

**London Borough of Barking and Dagenham**

**Contaminated Land Inspection Strategy**

**Final Draft**

**July 2001**

**Issued by:**

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# London Borough of Barking and Dagenham

## Contaminated Land Inspection Strategy

### Executive Summary

Under new Government Regulations the London Borough of Barking and Dagenham "the Council" is required to inspect land in its district for contamination. A Strategy must be produced and submitted to the Department of the Environment, Transport and the Regions (DETR) by July 2001. The Strategy must show how the Council plans to tackle the issue of land contamination in a rational, ordered and efficient approach.

The Council's priorities in dealing with contaminated land will be:

- To protect human health
- To protect controlled waters
- To protect ecosystems
- To prevent damage to property
- To prevent any further contamination of land
- To encourage the voluntary "clean up" of contaminated land
- To encourage the re-use of contaminated (or as it is known "brownfield") land.

In January 2001 the Council published seven headline priorities for the Borough. They are:

- Raising Pride in the Borough
- Better Education and Learning For All
- Regenerating the Local Economy

- Promoting Equal Opportunities and Celebrating Diversity
- Making Barking and Dagenham Cleaner, Greener and Safer
- Improving Health, Housing and Social Care
- Developing Rights and Responsibilities with the Local Community.

These priorities are at the heart of the Councils Corporate objectives. The Contaminated Land Strategy will support and form part of these Priorities.

This Strategy will also input into, and influence other Council Strategies and initiatives; such as the Councils Regeneration initiatives; Asset Management Plan and the Transport, Sustainable Development and Housing Strategies amongst others.

In order to do this work the Council will have to develop a planned programme of inspections of potentially contaminated land throughout the Borough. It is anticipated that this inspection will take five years, starting in July 2001 until December 2006. The inspection programme will be based on a priority or "Risk" basis where we will identify those sites that will have the potentially highest levels of contamination and pose the most risk.

Priority will be given to inspecting land owned by the Council and land scheduled for redevelopment as part of on-going, or future regeneration issues, or as part of our Unitary Development Plan. Protecting controlled waters – such as our Rivers – and the environment will also be part of the Strategy. Once we have done this work we should have a good basis for tackling the contaminated land in the Borough.

The Council recognises that some sites may be identified outside this general approach to inspection and that they may require urgent attention to tackle the contamination. These sites will be dealt with as they arise. The Council will actively support and advise on the voluntary "clean up" (or remediation) of contaminated land by owners, occupiers or developers of contaminated land. In addition the Council will encourage the re-use of brownfield land for development, in preference to greenfield development.

The new regulations make the Council the lead regulator in dealing with contaminated land, but where necessary, the Council will (and currently does) work in partnership with other organisations such as the London Development Agency and the Environment Agency.

The regulations set clear criteria that must be met before land can be formally classified as “contaminated land.” The Council has a duty to maintain a public register that contains certain information about contaminated land. Not all information is held on the register due to confidentiality issues, and as such, the expectations of some members of the public will not be met by the Councils powers under the new contaminated land legislation.

However, the Council will in all instances maintain an open and honest approach to dealing with the issues of contaminated land. This will apply to **all** land within the Borough.

At the present time the Council is currently reviewing one of its own land holdings. Site investigations are currently ongoing for a parcel of land in Wantz Road Dagenham. Early indications suggest that this land will be designated “contaminated land” due to groundwater contamination issues.

Finally it should be noted that a draft Contaminated Land Strategy went out for Consultation to Statutory and non-Statutory Consultees in February 2001. The comments and observations received have been included in this final draft Strategy.

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## ***Chapter 1 – Introduction***

The London Borough of Barking and Dagenham (“the Council”) is required to inspect its area for the purpose of identifying contaminated land. This undertaking came into force on the 1<sup>st</sup> April 2000 as part of new powers contained within Part IIA of the Environmental Protection Act 1990. As a result of this the Council must produce and adopt a Strategy for the identification of contaminated land within its area.

### **1.1- Corporate Aims and Objectives**

The Contaminated Land Strategy (“the Strategy”) is presented in part of the Councils overall Mission Statement, which is detailed below:

#### ***The Headline Community Priorities***

- **Raising Pride in the Borough**
- **Creating better Education and learning for all**
- **Regenerating the Local Economy**
- **Promoting Equal Opportunities and Celebrating Diversity**
- **Making Barking and Dagenham Cleaner, Greener and Safer**
- **Improving Health, Housing and Social Care**
- **Developing rights and responsibilities with the Local Community.**

Dealing with contaminated land will clearly overlap with several of the above priorities, especially Regeneration issues, Improving Health and Housing and making Barking and Dagenham Cleaner, Greener and Safer; and as such the Council has drawn up a list of Objectives and Targets for tackling contaminated land. These are discussed in detail in Chapter 3 – The Council’s Strategy: Overall Aims.

In addition, the contaminated land regime will play a part in other Councils Strategies and initiatives. For example, the issue of contaminated land will have a major input in the Council’s Housing Strategy; Asset Management Plan, Best Value Review, UDP Review, Regeneration initiatives, Sustainable Development and Transport Strategies amongst others. Clearly the need for a holistic approach to the identification and remediation of contaminated land is essential.

## **1.2 - Sustainable Development**

The main driver behind this new regime for dealing with contaminated land is Sustainable Development to address our legacy of contaminated land from past economic activity.

***“the last hundred years have seen a massive increase in the wealth of this country and the well being of the people. But focussing solely on economic growth and ignoring its impact on people and the environment, means we have reduced or avoided the cost of contaminated land.” Tony Blair: “A Better Quality of Life” – A Strategy for Sustainable Development in the UK, 1999.***

Sustainable Development is at the heart of the Council’s Corporate Objective's and the Contaminated Land Strategy will support this aim.

Sustainable Development is going to be incorporated into an Environmental Sustainability Strategy, which is being prepared at the present time. The Government places great emphasis on Environmental Sustainability issues and has recognised that a damaged environment will eventually lead to social decline, increased crime and disorder, more unemployment and lack of investment. Therefore it is anticipated that the Contaminated Land Strategy will feed into our overall Environmental Sustainability Strategy.

### **1.3 - Regulatory context**

The implementation of Contaminated Land legislation has been promised for over 10 years. The 1990 Environmental Protection Act, set out, in Section 143 a duty on Local Authorities to keep a “register of potentially contaminated land.” However, this was quickly withdrawn, due to a backlash of criticism revolving around the issue of property blight and public alarm.

Finally in April 2000 the Government announced that they would now implement the (revised) legislation. The Secretary of State has enacted the Environment Act 1995 to bring into force Part IIA of the Environmental Protection Act 1990. The Secretary of State has also made the Contaminated Land (England) Regulations 2000, as well as publishing Circular 02/2000 *Contaminated Land*. The Circular contains the statutory guidance which the Council is required to enact.

Annex 1 of the Circular describes the “suitable for use” approach that must be adopted based on site-specific assessment of risk. It comprises of three main elements:

- Ensuring that land is suitable for its current use, so that the acceptability or otherwise of the risks presented by the land are assessed on the basis of the current use and circumstances.
- Ensuring the land is made suitable for any new use, as planning permission is given for such use. This is primarily the role of the Planning and Building Control systems.
- Limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use or any future use for which planning permission is being sought.

Linking in with this concept is the current Government thinking on “sustainable development”. The Government has stated that contamination presents its own risks to sustainable development, which is detailed below:

- it impedes social progress, depriving local people of a clean and healthy environment;
- it threatens wider damage to the environment and to wildlife;
- it inhibits the prudent use of land, in particular by obstructing the recycling of previously developed land and increasing development pressures on Greenfield areas; and
- the cost of remediation represents a high burden on companies, home and landowners, and the economy as a whole.

The Council is committed to sustainable development. It has been instrumental in the successful re-generation of brownfield land in Barking and Dagenham. One such project is Barking Reach, where remediation is currently in progress for the redevelopment of contaminated land for house building. (See Chapter 2.14.)

### **1.3.1 - The roles of the Council and the Environment Agency**

Under the new contaminated land provisions contained in Part IIA each Local Authority has to “cause its areas to be inspected from time to time.” When contaminated land is identified, they must ensure that it is managed in an appropriate manner. The Secretary of State has issued Statutory Guidance to Local Authorities to take a “strategic approach” to inspecting their areas and to describe and publish this in a written Strategy.

Inspection strategies should set out how each Local Authority proposes to implement its inspection duties (See Chapter 3). The Strategy will set out inspection arrangements as well as being transparent in how the Council reaches its decisions. The aim of the Strategy should be to ensure that all those affected by, and involved in, inspection have the same clear understanding of the rationale for inspection, and how this will be carried out and over what timescales.

Although Local Authorities have been given the primary regulatory role, the Environment Agency (EA) has a secondary regulatory role in assisting Local Authorities, providing site-specific local guidance, technical advice as well as dealing with so called “Special Sites.” In addition the EA is duty bound to publish periodic reports on the state of land contamination throughout England.

### **1.3.2 - Defining contaminated land**

Contaminated land is defined as “...any land which appears to the Local Authority in whose area it is situated, to be in such a condition, by reasons 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.

Categories of Significant Harm are documented in Appendix A

### **1.3.3 – Dealing with contaminated land**

If an area of Contaminated land has been identified, the approach for dealing with it will be the same regardless of whether it is the responsibility of the Council or the EA. There are three main stages:

- To establish who is the “appropriate person” to bear responsibility for the remediation (or clean up) of the land. Under this provision responsibility for remediation will, where feasible follow the “polluter pays” principle. In the first instance, any person who caused or knowingly permitted the contamination will be the appropriate person to undertake the remediation. However, if it is not possible to find such persons, responsibility will pass to the current owner or occupier of the land.
- To decide what remediation is required and to ensure that this occurs, through reaching a voluntary agreement. The Council will have powers to serve various legal Notices to establish who is the “appropriate person” as well as securing the clean up of contaminated land. It also has powers to carry out the work itself in certain circumstances.
- In some instances contaminated land will be the responsibility of various owners/occupiers, both current and historical. In this instance the Council must determine who should bear what proportion of liability to meet any clean up costs.

### **1.3.4 - Pollutant Linkages and Risk Assessment**

For a site to meet the definition of contaminated land, a pollutant linkage must be established. Fundamental to this is the concept of Risk Assessment. The Statutory guidance applies existing principles of considering whether there is a contaminant, a relevant receptor (target), and a possible pathway between the two.

The contaminating substances in question are the potential sources of harm, and the receptor is the living organism, ecological system or property which may be harmed, or the controlled waters which may be polluted. The pathway is the route or means by which the receptor is being exposed to or affected by the contaminants or by which it could be so exposed or affected.

The pathway may be identified on the basis of general scientific knowledge without the need for direct observation. The source and the receptors must be specific and actual, not hypothetical.

The relationship between the contaminant, the pathway and the receptor are termed “pollutant linkages.” Without identification of all three elements of a pollutant linkage, land should not be identified as contaminated.

It may be the case that there may be more than one pollutant linkage on any given piece of contaminated land. The Council will have to ensure that all pollutant linkages are identified for any land suspected of being contaminated.

In simple terms the pollutant linkage is described below:

**SOURCE -----> PATHWAY----->RECEPTOR**

Receptors recognised as being potentially sensitive are:

- Human Beings.
- Ecological systems or living organisms.
- Property in the form of buildings.
- Other forms of property e.g. crops, livestock, animals etc.
- Controlled Waters e.g. surface waters, and groundwater.

