

APPENDIX C

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B(3)

NOTICE OF IDENTIFICATION OF CONTAMINATED LAND

To:

1. Under Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** has identified the land described in the Schedule to the Notice (“the Land”), situated within the Authority’s area, as **contaminated land**.
2. Notice of that fact is given to you in the capacity indicated below and pursuant to the paragraph of Section 78B(3) of the 1990 Act indicated below:
 - (A) the appropriate Agency;
 - (B) the owner of the Land;
 - (C) a person appearing to the Enforcing Authority to be in occupation of the [the whole] [part] of the Land;
 - (D) a person appearing to the Enforcing Authority to be an appropriate person.

[Delete as applicable.]
3. Because this Notice may potentially have financial consequences, you are advised to consult an appropriate independent professional adviser.
4. Should you or your advisor wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex IG11 8HE
020 8227 5671

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B(4)

Notice to other Appropriate Persons of identification of Contaminated Land

To:

1. Under Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** has identified the land described in Schedule 1 to this Notice, situated within the Authority's area, as contaminated.
2. The Authority gave notice of that fact on _____ 200 to those persons appearing to the Authority to be appropriate persons to that land, more particularly identified in Schedule 2.
3. It now appears to the Enforcing Authority that you are also an appropriate person in relation to that land and this notice is accordingly given to you pursuant to section 78B(4) of the 1990 Act.
4. Because this notice may potentially have financial consequences, you are advised to consult an appropriate independent professional adviser.
5. Should you or your advisor wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex IG11 8HE
Tel. 020 8227 5671

SCHEDULE 1

DESCRIPTION OF THE LAND

**Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex IG11 8HE**

SCHEDULE 2
PERSONS APPEARING TO BE APPROPRIATE PERSONS

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
15 Linton Road
Barking
Essex IG11 8HE.

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B, E AND F

NOTICE REQUESTING INFORMATION

To:

EITHER

[1. Under Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** has identified the land described in the Schedule to this Notice (“the Land”), as contaminated land.]

OR

[1. Pursuant to Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** is considering whether the land described in the Schedule to this Notice (“the Land”), should be identified as contaminated land.]

2. The Enforcing Authority believes that you may have information relevant to the exercise of its duties in relation to the Land.
3. Accordingly, you are requested to provide the following information contained in the attached Appendix.
4. If you wish to discuss any issues in relation to this Notice then please contact:

Caroline Storer

**London Borough of Barking and Dagenham
Housing and Health Department
15 Roycraft House
Barking
Essex, IG11 8HE
020 8227 5671**

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

Appendix

<p>(A) Are you, or any company in which you have been a shareholder, director, company secretary or manager, the owner of all or part of the Land?</p> <p>If you are the owner of part of the Land please identify the extent of your ownership [on the attached plan].</p>	<p>Yes/No</p>
<p>(B) Are you, or any company in which you have been a shareholder, director, company secretary or manager, the occupier of all or part of the Land, whether as a tenant or otherwise?</p> <p>If you are the occupier or tenant of part of the Land please identify the extent of your occupation or tenancy [on the attached plan].</p>	<p>Yes/No</p>
<p>(C) Have you, or any company in which you have been a shareholder, director, company secretary or manager, been an owner of all or part of the Land at any time in the past?</p> <p>If “yes” please give the dates when you were the owner.</p>	<p>Yes/No</p>
<p>(D) Have you, or any company in which you have been a shareholder, director, company secretary or manager, been an occupier of all or part of the Land at any time in the past, whether as a tenant or otherwise?</p> <p>If “yes” please give the dates when you were in occupation or were a tenant.</p>	<p>Yes/No</p>
<p>(E) Are there any other persons who are or have been joint owners or joint occupiers with you now or in the past, whether as a tenant or other wise?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(F) Do you know the identity of the present or any former owners of all or part of the Land?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(G) Do you know the identity of the present or any former occupiers of all or part of the Land, whether as a tenant or otherwise?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(H) Are you aware of the presence of any contaminating substances in, on or under the Land?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>

