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# Contaminated Land Strategy Review

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**November 2008**



**Dartford Borough Council Contaminated Land Inspection Strategy**  
**Executive summary**

Dartford Borough Council is required under Part IIA of the Environment Act 1990 to inspect land in its area for the purpose of identifying contaminated land

Part of the requirement is for each local authority to produce, publish and adopt a Strategy as to how it intends to carry out this obligation.

The Contaminated Land inspection Strategy was published in July 2001. The strategy outlined the approach Dartford Borough Council would take in carrying out its duties in collating and reviewing information on land that may have been subjected to contamination.

This Strategy review aims to bring the document up to date with any changes in legislation and guidance and to report on progress made so far in implementing the strategy. The report also updates the timetable for contaminated land inspection.

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## 1.0 INTRODUCTION

1.1 Under the Environmental Protection Act 1990, all local authorities are required to inspect land within their areas with the purpose of identifying contaminated land. Part of the requirement is for each local authority to produce, publish and adopt a Strategy as to how it intends to carry out this obligation. The contaminated Land inspection strategy was published in July 2001. This document is Dartford Borough Council's Contaminated Land Draft Strategy review 2007 (hereafter referred to as "the Strategy review"). Within the Strategy, the phrase "contaminated land" shall have the same meaning as the definition of "contaminated land" provided within Part IIA of the Environmental Protection Act 1990 (see Section 22 "Glossary of Terms").

Since the introduction of Part IIA in April 2000, there have been some changes to the legislation and guidance. The areas of change are outlined below:

- The implementation of the contaminated land inspection strategy will now be the responsibility of the Environmental Development team
- Timescales for the implementation of the various stages of the inspection strategy have been amended see table 14
- Planning Policy Statement 23 was introduced in November 2004 this changes the way in which land affected by contamination is dealt with through the planning process
- The Contaminated Land Exposure Assessment was introduced in March 2002
- The previously widely used ICRCL guidelines were formally withdrawn in December 2002
- Two new Best Value Performance Indicators BV 216a and BV 216b have been introduced. Further details are in section 20
- Part IIA of the Environmental Protection Act (EPA) 1990 was extended to include radioactivity.

1.2 The Council consulted the Environment Agency, English Nature, Food Standards Agency, Minister of Agriculture Fisheries and Food (MAFF) and the Department of the Environment, Transport and the Regions (DETR) during the production of the contaminated land strategy in 2001. The revised strategy has been developed to take into account requirements of observations of former consultees.

- 1.3 The implementation of this strategy will be in accordance with Environmental Health Enforcement Strategy and Enforcement Concordat.
- 1.4 *General issues of land contamination:* For many years, local authorities have dealt with land contamination issues. This may have been through the clean up of sites being developed for housing or commercial use, the removal of fly-tipped material or under statutory nuisance powers. Such actions will continue in the future as many of these examples would not fall within the legal definition of contaminated land.
- 1.5 *Public access to information:* the Council receives many requests from individuals, community groups and businesses for information. Some information is of a confidential nature. Information relating to contamination will only be placed within a public register if the land is found to be contaminated. This is in accordance with the legal obligations placed on the Council.
- 1.6 On 1 January 2005 new Environmental Information Regulations (EIR) came into force, replacing the former regulations which were in place since December 1992, this gives members of the public the right to access environmental information held by public authorities.

## **2.0 HOW THE STRATEGY HAS BEEN PRODUCED**

- 2.1 This revised strategy updates and amends the 2001 document and takes into account the key legislative changes as well as those identified through guidance and good practice.

## **3.0 OBJECTIVES OF THE STRATEGY**

- 3.1 The objectives of this Strategy are to:
  - i. identify a rational, ordered and prioritised approach for the inspection of land to determine the nature and extent of contaminated land as defined by Section 78A(2) of the Environmental Protection Act 1990;
  - ii. inform the Environment Agency, the public and others, of the Council's approach towards the inspection of land and to consult relevant bodies and agencies during the investigation processes;
  - iii. assist in identifying the resources needed to inspect land for contamination;
  - iv. assist in identifying appropriate internal procedures and responsibilities for the assessment of land,
  - v. acknowledge that amendments will be required and to timetable a review into the inspection programme, and
  - vi. to provide a framework for work leading to the production of a public register detailing regulatory action taken by the Council for the remediation of contaminated land within the Borough.

vii. To ensure that the strategy is implemented in accordance with other relevant policies

3.2 The purpose of this Strategy is **not** to describe the detailed methods of investigation and enforcement action. Investigative techniques that are in common, accepted use will be considered and no doubt, others may evolve in the passage of time. Enforcement action is largely governed by statutory guidance. Therefore the Strategy does not consider the issues of apportioning liability for remedial action.

3.3 Similarly, this strategy will **not** deal with contamination that is to be resolved through the use of other legislation. For example, this would include ensuring the “suitability for intended use” approach through planning controls, enforcement via Waste Management legislation, etc. Guidance on such matters is given within the DEFRA circular 01/2006 “Contaminated Land” which replaced DETR Circular 02/2000.

