in geomorphology have given rise to a variety of natural features and where the hills and valleys meet the sea, they have formed Torbay's unique and fascinating coastline of rock cliffs, attractive bays and sandy beaches.

4.7 Overlying this landform is a great diversity of vegetation influenced by the underlying geology, soil structure, microclimate, and latterly by land use. Encompassing the towns of Paignton and Torquay there is a sheltered and mild zone influenced by the sea, where sub-tropical plants thrive. This is why Torbay is known as the 'English Riviera'. Even in less sheltered parts, the mild climate has enabled a rich landscape to develop, with extensive tree-lined avenues and wooded areas, especially seen within the towns' Conservation Areas.

4.8 On the edge of the built-up area are the more rugged landscapes of the headlands at Berry Head and Hopes Nose. Pine and evergreen oak are the dominant trees in these areas, with ash and sycamore colonising in scrub.

4.9 Outside the built-up area, the majority of land which is perceived as landscape is in fact in use for agriculture. The classic form of field boundaries with Devon banks and hedgerows also forms a key characteristic of Torbay's rural hinterland, in addition to the extensive areas of woodland that exist within the towns and as part of the agricultural landscape. Some of these are managed for forestry. Within built-areas, islands and ridges of mature trees or mixed vegetation form key landscape features of our urban environment

**Geological Characteristics**

4.10 Devon is known for its red soil, in the form of New Red Sandstone. This area, is however, limited to an area between Torbay and Exmouth. There is no simple demarcation between this and the limestone that occurs around Torbay, where numerous faults and thrusts caused intermixing of Devonian, Carboniferous and Permian rocks, with Devonian being the oldest at 350 million years old.

4.11 The New Red Sandstone in Devon is made up of breccias (angular rock fragments cemented in to a smoother matrix) and wind and river formed sands, conglomerates (rounded rock fragments), and mudstones or marls.

4.12 In Torbay the New Red Sandstone is represented by various types of breccias, breccio-conglomerate and fine-grained sandstone's named from the areas they appear. These are Watcombe Formation, Oddicombe Breccias, Torbay Breccias, Livermead Formation and Chelston/Paignton Breccias. The Watcombe Formation yielded valuable pottery clay.

4.13 The first coastal limestone, coming south from Watcombe, is Petit Tor Point. This was quarried. It extends south of Petit Tor Cove. The Devonian limestone here is composed chiefly of coral beds, as became known as 'Torquay Marble', as it could be highly polished.

4.14 Petit Tor Point overlays the Watcombe Foundation and is often shattered, and this at a fault borders the Oddicombe New Red Sandstone. South of this are the harder limestone's, that form Long Quarry Point and Hope's Nose which forms the northern headland to Torbay. West of Hope's Nose, are the Lower Devonian slates. This is a small extension of the major rock type which occurs in a broad band across the South Hams, but also extends further in to Devon and Cornwall. This section includes Meadfoot beach.

4.15 The only major stream is the Fleet, now channelled underground. When it was larger, it carved a gorge through the area, now known as Fleet Street. This area has been extensively quarried. Further south the Torre stream helped form a wide valley at the centre of the bay of New Red Sandstone. This is the Torre Abbey section of the Bay. South from here is another band of slates and shales, forming Livermead headland. South again the New Red Sandstone spreads down to Saltern Cove, and inland as far as Marldon.

4.16 Around Paignton's red sandstone, is a belt of sandstones, and shales forms the higher ground. To the south, these give way to Devonian slates and mudstones, interspersed with limestone, and some igneous tuffs near Saltern Cove, and these lead to the limestone plateau at Brixham, which stretches to Berry Head.

4.17 South of St Mary's Bay, beyond Berry Head, is Sharkham Point, which has an intrusion of Volcanic rock, associated with the Ashprington Series near Totnes. It contains Iron, which has been extensively mined.

**Industrial History**

4.18 The industrial history of Torbay is closely linked to the sea and to the quarrying and mining of stone and ore. The sea provided a very early fishing industry, with all three towns being linked to this. This extended to include the building of fishing boats, and later still other types of boats, including more recently pleasure boats. Tied in with this, is the support industries, most notably processing of fish, foundries and paint manufacture. The major port, where much of this work continues today, is Brixham.

4.19 The land supported many other industries, some linked to fishing, and boat building. The was extensive quarrying for limestone, for lime, for agriculture, which resulted in numerous lime kilns. There were several potteries, especially in the Watcombe area, which used the local clays. Marble was also quarried in Torbay. In Torquay, a number of areas were quarried for building materials. Iron Ore was mined, and though most of this took place in Brixham, there was a little in Torquay too. This resulted in a number of foundries, in both locations. These would have also linked in to the boat building and fishing industries. The iron was found to have anti corrosive properties which resulted in a paint industry developing in the Bay.

4.20 The other older industries, were the Service industries, notably the railway, the gas, and the electricity industries. There are a number of older sites within the Bay.