<p>(I) Are you aware of the identity of any person or persons who may have caused or permitted the Land to be contaminated, for example, by spilling or dumping substances?</p> <p>If “yes” please give details.</p>	<p style="text-align: center;">Yes/No</p>
<p>(J) Are you aware of any investigations already carried out as to whether the Land is or may be contaminated?</p> <p>If “yes” please give details and indicate whether any reports or results of such investigations are in your possession or that of any other person.</p>	<p style="text-align: center;">Yes/No</p>
<p>(K) what is the nature of the activities, which to your knowledge have been carried out on the Land?</p>	
<p>(L) Are you aware of any current or previous licence, consent, permission or authorisation held by you or any company or other person involving the introduction on to the land of any substances (Such as waste, solvents, oils or chemicals) capable of contaminating the land?</p> <p>If “yes” please give details.</p>	<p style="text-align: center;">Yes/No</p>
<p>(M) Are you aware of any contractual agreement relating to responsibility for contamination present on the Land?</p> <p>If “yes” please give details.</p>	<p style="text-align: center;">Yes/No</p>
<p>(N) Are there any other matters you wish to draw to the attention of the Enforcing Authority?</p> <p>Please provide details.</p>	<p style="text-align: center;">Yes/No</p>

- Continue on separate sheets if necessary.

Please make your response on the enclosed copy of this Notice. Sign and date it and return it within 21 days to the address listed below. If you are completing the response on behalf of a Company, please indicate in what capacity you are responding and whether you are authorised to do so.

Caroline Storer
Housing and Health Department
Roycraft House – 1st Floor
15 Linton Road
Barking
Essex, IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B, E AND F

NOTICE REQUESTING INFORMATION

To:

EITHER

[1. Under Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** has identified the land described in the Schedule to this Notice (“the Land”), as contaminated land.]

OR

[1. Pursuant to Section 78B(1) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** is considering whether the land described in the Schedule to this Notice (“the Land”), should be identified as contaminated land.]

2. The Enforcing Authority believes that you may have information relevant to the exercise of its duties in relation to the Land.
5. Accordingly, you are requested to provide the following information contained in the attached Appendix.
6. If you wish to discuss any issues in relation to this Notice then please contact:

Caroline Storer

**London Borough of Barking and Dagenham
Housing and Health Department
15 Roycraft House
Barking
Essex, IG11 8HE
020 8227 5671**

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

Appendix

<p>(L) Are you, or any company in which you have been a shareholder, director, company secretary or manager, the owner of all or part of the Land?</p> <p>If you are the owner of part of the Land please identify the extent of your ownership [on the attached plan].</p>	<p>Yes/No</p>
<p>(M) Are you, or any company in which you have been a shareholder, director, company secretary or manager, the occupier of all or part of the Land, whether as a tenant or otherwise?</p> <p>If you are the occupier or tenant of part of the Land please identify the extent of your occupation or tenancy [on the attached plan].</p>	<p>Yes/No</p>
<p>(N) Have you, or any company in which you have been a shareholder, director, company secretary or manager, been an owner of all or part of the Land at any time in the past?</p> <p>If “yes” please give the dates when you were the owner.</p>	<p>Yes/No</p>
<p>(O) Have you, or any company in which you have been a shareholder, director, company secretary or manager, been an occupier of all or part of the Land at any time in the past, whether as a tenant or otherwise?</p> <p>If “yes” please give the dates when you were in occupation or were a tenant.</p>	<p>Yes/No</p>
<p>(P) Are there any other persons who are or have been joint owners or joint occupiers with you now or in the past, whether as a tenant or other wise?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(Q) Do you know the identity of the present or any former owners of all or part of the Land?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(R) Do you know the identity of the present or any former occupiers of all or part of the Land, whether as a tenant or otherwise?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>
<p>(S) Are you aware of the presence of any contaminating substances in, on or under the Land?</p> <p>If “yes” please provide details.</p>	<p>Yes/No</p>

<p>(T) Are you aware of the identity of any person or persons who may have caused or permitted the Land to be contaminated, for example, by spilling or dumping substances?</p> <p>If “yes” please give details.</p>	<p>Yes/No</p>
<p>(U) Are you aware of any investigations already carried out as to whether the Land is or may be contaminated?</p> <p>If “yes” please give details and indicate whether any reports or results of such investigations are in your possession or that of any other person.</p>	<p>Yes/No</p>
<p>(V) what is the nature of the activities, which to your knowledge have been carried out on the Land?</p>	
<p>(O) Are you aware of any current or previous licence, consent, permission or authorisation held by you or any company or other person involving the introduction on to the land of any substances (Such as waste, solvents, oils or chemicals) capable of contaminating the land?</p> <p>If “yes” please give details.</p>	<p>Yes/No</p>
<p>(P) Are you aware of any contractual agreement relating to responsibility for contamination present on the Land?</p> <p>If “yes” please give details.</p>	<p>Yes/No</p>
<p>(Q) Are there any other matters you wish to draw to the attention of the Enforcing Authority?</p> <p>Please provide details.</p>	<p>Yes/No</p>

- Continue on separate sheets if necessary.