#### 4.0 REGULATORY CONTEXT

4.1 The Environment Act 1995 inserted a new section (Part IIA) into The Environmental Protection Act 1990. The regulations and statutory guidance came into force in April 2000. It was the introduction of this new regulatory obligation, commonly referred to as the Part IIA regime, led to the development of the original strategy upon which this revision is based. The following paragraphs examine the regulatory context in more detail.

4.2 All local authorities are required to take a strategic approach to inspect land in their areas for contamination. 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 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.*

#### 5.0 THE ROLES OF THE BOROUGH COUNCIL AND THE ENVIRONMENT AGENCY

5.1 Under Part IIA, local authorities have been identified as the prime enforcers of the new legislative controls. Local authorities have a duty to:

- *Cause their areas to be inspected for contaminated land*
- *Determine whether any particular site meets the statutory definition of contaminated land*
- *Act as the enforcing authority for all contaminated land, unless the site meets the definition of a “special site” (in which case the Environment Agency will act as the enforcing authority).*

Contamin

The Environment Agency has a regulatory role in assisting local authorities, providing site-specific local guidance, dealing with “special sites” and publishing periodic reports on the state of land contamination nationally.

## **6.0 DEFINING CONTAMINATED LAND**

- 6.1 The term CONTAMINATED LAND can be interpreted in many different ways. The meaning within the new regime is based upon harmful effects or risk of harmful effects. A legal definition of contaminated land is given in Section 78A (2) of Part IIA of the Environmental Protection Act 1990:

*Contaminated land is 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*

- 6.2 Section 78A (5) requires the regulatory authority to act in accordance with guidance issued by the Secretary of State in determining significance and likelihood of harm.
- 6.3 The receptors recognised as being potentially sensitive are shown in the table in appendix A.
- 6.4 As referred to in Section 5, the Environment Agency has a regulatory role in dealing with “special sites”. There is no simple definition to the term “special site”, but a description can be found within Regulations 2 and 3 and Schedule 1 of the Contaminated Land (England) Regulations 2000.
- 6.5 Part IIA of the Environmental Protection Act 1990 was extended under Section 86 of the Water Act 2003 to include radioactivity. Should Radioactive contaminated land be identified it will be dealt with as a special site.

## **7.0 DEALING WITH CONTAMINATED LAND**

- 7.1 If an area of contaminated land has been identified, the Council’s approach for dealing with it will be the same regardless of whether the local authority or the Environment Agency is the regulator. There are four main stages to this approach:

- i. To establish who is the “appropriate person” to bear responsibility for the remediation (or “clean-up”) of the land.
- ii. To decide what remediation is required and to ensure that this occurs, through:
  - Reaching a voluntary agreement
  - Serving a remediation notice, if agreement cannot be reached
  - Carrying out work themselves, in certain circumstances
- iii. To determine who should bear what proportion of the liability for meeting the costs of the work
- iv. To record certain information about regulatory action on a public register.

## **8.0 POLLUTANT LINKAGES AND RISK ASSESSMENT**

8.1 For a site to meet the definition of contaminated land, a pollutant linkage must first be established. A pollutant linkage comprises three components:

- i. A source of contamination in, on or under the ground
- ii. A pathway by, or through, which a receptor is being exposed to, or affected by, a contaminant, or could be so exposed or affected by;
- iii. A receptor of a type specified in the Statutory Guidance, including human beings, ecological systems, animals or crops, buildings or controlled waters