**Torbay Economy today**

4.21 *Tourism* - Torbay has long been renowned for its status as the UK's premier staying resort, accommodating over 9 million visitor bed-nights each year. Its parks and gardens, 22 miles of beautiful coastline and numerous tourist attractions together play host to over 1.45 million visitors annually. Consequently, tourism is an extremely important contributor to the economy, accounting for £227 million of direct spending per annum, and accounting either directly or indirectly, for the employment of over 30% of employees - around 15,000 people. The hotel and catering sectors of the economy alone contribute 13.5% of Torbay's Gross Domestic Product

4.22 The tourism sector, however, is facing major change. Despite the growth of the global tourism industry, the traditional resort sector, in which Torbay is located, has suffered from significant decline, both as a result of increasing overseas competition, and changing customer tastes. Although still a thriving resort, Torbay has seen its bednight figures fall by almost four million since the peak of the 1970s and the employment structure within the sector has changed, with a significant increase in female part-time employment.

4.23 The Torbay economy is service sector dominated, accounting for 84.2% of employees, compared with 75.8% nationally. Over a third of this is represented by tourism-related employment, as highlighted above, with another third employed in the health and care, and retail sectors. Healthcare employment is high as a result of an ageing population, many of whom have been attracted to the area as a retirement location. The remainder of the service sector is accounted for mainly by public sector services including education, and by financial services.

4.24 *Fishing* - Although accounting for only a small number of employees in Torbay as a whole, fishing plays a vital role in the economy of the vibrant port of Brixham, the country's second largest by value, and third largest by tonnage of

catch. Of a population of 19,000, approximately 3,000 people are directly dependent on the industry for their livelihoods. Around 650 of these are fishermen, while the remainder work in support sectors such as fish processing and the marine industry, or are dependants of those in fishing related employment

4.25 *Manufacturing* - The manufacturing sector in Torbay is relatively small compared with its representation nationally, accounting for only 12.6% of employees. However employment in the sector has increased by 57% since 1991, and a number of national and international companies have chosen to locate and expand their operations in Torbay. The contribution of manufacturing to Torbay's GDP has also increased significantly, from 8.9% to 13.1%, between 1991 and 1996. Although it is widely recognised that manufacturing will never replace tourism as the dominant economic driver, the sector is an essential and growing component of the Torbay economy.

4.26 *Business composition* - Due to its sectoral structure, the Torbay economy is composed predominantly of small businesses numbering less than 25 employees - over 90% of businesses are of this size

**Protected Locations.**

4.27 Torbay falls within the South Devon Natural Area, characterised by a rolling landscape of hill and river valleys. Defined by English Nature, Natural Areas have specific wildlife and landform characteristics which help to provide a framework for setting objectives for nature conservation. Notable habitats of this Natural Areas found in Torbay include ancient woodlands, lowland farmland and hedgerows, ponds, rivers and streams in urban habitats.

4.28 In relation to rare plant species, English Nature has recognised Torbay as being one of the seven most important areas in England and Wales, acknowledging that "…no other Borough of similar size in Britain, whether rural or urban supports as many rare plant species as Torbay".

4.29 There is one candidate Special Area of Conservation (SAC) in Torbay. This is a European designation for internationally important sites. This is the stretch of coastline from Berry Head to Sharkham Point.

4.30 Nationally important sites, fall under two designations, National Nature Reserves (NNR), and Special Sites of Scientific Interest (SSSI). NNR's are formed to protect the most important areas of wildlife habitat, and geological formations in Britain. Berry Head is a NNR. In addition there are 12 SSSI's.

4.31 In addition to the above designations, there are a number of Local Nature Reserves, and Regionally Important Geological Sites (RIGS), the latter are County Geological sites. These are non statutory, sites.

4.32 In Torbay there are 10 Scheduled Ancient Monuments (SAM's). This include Kent's Cavern which is the single most important Palaeolithic site in lowland Britain, and only one of a handful in NW Europe. These are protected under The Ancient Monuments and Archaeological Areas Act 1979. These also include Torre Abbey and the Berry Head Fort.

**Key water resource/protection issues.**

4.33 The water supply for Torbay comes from three main sources, Littlehempston, on the River Dart, which has additional supplies from Burrator Reservoir, and the River Tamar in the west of the County; Venford Reservoir again on the River Dart; and Kennick, Tottiford and Trenchford Reservoirs to the east of Dartmoor. There are only five private water supplies, four serving a single household, and one a school.

**Known information on contamination**

4.34 The Council holds some information on contamination of land, but it tends to be widely spread out between divisions, and poorly documented. Other information can be found in the reference libraries in the three towns. Some information has been kindly supplied by Mr John R Pike, a local writer and historian.

## 5 TORBAY COUNCIL STRATEGY - OVERALL AIMS

5.1 The legislation requires an overall risk-based approach to dealing with contaminated sites, which is consistent with the general good practice approach to managing land contamination.