For example:



A **Source** could be Asbestos contaminated soil; its **Pathway** would be inhalation if the soil was disturbed, and a **Receptor** would human beings.

#### **1.4 – Development of the Strategy**

The Council is required to take a strategic approach to the inspection of its area.

The approach to the identification of contaminated land should:

- Be rational, ordered and efficient;
- Be proportionate to the seriousness of actual potential risk;
- Locate the most pressing and serious problems first;
- Concentrate resources on investigating areas where the authority is most likely to identify contaminated land;
- Efficiently identify requirements for the detailed inspection of particular areas.

When developing this strategic approach the Council will reflect the unique characteristics of Barking and Dagenham.

This Strategy has been developed to meet these requirements. Particular reference has been made to guidance issued by the Government – “Contaminated Land Inspection Strategies – Technical Advice for Local Authorities.”

The Councils Strategy has been prepared in a number of stages:

- A briefing document and Committee report was prepared for Officers and Members to appraise them of the new legislation in November 1999. A further detailed briefing paper on the implications of the new legislation was issued to officers in August 2000.
- As a result of this, a Steering Group and Working Party was established in September 2000 to formulate policy with respect to contaminated land. Both groups are made up of officers from the Housing and Health, Leisure and Environment, Chief Executives and Legal Services Departments.

- A Draft Strategy was prepared for February 2001 for internal consultation as well as approval from Members and Chief Officers.
- Comments of the Draft Strategy will be invited from Statutory and non-Statutory Consultees. This is planned for late February through to April 2001.
- A Final version of the Strategy will be submitted to the DETR and copied to the Environment Agency by the end of June 2001.

Chapter 2 – Characteristics of the London Borough of Barking and Dagenham.

## **2.1 – Geographical Location**

The London Borough of Barking and Dagenham is situated on the North bank of the River Thames to the East of London, just nine miles from the centre of London and only a few minutes drive into the Essex countryside. It has a population of some 155,000 and a total land area of 3,419 hectares.

The Borough is sandwiched between three other London Boroughs. To the North is the LB Redbridge, to the East is the LB Havering and to the West is the LB Newham. The Boroughs Southern boundary is the River Thames.

## **2.2 – Brief Description/History**

Until the 19<sup>th</sup> Century, the Borough was predominantly rural, dominated by agricultural uses, constrained in the north by Hainault Forest, to the south by the River Thames, in the west by the River Roding and to the east by the River Beam.

In the 19<sup>th</sup> Century the growth of London intensified pressure on agricultural land, and for a while Barking became the most important fishing port in England, only to decline in importance with the development of the rail network, pollution of the Thames and the advent of refrigeration technology.

In the 1920's work began on the Becontree Housing Estate in the Borough. Almost 3000 acres of land (1212 hectares) were used to develop a variety of terraced and semi-detached two storey dwellings on a new geometric road pattern, stretching from Goodmayes to Chadwell Heath and Dagenham Village.

The development of the Estate created new demands for employment in the Borough and led to the establishment of heavy industry at Dagenham Marshes along the River Thames corridor, and the eventual development of the Ford Motor Plant in the south east of the Borough. The Ford plant has since come to dominate the industrial landscape of the Borough in the same way as the Becontree Estate has dominated the housing landscape in the Borough.

Since World War II the industrial areas of the Borough have intensified and expanded and a great deal of in-fill development has taken place on much of the open space. This is mainly due to the fact that the Borough is in an area of flooding potential so the land has been raised to compensate for this.

The late 1960's and early 1970's saw the redevelopment of some of the newer housing in the Borough and the construction of high rise and other flatted estates at various locations within the Borough. In common with the rest of the country, parts of these estates exhibit characteristics of deprivation.

There have been considerable changes in tenure patterns since 1981, largely due to the "right to buy" legislation. Just over half of the Boroughs households were owner-occupiers in 1991. However, despite the increase in owner occupation Barking and Dagenham has the highest proportion of households renting from the Local Authority in Outer London (43% compared to an average 23%). The housing stock is characterised by a high proportion of terraced housing (63%) and one of the lowest proportions of flats in London (27%).

In conclusion, Barking and Dagenham's landscape, and in particular its built environment, has evolved comparatively recently, and whilst important areas of natural and semi-natural landscapes exist (notably in the north and east of the Borough), the majority of the Borough has been substantially shaped by residential and industrial development.

### **2.3 – Population Distribution**

The population of the Borough is some 155,000 split between 20 Wards within an area of approximately 3,618 hectares. The Wards, population distribution and area in hectares are listed below:

<b><i>Ward</i></b>	<b><i>Area(ha)</i></b>	<b><i>Total resident population</i></b>
Abbey	138	10,400
Alibon	83	5,500
Becontree (new ward)	-	7,500

Cambell	206	9,300
Chadwell Heath	149	9,000
Eastbrook	344	8,900
Eastbury	100	5,400
Fanshawe	138	8,100
Gascoigne	106	8,500
Goresbrook	226	8,815
Heath	193	9,300
Longbridge	161	8,500
Manor	83	6,300
Marks Gate	135	5,000
Parsloes	153	6,300
River	277	6,800
Thames	426	6,200
Triptons	158	8,700
Valance	114	8,200
Village	224	10,100

The establishment of the Ford plant in the late 1920's was one of the first examples of mass production methods in Europe, and provided skilled and secure employment opportunities for the local population. Skilled workers in the construction and transport industries have habitually represented a significant proportion of the Boroughs residents. However in the 1980's less labour intensive working methods, together with the decline of the manufacturing sector as a whole, led to a reduction in employment opportunities for the local population in traditional industries.

Social changes over the last 20 years have had a significant impact on the community: the rise in lone parents families, the increase in owner occupation under the “right to buy” legislation, growth in the number of older people and ethnic minorities, together with changes in the taxation and benefits systems, have combined to create an environment where poverty is deemed to be on the increase. In the Index of Multiple Deprivation 2000, the Borough ranked 24<sup>th</sup> in England and Wales.

The Borough has a high mortality and illness rates compared to the national averages and other London Boroughs. The incidence of coronary heart disease is significantly above the national average, and the Borough has the second highest proportion of people with long term limiting illness in London. Fertility rates, teenage pregnancies, low birth weight babies and infant death rates are high, as are mental illness rates. The ratio of GP’s to population is one of the lowest in the country.

The Council recognises the serious impact of increased poverty in the Borough and has developed an Anti-Poverty Strategy to address these issues. In order to ascertain the nature, extent and causes of poverty, the Council has compiled a Poverty Profile, which describes the trends of increasing poverty in the Borough. It explains how these effects build up, and how different factors combine to undermine the community as a whole as well as individuals and families.

Current initiatives addressing poverty related issues include the Council’s Leisure Strategy, Environmental Sustainability Strategy, economic development, capital investment in housing stock and work with Barking and Havering Health Authority and the Police. Development opportunities from various Government and European funding are being sought – these linked to the draft Regeneration Strategy and Heart of Thames Gateway SRB. Major opportunities for economic development will be the redevelopment of Barking Reach, the construction of the Channel Tunnel Rail Link and the development of Freshwharf and the Dagenham Dock Estates.

## **2.4 – Land owned by the Council**

Like most local authorities the Council has extensive land holdings in the Borough. Various Directorates are responsible for land within the Borough. The make-up of Council owned land is as follows:

- Schools and their open spaces such as playing fields.
- Social Services building such as Old Peoples and Children’s Homes etc.

- Council owned Housing stock.
- Council owned buildings such as the Town Hall, Civic Centre and Council offices/buildings.
- Council owned Depots and Civic Amenity Sites.
- Council owned former landfill sites.
- Libraries/museums/youth clubs and centres.
- Parks and Open Spaces
- Lakes and watercourses
- Sports centres and their playing fields.
- Graveyards.
- Gypsy site.
- Highways, service roads and alleyways.
- Commercial property.
- Historic buildings e.g. Eastbury Manor House.
- Derelict land.
- Allotments.

It may be inevitable that some of the above land holdings have been subject to contaminative uses in the past. As part of the Councils Strategy the investigation of contaminated land will follow the same procedures for both Council and non-Council owned land.

It should be noted that as part of the Planning process the Council has actively developed Council owned land to ensure that it does not remain in a derelict state. Remediation or clean-up operations have occurred, and continue to occur, on Council owned land that is found to be contaminated.

## **2.5 - Current land use characteristics**

As stated previously there are extensive housing and industrial areas spread throughout the length and breath of the Borough. The Borough has some major industrial premises both past and present. These include:

- Motor manufacturing
- Old and new power stations
- Pharmaceutical manufacturing
- Paint manufacturing
- Road stone coating
- Asbestos manufacturing
- Ship building
- Dockside and rail-side handling
- Gravel extraction and Waste disposal including landfill
- Oil storage, mixing and blending
- Chemical works
- Gas works
- Lead battery works
- Radioactive materials processing and disposal
- Tanning and leatherworks.

As well as major industries like those illustrated above the Borough has many medium/small industries usually located within industrial estates. The types of operations found within these areas include:

- Paint spraying
- Car repairs
- Drum cleaning operations
- Dairy premises
- Industrial laundries
- Small brewery companies
- Anodising industries
- Metal works – including scrap metal



- Print works
- Waste transfer stations
- Edible oil tank farms.

In addition the following premises/locations should also be borne in mind when considering the whole issue of contaminated land throughout the Borough:

- Petrol stations
- Road and rail corridors.

Figure 2.5 shows the main areas of industrial use throughout the Borough.

## **2.6 - Protected Locations**

The natural features of Barking and Dagenham tend to be hidden by the urban development which has engulfed much of the Borough since the beginning of the 20th Century. However there are within the Borough a number of Sites of Importance for Nature Conservation (SINC's) which are briefly described below.

### **Sites of Metropolitan Importance**

- The River Thames and Tidal Tributaries
- The Chase Nature Reserve
- Barking Reach Nature Reserve including the City Farm.

### **Sites of Borough Importance (Grade I)**

- River Roding
- Furze House Farm
- Dagenham Breach and the Lower Road Beam

- Lower Beam Valley and Dagenham Leys
- The Middle Beam Valley and Dagenham East Lake
- Eastbrookend

### **Sites of Borough Importance (Grade II)**

- Barking Park and Loxford Water
- Mayesbrook and associated water courses
- Mayesbrook Park Lakes
- Parsloes Park/The Squatters
- Lymington Field
- Whites Farm
- Goresbrook River
- Whalebone Lane Hedge
- Wantz Lake area

### **Conservation Areas**

- Barking Town Centre
- Former Gun Site at Marks Gate
- Dagenham Village
- Abbey Road Riverside

The Borough does not have any Areas of Outstanding Natural Beauty (AONB), RAMSAR sites, Special Areas of Conservation or Sites of Special Scientific Interest (SSSI's).

### **Sites of Local Importance**

- Lady Trowers Trust Playing Fields

- Barking Abbey ruins and St Margaret's Churchyard
- Gascoigne Road Pumping Station Rough
- St Chad's Park
- Valence House Gardens
- Morrison road Rough
- Reed Road allotments, Pondsfield Road and adj. railside
- St Peter's and St Pauls' Churchyard, Dagenham

## 2.7 – Key Property Types

Barking and Dagenham, due to its industrial past and heritage does not have extensive natural assets.