8.2 If the three components of a pollutant linkage exist, then the Council must satisfy itself that:

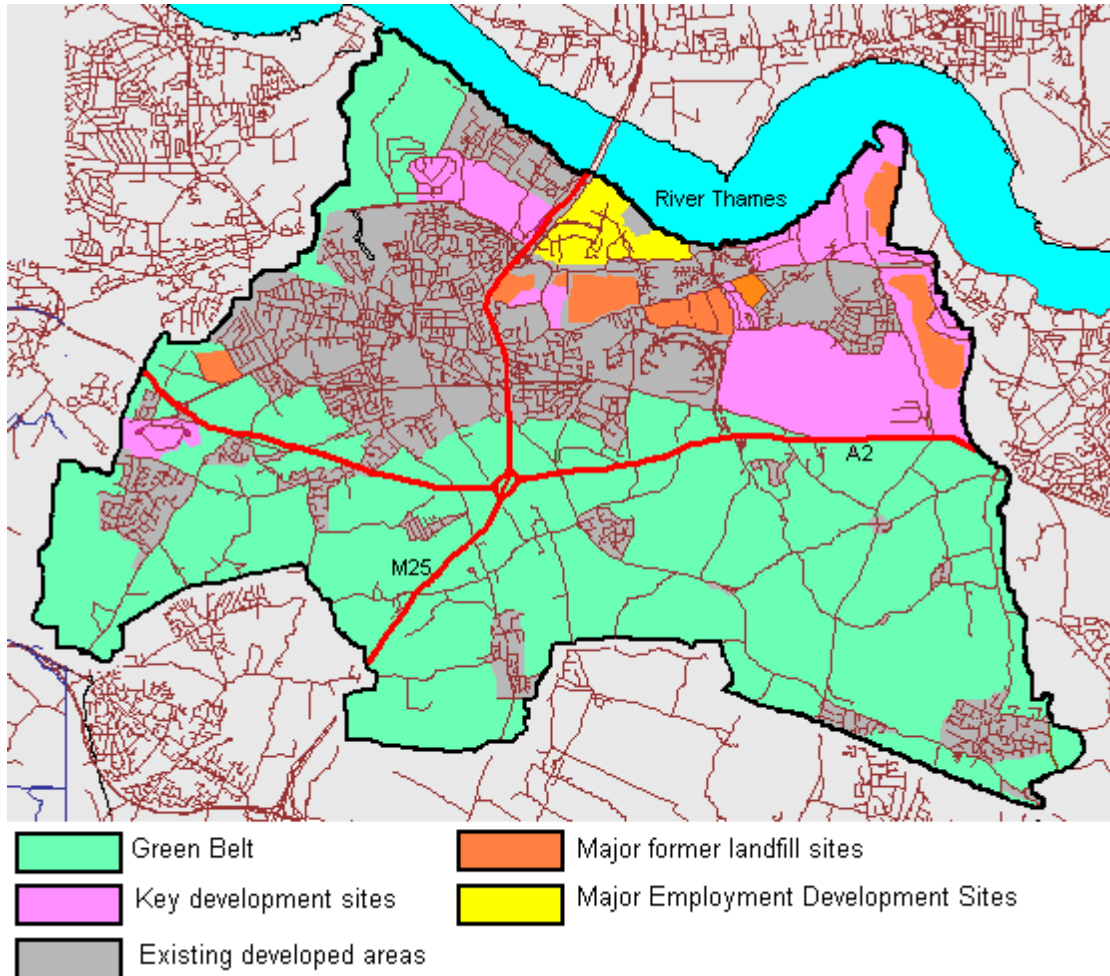
- i) significant harm is being caused to the receptor in the pollutant linkage;
- ii) there is a significant possibility of significant harm being caused to that receptor;
- iii) pollution of controlled waters is being caused; or
- iv) pollution of controlled waters is likely to be caused.

If this is the case, the pollutant linkage will form the basis for a determination that a piece of land is contaminated land.

8.3 The determination of land as contaminated land will require the Council to carry out an appropriate scientific and technical assessment of all the relevant and available evidence, including, where necessary, an assessment of the risks arising from the pollutant linkage. The Council may use authoritative and scientifically based guideline values to assess risks (Such As CLEA, the Contaminated Land Exposure Assessment published by DEFRA and The Environment Agency 2002), or other relevant, appropriate, authoritative and scientifically based risk assessment models.

## 9.0 THE LOCAL AREA

THIS MAP SHOWS THE DARTFORD BC AREA AND ILLUSTRATES THE MAJOR LAND USES WITHIN THE BOROUGH



9.2 Dartford Borough lies 25 km south east of Central London in Kent between the North Downs and the River Thames. The smallest of the Kent districts, it covers an area of about 7,000 hectares and has a population of approximately 87,000. The Borough occupies an important strategic location within the South East, bordering Greater London to the west, the River Thames and Essex to the north and the remainder of Kent to the south and east. Two of the principal lines of communication within the region intersect here - the M25 London Orbital Motorway and the A2, linking London to Canterbury and the Channel ports - to provide excellent links to the capital, the remainder of the South East and Continental Europe. The Queen Elizabeth II Bridge across the Thames provides a dramatic and strategic landmark in this part of Thames Gateway. The North Kent railway line links Dartford to London mainline stations.

9.3 The northern part of the Borough, between the A2 and the Thames, includes the communities of Dartford, Stone, Swanscombe and Greenhithe, together with a number of smaller settlements and is

primarily urban in nature. Approximately two thirds of the Borough's population reside in this part of the Borough. Outside the built up areas, the landscape character is typical of the Greater Thames Estuary, mainly low lying ground consisting of relatively inaccessible marshland. The northern part of the Borough also includes the majority of the major development sites within the Borough which are primarily sites occupying large areas of recycled land. Together with the land north of the A2 in neighbouring Gravesham Borough, it forms the "Kent Thames-side" area of the Thames Gateway (identified by Government as one of two areas within the Gateway with potential for significant growth).