5.2 The overall aim is consistent with the Council's Theme, which states *'' We aim to improve the quality of life for the people of Torbay''*.

5.3 The key objectives of the Strategy are:

- To protect health and the environment.
- To ensure compliance with, and enforcement, of the legislation.
- To deal with the legacy of contaminated land using the "suitable for use" approach in an ordered and prioritised way.
- To encourage voluntary remediation of sites by polluters or other appropriate persons.
- To ensure that procedures are in place for the open provision of information to the public, developers etc.
- To address the liability issues associated with the Council's existing land holdings and avoid any new liability issues associated with land acquisitions.

5.4 Dealing with contaminated land is a complex issue and must be dealt with in a consistent manner. It is therefore important to state the Council's objectives clearly (see above) and outline the Council's priorities. In relation to contaminated land the Council's priorities will be:

- To protect human health
- To protect controlled waters
- To protect designated ecosystems
- To prevent damage to property
- To prevent further contamination of land
- To encourage voluntary remediation
- To encourage re-use of Brownfield sites

5.5 To achieve the Council's aims and objectives, a dual approach is needed. These two approaches will run in parallel. These will be, firstly, the development of a Council wide database, of all previous industrial and commercial uses, where there maybe land contamination, and secondly the investigation of individual sites, where there is a potential risk to human health, controlled waters, or ecosystems, in line with the strategies priorities.

5.6 A database on Microsoft Access has been developed, and the information from Trades Directories will be installed upon this database, for at least every fifth

year, though depending on availability, this may vary. Quality assurance will be used to ensure accuracy of the input data.

5.7 The information from the database will be transferred on to the Council's Geographical Information System (GIS), MapInfo. Using the Council's MapXtreme system, this will ultimately be placed upon the Intranet, though with limited access, for security reasons. The security and access will be audited to ensure no unauthorised access, and to ensure the accuracy of any changes made to the information.

5.8 With the MapXtreme set up, this will give easy access to staff from both estates and planning divisions, to make quick decisions on whether there is any potential risk from past land use.

5.9 Any site that gives concern at any stage throughout this process will be dealt with as a matter of urgency, in line with the strategies priorities. A trial is being undertaken with four site, to identify the best methods to undertaken a desktop study, using the relevant best practice literature.

5.10 Important criteria, with regard to human health, will be potential past industrial or commercial uses that correspond with allotments, residential gardens, ground water, schools, public open space, which includes beaches, surface water and other sites with public access.

5.11 Important criteria, with regard to ecosystems, will be those designated sites, under Statutory Guidance, see 2.18 and 2.19 above, where ''significant harm is being caused'' or ''there is a significant possibility of such harm being caused''.

5.12 Important criteria, with regard to buildings or man's property, are covered under Statutory Guidance, where ''significant harm is being caused'' or ''there is a significant possibility of such harm being caused''.

5.13 Investigations will take place to identify the need for a risk prioritisation model, and whether there are any appropriate models available. This will help to prioritise site investigations.

5.14 The intention is that this strategy will not conflict with other strategies that have or are being produced by Torbay Council. That there will be a co-ordinated approach to ensure consistency.

## 6 TORBAY COUNCIL'S PRIORITY ACTIONS AND TIMESCALES

6.1 **Preparation of draft strategy. (October 2000 – April 2001)** The development of the draft strategy by the project team.

6.2 **Consultation. (April 2001 – May 2001)** The draft strategy was circulated to the Statutory Consultees.

6.3 **Committee and final publication. (June 2001)** The final Strategy was published at the end of June 2001. This was following the completion of the consultation process and the adoption of the strategy by the Environment Services Committee on the 20th June 2001.

6.4 **Input of data on to Microsoft database. (March 2001 – March 2004)** Input of data, from trades directories and any other information source.

6.5 **Development of the MapXtreme GIS for Contaminated Land Information (April 2001 – March 2002)** The development of the existing software, to form an easy usable package for the contaminated land regime.

6.6 **Installing of database information on to MapInfo. (April 2002 – June 2006)** To give the Council a tool, that will enable the quick referencing to potentially contaminated land, as the information included will be the past industrial uses of Torbay.

6.7 **Investigation of sites that give concern, following the strategies priorities. (July 2001 onwards)** Investigation will take place of sites that present concerns, as they are found, most notably following the objectives and criteria set out in 5.3 and 5.9 – 5.12 above. It is important to note that any site is identified as presenting a potential risk to human health, ecosystems, buildings or property, during this process will be investigated as soon as possible. If, ultimately too many sites fall in to these criteria, then a prioritisation process will need to be implemented. A trial of 4 sites has already commenced, with the intention of identifying the best practice to undertake a desktop study.