However there are some places of interest, some of them of great historical importance. These include:

- Barking Abbey – founded in AD666 and destroyed in 1540 during Henry VIII's suppression of the Catholic church. Several walls of the ancient Abbey Church, which were excavated during the 1960's and 1970's, can be seen today. The Fire Bell Gate, which was built in about 1460, is the only remaining part of Barking Abbey.
- The Parish church of St Margaret's – dates back from the 13<sup>th</sup> Century. It was built within the Abbey precincts and part of its original roof appears to have been made from Norman masonry from the Abbey. Among the many historic events which took place at the Church, was the marriage in 1762 of Captain James Cook, the first western explorer to land in Australia.
- The Parish Church of St Peter and St Paul – in Church Lane, Dagenham also dates back to the 13<sup>th</sup> Century.
- The Borough's museum is based at Valence House, a former 17<sup>th</sup> Century manor house. It houses a collection of historic artefacts and the famous collection of portraits of the Fanshawe family of Dagenham.
- Eastbury Manor House, a 16<sup>th</sup> Century Tudor House Grade 1 listed building, is leased to the Borough by the National Trust. This imposing red brick building stands on a one and a half acre site and presents a superb example of an Elizabethan gentry house.
- The Civic Centre is a Grade II listed building which is considered to be one of the finest examples of 1930's civic architecture.

- At the Town Quay in Barking, there is a 17<sup>th</sup> Century timber framed old granary building. There has been considerable work undertaken to renovate the area with the River Roding being dredged and the water level kept to a controlled level by putting a new tidal barrier in place.
- At Eastbrookend, off Dagenham Road, the Council has created a Country Park and built a new visitors centre with the aid of the Millennium Commission. Opened in 1997, the building is a permanent exhibition of ecological principles as well as housing educational displays. The Council is intending to expand the Country Park into the Beam Valley to create a “green corridor” through the Borough.
- The Borough has 16 major parks and open spaces which cover no less than 280 hectares.

Within the Category of Significant Harm the DETR Circular 02/2000 identifies Scheduled Ancient Monuments as one of the receptors that could be subject to harm. In the case of Scheduled Ancient Monuments (SAM's), substantial damage (i.e. harm) is regarded as any damage that significantly impairs the historic, architectural, tradition, artistic or archaeological interest by reason of which the monument was scheduled. English Heritage have commented that Barking Abbey is included on the list of SAM's and this should be noted within the Strategy even if it not anticipated that contamination affects the site.

Consultation should be carried out with English Heritage's Greater London Archaeology Advisory Service (GLAAS) where contamination issues are identified on or in an unscheduled archaeological site and where remediation is necessary.

## **2.8 – Key Water resource/Protection Issues**

One of the major issues in dealing with contaminated land is the protection of controlled waters. This includes the River's Thames, Roding and Beam, which make up 3 of the Boroughs four boundaries. The proximity of these main rivers and the potential for contaminated land to impact on them will form a major part of the Councils Strategy.

Essex and Suffolk Water supply the Borough's drinking water. They do not have any reservoirs in the Borough but have one groundwater pumping station just outside the Borough's Boundary in Havering. (TQ 508842).

In addition Thames Water Utilities have a groundwater pumping Station located in Barking. (TQ 437842).

Both are within Source Protection Zones for which modelling has been done by the Environment Agency. It is worth remembering that these abstractions are taken from the Chalk and there is significant protection afforded by the overlying London Clay.

The Borough has one active Private Water Supply. The borehole located at Dairy Crest Dairies in Selinas Lane, Dagenham supplies water for cleaning operations in the dairy. It is sampled and analysed on a yearly basis by Officers in the Environmental Protection Team as required under the Private Water Supply Regulations 1991.

## **2.9 – Known information on land contamination in the Borough**

The Council has, over the past 10 years, accumulated a significant amount of information on land contamination in the Borough. This has mainly been via the Planning Process. If a development is proposed on an area of land where there is the potential for contaminated land to exist a Condition has been attached requiring the developer to undertake a site investigation.

In addition, large scale site investigations has been commissioned for major regeneration projects such as the Barking Reach development, the regeneration of the River Roding corridor, the Dagenham Dock and Freshwater Industrial Estates, the Channel Tunnel Rail Link, the realignment of the A13, the construction of the Choats Road, the Barking Northern Relief Road and the Eastbrookend Country Park development. In addition our Engineering Department has commissioned many site investigations throughout the past 10 years or so for road and infrastructure projects.

The Council's Unitary Development Plan (UDP) - Strategic Policy L states: The Council will seek to prevent land becoming derelict, to avoid the contamination of land, noise pollution, water and air pollution and to encourage recycling.

As a result of these investigations remediation work have been undertaken to ensure that the contamination does not pose a risk to receptors. However, in light of the new legislation the Council will need to assess all this historic information and critically evaluate it as part of its Risk Assessment process. This is to ensure that no significant pollution linkages remain for current or planned future uses.

## **2.10 – Geological Characteristics**

Information published by the British Geological Society in Sheet 257 – “Romford” (1:50,000 series) shows that the majority of the Borough is directly underlain by the various river terraces of the Thames and Roding, including the Flood Plain Gravel, Taplow Gravel and Boyn Hill Gravel. Brickearth is shown overlying these deposits in some areas. River terrace deposits are shown to be scanty and discontinuous towards the north of the Borough (around Little Heath, Chadwell Heath and Mark’s Gate) and much of this area is directly underlain by the solid geology of the Eocene: London Clay.

Younger (Holocene) Alluvium directly underlies the Borough on lower ground, next to major rivers, in particular the River Roding and River Beam. A more extensive cover of alluvium occurs to the south of the Borough, along the River Thames.

In most cases the geology of the Borough consists of the following:

- Made ground
- Alluvium (clay and silt, with some peat)
- Thames gravel’s.
- London Clay – which varies in thickness across the Borough.

Four types of rocks compose the solid geology of the Borough. These are:

- London Clay
- Woolwich and Reading Beds
- Thanet sands and
- Chalk.

Extensive gravel extraction has, and continues to occur, in the Borough. Where gravel winnings have been undertaken many of the gravel’s pits have been infilled with waste. These make up the majority of the Boroughs landfill sites. However in some cases the gravel pits have not been infilled and now make attractive water features, such as those found at Eastbrookend Country Park.

Soil type is an important influence on landuse, vegetation cover and, in terms of geomorphology, the sediment delivery within the Borough. The soil type of the Borough is such that they are dominated by clay based soils. These include well drained and slowly

permeable calcareous clayey soils and associated brown earth. The clayey soils make for waterlogged soils but there is a small risk of water erosion due to the dominance of clay soil.

**Note:** A CDROM has been provided by the EA. This includes information on the Hydrogeology of the area. This information will be loaded on the GIS system when it comes “live.” (Geological information is available from the British Geological Survey (BGS).

## **2.11 – Hydrogeological Characteristics**

Three of the four Borough boundaries are watercourses. To the East is the River Roding, to the West is the River Beam and to the South is the River Thames. These are classified as Main rivers. In addition to this the Borough has some further main rivers such as the Rivers Mayesbrook, Goresbrook and Wantz.

Information supplied by the EA shows that the General Water Quality for the River Roding is “D”, as is the River Beam, with the River Thames a Class “B”. It is most likely that river quality will be impacted by the catchment upstream of the Borough – a difficult area to assess in terms of polluter’s etc. The Environment agency’s data broadly divides rivers into “reaches” which are not based on borough boundaries. In addition the Groundwater Quality Assessment (GQA) uses three basic parameters (dissolved oxygen, ammoniacal nitrogen and biological oxygen demand) over a rolling three year period.

The National Rivers Authority (now the Environment Agency) Groundwater Vulnerability Maps provides the information on the water beneath the land in the Borough. It shows that the Borough has no Major aquifers’ within its boundary. The area is designated as “Minor aquifer” or “non-aquifer”.

As mentioned previously the Borough has 2 Source Protection Zones. These will require further detailed work as part of the Desktop study and Risk Assessment to assess any potential impacts from contaminated land on them.

In addition water contamination has no boundaries. It may well be that pollution in other Boroughs may impact on our groundwater and watercourses as it flows downstream. This will have to be assessed and documented within the Strategy.

## **2.12 – Redevelopment history and controls**

The Planning process does, and still will have, a vital role to play in the identification and clean up of contaminated land in the Borough.

As mentioned previously the Borough has a long history of industrial use. This has been reflected through the planning process. When new applications are received for redevelopment, Planning Conditions or Section 106 agreements provide legally-binding mechanisms to ensure that risks from contamination are effectively addressed at the expense of the landowner or developer.

It is anticipated that a revised PPG23 (Planning Policy Guidance): *Planning and Pollution Control* will be issued soon which will take into account the relationship between Part IIA and planning powers. However until then PPG 23 remains valid.

Pressure to release land for redevelopment in this area has meant that Officers from the Planning, Engineering, Building Control and Environmental Health Departments have been working together for many years to ensure that land is “suitable for use” once it has received planning permission for redevelopment. Where housing is planned Officers ensure that the remediation schemes proposed to deal with any anticipated or unexpected contamination are dealt with effectively.

### **2.13 – Action undertaken to deal with land contamination**

The remediation of contaminated land is an ongoing requirement to deal with unacceptable risk. Planning conditions or Section 106 agreements tie in developers to ensure that contaminated land is dealt with according to current best practice.

An example of an engineered, robust remediation strategy is that currently in operation is that for the Barking Reach development.

Barking Reach is a flagship regeneration project situated to the South of the Borough fronting the River Thames. The landowners Bellway Homes, the Council and the London Development Agency (formally English Partnerships) are actively redeveloping over 600 acres (242 hectares) of brownfield land for eventual housing and commercial use.

Due to its industrial usage there is widespread contamination from PFA (pulverised Fuel Ash) from three former Power Station’s, as well as asbestos and heavy metal contamination.



The remediation strategy consists of the following:

- Imported clean fill material is placed on top of the existing land.
- A Geotextile membrane is then placed on top of this fill.
- A Capillary Break Layer consisting of a suitable granular material is then laid on top of this. This acts as a passive venting layer for any gas that may be present.
- On top of this a further Geotextile membrane is laid.
- On top of this clean imported fill material is then placed.
- Finally topsoil is laid.
- All the services feeding the development are laid in the clean imported fill material to ensure no cross contamination occurs.
- External Environmental consultants undertake regular audits of the clean imported fill material. Both the Environmental Health Department and the Councils Senior Clerk of Works undertake site visits on a regular basis.

As well as the Barking Reach development, the Council has undertaken remediation schemes on the Harts Lane Estate in Barking. It is currently working with developers, and the LDA, on further regeneration projects in the Borough in which contaminated land will play a major part in the redevelopment of these sites.

## **Chapter 3 – The Council’s Strategy: Overall Aims**

“Chapter 1 – Introduction” identified the Council’s seven Key Priorities. They are:

- Raising Pride in the Borough
- Better Education and Learning For All
- Regenerating the Local Economy
- Promoting Equal Opportunities and Celebrating Diversity
- Making Barking and Dagenham Cleaner, Greener and Safer
- Improving Health, Housing and Social Care
- Developing Rights and Responsibilities with the Local Community.

The issue of contaminated land and how it could impact on the community of Barking and Dagenham will fall within several of the above Priorities. It is therefore vital that any Contaminated Land Strategy takes into account other Council Strategies and initiatives both current and planned so that all issues are covered.

### **3.1 – The Council’s Aims, Objectives and Targets**

The issue of contaminated land in the Borough will have an impact on several key Council Strategies. These include the following:

- Heart of the Thames Gateway – including the regeneration of Dagenham Dock and the MasterPlan review of Barking Reach.
- East Thames Side Partnership
- The UDP Review
- The Housing Strategy
- The Councils Asset Management Plan
- The Regeneration Strategy for Barking and Dagenham.