- 9.4 The southern part of the Borough is generally semi-rural in character. It comprises a mix of open, gently undulating countryside, covered by Green Belt designation, and a number of villages and dormitory settlements. Further south, beyond the Borough, the land rises to form the Kent North Downs. A large area of the Borough is underlain by a chalk aquifer. The potentially contaminative historical land uses within the Borough that may overlie the aquifer might therefore pose a risk to controlled waters.
- 9.5 Dartford is an important employment centre with major employers such as Glaxo Smith Kline, Dartford & Gravesham and Thames Gateway Health Trusts, the Borough Council and J&E Hall, as well as the retail sector both at Bluewater and in the town. However, the Borough's proximity to London and its good rail and road connections mean that nearly 50% of the working population currently work outside the Borough.
- 9.6 There are several Sites of Special Scientific Interest (SSSI's) and other important "eco-receptors" wholly or partly within the Borough. The "nature conservation" issues relating to land are an important consideration when investigating contamination. The relevant sites have not been shown on the indicative map of the Borough but are contained within the Council's Local Plan and Local Plan Review documents, and will be shown on the Proposals Map of the Local Development Framework.

## **10.0 PREVIOUS LAND USES**

- 10.1 Being adjacent to the River Thames and with its close proximity to London, economic growth within the Borough has taken place since medieval times. However, the economic growth coincided with the development of the local government system for the town during the 18<sup>th</sup> century. During this period the storage of gunpowder, the development of a cotton mill and the beginnings of successful period of general engineering developed. Major improvements for the flow of traffic, which grew along with the town's economy, took place within the town centre.
- 10.2 The 19<sup>th</sup> century has been described as Dartford's "boom" era. The town's population grew from 2,406 in 1801 to 18,643 in 1901. In keeping with many other areas in the country, and particularly the south east, the population in the next century grew significantly to its current level of

approximately 87,000. The industries that grew up during the previous century were developing even more and this was assisted by the introduction of the railway to the town in 1849.

- 10.3 An indication as to the economic development in the area can be demonstrated by the following table:

CENTURY	INDUSTRY
15 <sup>th</sup>	Lime kiln, leather tanning, brewing
16 <sup>th</sup>	Smelting, papermaking
17 <sup>th</sup>	Iron mill, more paper mills, gunpowder storage
18 <sup>th</sup>	Timber processing, weaving, beginnings of general engineering, early cement (non Portland), gunpowder factory, printing
19 <sup>th</sup>	Milling, clay pipe manufacture, pharmaceuticals, Engineering, portland cement manufacture, mineral extraction (+ associated landfilling)
20 <sup>th</sup>	Engineering, munitions, electricity production, landfilling

- 10.4 While the above table is not a detailed account of the industrial developments within the area, it does give an indication as to when the major industries developed. Many industries (papermaking, pharmaceuticals, and engineering) still remain today.
- 10.5 In recent years there has been significant growth in the local and regional development of the area. Many “high tech” businesses operate from Dartford. This development, along with national growth in housing needs, has resulted in many previous industrial sites (brownfield sites) being developed for other uses. Through the planning process, controls were put in place to requiring developers to clean-up any site contamination. The contaminated land regime requires that these sites also be examined to ensure suitable and sufficient works were carried out. The legacy of the extensive mineral workings in the Borough was, for many years, a dominant feature of the local environment. However, the recognition by the Government of Kent Thameside’s important role in the regeneration of the Thames Gateway, the opening of Bluewater and the new CTRL station at Ebbsfleet mean that this part of north-west Kent is likely to experience considerable regeneration.
- 10.6 The historical land use within the Borough has been diverse with some industries having developed over a prolonged period of time. The potential for contaminated soil being present on land formerly and presently used for industrial/commercial enterprises is high.

## 11.0 PRIORITIES AND TIMESCALES

- 11.1 The Strategy is intended to assist in prioritising and also identifying the likely resources required for investigations. When determining detailed

inspection priorities, protection of human health and controlled waters will be given the highest priority. It therefore follows, that examination of housing developments on land that may have been put to a former contaminative use will need to take place early on in the investigation process.

- 11.2 The proposed timetable on the following page can only be **indicative** as the availability of resources may vary from time to time and land requiring “urgent” remediation will take priority. The term “urgent” is to be applied to sites where the Council is aware that there is actual or imminent risk of harm and that urgent remedial action is required. Flexibility in changing the timescales will be necessary, as the results of investigations become known. Resources for each year are determined the previous year and will need to be directed to the most urgent issues when more information is available. The periodic review of the Strategy, and the work programme, will assist in focussing on the most pressing issues while also progressing the inspection of land so as to meet the legal responsibility of the Council.