6.8 **Investigation of an appropriate or suitable risk prioritisation model. (September 2001 – March 2002)** This may not be appropriate for Torbay, as the number of potentially contaminated sites may be low. If this is the case, then at a review, the sites can be simply prioritised, so they are all completed in a specified period. If, however, there are so many sites, that a clear prioritisation model is needed, then this will be investigated and a model developed and implemented. Considering, that this process could begin before the whole of the data from the database has been placed upon the MapInfo system, this work should be completed at an early date.

6.9 **Development of a risk prioritisation model, for prioritisation of risk. (April 2002 – March 2003)** If the investigations under 6.8 deem it necessary, then this will be developed at this time. It will enable the sites that present the highest potential risk to be investigated first.

6.10 **Systematic investigation of all potential sites. (April 2004 – March 2007)** All sites where there are past industrial or commercial use that corresponds to receptors will be investigated. If there are a large number of sites, then consideration will be given to using a risk prioritisation model described in 6.9 above.

6.11 **Determination and remediation. (July 2001 – March 2007)** All sites that are identified as having a significant pollution linkage, will be determined, within the definition of the legislation, and action for remediation.

## 7 PROCEDURES

### Internal management arrangements for inspection and identification.

7.1 Implementation of the contaminated land regime is the responsibility of the Environmental Protection (EP) team, which is part of EH&CPD. The Head of Service will be the lead officer. Following adoption of this strategy EP will be responsible for its day-to-day implementation and enforcement. Where the Council is liable for remediation work a report will be presented to the Council's Environment Services Committee prior to the commencement of any work.

*Site investigations and inspection*

7.2 The timetable for undertaking the inspection of the district is detailed in Section 6. Best practice publications will be followed during the investigation and inspection process. If it is considered appropriate to appoint contractors/consultants for any part of the inspection process, advice will be sought from the project team members and where appropriate a tendering process will be implemented. Should there be a need to undertake an intrusive site survey the Council's Archaeological Officer will be consulted, where appropriate, prior to commencing any work on site.

*Procedure for dealing with Special Sites*

7.3 Where it appears there may be a significant pollution linkage present, the Council should formally consult with the Environment Agency to find out whether the Agency has any further information on the site and also whether any of the Agency's other regulatory powers may be more suitable for dealing with the contamination.

7.4 Where the Council considers the site may be determined contaminated land and designated a special site then the Council can ask the Agency to undertake the inspection. The Council will provide the reason for the site being a special site and also information on the individual significant pollution linkage's it considers to be the basis for the determination.

7.5 Where both the Council and the Agency consider the site not to be a special site but can be determined as contaminated land then the Agency may still provide site-specific guidance on matters where it is felt the Agency has specific expertise such as pollution of controlled waters.

### Contaminated land and development control

7.6 Currently the majority of contaminated land issues are dealt with through the planning and building control regime. This will continue to be the case and if more Brownfield sites come forward for redevelopment the procedures outlined below

will continue to be used to address contaminated land issues without the need to use the powers set out in Part IIA.

7.7 Officers within the EP team, will screen all applications received by Planning Development and Control (PD&C) in the interim, in line with existing procedures, though in time, PD&C may develop their own screening procedures. Where an application relates to a site, which has the potential to be contaminated, based on the past use of the land, a standard contaminated land condition will be attached to any consent granted. This condition will require the applicant to undertake a contaminated land survey to identify possible contamination and remedial works required to deal with any contamination found. On completion of the survey and remediation of the site, the applicant is required to submit to the PD&C a remediation statement detailing what contamination has been found and how it has been dealt with. The applicant must also submit a statement confirming that the site is in a condition suitable for the proposed use. Officers within EP will evaluate all reports in line with the risk assessment procedures detailed below.

7.8 There are similar links between EP and Building Control. Where Building Control Officers are made aware of land contamination the views of the Officers within EP are sought and acted upon.

7.9 These procedures/links will remain in place and it is anticipated that they will be adequate to deal with any contaminated land issues arising on land subject to redevelopment. They however remain under review should new procedures or better working practices come to light.

7.10 As the Council-wide GIS is developed, copies of contaminated land reports will be linked to planning and building control applications. There will also be close liaison between Strategic Services over future development of the Local Plan, based on information that will come from this Strategy.

**Dealing with urgent sites**

7.11 During the course of the implementation of the strategy, sites may be identified which require urgent attention. These will be sites where it appears to the Council that there is an imminent danger of serious harm or serious pollution of controlled waters. In these cases the Council will ensure urgent remediation is undertaken.

7.12 Prior to committing any expenditure each case will be referred to the Head of Service, for consideration by the relevant Council committee.

**Dealing with contamination from neighbouring Local Authority area**

7.13 Where cross boundary contamination occurs, it will be the responsibility of the Local Authority in which the contamination arises, to undertake the relevant investigations and remediation. It shall liase with that neighbouring authority as part

of its procedures. Likewise if Torbay has a site that is leading to contamination of a neighbouring authorities area, it will take responsibility for the investigation and remediation.