The above issues are discussed in more detail below:

### **3.1.1 - Heart of the Thames Gateway**

#### **Barking Reach**

Barking Reach is within the Thames Gateway as defined by Regional Policy Guidance (RPG) 9a - The Thames Gateway Planning Framework. Draft RPG9 - Planning Guidance for the Southeast, identifies the Thames Gateway as a regional and national priority for regeneration and growth. RPG9a seeks a new standard of development for the Thames Gateway Area. It sets out a range of Planning Framework Principles that should be applied in this area, this includes creating vibrant and sustainable communities, relating transport with land-use, bringing life back to the river and adhering to a new environmental standard. Specifically for Barking reach it recommends the promotion of walking and cycling and improvements to public transport and for the provision of employment opportunities to keep pace with building of homes.

In recent years that has been a range of new planning guidance - including the Urban Task Force report "Towards an Urban Renaissance" and the revised version of PPG3 - Housing. They state the government's new objectives that "new housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life." This has implications for the development of Barking Reach with particular focus on the recently reviewed PPG3.

The strong focus on using design and layout to achieve an urban renaissance does argue against inflexible planning and highway standards. Whilst the guidance encourages flexibility in terms of layout, density and parking standards it does not seek to do so at the cost of residential amenity. The guidance also recognises that flexibility is required more in areas with good public transport and where certain categories of people live.

In terms of housing mix the guidance strongly backs decisions being made on the basis of local needs assessments and encourages mixed or balanced communities. It also seeks mixed-uses to add vitality to an area and reduce the need to travel.

The guidance gives strong backing to the provision of public transport, pedestrian and cyclist routes, local services and facilities, "green" residential environments and high quality design. It also gives strong support for the development of brownfield sites. All

these factors are crucial issues in the MasterPlan revision process giving Barking Reach the opportunity to create an environment strongly in tune with planning policy and best practice guidance.

Recent planning policy guidance gives the Council strong backing in the MasterPlan revision process with the majority of the Council's objectives being encouraged in the guidance. Similarly the wide range of recent good practice guidance gives the Council lots and suggestions to input into the MasterPlan process.

In summary recent planning policy gives a strong steer to the development of Barking Reach with a strong emphasis on the creation of a well designed attractive residential environment with good accessibility for non-car transport modes and local services and facilities.

## **Dagenham Dock**

Dagenham Dock is an under-utilised industrial area of approximately 133.2 hectares. Dagenham Dock is bounded to the south by the River Thames and to the north by the London Tilbury Southend railway line. To the west lies the Barking Reach Residential development site. To the east of Dagenham Dock is the Ford Motor Company, which is the largest single private employer in the Borough.

Historically the majority of the site was used as dock hinterland. In the early 1980's the sites wharf facilities were sold, mainly to aggregate companies. Much of the remaining dock hinterland was sold and such subsequently changed hands several times. Apart from the aggregate operators and several large companies, the site remains a much under-used and under-developed industrial area with poor internal infrastructure. The area currently has a poor image that deters quality investment by both existing users and potential developers.

Dagenham Dock is situated within Thames Gateway. The Thames Gateway has been recognised since 1993 by central Government as representing London's main opportunity for growth. In the past, the area has suffered from dereliction and decline that has led to passive development expectations, low business confidence and poor quality investments.

The Thames Gateway Task force established in 1993, endeavours to co-ordinate Government Policy and local regeneration activities. As part of this initiative the Thames Gateway Planning Framework was published in June 1995. This forms a supplement to Strategic Planning Guidance for the Southeast. The main aims of this framework are:

- To improve economic performance
- To maximise the opportunities for new economic activity or jobs created by improving transport connections to Europe.
- To work with the market; building on existing economic and community strengths as well as attracting new investment and new residents.
- To encourage a sustainable pattern of development optimising use of existing and proposed infrastructure and of the many vacant, derelict and under-used sites.
- To protect and where necessary improve the environment, encouraging the highest quality design, layout and appearance of new developments.

In response to this framework, the Thames Gateway London Partnership was formed. This forum promotes action to drive forward the economic, social and environmental regeneration of the region. The redevelopment's of Barking Reach and Dagenham Dock are key development initiatives within the Thames Gateway area. Further, a joint investment strategy has been produced between the Council, the London Borough of Havering and the London Development Agency. The strategy sets a context for LDA funding, as it regards the riverside areas of Barking and Dagenham as important investment opportunities. The Dagenham Dock area is now ripe for investment and development.

Within this strategic framework, the London Borough of Barking and Dagenham as part of its regeneration initiatives, has striven to foster the regeneration of vacant and underused land to the south of the A13. Activity here has been directed at three key areas. The first are is the development of Barking Reach, which is located to the west of Dagenham Dock. Barking Reach is a Flagship Project within the Thames Gateway that aims to transform 312.4 hectares of under-utilised and derelict land on the Thames river front into a thriving residential, business and leisure environment. It anticipates the creation of around 4500 residential units for approximately 12,000 – 15,000 people within the next 15 years. The second area of activity is the regeneration of DD, to instigate redevelopment and provide high quality employment opportunities. The third is the A13 Artscape Project, which is a public art programmed designed to transform the A13 and its immediate environment and to raise the profile of the arts in the Borough.

In 1992, an Environmental Assessment was prepared by Environmental Resources Limited on the nature of ground contamination in Barking Reach. Dagenham Dock was included in the study area. The results identified areas of unspecified fill and pockets of exposed waste throughout the Dagenham Dock site. These areas related to the sites former uses as sewage works, coal and oil storage and metal processing. The report also indicated that vacant areas in Dagenham Dock have been extensively fly tipped with demolition, construction, industrial and commercial wastes. As a result, the surface layers of the site are of inconsistent quality throughout the area. The land will require remediation depending on proposed end uses.

### **3.1.2 - The East Thames Side Partnership**

In order to redevelop Dagenham Dock and meet the aims of similar projects in the area in a manner that is complementary to the Thames Gateway Planning Framework, the East Thames Side Partnership was formed. The Partnership acts as a local strategic co-ordinating group to secure the economic and environmental transformation of this critical part of the Thames Gateway.

The East Thames Side area comprises the extensive commercial and industrial area along the north bank of the Thames, between Docklands and the Greater London boundary south of the A13. The Partnership consists of the three local authorities, (Newham, Barking and Dagenham and Havering), major private sector interests in the area, the voluntary sector and other agencies including the London East Training and Enterprise Council. The overall aim of the Partnership is to advance the development and regeneration of East Thames Side in a way which is imaginative, coherent and sustainable, and which fulfils its strategic role in the economy of London and the Thames Gateway. Funding was sought for various projects under the auspices of this Partnership, which culminated in a successful bid for £13.5m of funds from Round One of the Single Regeneration Budget Challenge Fund (SRB) in 1995.

£4.65m of SRB funding was allocated to the Dagenham Dock area as part of the £13.5m SRB Round One Bid. This is currently being used to improve infrastructure and instigate development. The lifetime of this SRB project is 1995 – 2001. It is expected that the development potential of the areas will be fully realised when the new link road called Choats Manor Way, from Dagenham Dock to the realigned A13 is completed, as advance works to the construction of the Channel Tunnel Rail Link (CTRL). The implementation of this link road ahead of the CTRL construction now looks very positive following negotiations with appropriate agencies. It is anticipated that construction will start in July 2000 and the road will be completed by December 2001. Other projects within the area are aimed at securing new job opportunities for Borough residents and general environmental

improvements. It is expected that the Dagenham Dock Industrial Area will become a major recipient of inward investment and employment for the Borough.

The development of Dagenham Dock will be influenced by existing and future regeneration projects in the wider area. In particular, at the time of writing, announcements are imminent on a number of bids made under SRB Round 5. Of particular note is a bid centred on the Ford Motor Company. This is aimed at providing a major boost to manufacturing industry to East London, with the creation of large manufacturing and training facilities. In addition, announcements are expected shortly on revised boundaries for ERDF Objective two status and Assisted Areas status under Regional Selective assistance. Each will have major development and funding implications for DD. The Council will work closely with any local, regional and international agencies that are committed to the future of the area.

### **3.1.3 - Unitary Development Plan (UDP) Review**

From deciding whether a house extension can go ahead to the best location for a new residential development the Council deals with a wide range of planning issues. To decide on these issues fairly, taking into account all the views expressed by individual as well as Statutory Consultees the Council has agreed decision making policies laid down in its Unitary Development Plan (UDP). The UDP was agreed in 1995 and sets out how the council wants the areas in the Borough to look in the future, including policies for deciding planning applications and earmarking sites for development. Because things change so fast the UDP is currently being reviewed.

Environmental protection and the issue of contaminated land is already highlighted in the UDP. Existing Policy G28 already covers issues relating to contaminated land, but this needs to be changed in light of the new requirements under Part IIA of the Environmental Protection Act.

Planning and contaminated land issues go hand in hand and this Strategy reflects this. Regeneration and the remediation of contaminated land are key strategic objectives for the Council. The UDP review will link all this together into a cohesive, robust planning framework for the Borough.

### **3.1.4 - Housing Strategy**

The Housing Strategy is a key corporate policy document, setting out the objectives and targets for housing within the Borough. It is designed to cover a 3-5 year period, and incorporates policies for meeting housing need, improving the condition of existing housing and increasing the availability and choice of housing as well as the delivery of housing services. Future housing needs will almost certainly require the utilisation of remediated land. It is obvious, therefore, that any Contaminated Land Strategy should fit in with the Council's Housing Strategy.

### **3.1.5 - Asset Management Plan**

The Asset Management Plan is a platform, which all future planning, provision, maintenance and management of Council owned assets will be based. It takes the form of a database and it is noted that the DETR is keen to encourage integrated data management for the efficient recording of all Council owned assets. A full Asset Management Plan is required to be submitted to the DETR in the Summer of 2001. It involves the development of a systematic approach to the management of assets to ensure that their utilisation is optimised in terms of service benefit and financial return.

It is anticipated that the corporate GIS will act as the hub for all future needs. The DETR also wants all local authorities to use a Unique Property Reference Number (UPRN) for each property in the country.

Information sharing on Council owned land that may have been subject to past contaminative uses should be undertaken and documented on both the AMP and Contaminated Land databases.

### **3.1.6 - The Regeneration Strategy for Barking and Dagenham**

The primary objective of the Strategy is to improve the wealth and prosperity of residents in the borough while promoting social cohesion and making Barking and Dagenham a more pleasant place to live and work.

The Strategy aims to:



- Develop a strong and diverse local economy, which benefits local people and which is a major driving force in the regeneration of the Thames Gateway.
- To improve access to employment and training for Barking and Dagenham's residents to enable them to access better jobs within the borough and in the wider London area.
- To create a physical, social and cultural environment where people want to live, work and visit which will retain and attract aspiring residents.
- To improve the physical environment and quality of life for residents and moving towards a more environmentally sustainable future for Barking and Dagenham.

### **3.2 – Contaminated Land Strategy - Overall Aims, Objectives and Targets**

The investigation of contaminated land is a complex issue, often involving costly site investigations, remediation and Officer time. Each site must be assessed on its own merit, as each site is "unique" in terms of its industrial use, topography, hydrogeology etc.

In order to assess Contaminated land the Council has set out seven priorities for dealing with it. They are as follows:

- To protect human health
- To protect controlled waters
- To protect ecosystems
- To protect property
- To prevent any further contamination of land
- To encourage voluntary remediation
- To encourage the remediation of brownfield land both with landowners and external agencies/bodies.