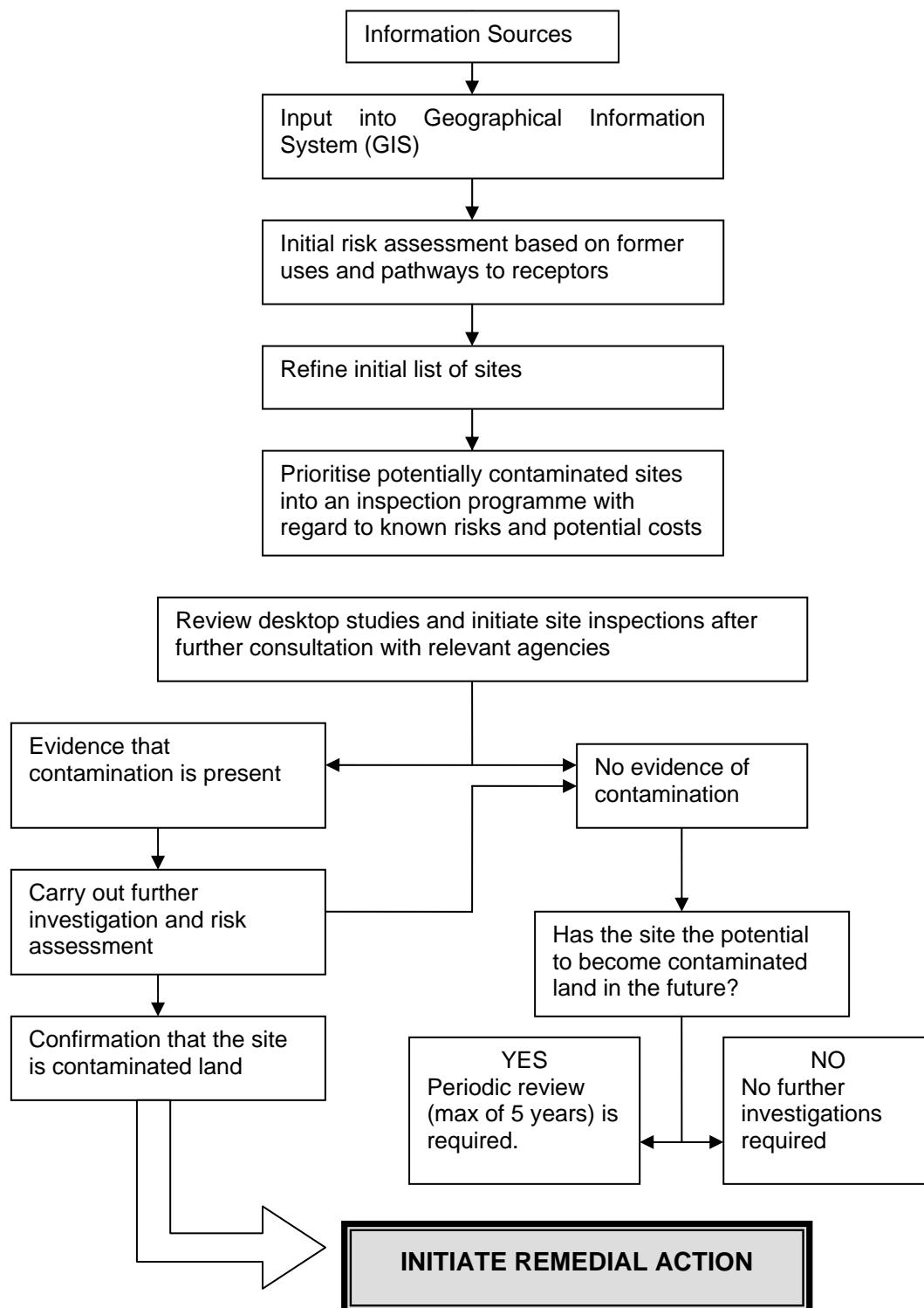
**INDICATIVE TIMETABLE FOR THE INSPECTION OF THE BOROUGH TO  
DETERMINE NATURE AND EXTENT OF CONTAMINATED LAND**

	ACTION	2007			2008			2009			2010			2011		
Initial desktop studies and investigations	Initial desktop study via historical maps, etc. to identify previous land uses with potential to cause contamination	■														
	Identification and prioritisation of radioactive sites.		■	■	■	■										
	Establish database of land that may have been put to a contaminative use including ownership if known	■														
	Initial Prioritisation of identified sites	■														
Detailed investigations	Refine Prioritisation		■	■	■	■	■	■								
	Carry Out Phase 1 site investigation of priority sites							■	■	■						
	Carry Out Phase 2 investigation of priority sites									■	■	■	■			
	Risk assessment and declaration of contaminated land													■	■	■
	Voluntary Remediation														■	■
Regulatory Action	Enforcement action															■
	Deal with sites requiring urgent remediation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

## THE INVESTIGATION PROCESS

**12.1** The investigation processes will need to allow for variations between each site investigated. However, written procedures will be developed to enable a set of general principles to be applied. These principles will be based upon current and future guidance as may be issued from time to time.