**Considering local authority interests in land**

7.14 When dealing with Council owned land it is important that there is close liaison between all the relevant Services for example, Environment Health, Estates, Legal and Planning prior to acquisitions or disposal.

*Existing Land Holdings*

7.15 In line with 6.7 above, any land that is cause for concern will be investigated as a matter of urgency. If this land is Council owned, then it is the responsibility of that division to initiate the procedures of investigation set out by this strategy, and the appropriate DETR Statutory Guidance. It will be that division to finance those investigations, and any remediation required, seeking appropriate approval through their own Head's of Service, and where necessary the Council's relevant committee. There must be liaison between that Division and Officers of EP, to ensure consistency of approach and that copies of the information obtained, is held in a central location.

7.16 As the MapXtreme system is developed, and sites are identified that may cause concern, then Officers from EP shall inform the estates division. Further more, if a risk prioritisation model is developed and used, then any information pertaining to Council owned land, shall be passed on to all relevant divisions.

*Land Acquisitions*

7.17 Prior to acquiring any new land, detailed investigations will be necessary to ensure that the Council is not inheriting a contamination liability. In some cases, specific site investigations will be necessary. Warranties may also be appropriate. There will be a slightly different approach for the adoption of public open space. The planning process, through Section 106 Agreements, will need to ensure that an appropriate level of site investigation has taken place prior to adoption. This will be a matter for PD&C to agree with the individual developers.

*Disposals*

7.18 The process of site investigation detailed above will enable the Council, as landowner, to make more informed decisions about its future land dealings and the steps it needs to take in either disposing of, or letting land in future. Individual negotiations that would take place on either disposal or letting would be a matter for the parties to discuss in each and every case and the outcome may be very different depending upon the particular circumstances.

**Information - collection and management.**

7.19 Various sources of information will be used to assist with the process of the identification of sources of contamination and receptors;

- Trades Directories – these contain valuable information and are available for many years going back to the early 1800's. This information will initially be put on to a database, and that which is relevant will be installed on to the MapXtreme GIS system the Council already has. The Council already has the pre-1945 digital maps, and is hopeful that it will be in receipt of those to the present day via its Ordnance Survey licence which at present is under negotiation.

- Geological maps – discussions will be held with the British Geological Survey, based in Exeter, to determine what information is available and can be used to assist with the characterisation of sources and pathways.

- Environment Agency – information provided by the EA will be evaluated and where appropriate used to update and improve information on the GIS, in particular with reference to controlled waters as a receptor.

- Council records – a number of Divisions within the Council have information relating to contaminated land and surveys. This information will be examined in order to determine the condition of sites, which may have been remediated. Details from surveys and remediation measures will ultimately be transferred to the GIS.

- Environmental Protection Act (EPA) 1990 – Part 1 – Public Register – details of industrial processes authorised in accordance with the EPA are held on a register by the Council. These sites will eventually be transferred to the GIS in order to assist with the identification of potential sources of contamination.

7.20 The Council's MapXtreme GIS will be used to store/manage the information collected as the strategy is implemented. The MapXtreme will be developed for the task by March 2002. The scope of the Corporate GIS project will include:

- The provision of digital mapping for map maintenance and the creation of a Corporate map base which will be used across the Council to eradicate current problems generated by different units or sections within a unit using different paper based maps;
- Linking property databases through the gazetteer to the digital maps;
- Providing access to GIS across the Council's Intranet.

7.21 It is intended that the GIS will also include information on;

- Geology including made ground;

- Water extraction points, other wells and boreholes;
- Aquifers, groundwater vulnerability zones;
- Current land use;
- Waste management licenses and old landfill sites;
- Ecologically important sites
- Important heritage sites

7.22 Consideration will be given to the management and updating of the data either by a trained member of staff in the EP team of EH&CPD, or utilising existing resources in other Divisions within the Council.

7.23 Though the ultimate aim will be to have as much of the information as possible, gathered through the implementation of the Strategy, linked to the GIS, some will remain within its own filing systems. These will be held centrally in the EH&CPD, and within those relevant divisions relating to land ownership, or responsible for statutory functions. This will include all areas of contaminated land identified and copies of survey reports received either through the planning process or as a result of site investigation/remediation of the Council's own land.

7.24 Initially this information will be accessible to other Services via the Council's Intranet on a read only basis. Due to concerns over ''blight'', some restrictions will be placed on access. As the system is developed consideration will be given to the availability of the information on the Internet.

7.25 Where information or reports on sites are provided by a third party, the status of the information, i.e. whether it is considered confidential or subject to national security consideration will be determined and confirmed at the outset where possible. Third party information will only be made publicly available provided consent has been obtained to release the information.

7.26 The Council is committed to openness in relation to all information, provided the information is being provided to an appropriate person for a proper purpose.

*Public Register*

7.27 The Contaminated Land Public Register will be held within EH&CPD along with the other public registers held by the Division.