The Objectives and Targets to meet the above are shown below:

<b>Objectives</b>	<b>Targets</b>
<ul style="list-style-type: none"> <li>• Set up a Steering Group and Working party to prepare and implement the Strategy and to identify resources required.</li> <li>• Consult with Statutory and non – Statutory bodies as well as internal consultation. (Draft Consultation.)</li> <li>• Publish a Contaminated land Strategy.</li> </ul>	<p>September 2000.</p> <p>February – May 2001.</p> <p>July 2001.</p>

### 3.3 – Work programme.

Section 3.2 sets out some very specific Aims, Objectives and Targets. In order to meet these a planned/staged programme of work is required; which is set out below:

<b>Work required</b>	<b>Target</b>
<ul style="list-style-type: none"> <li>• Review and document all current and historical information held within the Council for the identification of contaminated land.</li> <li>• Identify land that could be contaminated by means of a DeskTop Study.</li> <li>• Prioritise those sites thought to be posing a risk to human health, water, the environment and structures by carrying out Risk Assessments and Site investigations utilising the “suitable for use approach”. Liaison with EA with regards to the above and for any sites designated as “Special.”</li> <li>• Inspect land thought to be Statutorily contaminated.</li> </ul>	<p>Started December 2000 for collation into one central location by September 2001.</p> <p>Start September 2001 – until March 2002.</p> <p>Start prioritisation by April 2002.</p> <p>To be completed by December 2006.</p> <p>Ongoing as part of the Planning Process or by using powers contained in Part IIA.</p>

<ul style="list-style-type: none"> <li>• Ensure that a consistent approach is implemented which reflects the Councils role both as a regulator and a holder of land.</li> <li>• Set up a Corporate database to record all data on contaminated land and to set up a "Register" of contaminated land.</li> <li>• To secure with others the remediation of contaminated to bring it back into appropriate use without recourse to legal action, and also to prevent the future contamination of land.</li> <li>• Set up procedures for the implementation of Legal Notices for liability and remediation of Contaminated Land.</li> </ul>	<p>Ongoing through Property Services and the Steering Group and Working Party. Review and document all Council owned land during the DeskTop Study.</p> <p>Purchase GIS ArcView and NetCen applications for the management of contaminated land data. GIS application to be in place by June/July 2001.</p> <p>Ongoing – as part of the Planning Process.</p> <p>Establish "Best practice" for remediation techniques through the implementation of a Working Party by October 2001.</p> <p>Draft Notices completed by December 2000. Liability issues to be in place by March 2001.</p>
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The above tables describe a series on Objectives, Milestones and Priorities. These are discussed in detail below:

- **Set up Steering Group and Working Party to prepare Contaminated Land Strategy. (September 2000.)**

In order to prepare the Contaminated Land Strategy a Steering Group and Working Party have been set up to fully evaluate the requirements for dealing with contaminated land. They consist of Officers from the following Departments:

- Housing and Health Department – Both Environmental Protection and Housing Officers.
- Leisure and Environment Services – Planners, Building Control, and Engineers.
- Chief Executives Department – Legal and Property Services.

- Finance Department.

Each Department has provided information and advice on the formulation of the Contaminated Land Strategy. Their detailed involvement is documented in Chapter 4 - Procedures

- **Publish a Draft Consultation Strategy. (February – May 2001.)**

A Draft Consultation Strategy has been drawn up in accordance with DETR technical guidance. This Strategy will be communicated to all Chief Officers in the Council, elected Members, the Environment Agency and Statutory and non-Statutory bodies.

Consultation plays a vital role in any Strategy. It should identify any omissions in the Strategy as well as providing vital information on contaminated land that may be missed during any theoretical search. Anecdotal evidence can play a vital role in the identification of contaminated land. A Communication Strategy has been developed which is detailed in Chapter 5.

- **Publish a Final Contaminated Land Strategy. (July 2001.)**

Following on from the consultation mechanism the Strategy will be amended to take into account any views/objections/observations etc. The final document will be submitted to the DETR and copied to the Environment Agency by July 2001.

- **Review of current and historical information. (December 2000 – September 2001.)**

The Council has built up a wealth of knowledge on contaminated land in the Borough, mainly through the Planning Process and major infrastructure and regeneration initiatives. This information is currently held in a variety of formats and in various locations/departments. In order to fully evaluate this information a scoping exercise has been done to assess what information is held and by whom.

As a result of this exercise it is planned to catalogue and hold all this information centrally until it can be incorporated onto a database.

- **Site prioritisation. (September 2001 – March 2002.)**

It is vital that a consistent approach is undertaken when prioritising land thought to be contaminated. Officers on the Working Party have drawn up a list of areas/sites potentially deemed to be the most contaminated by virtue of substances in, on or under the land. These sites will be assessed first, by undertaking a detailed DeskTop Study. This will then be expanded for the whole Borough.

- **Risk Assessments. (April 2002 – December 2006.)**

Once the DeskTop Study has been completed detailed Risk Assessments to determine whether the land is contaminated will need to be undertaken. This will take into account the “suitable for use” approach.

In order to undertake this work the Council will need to take into account current and soon to be published scientific data. This new set of guidelines – the Contaminated Land Exposure Assessment or CLEA guidelines are expected from the DETR shortly.

However until these are published reference will be made to existing data such as the DOE’s (now DETR) CLR Report No 6 – “Prioritisation and Categorisation Procedures for Sites which may be Contaminated.”

CLR 6 describes four Priority Categories (PC’s):

**Priority Category 1** – Site likely not to be suitable for present use and environmental setting. Contaminants probably or certainly present and very likely to have an unacceptable impact on key targets. Urgent assessment action needed in the short term.

**Priority Category 2** – Site may not be suitable for present use and environmental setting. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Assessment action needed in the medium term.

**Priority Category 3** – Site considered suitable for present use and environmental setting. Contaminants may be present but unlikely to have an unacceptable impact on key targets. Assessment action unlikely to be needed whilst the site remains in present use or otherwise remains undisturbed.

**Priority Category 4** – Site considered suitable for present use and environmental setting. Contaminants may be present but very unlikely to have an unacceptable impact on key targets. No assessment action needed while site remains in present use or undisturbed.

The scoring process in CLR 6 will be used to complete a Contaminant – Receptor - Pathway (CRP) assessment to identify which Priority Category a site may fall into. Site information will reveal potential contaminants and/or sensitive receptors, but the CRP assessment will only take place where both contaminant and receptor are present.

To assist the prioritisation procedure a scoring system has been devised as follows:

- Likelihood of contaminants on the site:
  - 1 - most unlikely
  - 5 - good chance
  - 10 - known to be present.
  
- Existence of receptors within area of influence:
  - 1 - most unlikely
  - 5 - good chance
  - 10 - known to exist.
  
- Likelihood of impact of contaminants or receptors (pathway)
  - 1 - most unlikely
  - 5 - good chance
  - 10 - certain.

This preliminary process is known as a CRP (Contaminant – Receptor – Pathway) assessment. Initial trawls may identify sites where either particular contaminants are likely or known to exist, or sensitive receptors are known to exist. No assessment should be undertaken unless both are suspected or confirmed. The following table shows a scoring matrix showing the relationship between the CRP and Priority Category.

<b>CRP Score</b>	<b>PC</b>
<b>26 – 30</b>	<b>1</b>
<b>21 – 25</b>	<b>2</b>
<b>16 – 20</b>	<b>3</b>
<b>10 – 15</b>	<b>4</b>

In addition to CLR 6, other publications will be referred to in the evaluation of sites. These are:

- ICRCL (Inter Departmental Committee on the Redevelopment of Contaminated Land) Guidelines,
- the Dutch Intervention Guidelines and other technical information.
- DETR CLR 11 – Handbook of model procedures for the management of contaminated land,
- Environment Agency – Methodology for the derivation of remedial targets for soil and groundwater to protect water resources,
- Environment Agency R&D Publication 66 – Guidance for the Safe Development of Housing on Land Affected by Contamination;
- Special Waste Guidelines (Special Waste regulation 1996)

(Also See Chapter 4 – Procedures.)

(See Appendix B for an example of a detailed Risk Assessment.)

- **Inspect land thought to be Statutorily contaminated. (Ongoing).**

The Council has proactively inspected and monitored contaminated land for many years in order to protect both human health, and the general environment. This has led to extensive remediation schemes throughout the Borough. However as a result of the works planned to identify contaminated land in the Borough other sites may come to light that could be contaminated.

If land is suspected of being a risk to human health, Controlled Waters or the general environment the Council will undertake all necessary works to ensure that the land does not pose a risk.

Where land is suspected of posing unacceptable risks to human health the Council will use the services of the Consultant in Communicable Disease Control (CCDC) part of Barking and Havering Health Authority for specific advice on toxicological issues. If necessary the Council will also use Environmental Consultants who specialise in toxicological Risk Assessments to provide advice.

- **Site Remediation**

Where it is established that a site is “statutorily contaminated” remediation action must be taken. This may first be through informal agreement with the land owner(s) or by way of service of Remediation Notices. In either case a Remediation Strategy must be agreed with the Council.

Action will be taken as soon as the Council is aware that a site is presenting a significant risk to a specified receptor. It is likely that enforcement action will occur at any stage of this process as it is unable to predict as and when such sites will become apparent. However, the early stages of the programme will identify the higher risk sites and thus it can be anticipated that the first stage of the programme may result in more sites requiring statutory action. Site remediation may thus occur, either under the enforcement of the Strategy or through the redevelopment of land under the Town and Country Planning Acts. In either case, remediation of the land will be dictated by a risk-based approach in accordance with current Government advice and scientific knowledge and advice from the Environment Agency.

- **Consistent approach to the identification of contaminated land.**

In carrying out its inspection duty under the new legislation, the Council will have to take a strategic approach to the identification of land which merits detailed individual inspection. This approach 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 Council is most likely to identify contaminated land; and
- ensure that the Local Authority identifies requirements for the detailed inspection of particular areas of land.

This approach will apply to both Council owned (both current and previously owned) land. (See Chapter 4 – Procedures.)

- **Set up Corporate database. (April/May 2001 complete by December 2006.)**

The Council has over the years amassed a great deal of information on contaminated land in the Borough. Most of this information is held on paper. In order to ensure a consistent approach to data handling, it is proposed to incorporate all future, current and historical information into a database. This will be a Corporate database which can be accessed by all Departments who have any interest in contaminated land.

In January 2001 the Council approved a new Corporate GIS (Geographical Information System) ESRI ArcView. It is proposed to use this GIS to datacapture all information on contaminated land held within the Council.

Further information will have to be purchased in order to fully evaluate the land within the Borough. This will include historical OS maps, Landmark information, Hydrogeological and geological information.

As part of their Statutory function the EA must provide information to Local Authorities. This information has already started to be disseminated. It includes information on water quality, waste management licenses, Hydrogeological information. This data will be incorporated onto the GIS.

In order to produce accurate information on contaminated land it is proposed to purchase a contaminated land model. The preferred option is “GroundView”. This model has been developed to identify areas of land which could pose a threat to health and the environment because of contamination either from historical or current use. The model can then help prioritise these areas in

order to plan further investigation and subsequent remediation is a systematic way. The methodology follows the *Source – Pathway – Target* approach recommended by the DETR.

All the above information and data/models can be incorporated onto a GIS as “layers”. This allows the database to be built to fully identify all potential sources of contamination and their risks to human health etc. Obviously, the more information the Council has, the better placed it will be to determine whether land in the Borough meets the Statutory definition of Contaminated land.