**12.2** It is not the purpose of this Strategy to state what the investigation procedures will be. At present, the general actions shown in the following Flow Chart will be applied:



### **13.0 INTERNAL MANAGEMENT ARRANGEMENTS**

- 13.1 The day-to-day responsibility for the identification of contaminated land rests with the Council's Environmental Development team. This team is responsible for identifying resources required to enable the Council to meet its legal obligation and to manage the daily operations for that purpose. Issues of a strategic nature and the identification of funding will be agreed with the Strategic Director.
- 13.2 The Environmental Development team will continue to undertake desktop investigations and with support from the Property Information Manager. Field work will be undertaken by the Environmental Development team although in some cases, specialist advice/equipment may be needed which shall be procured from external consultants. The risk assessment shall be carried out by the Environmental Development team. Some enforcement issues may be complex and although the Environmental Development team will be responsible for initiating enforcement for remedial action, some input may be required from the Head of Legal Services.

### **14.0 Contaminated Land Capital Projects Programme**

- 14.1 Local Authorities can bid for financial support from DEFRA for specific capital projects to help identify contaminated sites and where necessary reduce risks to human health and the environment.
- 14.2 The Contaminated Land Capital Projects Programme (CLCPP) can assist local authorities to fulfil their responsibilities under the Part 2A Regime including the costs of site investigation and also remediation in some cases. Priority will be given to urgent schemes dealing with sites that are, or may be, presenting serious threats to human health or the wider environment.

## **15.0 DARTFORD BOROUGH COUNCIL LAND INTERESTS**

- 15.1 Land owned, in full or in part, by the Council is subject to the same degree of investigation. The timescales applied to the investigation of Council land will be determined in accordance with the methodology applied to other land.
- 15.2 The procedures will differ where contamination of Council land is found, in that voluntary remedial action will then become the primary consideration. Although voluntary action would also be an option for land in other ownership, the Council would not have the ultimate decision to proceed with this approach, as it would with its own land.
- 15.3 When investigating its own land, the Council will need to address the issue of transparency and demonstrate consistency with the investigation of other land. The conclusions of investigations of Corporately owned land will be reported to elected Members of the Council. In this way, a single officer or group of officers will not be responsible for determining the course of further action to be taken, i.e. the enforcement issues will not be delegated to officers. Instead, officers' recommendations will be debated and considered. Elected Members will then determine the further action to be taken having regard to legislative obligations and guidance and conformity with actions taken with respect to land not owned by the Council.
- 15.4 It is not easy to state what interests the Council has in land ownership. For example, at the time of writing, the Council owns some 4000 homes, let to tenants. In 1977, just after the last major reorganisation of local government, the number of Council homes in the Borough was 7844. At various times throughout the history of local government, boundaries have changed and land ownership/interests have also changed. Therefore, previous Council land interests may be an influencing factor when determining liability groups.

## **16.0 CONTAMINATED LAND OUTSIDE THE BOROUGH**

- 16.1 Particular care will be needed when determining the effects of potentially contaminated land at the boundaries with other local authorities. Specific consultation on this issue will take place at the appropriate times to ensure the influence of contaminated land on land within another local authority's area is correctly assessed. Further progress will need to be made on this issue in due course.

## 17.0 SOURCES OF INFORMATION

17.1 The Environment Agency has provided the following information:

- Catchment plan showing location of water course, settlements etc.
- Plan showing relationship of catchment management plans to local authority boundaries.
- Plans showing features such as flood defence works, sewage treatment works, landfill sites, bathing waters, areas of Agency concern regarding water quality.
- Information on location of environmentally sensitive areas e.g. SSSIs.
- Groundwater vulnerability maps.
- Locations of water abstraction points.
- Information on quality of river quality objectives.
- Locations of sites with waste management licences.
- Location of closed landfill sites.
- Location of sites with IPC authorisations.
- Locations of licensed nuclear sites and sites where radioactive substances are regulated by the Agency.
- Local authority district boundaries extracted from Ordnance Survey boundary line data.
- Unitary authority boundaries extracted from Ordnance Survey boundary line data.
- Local Environment Agency Plan (LEAPs) boundaries for Southern Region (higher accuracy than the National set).
- Current and former landfill sites in the Kent Area - **WARNING this data is sensitive and must not be released externally in digital or hardcopy format.**
- Discharge Consents (all) in Kent. Includes revocations, variations etc. Data sourced from Charges for Discharges (CFD).
- Industrial Process (IPC) sites in Southern Region. These are Part A site regulated by the EA under the Environmental Protection Act 1990. This does not include part B sites regulated by the local authority.
- Type 4 Radioactive Substance (RAS) Permissions allowing the ownership and use of radioactive material within the conditions of the authorisation (not quality assessed).
- Type 2 RAS Permissions (sites subject to licensing under Section 1 of the Nuclear Installations Act 1965 (2 licences both at Dungeness Power Station). Also Type 3 RAS permissions allowing the accumulation & disposal of radioactive material within the conditions of the authorisation (not quality assessed).
- Waste Management Licences (current) in Kent.