Please make your response on the enclosed copy of this Notice. Sign and date it and return it within 21 days to the address listed below. If you are completing the response on behalf of a Company, please indicate in what capacity you are responding and whether you are authorised to do so.

Caroline Storer
Housing and Health Department
Roycraft House – 1st Floor
15 Linton Road
Barking
Essex, IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78C(1)(b)

Notice of decision that land is required to be designated as a Special Site

To:

1. Under Section 78C(1)(a) of the Environmental Protection Act 1990 the **London Borough of Barking and Dagenham** has decided that the land described in the Schedule of this Notice as being contaminated land situated in its area is land which is required to be designated as a Special Site.
2. Notice of that decision is given to you pursuant to Section 78C(1)(b) as a relevant person as defined in Section 78C(2), namely as:
 - (A) the appropriate Agency;
 - (B) the owner of the land;
 - (C) a person appearing to the Authority to be in occupation of [the whole] [part] of the land;
 - (D) a person appearing to the Authority to be an appropriate person.

[Delete as applicable.]
3. Should you wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
15 Roycraft House

Barking

Essex IG11 8HE.

Telephone 020 8227 5671

SCHEDULE

DESCRIPTION OF THE LAND

**Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78C(5)

Notice of decision as to whether land is required to be designated as a Special site in response to notice from Appropriate Agency.

To:

1. In relation to the land situated in its area and described in the Schedule to this Notice (“the Land”) the **London Borough of Barking and Dagenham** has received a notice from **The Environment Agency** that the Agency considers the Land to be contaminated land which is required to be designated as a Special Site.
2. The Local Authority has decided that the Land [is land which is required to be designated as a Special Site] [is not land which is required to be designated as a Special Site]

[Delete as applicable.]

3. This Notice of that decision is given to you pursuant to section 78C(5) as a relevant person as defined in section 78C(2), namely as:

- (A) the appropriate Agency;
- (B) the owner of the Land;
- (C) a person appearing to the Local Authority to be in occupation of [the whole] [part] of the Land;
- (D) a person appearing to the Local Authority to be an appropriate person.

[Delete as applicable.]

4. Should you wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer

London Borough of Barking and Dagenham

Housing and Health Department

15 Linton Road

Barking

Essex, IG11 8HE

Telephone 020 8227 5671

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78C(6)

**Notice that decision that land is required to be designated as a
Special Site has taken effect.**

To:

1. In relation to the land situated in its area and described in the Schedule to this Notice (“the Land”) the **London Borough of Barking and Dagenham** decided under [Section 78C(1)(b)] [Section 78C(5)(a)] of the 1990 Act that the Land is contaminated land which is required to be designated as a Special Site.
2. Notice of that decision was given to the appropriate Agency on
3. In accordance with Section 78C(6) that decision took effect on
4. This Notice that the decision has taken effect is given to you pursuant to Section 78C(6) as a relevant person as defined in Section 78C(2), namely as:
 - (A) the appropriate Agency;
 - (B) the owner of the land;
 - (C) a person appearing to the Local Authority to be in occupation of [the whole] [part] of the Land;
 - (D) a person appearing to the Local Authority to be an appropriate person.

[Delete as applicable]
5. Should you wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
15 Linton Road
Barking

Essex, IG11 8HE

Telephone 020 8227 5671

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78D(3)

Notice of reference of decision as to Special Sites Status to the Secretary of State.