The EA in conjunction with the British Geological Survey (BGS) has produced detailed guidance on the use of digital environmental data which the Council will have regard to once the databases are formulated.

The database will incorporate the “Register” for contaminated land. (See Chapter 4 – Procedures.)

- **Remediation of contaminated land. (Ongoing.)**

Where land is found to be contaminated the legislation requires that the land be cleaned up or remediated. There are several categories of remediation specified. It includes “Urgent” remediation where there is an imminent danger of serious harm or serious pollution of controlled waters. The Council will need to keep this requirement under review when assessing land in the Borough.

The Council also has to consider “Appropriate Remediation”. This includes both Phased remediation and Agreed remediation. An example of phased remediation will be one where remediation of contaminated land would be done over a period of time. For example tackling an area of particular heavy contamination first on a large site. Agreed remediation is where remediation should proceed by voluntary agreement rather than using enforcement action.

Once detailed information is obtained for land in the Borough the Council will consider the appropriate level of remediation that will be required depending on the current and future use of the land.

It is proposed to establish “Best Practice” to ensure that remediation strategies are robust. An Officer working party – led by the Councils Civil Engineering Section – will establish good practice for remediation requirements. (October 2001.)

It is acknowledged that the clean up of contaminated land is a timely and costly exercise. The Council is mindful of “hardship”, in that some owners of land within the Borough will not have the funds to pay for costly site investigations or remediation of their land. Each site will have to be assessed, as and when, detailed information comes to light.

- **Legal liability for contaminated land. (Ongoing.)**

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

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

These procedures are complex and cumbersome. The process commences with the establishment of liability groups. All appropriate persons for any one linkage are a, “liability group”. These may be Class “A” or Class “B” persons.

- Appropriate Persons – Class A – These are, generally speaking the polluters, but also include persons who “knowingly permit”. This includes developers who leave contamination on a site which subsequently results in the being land declared contaminated.
- Appropriate Persons – Class B – Where no Class A persons can be found liability reverts to the owner or occupier. These are Class B persons.

The Council will make all reasonable enquiries to identify Class A persons before liability reverts to owner-occupiers.

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

Generally speaking the members of a liability group will have the total costs falling on the group as a whole apportioned between them. It may also be necessary to apportion costs between liability groups. There are three basic principles which apply to exclusion and apportionment tests:

- i) The financial circumstances of those concerned have no relevance.
- ii) The Council must consult persons affected to obtain information (on a reasonable basis having regard to the cost). If someone is seeking to establish an exclusion, or influence an apportionment to their benefit, then the burden of providing the Council supporting information lies with them.
- iii) Where there are agreements between appropriate persons the local authority has to give effect to these arrangements.

There are six tests specified to identify Class A groups who should be excluded from liability. These will be applied in sequence and separately for each pollutant linkage. The exclusion of Class B persons is much less complex, the single test merely excludes those who do not have an interest in the capital value of the land. Tenants are therefore excluded.

Where the Council has apportioned the costs of each remediation action, and before serving a Remediation Notice, it will have to consider whether any of those liable may not be able to afford it. If, after taking into consideration the statutory guidance it decides that one or more of the parties could not, it will not serve a Remediation Notice on any of the parties. The Council will instead, consider carrying out the work itself and produce and publish a Remediation Statement.

Before Remediation Notices are served the extensive consultation process will be completed and ample encouragement given to arrive at an informal solution. Remediation Notices are served only as a last resort (not withstanding urgent cases), and then only after this lengthy consultation process has been exhausted. Notices will be authorised after two tests are satisfied:

- That the remediation actions will not be carried out otherwise.
- That the Council has no powers to carry out the works itself.

If these are met the Council will serve a Remediation Notice on each appropriate person. It cannot be served less than 3 months after formal notification that the land is contaminated unless urgent action is deemed necessary.

The Council will specify what remediation measures are required to be carried out in the Notice. These will be both appropriate and cost effective employing what the statutory guidance terms “best practicable techniques”. The aim of the remediation will be to ensure that the land is no longer contaminated, taking the shortest and lowest cost route. This means in most cases attention will be focussed on the Pathway, rather than the Contaminant or Receptor.

Before the council can serve a Remediation Notice it will first have to determine whether it has the power to carry out any of the remediation itself. There are five specified circumstances where this may be the case:

- i) Where URGENT action is required. (See below)
- ii) Where no appropriate person can be found.
- iii) Where one or more appropriate persons are excluded (on grounds of hardship.)
- iv) Where the council has made an agreement with the appropriate person(s) that it should carry out the remediation.
- v) In default of a Remediation Notice.

Urgent Action must be authorised where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises. In appropriate cases the Council will seek to recover costs of remediation works it has completed.

It should be noted that there will be instances where the Local Authority has the power to carry out remediation itself where the Council is the Appropriate Person. Also the Environment Agency is the enforcing authority in the case of Special Sites.

A number of Notices and Contaminated Land Precedents have been produced which can be found in Appendix C.

## **Chapter 4 – Procedures**

Procedures have been drawn up, following consultation with Officers making up the Steering Group and Working Party, to manage contaminated land within the Borough. They are described below:

### **4.1 – Internal management arrangements for inspection and identification.**

#### **- 4.1.1 – Identification of land.**

The Council will take a systematic and logical approach to deal with contaminated land. Using current and historical information, sites within the Borough will be prioritised based on “Risk.” The Council will follow detailed Guidance issued by the Department of the Environment (DOE – now DETR) in its “Prioritisation and Categorisation Procedure for Sites which may be Contaminated” – CLR Report No 6. (“CLR6”) and CIRIA Report C552 - 2001 "Contaminated land risk Assessment" - A Guide to Good Practice.

CLR 6 advocates a staged approach to the identification of land. The approach is simple but systematic in deciding which priority to give to action on a site which may be contaminated. This staged approach is based on the following:

- Detailed Desk Top Study
- Site specific Risk Assessments
- Site investigation
- Development of a remedial strategy.

Other publications that should be used in conjunction with CLR 6 to fully evaluate the condition of land in the Borough are:

- DETR – CLR 11 – Handbook of Model Procedures for the management of Contaminated Land.
- DOE – Industry Profiles.
- EA – The Policy and Practice for the Protection of Groundwater (1998).

- EA – Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources.
- Various ICRCL Publications.
- EA/SNIFFER – Communicating Understanding of Contaminated Land Risks.
- EPP Publications – A review of full Scale Technologies for the Remediation of Contaminated Soil.
- Building Research Establishment (BRE) – Construction of new buildings on gas-contaminated land.
- Stanger Science – Contaminated Land Guidance and Risk Assessment.
- CIEH – Desk Reference Guide to potentially Contaminative Land Uses.
- DOE – CLR 3 – Documentary Research on Industrial Sites.
- DOE – CLR 1 – A Framework for assessing the impact of Contaminated land on Groundwater and Surface Water.
- BRE – Measurement of gas emissions from contaminated land.
- Institute of Petroleum – Code of Practice for the Investigation and Mitigation of Possible Petroleum-Based Land Contamination.
- BS110175:2001 – Investigation of Potentially Contaminated Land Sites – Code of Practice.

The procedures described above will be used to build up a profile of contaminated land in the Borough and if will be used to supplement the GroundView model once loaded onto the Corporate GIS.

**Key Staff:**

Caroline Storer – Housing and Health Department.  
Peter Estcourt – LES – Civil Engineers.

**- 4.1.2 – Responsibilities and Timescales.**

In order to undertake the above, it is anticipated that various Departments will have key roles to play. This should be supported by achievable timescales.

The Council has set out its arrangements and timescales as follows:

- **Undertaking Desk Top Study**

Officers in the Housing and Health Department and the Engineering Section will undertake this work. This work will commence in October 2001 and take approximately 6 months. It will involve the review and documentation of all current and historical information held within the Council. Officers will report to the Steering Group and Working Party.

**Key Staff:**

Caroline Storer – Housing and Health Department  
Peter Estcourt – LES – Civil Engineers.

The compilation of the DeskTop Study will be systematic and involved; using information from a variety of sources such as those detailed below:

Source	Specific information	Use



1. Historic maps	Old OS maps as well as new digital maps to be imported onto GIS.	To identify sources
2. Geological maps	From BGS 1:50,000 solid and drift geology maps.	To provide information on geological characteristics for potential pathways.
3. Hydrogeological information.	Provided by the EA.	To identify receptors – controlled waters.
4. Source Protection Zones	Provided by the EA	To identify receptors – controlled waters.
5. Environmental Health Records	Information on site investigations carried out as well as complaints, investigations and Authorised Processes.	To identify known information on contamination.
6. Engineers/Planners and Building Control	These Departments hold detailed information on development in the area.	To identify known information on contamination.
7. Unitary Development Plan (UDP)	Gives information on current and proposed land use in the Borough. (Currently being revised.)	To identify receptors.
8. Integrated Pollution Control Register	Information held on a public register about authorised industrial processes within the Borough.	To identify sources of contamination and “Special Sites.”

9. Waste Management Licences.	EA has a public register of sites licensed for waste management activities.	To identify sources of contamination.
10. Register of closed landfill sites.	Held by the EA and LA.	To identify sources of contamination.
11. Local Archives/museums.	Historical information.	Identify sources of information.

In September 2000 the Environment Agency provided a CD-ROM which contains information of IPC and RAS sites, licensed waste management sites and some closed landfills. This information will also be loaded onto the Corporate GIS.

- **Site Prioritisation**

Once the DeskTop Study has been completed it should be apparent which sites should be prioritised first based on "Risk." Again CLR 6 details how this should be done. The timescale for this work to be completed is 5 years. This work should have regard to any Strategic Regeneration initiatives that are current or planned for example the Barking Reach development.

This work will be co-ordinated by the Housing and Health and Civil Engineering Sections. Specific information from the Planning and Chief Executives Departments will be required on any regeneration/planning issues that may bring forward sites for prioritisation purposes.

**Key staff:**

Caroline Storer – Housing and Health Department  
Peter Estcourt – LES – Civil Engineers.  
Jeremy Grint – Chief Executives Department – Head of Strategic Regeneration  
Tim Johnson – LES – UDP/Thames Gateway  
Chris Howl/Bernadette McGuigan – LES – Urban Regeneration

- **Procedures for site investigation**

Where land is thought to be contaminated, a site investigation should be undertaken to determine what contamination is present. Where a Planning Application is made for a development a Condition or Section 106 Agreement should be incorporated. Where land is already developed then site investigations should be recommended to prevent recourse to legal action – such as the service of a Remediation Notice.

Site investigations need to be thorough and adequate. A detailed site investigation will look at issues such as current and past historical use, ground conditions, water quality and gas issues.

In most cases site investigations are carried out by Environmental Consultants with adequate Public Indemnity Insurance, who will follow guidance from a variety of sources such as the DETR, ICRCCL and CIRIA.

Site investigations will be subject to Council “Standing Orders.” As such the following requirements will have to be followed:

- Form of agreement
- Conditions of Contract
- Standard Specification
- Site Specific Specification
- Bill of Quantities.

The ICE Conditions of Contract for Ground Investigation will be incorporated.

It should be noted that the Council already has several Environmental Consultancies on its selected list of contractors. It is envisaged that this list will be expanded if necessary and/or required.

The DETR has produced technical guidance for local authorities on site investigations.

The Council will have regard to this guidance when undertaking site investigations which is detailed below:

- Site Characterisation Strategies for Contaminated Land – Characterising Site Soils.
- Site Characterisation Strategies for Contaminated Land – Groundwater Sampling and Characterisation.
- Characterisation of Gas Affected Land – Strategies for Investigation.