- Water Abstraction Licences in Southern Region (live only), extracted from the NALD (National Abstraction Licensing Database) Database.
  - Impoundment Licences in Southern Region (live only), extracted from the NALD Database.
  - Southern Water's Waste Water Treatment Works.
  - Bathing Water Quality sampling points.
  - Rivers at a scale of 1:50,000 from the Institute of Hydrology (IoH) in the Kent Area.
- 17.2 Several major purchases have been made in order to assist in the investigation of land. Historic Mapping and Aerial Photography of the Borough has been purchased.
- 17.3 Information sources will include commercial directories, planning applications, existing DBC records, and local knowledge. With respect to the latter source, experience has shown that local people who have lived and worked in an area for a substantial time can provide invaluable information on land uses. Therefore, this potential source of information shall be considered and local people encouraged to participate in identifying the historical land uses within the Borough.
- 17.4 Other information sources will include relevant agencies (for example English Nature and English Heritage) to ensure that each site investigation involves agencies that may be able to offer advice or information relating to the land being investigated. In this way, due regard can be given to issues not normally within the scope of local authority activities. A list of contacts for the relevant agencies will be compiled when written procedures are developed (also refer to Section 20).

## **18.0 HOW THE INFORMATION WILL BE USED**

- 18.1 Sources of potential contamination have been extracted from historical maps and other reference material, such as old Trade Directories and aerial photography. This Information has been collated and is stored on a Geographical Information System (GIS). Other gathered information in relation to receptors and geological maps have been stored on the GIS to allow the Source Pathway Receptor relationship to be examined. This information has been entered into a computer database and an initial list of sites that may have been affected by contamination has been produced.
- 18.2 It is envisaged that it will be necessary to purchase additional software to allow for the refinement of this initial list of sites and for the day to day management of this information. The property information team will be consulted on any purchases to ensure compatibility with corporate aims.
- 18.3 Once the refinement of the list of sites has been completed detailed desk studies will be carried out on the sites where the risk is deemed to be highest with a view to carrying out more detailed investigations, including,

where appropriate, intrusive sampling and analyses. The Council will use authoritative and scientifically based guideline values to assess risks (e.g. guideline values derived from CLEA, the Contaminated Land Exposure Assessment published by DEFRA and The Environment Agency), or other relevant, appropriate, authoritative and scientifically based risk assessment models. However, it is recognised that other risk assessment methods may also be appropriate, or that others may be developed in the future. The preferred method for risk assessment will therefore be kept under constant review. Upon completion of the historical land use studies, further risk assessment will take place with the objective of identifying priorities if further investigation is required. The risk to the receptors listed in the Table in Appendix A of the strategy (i.e. Human Beings, Ecological systems, Property and Controlled Waters) will be assessed with risk to human harm being given the highest priority.

## **19.0 INFORMATION MANAGEMENT**

- 19.1 Transparency is one of the underlying principles of the Environmental Protection Act 1990 Part IIA regulatory regime. The Council has a duty to keep a public register to record certain information about its regulatory activities. The Contaminated Land Regulations 2000, Schedule 3, lists the details that must be held in the public register. This includes remediation notices, declarations and statements, any appeals against remediation or charging notices, any designations of special sites and any conviction for offences. There are certain exclusions where information is deemed commercially confidential or may affect national security.
- 19.2 The public register will be in paper form and will be held at the Civic Centre and other forms of access to the register will be considered. It will be made available to the public on request at Reception during office hours. Information will be updated regularly in accordance with contaminated land guidance. A reasonable fee will be charged for copies of relevant information requested and charges will be identified prior to the request being dealt with.
- 19.3 Relevant information supplied to the Council during its investigations will be held separately and marked clearly as 'Inspection Information'. This information will be treated as confidential, subject to the written consent of the owner to disclose the information to the public, in accordance with the Environmental Information Regulations 1992. Such information will be appropriately indexed on receipt to ensure that there is a clear audit trail for all information held.

## **20.0 LIAISON WITH RELEVANT AGENCIES AND INTERESTED PARTIES**

- 20.1 The new contaminated land regime has identified local authorities and the Environment Agency as the enforcing agencies. Therefore, close liaison between the Council and the Environment Agency will be

essential. Fortunately, the links that have been established over many years as a result of formally consulting the Environment Agency on planning applications has resulted in lines of communication being established.

- 20.2 The Kent local authorities have established working groups that report to the Kent Environmental Health Managers Group and contaminated land is a topic that would, and already has been, discussed at the Environmental Protection Technical Working Group. This will continue.
- 20.3 The establishment of the Contaminated Land Forum in Kent, of which the Environment Agency, Kent County Council and the Kent local authorities are members, has also enabled detailed discussions, presentations and links to be established with some major developers within the County. With respect to this latter point, in 1995 the Council produced guidance on contaminated land issues for developers working within the Borough. The guidance will be reviewed at the first review of the Strategy.
- 20.4 The existing links with other interested parties has ensured that liaison on contaminated land issues has already taken place, and will provide the base for further development of where necessary. Formal communication links will need to be established with agencies that may not presently be the subject of regular or formal liaison for Council staff carrying out the investigations (for example English Nature, English Heritage, etc).