7.28 Schedule 3 of The Contaminated Land (England) Regulations 2000 requires the following information to be placed on the register:

- Remediation notices - including:

- Name and address of the person on whom the notice has been served

- The location and extent of the contaminated land to which the notice relates

- The significant harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated

- The substances by reason of which the land in question is contaminated and, if any substances have escaped from other land, the location of that other land

- The current use of the contaminated land in question

- What each appropriate person is to do by way of remediation and the periods within which they are required to do each of the things

- The date of the notice.

- Appeals against remediation notices including decisions

- Remediation declarations

- Remediation statements

- Appeals against charging notices

- Designation of special sites

- Notification of claimed remediation

- Convictions for offences under 78M

- Guidance issued under section 78V(1)

- Other environmental controls

**Information and complaints.**

7.29 Information and complaints may be received from members of the public, businesses and voluntary organisations. This information may impact on how the Council progresses the implementation of the strategy in a given area. The EP Team will deal with all complaints/information relating to contaminated land, except those relating to land owned and managed corporately. The procedures detailing how complaints and information received by the Council will be dealt with are outlined below.

*Complaints*

7.30 Complaints relating to contaminated land will be dealt with following the procedure adopted by the Council for dealing with public health nuisances:

- All complaints will be recorded
- Urgent incidents will be responded to within 2 working days
- Other incidents will be responded to within 5 working days
- Complainants will be kept informed of progress towards resolving the problem
- Where possible and appropriate, prompt enforcement action, within the constraints of the legal framework, will be taken

*Confidentiality*

7.31 Complainants will be expected to provide details of their name and address and the address of the premises/land, which has given rise to the complaint. As is the case with all complaints received by the Council, the identity of the complainant will remain confidential. The only situation where the confidentiality code would not apply is in the case of the Council taking enforcement action where the complainant may be required to provide a statement in support of the action.

*Voluntary provision of information*

7.32 Information may be received from members of the public, business or organisations relating to potentially contaminated land. This may take the form of anecdotal information. In these cases the information will be recorded and evaluated. The information provider will not automatically be kept informed of action taken by the Council as a result of the receipt of this information.

*Anonymously provided information*

7.33 It is Council policy that anonymous complaints will not normally be investigated. However, in the case of contaminated land any information received will be recorded and evaluated by the Officers in the EP Team to determine the need for further investigation.

**Information evaluation – Risk Assessment.**

7.34 The main conceptual stages of risk assessment are detailed below – these stages will be followed during the investigation and evaluation of each site:

- *Hazard Identification*: Identification of contaminated sources, pathways and receptors (pollutant linkages), taking into account the actual or intended use of the site and its environmental setting. This stage relies on desk-based research, including the review of documentary information and consultation with

relevant parties (e.g. site owners, operators, and regulatory authorities). It may also involve site reconnaissance, which can be used to confirm desk-based findings. The information obtained at this stage is used to develop a conceptual model that describes the pollutant linkages, which may be relevant to the site.

- *Hazard Assessment*: Consideration of the plausibility of pollutant linkages and determination of the potential for health and environmental risks. The purpose of this stage is to refine the conceptual model. This will involve additional desk studies and exploratory site investigation. This stage should address in more detail the nature, likely location and behaviour of contaminants, and possible interactions with defined receptors. The potential for short-term and chronic exposure risks to health and the environment can also be assessed at this stage, assuming some information is available on the nature, concentration and location of contaminants.

- *Risk Estimation***:** Estimation of the risk(s) that identified receptor(s) will suffer adverse effects, if they come into contact with, or are otherwise affected by, contaminant sources under defined conditions. Risk estimation involves consideration of the likelihood, nature and extent of exposure (or of hazardous conditions) and the effects, which may occur if exposure takes place, or hazardous conditions develop. The expression of risk may be in narrative (i.e. the risks are low or high) or (more rarely) quantitative terms. At this stage assessment criteria, such as best practice guidance, will be used to determine whether further action is required. Where specific guidance is not available, reference may be had to occupational exposure levels issued by the Health and Safety Executive or other authoritative sources of information, such as guidance adopted in other countries.

- *Risk Evaluation*: Evaluation of the need for risk management action (i.e. risk reduction or control measures) having regard to the nature and scale of risk estimates, any uncertainties associated with the assessment process and, where further action is required, the objectives, and broad costs and benefits of that action.

## 8 GENERAL LIAISON AND COMMUNICATION STRATEGIES

### Statutory consultees

8.1 The statutory consultees are:

- Environment Agency
- English Nature
- Ministry of Agriculture, Fisheries and Food (MAFF)
- English Heritage
- County Council
- Statutory Regeneration Bodies (regional Development Agencies, English Partnerships)

A copy of the published draft document was sent to the above, details of which can be found in Appendix 2

### Non-statutory consultees

8.2 Copies were forwarded to the following non-statutory consultees; South Hams District Council, and Teignbridge District Council; South West Water (SWW); the Ministry of Defence (MOD); Riviera Housing Trust (RHT); and National House Builders Certificate (NHBC). The strategy was also circulated internally to members of the project team, and other Officers where it is felt appropriate.