**Key staff:**

Caroline Storer – Housing and Health Department

Peter Estcourt – LES – Civil Engineers.

Tim Lewis – LES – Town Planning

Bob Weaver – LES – Building Control.

- **Remediation**

At the present time once contaminated land is identified – usually as a result of a site investigations done via the Planning process – the engineers/environmental consultants acting for the developer normally prepare a remediation scheme.

In order to establish Best Practice an Officer Working Group – led by the Civil Engineering Section – will be set up to monitor remediation schemes and decontamination works. This is targeted for October 2001.

**Key Staff:**

Peter Estcourt – LES – Civil Engineers

Caroline Storer – Housing and Health Department

Bob Truman – Building Control.

- **Legal issues**

Legal issues in relation to contaminated land will be complex to qualify and quantify. The Councils' Legal Section will be responsible for identifying who are "Appropriate persons" for a particular area of land. Where land is deemed to be Statutorily contaminated then the Legal Section will have to give advice on the most appropriate course of action.

The Housing and Health Department has produced an Enforcement Policy detailing the principles and practices that the Council will apply when deciding what enforcement action is to be taken. This is documented in Appendix D.

As a result of the new contaminated land legislation a new Local Land Charges form, the "CON29", has been produced by the Law Society to address the issue of Contaminated land. The Councils Land Charges Section will need to have access to information held on the GIS to answer any enquiries.

The Corporate GIS system will allow access to designated users to gain information on land within the Borough.

**Key Staff:**

Brian Jones – Chief Executives Department – Head of Property Law and Conveyancing.

Chief Executives Department – Head of Land and Property Information.

Jennie Duffy – Housing and Health Department – Head of Health and Consumer Services Department.

- **Contaminated Land "Register".**

As part of the new Part IIA legislation the Council is duty bound to set up a "Register". The information required to be held on the Register is as follows:

- Remediation Notices – served by the enforcing Authority.
- Remediation Declarations – recording any remediation actions that were ruled out.

- Remediation Statements – usually voluntary remediation action or remediation being carried out the Council itself.
- Other environmental controls – detailing action under powers, such as waste management controls or the new integrated pollution prevention and control regime.
- Appeals against Remediation Notices and appeals decisions.
- Appeals against charging Notices – where the Council is seeking to recover the costs of remediation they have carried out.
- Designation as a “Special Site” – where the EA rather than the Council acts as the enforcing Authority. (The EA is required to keep its own Register as well.)
- Notifications of claimed remediation – voluntary details supplied by the person and what they claim to have done by way of remediation, whether voluntary or not.
- Convictions under Part IIA – covering offences of not complying with a Remediation Notice.
- EA site specific guidance – guidance given to the Council where the EA sees a particular need.

The Register will be custom built and added to the GroundView package. It will enable other Departments – such as the Land and Property Section – to access it as well as other interested parties. The Register will be a public open document. However there are provisions for exclusion from the register on the grounds of **national security** or **commercial confidentiality**.

**Key Staff:**

Caroline Storer – Housing and Health Department.  
 Chief Executives - Land and Property Information Section.  
 Brian Jones – Chief Executives – Head of Property Law.  
 Duncan Blackie – Chief Executives – Valuation and Development.

**4.2 – Considering Local Authority interests in land.**

As detailed in Chapter 2.4 the Council has extensive landholdings in the Borough. The identification of Council owned land will follow the principles and procedures for all land within the Borough. As a result of the DeskTop Study a thorough picture of

potentially contaminated land will be available after six months. This screening exercise will highlight any land that is owned by the Council.

As part of the Site Prioritisation procedure, internal arrangements will have to be made to find who in the Council bears responsibility for the land. At the present time there are various Stakeholders – for example Housing and Health, Property Services, Social Services, Education etc.

A notification procedure will be formulated using GIS and the “GroundView” model. The procedure will document the following:

- The land in question – Name/Address/ TQ Grid Reference.
- Who is the owner of the land – i.e. which Department.
- What type of contamination is present (if any).
- What Risk it poses and to whom (if any).
- What further works should be done, and by when. For example site investigations etc.
- What remediation (if any) is proposed.

In all situations the Council will be open and transparent.

Land will also be included where we currently have on-going monitoring works in progress.

**Key staff:**

Brian Jones – Chief Executives – Land and Property Information Section.

Duncan Blackie – Chief Executives – Valuation and Development.

Caroline Storer – Housing and Health.

Peter Estcourt – LES – Civil Engineers.

**4.3 – Information collection**

It is expected that the DeskTop study will produce a lot of detailed information. Most of it will be in a paper form. This information will need to be handled and stored so that it can be inputted onto the GIS. It is vital that all Departments in the Council are able to share data to ensure a consistency of approach.

A screening exercise was carried out in December 2000 to establish what environmental data is available throughout the Council. The result of this exercise showed that the Council has a lot of historical information – much of it duplicated – throughout the Council. As a result of this it is proposed to archive all information into one central library. This will make data capture easier for eventual inclusion onto the GIS system.

The EA guidance – “Some guidance on the use of digital environmental data” will be used to establish best practice.

**Key staff:**

Caroline Storer – Housing and Health Department

Peter Estcourt – LES – Civil Engineers.  
Environmental Consultants.

**4.4 – Information management**

As mentioned previously the Council's aim for dealing with the information found relating to contaminated land is to develop a fully integrated Corporate GIS system.

In principle, this type of data management means that it will make it easier to evaluate ground conditions within the Borough as well as facilitate transmission of information to outside bodies such as the EA.

It is expected that the general benefits of using GIS are as follows:

- Provides a digital system for systematic data entry and storage; providing quality control. GIS is a highly efficient way of storing huge amounts of data.



- Provides integrated data layers for easier management; different layers of information can be superimposed simultaneously for a given area.
- GIS can be addressed linked to bring up a whole series of different databases.
- GIS can be customised for automatic report generation.
- GIS offers an accessible system for answering enquires from other Departments.
- GIS is useful when interpreting compiled data e.g. the spatial relationships between land use and any soil contamination present can be explored making the identification of pollution linkages easier.
- GIS provides a sound basis for site Risk Assessments. Other models can be “bolted” on and customised.
- GIS can provide overall cost savings for the Council by having a more efficient management of environmental information.

The Council has purchased ArcView for its Corporate GIS. This will be used for contaminated land data handling. It is anticipated that ArcView will be up and running by October 2001. Data input can then begin as part of the DeskTop Study.

Specific advice from the EA on digital environmental data will be used to ensure that all information is handled correctly.

### **Key staff:**

Chief Executives – Land and Property Information  
 Caroline Storer - Housing and Health Department  
 Peter Estcourt – LES – Civil Engineers.  
 Environmental Consultants.

## **4.5 – Complaints and voluntary information about contaminated land.**

The Council may expect, from time to time, to receive a complaint regarding contaminated land from a member of the public, business or community group. The procedures to be adopted are as follows:

### **4.5.1 – Complaints**

The Housing and Health Department has a set procedure for investigating complaints. All complaints are logged onto a FLARE database. Complaints are allocated to the appropriate Officer to deal with. Initial responses to complaints are made within two working days.

The Officer will then contact the client within this time to gain information and to visit if necessary. Full details can be kept on the database of all actions undertaken by the Officer.

It is proposed to keep this system to deal with contaminated land inquiries.

Every effort will be made to resolve complaints quickly and efficiently. However the new regime does present a number of obstacles to speedy resolution of some problems. They are:

- (a) Proof of a viable pollutant linkage before any formal designation, as contaminated land is required – which might only be possible with detailed investigation.
- (b) Prior consultation with interested parties before designation as contaminated land.
- (c) A minimum of a three month period between designation and serving of a Remediation Notice.
- (d) The requirement for the enforcing authority to make every effort to identify the original polluter of the land (or Class A person.)

The regulation allow conditions (b) and (c) to be waived in extreme cases, but not conditions (a) and (d).

If a person or organisation provides information relating to contaminated land that is not directly affecting their own health, the health of their families or their property, this will not be treated as a complaint. However the information will be recorded on the FLARE database and may be acted upon.

**Key Officers:**

Caroline Storer - Housing and Health Department

#### **4.5.2 – Confidentiality**

All complaints are treated as confidential. The only circumstances in which information may be made public would be in the case of a Remediation Notice being appealed in a court of law and an adverse effect on the complainant's health was an important reason for the original contaminated land designation.

All complainants must supply their names and addresses, as the Department does not normally deal with anonymous complaints. This may be waived in exceptional circumstances.

#### **Key staff:**

Caroline Storer - Housing and Health Department

#### **4.5.3 – Anecdotal evidence**

Any anecdotal evidence provided to the Council relating to contaminated land will be noted, but no designation of contaminated land will occur without following the principles outlined in Chapter 4.1.1.

#### **Key staff:**

Caroline Storer - Housing and Health Department

#### **4.6 – Risk Assessment**

Risk Assessment is systematic approach for estimating the probability that site specific hazards are realised. The risk assessment approach recognises that the consequences of soil contamination depends upon many site-specific factors.

Risk Assessments have been described as consisting of four main components:

- Hazard identification
- Hazard Assessment - assessing the degree of hazard through consideration of plausible hazard – pathway - receptor scenarios.
- Risk estimation – estimating the likelihood that an adverse effect will result from exposure to the hazard and the nature of the effect.
- Risk evaluation - where a decision is made regarding the significance of the risk and the measures to be taken in order to reduce the risk to an acceptable level.

The Council will have to undertake detailed Risk Assessments once specific data becomes available. Table 4.6 shows a schematic approach to managing contaminated land and will form the basis for Risk Assessment procedures.

The Council will have regard to CLR 6 – Prioritisation and categorisation procedures for sites which may be contaminated: CLR11 – Handbook of Model Procedures for the Management of Contaminated Land. Also CIRIA Report C552 - 2001 "Contaminated land Risk Assessment" - A Guide to Good Practice will be used.

A new set of guidelines – the Contaminated Land Exposure Assessment or CLEA guidelines – are expected from the DETR shortly. Until these are available the Council will continue to evaluate all information against current guidelines such as the ICRCCL guidelines.

**Key staff:**

Caroline Storer - Housing and Health Department

Peter Estcourt - LES - Engineers

External Environmental Consultancies specialising in Risk Assessment.

**4.6.1 – Risk assessment for other substances**

Risk Assessments may also be required for substances not covered by ICRCL or CLEA guidelines. In these cases, reference will be made to other specific guidance such as:

- Drinking water standards.
- Environmental Quality Standards (EQS) used in river/surface water assessments.
- Dutch Intervention Values.
- US Environmental Protection Agency data.
- Health and Safety Executive – Occupational Exposure levels.
- World Health Organisation guidelines.

#### **4.6.2 – Risk Assessment for Controlled Waters**

The role of the EA is vital for the accurate assessment of risk from substances entering Controlled waters.

Specific advice laid down in the “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources” will be followed. In addition the Water Supply (Water Quality) Regulations 2000 will also be used to assess drinking water quality if necessary.

The Council will notify the EA and all water undertakers (including the Drinking Water Inspectorate) if pollution of controlled waters is being, or is likely to be caused – especially if pollution could impact on a water source.

#### **Key staff:**

Caroline Storer - Housing and Health Department

Peter Estcourt – LES – Civil Engineers.

Essex and Suffolk Water Company

Thames Water Utilities.

Environment Agency.

## **4.7 – Interaction with other Regulatory Regimes**

There are other regulatory actions that can be taken to deal with the contamination of land. Overlaps with Planning, Building Control, water pollution and IPPC legislation are considered the most important.