## **21.0 Contaminated Land and the Planning Regime:**

- 21.1 Planning Policy Statement 23 was introduced In November 2004. This new planning guidance strengthens the Council's hand in respect of dealing with sites of potential contamination through the planning process. In all cases where land has been previously developed or where sensitive end uses are proposed, the Council can require site investigations to be carried out prior to planning applications being submitted.

## **22.0 STRATEGY REVIEW**

- 22.1 The Strategy is a working document and shall be reviewed periodically and will be subject to amendment from time to time in relation to changes in legislation or guidance.

## 24.0 GLOSSARY OF TERMS

<p><b>Appropriate person:</b> Any person who is an appropriate person, determined in accordance with section 78F of Environmental Protection Act 1990 Part IIA, to bear responsibility for anything which is to be done by way of remediation in any particular case.</p>
<p><b>Brownfield land:</b> 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 land sites are expected to meet the definition of contaminated land. Another often-used phrase is “previously developed land”.</p>
<p><b>CLEA:</b> Contaminated Land Exposure Assessment - a methodology for carrying out a risk assessment. (introduced March 2002)</p>
<p><b>Contaminant:</b> 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</p>
<p><b>Contaminated land:</b> 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:</p> <ul style="list-style-type: none"> <li>(a) significant harm is being caused or there is a significant possibility of such harm being caused; or</li> <li>(b) pollution of controlled waters is being, or is likely to be caused</li> </ul>
<p><b>Controlled waters:</b> Includes: Inland waters (rivers, streams, underground streams, canals, lakes and reservoirs) Groundwaters (any water contained in underground strata, wells or boreholes) Coastal Waters</p>
<p><b>GIS:</b> Geographical Information System. A set of software tools for the analysis and visualisation of spatial data</p>
<p><b>Harm:</b> Harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his/her property</p>
<p><b>Liability group:</b> The persons who are appropriate persons with respect to a particular significant pollutant linkage</p>
<p><b>Pathway:</b> One or more routes or means by, or through, which a receptor:</p> <ul style="list-style-type: none"> <li>(a) is being exposed to, or affected by, a contaminant, or</li> <li>(b) could be so exposed or affected</li> </ul>
<p><b>Pollutant linkage:</b> The relationship between a contaminant, a pathway and a receptor</p>
<p><b>RAMSAR sites:</b></p>

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:**

Either:

(a) a living organism, a group of living organisms, an ecological system or a piece of property which:

i. is in a category listed in Table A in Chapter A (of DEFRA Circular 01/2006) 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

Also refer to the table following paragraph 7.4 of this document

**Remedial action:**

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

**Remediation notice:**

Defined in section 88E(1) of the Environmental Protection Act 1990 as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified

**Special site:**

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

**Suitable for intended use approach:**

A determination as to the suitability of the identifiable end use of a piece of land with respect to the contamination issues that may affect the land

## 23.0 LIST OF CONTACTS

<p><b>Dartford Borough Council</b> Mr James Fox Scientific Officer Dartford Borough Council Civic Centre Home Gardens Dartford DA1 1DR</p>	
<p><b>Environment Agency:</b> Mr L Hamer Area Contaminated Land Officer Environment Agency Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH</p>	<p><b>Natural England:</b> Sean Hanna Kent &amp; Regional Office Natural England Countryside Management Centre Coldharbour Farm Wye Kent TN25 5DB</p>
<p><b>English Heritage:</b> The Regional Director English Heritage South East Region Eastgate Court 195-205 High Street Guildford GU1 3EH</p>	<p><b>South East England Development Agency:</b> Paul Hudson Director Infrastructure &amp; Regeneration South East England Development Agency SEEDA Headquarters Cross Lanes Guildford Surrey GU1 1YA</p>
<p><b>Kent County Council:</b> Mr Paul Cuming SMR Manager Kent County Council Room 1H2 Invicta House County Hall Maidstone Kent ME14 1XX</p>	<p><b>Department for Environment, Food and Rural Affairs (DEFRA):</b> Contaminated Land Branch DEFRA 7/D10 Ashdown House 123 Victoria Street London SW1E 6DE</p>
<p><b>Food Standards Agency:</b> Dr Nigel Harrison Aviation House Room 703 125 Kingsway London WC2B 6NH</p>	<p><b>Health and Safety Executive:</b> International House Dover Place Ashford Kent TN23 1HU</p>
<p><b>Department of Environment, Transport and the Regions (DETR)</b> Marine, Land and Liability Division 3/B4 Ashdown House 123 Victoria Street London SW1E 6DE</p>	<p><b>English Partnership</b> Corporate Headquarters 110 Buckingham Palace Road London SW1W 9SA</p>