To:

1. In relation to the land situated in its area and described in the Schedule to this Notice (“the Land”) the **London Borough of Barking and Dagenham** gave notice of its decision as to whether the Land is required to be designated as a Special Site (“the Decision”) to the **Environment Agency** pursuant to [Section 78C(1)(b)] [Section 78C(5)(b)] of the 1990 Act.
 2. The Environment Agency has given notice to the **London Borough of Barking and Dagenham** that it disagrees with the Decision.
 3. Pursuant to Section 78D(1) of the 1990 Act, the **London Borough of Barking and Dagenham** has referred the Decision to the Secretary of State for determination under Section 78D(4) of the 1990 Act.
 4. This Notice that the Decision has been referred to the Secretary of State is given to you pursuant to Section 78D(3) as a relevant person as defined by Section 78C(2) and 78D(7), namely as:
 - (A) the appropriate Agency;
 - (B) the owner of the land;
 - (C) a person appearing to the Authority to be in occupation of [the whole] [part] of the land;
 - (D) a person appearing to the Authority to be an appropriate person.
- [Delete as applicable]
5. Should you wish to make any representation in response to this Notice, or to seek further information, please contact the following as soon as possible:

Caroline Storer

**London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE
020 8227 5671**

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78E(1)

THE CONTAMINATED LAND (ENGLAND) REGULATIONS 2000

REMEDIATION NOTICE

To:

This Notice is served on you by the **London Borough of Barking and Dagenham** pursuant to Section 78E of the Environmental Protection Act 1990 in relation to contaminated land identified as such by the Authority under Section 78B(1) [and designated as a special site pursuant to [Section 78C] [Section 78D]] of the 1990 Act.

This Notice specifies in the attached Schedule 1 what you are to do by way of remediation and the periods within which you are to do each of the specified things.

[Where two or more persons are appropriate persons in relation to any particular thing to be done by way of remediation, the Schedule also states the proportion determined under section 78F(7) of the cost of doing those things which each person is liable to bear.]

The further matters required to be stated by the Contaminated Land (England) Regulations 2000 are set out below as Particulars to this Notice.

PARTICULARS

- A) Name and address of the person or persons on whom the Notice is served:

- B) Location and extent of the relevant land: See attached Schedule 2.

- C) Date of the notice given under Section 78B identifying the land as contaminated:

- D) Reason why the person on whom the notice is served is considered to be an appropriate person by the Authority:
 - i) the person caused or knowingly permitted the substances, or any of the substances, by reason of which the land is contaminated land, to be present in, on or under the relevant land;

- ii) the person is the owner of the relevant land;
- iii) the person is the occupier of the relevant land.

[Delete as applicable]

E) Particulars of the significant harm or pollution of controlled waters by reason of which the land is contaminated land:

F) The substances by reason of which the land is contaminated land [and location of the land from which they have escaped (if applicable)]:

G) The reasons of the Authority for its decision as to the remediation action required in the Schedule and how the Secretary of State's guidance has been applied:

H) Whether two or more persons are appropriate persons in relation to the contaminated land in question and if so, the name and address of each such person and the thing by way of remediation for which each bears responsibility:

[YES] [NO]

[If YES, the name and address of each]

[The remediation action for which each bears responsibility]

- I) Whether two or more persons would, apart from section 78F(6), be appropriate persons in relation to a particular remediation action, and if so, the Authority's reasons for determining which of them is to be treated as being an appropriate person, showing how the Secretary of State's guidance has been applied:
[If YES, the reasons]
- J) If proportions of cost are stated in the Schedule, the reasons for the apportionment, showing how the Secretary of State's guidance has been applied:
- K) Whether the Authority knows the name and address of:
- a) the owner of the relevant land [YES][NO].
 - b) any person who appears to be in occupation of the whole or part of the relevant land [YES][NO]
- [If YES, name and address.]
- L) Whether the Authority knows the name and address of any person whose consent is required under section 78G of the Act before any thing required by this Notice can be done and if so, the names and addresses: [YES][NO]
[If YES, Names and Addresses.]

M) Whether it appears to the Authority that the land is in such a condition by reasons of substances in, on or under the land that there is imminent danger of serious harm or serious pollution of controlled waters being caused: [YES][NO]
[If YES give details:]

N) A person on whom a remediation Notice is served may be guilty of an offence for failure, without reasonable excuse, to comply with any of its requirements.

O) On conviction of an offence to comply with a remediation Notice, the offender shall be liable, on summary conviction, to a fine not exceeding £5,000 and to a further fine of £500 for each day on which the failure to comply continues after conviction of the offence and before the Authority begins to exercise its powers to carry out remediation under section 78N. Where a person commits an offence in a case where the contaminated land to which the notice relates is industrial, trade or business premises, the maximum fine on summary conviction is £20,000 and the further daily fine is £2,000.