### Communicating with owners, occupiers and other interested parties

8.3 The Council will seek to encourage voluntary action before initiating enforcement action. It is hoped that, by pursuing this approach, effective remediation will be achieved.

8.4 The Officers of the EP Team in EH&CPD will be the main contact point within the Council in relation to contaminated land issues, though if the issues relate to land owned by the Council, then enquires should be made to the relevant department on land ownership or statutory issues.

### Risk Communication

8.5 Issues relating to contaminated land will affect a wide range of people and interests within the community and because of this, the risks, which are thought to arise from contaminated land, need to be clearly identified and communicated to those affected. It is important to bare in mind that some people's perception of risk from sites is likely to vary wildly from the reality, so it important that an open and accurate approach is undertaken.

8.6 The Council is committed to openness in relation to all information, provided the information is being provided to an appropriate person for a proper purpose, in line with the requirements of the Environmental Information Regulations 1992.

8.7 As the Contaminated Land Strategy is implemented, and as the need to inform interested parties arises, Officers of the EP team, in EH&CPD will liase with the Council's Press and Public Relations Officer to ensure that a consistent approach is taken. The technical detail used in the process will be provided by the Officers in EP, following consultation with the Environment Agency Devon Area Contaminated Land Officer where appropriate. During this process regard will be had to the guidance detailed in the publication from Scotland and Northern Ireland Forum For Environmental Research (SNIFFER) on Communicating Understanding of Contaminated Land Risks.

**Provision of information to the Environment Agency**

8.8 The Environment Agency is required to prepare and publish a report on the state of contaminated land in England. In order to do this the Agency will need to collate information it holds and gain access to information held by local authorities.

8.9 The Council is required to pass details of each determination to the Agency each time a site is determined. The standard form will summarise this information but the information passed on to the Agency will also include the basis of the determination and spatial information about the site.

8.10 Officers from the EP Team will co-ordinate the provision of this information by the Council.

# 9 REVIEW MECHANISMS

## Introduction

9.1 Part IIA of the EPA (1990) requires local authorities to inspect their areas from time to time for the purpose of identifying land, which may fall within the statutory definition of contaminated land. This strategy details how the Council intends to implement the inspection/identification of contaminated land within its boundary. In order to meet the re-inspection requirement of the legislation there is a need to identify triggers, which will prompt the need for reviewing inspection decisions. Furthermore, as is the case with all Strategies, there is always a need for periodic reviews of the Strategy itself.

## Triggers for reviewing inspection decisions

9.2 A need to review inspection decisions may arise as a result of the following "triggers":

- Significant change in legislation
- Establishment of significant case law or other precedent
- Revision of guideline values for exposure assessment
- Proposed changes in the use of surrounding land
- Unplanned changes in the use of land (e.g. persistent, unauthorised use of the land by children)
- Unplanned events (floods, spillages, landslides, fires etc.) which cannot be dealt with by other legislation
- Reports of localised health effects which appear to relate to a particular area of land
- Verifiable reports of unusual or abnormal site conditions received from business, members of the public or voluntary organisations
- Responding to information from other statutory bodies such as the Environment Agency or Health and Safety Executive
- Responding to information from owners or occupiers of land, and other relevant interested parties.

9.3 Should any of the above occur there might be a need to either bring forward a site for its initial inspection or alternatively prompt a re-inspection of a site. To assist the review process it is essential that all information associated with the inspection of areas of Torbay is recorded in a consistent manner and that all decisions made and factors taken into consideration in the decision making process are clearly documented.

9.4 Officers from the EP Team will be responsible for assessing the implications of any of the above "triggers" received and determining if there is a need to re-inspect a site or bring a site forward in the programme. This will be undertaken in liaison with any land owning departments, should the ''triggers'' affect their land.

The views of the other agencies may be sought prior to finalising a decision should this be considered appropriate.

**Review of the Inspection Strategy**

9.5 The first review of the Inspection Strategy will be undertaken in June 2003. This will be a complete review of progress being made, with regard to the dual approaches to achieving the strategy. It will need to look at resource implications with regard to site inspections undertaken, and those that are likely to arise out of the risk prioritisation model review. Depending on the number of 'determinations' of contaminated land, and the time that is taking, may result in the extension of the timetable.

9.6 If due to resource implications, or an unseen workload on individual site inspections and remediation occur, then an earlier review may be necessary.

9.7 Should any review result in significant changes in the deadlines, then the reviewed document will be brought to the attention of the Council's Executive, through the appropriate committee structure.