P) Name and address of the Authority serving the Notice:

London Borough of Barking and Dagenham

1st Floor Roycraft House

15 Linton Road

Barking

Essex, IG11 8HE

020 8227 5671

Q) Date of the Notice:

RIGHT OF APPEAL

1. A person on whom a remediation Notice is served may appeal against the Notice under Section 78L of the 1990 Act. The appeal must be made within a period of 21 days beginning with the day on which the Notice is served.
2. The appeal should be made:
[To the Magistrates Court for the area in which the relevant land is situated] [To the Secretary of State] – (delete as applicable.)
3. The grounds on which an appeal may be made are set out in regulation 7 of the Contaminated Land (England) Regulations 2000.
4. By regulation 14(1) of the Contaminated Land (England) Regulations 2000 the effect of a duly made appeal is to suspend the Notice so that it is of no effect pending the final determination or abandonment of the appeal.

Signed.....

Name of Authorised Officer.....

London Borough of Barking and Dagenham
Housing and Health Department
15 Linton Road
Barking
Essex IG11 8HE
020 8227 5671

SCHEDULE 1

Things required by way of remediation (referring, if necessary, to Annexed specifications.	Period within which each thing is to be done.	[Proportion of cost for which each appropriate person is liable.]

Schedule 2

Description of the Land

**Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78G(5)

CONTAMINATED LAND (ENGLAND) REGULATIONS 2000.

APPLICATION FOR COMPENSATION

To:

1. On the _____ rights were granted pursuant to Section 78G(2) of the 1990 Act to enable requirements of a Remediation Notice served under Section 78E of the 1990 Act to be complied with [and on _____ the rights were first exercised.]
2. In accordance with Section 78G(5) of the Act, I/we apply for compensation as a person who granted, or joined in granting, those rights.
3. A copy of the grant [and the plans attached to it] is annexed to this Application.
4. The exact nature of the interest in land in respect of which compensation is applied for is: [.....]
5. The amount of compensation applied for is £ _____ calculated in relation to Paragraph 4 of Schedule 2 of the 2000 Regulations as follows:

(A) Depreciation in the value of any relevant interest resulting from the grant of rights [amount and calculations];

(B) Depreciation in the value of any other interest in land to which I am entitled, resulting from the exercise of the rights [amount and calculations];

(C) Loss or damage in relation to any relevant interest to which I am entitled attributable to the grant of rights and falling within Paragraph 4(c) of Schedule 2 to the Regulations [amount and calculations];

(D) Damage to, or injurious affection of, any interest in land to which I am entitled which is not a relevant interest, resulting from the grant of rights or the exercise of the [amount and calculations];

(E) Loss in respect of work carried out by me or on my behalf which is rendered abortive by the grant of the rights or exercise of them [amount and calculations];

(F) Reasonable valuation or legal expenses [amount and calculations].

Dated.....

Name and address of applicant:

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78H(6)

REMEDIATION DECLARATION

1. The **London Borough of Barking and Dagenham** has identified the land specified in the attached Schedule to this Declaration, situated within the **London Borough of Barking and Dagenham** as Contaminated Land under Section 78B of the 1990 Act.
2. There are a number of things which the **London Borough of Barking and Dagenham** would have included in a Remediation Notice in relation to the land, were it not precluded from including those things by [Section 78E(4)] [Section 78E(5)] and [Section 78H(5)(a)] of the 1990 Act.
3. Accordingly, the **London Borough of Barking and Dagenham** is required to prepare and publish this Declaration under Section 78H(6) of the 1990 Act.
4. The things which the **London Borough of Barking and Dagenham** would have included in a Remediation Notice, and the reasons why it would have specified those things are shown in Appendix 1.
5. The grounds on which the **London Borough of Barking and Dagenham** is satisfied that it has precluded from specifying each such thing in a Remediation Notice are shown in Appendix 2.

Signature of Authorised Officer.....

Name of Authorised Officer.....

**London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE.**

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

APPENDIX 1

Things that would have been specified	Reasons why they would have been specified.

APPENDIX 2

Things that would have been specified	Grounds on which precluded from specifying each thing.