## APPENDIX 1

# GLOSSARY

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

**CLEA** Contaminated Land Exposure Assessment, a methodology for carrying out risk assessment.

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

- significant harm is being caused or there is a significant possibility of such harm being caused; or
- pollution of controlled waters is being, or is likely to be caused.

**Controlled Waters** These include:

- inland waters (rivers, streams, underground streams, canals, lakes and reservoirs)
- groundwater's (any water contained in underground strata, wells or boreholes)
- territorial waters (the sea within three miles of a baseline)
- coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water line.

**''determinations''** This is the process by which, using DETR Statutory Guidance, decisions made on land, as to whether there is a ''significant pollution linkage'', and hence is contaminated for the purpose of Part IIA. This is known as a determination.

**DETR** Department of the Environment, Transport and the Regions

**EA** Environment Agency

**EH&CP** Environmental Health and Consumer Protection

**EH&CPD** Environmental Health and Consumer Protection Department

**EP** Environmental Protection Team, part of Environmental Health and Consumer Protection Department

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|---|---|
| **EPA** | Environmental Protection Act 1990. The provisions of Part IIA can be found. These are the provisions that relate to Contaminated Land. |
| **GIS** | Geographical Information System |
| **ICRCL** | Interdepartmental Committee on the Redevelopment of Contaminated Land |
| **MAFF** | Ministry of Agriculture, Fisheries and Food |
| **MapInfo** | The Council's GIS system |
| **MapXtreme** | A licensed part of MapInfo used on the Intranet |
| **MOD** | Ministry of Defence |
| **NHBC** | National House Builder Certificate. A private organisation providing Building Control responsibilities. |
| **NNR** | National Nature Reserve, a national designation for important wildlife sites. |
| **Pathway** | One or more routes by which a receptor can be exposed to a contaminant. |
| **Part IIA** | The abbreviated name give to the provisions for Contaminated land, found within the Environmental Protection Act. |
| **PD&C** | Planning Development and Control |
| **Pollutant linkage** | The relationship between a contaminant, a pathway and a receptor. |
| **Ramsar Site** | A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed. |
| **Receptor** | Sometimes referred to as a "target" – the health of a person, waters, ecosystem or property type that could be affected by contamination. |
| **Remediation** | The carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land. |

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|---|---|
| **RHT** | Riviera Housing Trust, the trust was formed to run the ex Council Housing stock. |
| **RIGS** | Regionally Important Geological Sites |
| **Risk assessment** | The study of:<br>• the probability, or frequency, of a hazard occurring; and<br>• the magnitude of the consequences |
| **SAC** | Special area of conservation, a European designation for important wildlife sites. |
| **SAM** | Scheduled Ancient Monument, under The Ancient Monuments and Archaeological Areas Act 1979. |
| **''significant pollution linkage''** | One that leads to a determination, under DETR Statutory Guidance. |
| **SNIFFER** | Scotland & Northern Ireland Forum For Environmental Research. |
| **Special site** | Any contaminated land designated due to the presence of:<br>• waste acid in tar lagoons<br>• oil refining<br>• explosives<br>• integrated pollution control sites<br>• nuclear sites |
| **SSSI** | Sites of Special Scientific Interest, a national designation for important wildlife sites. |
| **SSW** | South West Water |
| **''Suitable for Use''** | This approach focuses on the risks caused by land contamination. The approach recognises that the risks presented by any given level of contamination, will vary greatly according to the use of the land, as well as other factors such as the underlying geology of the site. |

**APPENDIX 2**

**List of Statutory Consultees/contacts**

Statutory Consultees marked with a *.

Environment Agency*
Devon Area Contaminated Land Officer,
Exminster House
Miller Way
Exminster
Exeter EX6 8AS

English Nature*
English Nature Devon Team
Level 2
Renslade House
Bonhay Road
Exeter EX4 3AW

MAFF*
Emergency Planning Section
Ministry of Agriculture, Fisheries and Food
Regional Service Centre South West
Clyst House
Winslade Park
Clyst St Mary
Exeter EX5 1DY

English Heritage*
29 Queen Square
BRISTOL BS1 4ND

Devon County Council
County Environment Department
Lucombe House
County Hall
Exeter EX2 4QW

Statutory Regeneration Bodies* (Regional Development Agencies)
Regional Development Agency
Sterling House
Dix's Field
Exeter EX1 1QA

Teignbridge District Council
Chief Environmental Health Officer
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot TQ12 4XX

South Hams District Council
Chief Environmental Health Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon TQ9 5LY

Ministry of Defence
MOD Mount Wise
Devonport
Plymouth PL1 2AA

South West Water
Peninsula House
Rydon Lane
Exeter EX2 7HR

Riviera Housing Trust
Pearl Assurance House
101-107 Union Street
Torquay TQ1 3DW

National House Builders Certificate
Buildmark House
Chiltern Avenue
Amersham
Buckinghamshire HP6 5AP

**APPENDIX 4**

**REFERENCES**


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