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78H(7)

REMEDIATION STATEMENT

1. This Statement is prepared by..... as the “responsible person” under Section 78H(8) of the 1990 Act in respect of the land specified in the Schedule to this Statement which has been identified by the **London Borough of Barking and Dagenham** as Contaminated Land under Section 78B of the 1990 Act.
2. The **London Borough of Barking and Dagenham** has been precluded from serving a Remediation Notice in respect of the land by Section [78H(5)(b)] [78H(5)(c)] [78H(5)(d)] of the 1990 Act and accordingly this Statement is required to be made under Section 78H(7) of the 1990 Act.
3. The things which [are being][have been][are expected to be] done by way of remediation and the periods within which they are being or are expected to be done, are listed in Appendix 1.
4. The names and addresses of the person [who is doing][who has done][who is expected to do] each of those things is:

Dated:

Name and address of person making Statement:

SCHEDULE
DESCRIPTION OF THE LAND

Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

APPENDIX 1

Things by way of remediation	Whether completed, or the period within which each thing is being done or is expected to be done.

**Environmental Protection Act 1990 – Section 78L(1)
Contaminated Land (England) Regulations 2000 – Regulation 8(2)**

Name of Appellant:

Address:

1. The Appellant appeals against the Remediation Notice dated _____ served by the London Borough of Barking and Dagenham a copy of which is filed with this Notice of Appeal.

2. The grounds on which the Appellant appeals against the Remediation Notice are as follows:

3. A statement of the names and addresses of persons on whom a copy of this Notice of appeal have been served pursuant to Regulation 8(2)(a)(ii), (iii) or (iv) is also filed with this Notice of Appeal.

Dated:

Name of Appellant/Agent

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78M(1)

Prosecution of failure to comply with Remediation Notice.

[] Magistrate's Court (Code)

INFORMATION

Informant: The London Borough of Barking and Dagenham

Address:

Defendant:

Address:

Date of Offence:

Place of Offence:

Statue under which offence charged: Section 78M(1) of the Environmental Protection Act 1990.

1. The Defendant is an appropriate person on whom the Authority served a Remediation Notice under Section 78E(1) of the 1990 Act dated..... requiring the Defendant to do the things specified in the notice by way of Remediation in respect of the contaminated land identified in the notice.

[2. The Defendant appealed against the Remediation Notice which on appeal was upheld on..... subject to the following variations:
[Variations]]

[2. The Defendant appealed against the Remediation Notice but abandoned the appeal on.....]

(Use/Delete as applicable)

3. The period for compliance with the Remediation Notice expired on..... and since that date the Defendant has failed without reasonable excuse to comply with [any][the following] requirements of the Remediation Notice:
[Details of non Compliance.]

Statement of Offence

That the said [Defendant]..... at [Place]..... on
[Date]..... being a person on whom the London Borough of Barking and
Dagenham had served a Remediation Notice, failed without reasonable excuse to comply with any of
the requirements of the Notice, contrary to Section 78M(1) of the Environmental Protection Act 1990.

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78N

Notice of Enforcing Authority before exercising Powers under Section 78N

To:

1. The London Borough of Barking and Dagenham served a Remediation Notice on you, dated.....requiring you to do those things specified in the Notice in relation to the relevant land specified in the Notice.

2. You failed to comply with the Remediation Notice in the following respects:

3. Accordingly, the Enforcing Authority has powers under Section 78N(1) and (3)(c) of the 1990 Act to do those things itself.

4. The Enforcing Authority intends to do those things listed in the Schedule to this Notice, the cost of which is indicated in the Schedule. The Enforcing Authority will be entitled under section 78P(1) to recover from you the reasonable cost of doing those things, or such part of the cost as is reasonable having regard to section 78P(2). [In such circumstances the Enforcing Authority may also charge interest on the sums recoverable and may impose a charge on your interest in any premises consisting of or including the contaminated land in question for such sums and accrued interest.]*

* Include this sentence only if the appropriate person is a causer and knowing permitter and is an owner of the land.

5. The Enforcing Authority will not commence the relevant works before.....

Should you wish to make representations in respect of this Notice before that date you are advised to contact:

**Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE
020 8227 5671**

SCHEDULE

Details of proposed works, cost, estimates

**Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78P(4) – (7)

CHARGING NOTICE

To:

1. The London Borough of Barking and Dagenham has in exercise of its powers under Section 78N(1) of the 1990 Act carried out works by way of Remediation (“the Works”) to the land identified in Schedule 1 to this Notice. The works are listed in Schedule 2 to this Notice.
2. You were informed of the Enforcing Authority’s intention to carry out the Works in a Notice dated and served on
3. The costs incurred by the Authority in carrying out those works are specified in Schedule 2 of this Notice.
4. The Enforcing Authority has decided pursuant to Section 78P(1) and (2) of the 1990 Act that it should recover from you a sum in respect of those costs [being the proportion determined pursuant to section 78F(7) of the 1990 Act, there being more that one appropriate person.]
5. This Notice is served on you pursuant to Section 78P(3) as the owner of premises consisting of or including the contaminated land in question, who caused or knowingly permitted the substances by reason of which the land is contaminated to be in, on or under the land.
6. The amount of the cost claimed by the Authority as recoverable is £
7. The effect if this Notice is as follows:
 - (A) the cost will carry interest [rate of interest]..... from the date of service of this Notice until the whole amount is paid; and
 - (B) subject to your right of appeal against this Notice, the cost and accrued interest shall be a charge on the premises referred to at paragraph 5 above.
8. The Enforcing Authority has served copies of this Notice on the following persons who, to the knowledge of the Authority, have an interest in those premises capable of being affected by the charge:
9. You [or such persons] may appeal against this notice to a county court within the period of twenty-one days beginning with the date of service.

Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

SCHEDULE 1
Description of the contaminated land.

**Caroline Storer
London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

SCHEDULE 2

Works carried out by the Enforcing Authority and Costs.

Date:

**Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE
020 8227 5671**

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78T(2)

Notice by Enforcing Authority as to Possible Commercial Confidentiality.

To:

1. **The London Borough of Barking and Dagenham** holds the information, in relation to its functions on contaminated land under Part IIA of the Environmental Protection Act 1990, the general nature of which is given in the Schedule to this Notice. The information is required to be included in the Register relating to contaminated land maintained by the Authority under Section 78R(1) of the 1990 Act unless the information is excluded under Section 78T (exclusion from Registers in certain confidential information.)
2. It appears to the Authority that the information might be commercially confidential as relating to your affairs or to the affairs of your business. *Note:* Section 78T(1) of the 1990 Act states that information is commercially confidential in relation to any individual or person if its being contained in the Register would prejudice to an unreasonable degree the commercial interests of that person. Section 78T(11) of the Act requires prejudice to be disregarded insofar as it relates only to the value of the contaminated land in question or otherwise to the ownership or occupation of that land.
3. You are entitled to object to the inclusion of the information on the Register on the grounds that it is commercially confidential and to make representations to the Authority for the purpose of justifying such objection.
4. Objection or representations should be made to:

Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE

020 8227 5671

within 21 days beginning with the date of service of this Notice.

**SCHEDULE
THE INFORMATION**

Date:

**Caroline Storer
London Borough of Barking and Dagenham
1st Floor Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

020 8227 5671

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78E(1)

THE CONTAMINATED LAND (ENGLAND) REGULATIONS 2000.

NOTICE TO ACCOMPANY COPIES OF REMEDIATION NOTICE

To:

1. The **London Borough of Barking and Dagenham** has pursuant to Section 78E(1) of the Environmental Protection Act 1990 served [a remediation Notice][remediation Notices] in relation to contaminated land within its area.
2. The **London Borough of Barking and Dagenham** is required to send you a copy of the [Notice] [Notices] by Regulation 5(1) of the Contaminated Land (England) Regulations 2000 because:

- (A) you are known to be a person whose consent is required under Section 78G before any things required by the Notice can be done;
- (B) you are a person who was required to be consulted under Section 78H before the Notice was served;
- (C) you are the Environment Agency;
- (D) you are the local authority in whose area the relevant land is situated.

[Delete as applicable.]

3. [A copy] [copies] of the remediation [Notice is] [Notices are] attached.
4. Should you wish to make any representation in response to this Notice, or to seek further information, please contact the following person as soon as possible:

Caroline Storer

**London Borough of Barking and Dagenham
Housing and Health Department
Roycraft House
15 Linton Road
Barking
Essex, IG11 8HE**

Dated:

Signature of Authorised Officer.....
Name of Authorised Officer.....