### **4.7.1 – Planning**

The vast majority of contaminated land issues come to light as part of the Planning process. Conditions and Section 106 agreements address the problem and the introduction of Part IIA will undoubtedly lead to the problems of additional sites being found. It is anticipated that the redevelopment of brownfield sites, and the associated planning controls, will remain the primary mechanism for dealing with contaminated land. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part IIA.

#### **Key officers:**

Tim Lewis – LES – Town Planning

Caroline Storer - Housing and Health Department.

### **4.7.2 – Water Pollution**

For historic contamination where controlled waters are polluted, the Part II regime should be used where there are significant soil sources remaining. Other legislation, including the Water Resources Act 1991 and the Groundwater regulations 1998 should be used where there is ongoing pollution within controlled waters and where there is no significant soil sources remaining on site.

Consultation with the EA will be vital before the Council designates contaminated land as being a risk to controlled waters.

**Key staff:**

Caroline Storer - Housing and Health Department

Peter Estcourt – LES – Civil Engineers  
Environment Agency.

**4.7.3 – Integrated Pollution Prevention and Control (IPPC)**

Under new legislation to regulate pollution from industrial processes, site operators are required to undertake a site condition survey prior to receiving a licence to operate. If the site condition is such that areas of land meet the definition of contaminated land, then submission of a site survey may trigger action under Part IIA. Existing process will be brought under this legislation in stages over the next seven years, although it will apply to any new processes or any substantial change to an existing process.

Any premises subject to IPPC controls will be entered onto the GIS database and will be assessed during the DeskTop Study and Risk Assessment process.

**Key staff:**

Robert Williams - Housing and Health Department  
Environment Agency.

**4.8 – Other key players**

As well as the Local Authority and Environment Agency having the main role to play in dealing with contaminated land there are several other key players. They are:

- **The Government**

The Government is determined to limit the unnecessary development of Greenfield land, and has in particular set a target for 60% of new housing to be built on previously developed land. Various initiatives aimed at achieving the objective of increasing the recycling of land are outlined in *Planning for Communities of the Future*.

The Urban Task Force, chaired by Lord Rogers of Riverside, in its report - Towards an Urban Renaissance - has made further proposals for action. The Government has responded to these recommendations in its new Urban White Paper. The White Paper focuses on two different challenges:

- To achieve economic and social renewal in declining areas to reclaim land, restore economic and social renewal and;
- To provide for sustainable economic and social renewal in areas which are expanding but which may have land shortages.

- **Regional Development Agencies (RDA's)**

These Agencies were formally launched in eight English regions on 1<sup>st</sup> April 1999. The ninth, in London, (The London Development Agency) was established on 3<sup>rd</sup> July 2000. Their aim is to co-ordinate regional economic development and regeneration and:

- To promote business efficiency, investment and competitiveness
- To promote employment
- To enhance development and application of skills relevant to employment
- To contribute to sustainable development.

The LDA published a Draft Economic Strategy for London in December 2000. Following public consultation on the draft, the LDA expects to publish the final version in May 2001. The Agency will be working with key London organisations such as the London Boroughs, businesses, voluntary groups, regeneration partnerships and training institutions to deliver the Mayor's economic development strategy. It is already managing various funding programmes and carrying out regeneration projects where it owns land.



- **The Development Industry**

The Development Industry has a vital part to play in the process of urban regeneration. Many developers will have land-banked sites which may have contamination problems or share brownfield characteristics. The Government is clearly expecting Developers to work together with Local Authorities to implement the new regime and to help improve environments through proper planning.

## Chapter 5 – Liaison and Communication

The systematic identification of land throughout the Borough will be complex and time consuming. A detailed DeskTop study followed by a Risk Assessment approach will take up to five years to complete.

In order to fully document and assess the land in the Borough it is vital that communication at ALL levels is undertaken. This requires effective collaboration and liaison with other bodies.

The Council understands that sensitive land contamination issues requires skills in listening, and knowing how to listen, and to be seen to listen, act and respond appropriately. It is vital to the whole process that the most effective communication is a two way process that respects the views of all participants.

### 5.1 – Statutory Consultees

The Guidance specifies a number of Statutory Consultees. They are:

- Environment Agency
- English Nature
- English Heritage
- Minister of Agriculture, Fisheries and Food
- Food Standards Agency
- London Development Agency
- Greater London Authority.

The Strategy will be communicated to them, and any comments and observations noted. Changes to the Strategy will be made if required.

The initial consultation with the EA will be made through their Hatfield offices in Hertfordshire. The contact names there are Mr Alistair Norton or Ms Nicola Ingrey.

See Appendix E for full list.

## 5.2 – Non-statutory consultees

There is great scope for members of the public, businesses and voluntary organisations to have an important role in identifying and dealing with potentially contaminated land in the Borough.

For example, consultation has been an on-going process for the last five years with the Barking Reach development as it has generated a lot of local interest and debate.

It is proposed to set up an effective communication strategy to deal with the issue of contaminated land in the Borough. The following table is a summary of the communication processes planned. It shows how the Council will communicate the Strategy and any further works that follow on from it.

Type of communication	<i>Advantages</i>	<i>Disadvantages</i>	<i>Notes</i>
<b>Steering Group and Working Party</b>	Liaison with all Council Departments to disseminate best practice and achieve consistency throughout the Council	Views and priorities may differ.	Already set up and formulating Policy.
<b>Focus Groups</b>	Opportunity to learn about concerns and “test the water.”  Works best with select target audience. Consider setting up Groups from various backgrounds e.g. local businesses etc.	Interested parties may need to be selected carefully to ensure they are representative.  Response can be shaped by questions asked.	Need to conduct at least 2 focus groups to have confidence in the output.  Need to use a skilled facilitator.
<b>Media</b>	Gets your message across	Proactive media	Always use Public

<p>Media briefing</p> <p>Telephone responses</p> <p>Press releases</p>	<p>to key journalists, and enables you to take control of the issue and establish yourself as a key information source.</p>	<p>management gives no guarantee of balanced coverage.</p> <p>Non-media stakeholders should not learn about an issue first in the media.</p>	<p>Relations Dept. to take professional advice.</p> <p>Never rely just on media briefings.</p> <p>Always engage with key stakeholders directly.</p>
<p><b>Open Day</b></p> <p>Allows interested parties to find out about issues and at their own pace.</p>	<p>Fosters small group and one-to-one discussions.</p> <p>Allows vivid presentation of issues and information.</p> <p>Builds credibility.</p>	<p>Potentially difficult to document public input.</p> <p>Staff intensive.</p>	<p>Be prepared for a crowd.</p> <p>Encourages people to comment.</p> <p>Provides feedback mechanisms.</p>
<p><i>Briefings</i></p> <p>Regular meetings to inform and learn reactions.</p>	<p>Control of information.</p> <p>Similar briefings can be re-used for different groups.</p>	<p>Some people may be hostile.</p> <p>Audience may feel unable to express views/concerns.</p>	<p>Simple, accessible information – not overly technical.</p> <p>Provide time/mechanisms for feedback and discussions.</p>
<p>Public Information material</p> <p>Factsheets</p> <p>Newsletters e.g. Monthly B&amp;D "Citizen."</p> <p>Brochures</p> <p>Briefing notes</p> <p>Display</p>	<p>Can reach target audience.</p> <p>Encourage written response if comment form is enclosed.</p>	<p>Only as effective as the mailing list.</p> <p>No guarantee that materials will be read.</p>	<p>Keep it simple, brief and accessible.</p> <p>Use visual material.</p> <p>Include a pre-paid envelope.</p> <p>Q&amp;A's work well.</p> <p>Could be left in libraries, schools or other public facilities for wider access.</p>
<p><i>Website</i></p>	<p>Has a broad approach.</p> <p>Interactive.</p> <p>Can hold a lot of information/visuals.</p>	<p>Potentially limited to a targeted audience.</p>	<p>Can use materials that are already prepared.</p> <p>Make sure it is kept up to date.</p> <p>Make sure somebody responds to e-mail</p>

			promptly.
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The following list details some of the non-statutory Consultees the Council will be sending a copy of the draft Strategy to for comment:

- London Boroughs of Newham, Redbridge and Havering.
- London Wildlife Trust
- Newham Heritage Service
- Port of London Authority
- Barking and Dagenham Chamber of Commerce
- Major industrial premises in the Borough.

(See Appendix E for full details.)

### **5.3 – Communicating with owners, occupiers and other interested parties.**

Under the powers conferred on the Council by the Part IIA legislation the Borough has extensive legal powers to deal with contamination.

However the Council's approach to its regulatory duties will be to seek voluntary action before taking enforcement action. This will be done by approaching land owners/occupiers to effect a satisfactory remediation of contaminated land. The regulations provide an incentive to undertake voluntary action. It should be noted that materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes.

This approach requires effective communication with owners, occupiers and other interested parties. The Council will – through the Steering Group and Working Party – be acting as a contact point within the authority on contaminated land issues. It will make sure that all interested parties are kept informed at each stage of any investigations; regardless of whether there is a formal designation of contaminated land or not.

### **5.4 – Designation of contaminated land.**

Where a parcel of land is designated as Statutorily contaminated then the following action will be undertaken:

- Write to the owner and/or the occupier of the land at least 5 working days prior to designation, explaining the reason for designation.
- Write to the owner and/or occupier explaining the land has been designated as contaminated land and seeking appropriate remediation without service of a Notice.
- If requested, despatch a copy of the written Risk Assessment to the owner/occupier of the land within 5 working days of receipt of a request.
- Write to the owner/occupier of neighbouring properties and/or the complainant within 5 working days of designation.

Formal notification of designation of Contaminated land are required to be forwarded to the Environment Agency.

### ***Serving a Remediation Notice***

- Provide a written Remediation Notice to the owner/occupier specifying action required.
- Write to the owner/occupier of neighbouring properties and/or the complainant within 5 working days of Notice being served.

Should an urgent designation of contaminated land be required, these steps will be observed as far as practicable although some deviation from the timescales may be required, subject to legal advice. (See Appendix C for Legal Notices and Precedents.)

### **5.5 – Powers of Entry**

Under Section 108(6) of the Environment Act, the Council has the following powers:

- Enter premises
- Take statements and samples
- Request copies of environmental reports.

If necessary the Council will use the above powers to fully evaluate the state of any land in the Borough in its investigations either as a result of the DeskTop study or the Risk Assessment mechanism. A designated Officer/s will be appointed under Section 108.

In addition the Council has powers to obtain information as to land ownership under the Local Government (Miscellaneous Provisions) Act 1976 Section 16.

### **5.6 – Enforcement Action**

As detailed previously in Chapter 4.1.2 and documented in Appendix D the Council has an enforcement concordat to ensure consistent, fair, and transparent practices are used when taking enforcement action. Contaminated land investigations will be carried out in accordance with this policy.

### **5.7 – Risk Communication**

The complex nature of contaminated land issues does not lend itself to easy explanation to the layperson. The Communication Strategy documented in 5.2 will hopefully enable an effective method of risk communication to all interested parties.

The regulations grant only limited powers to the Council to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their own home. It is critical to explain this can only be done where there is a risk of significant harm, and it is expected that some members of the public will have difficulty accepting this. The issue of “sustainable development” will also have a role to play in this as well.

### **5.8 – Provision of information to the Environment Agency**

The Environment Agency is required to prepare an Annual Report for the Secretary of State on the state of contaminated land in England and Wales. Their report will include:

- A summary of Local Authority inspection strategies, including progress against the strategy and its effectiveness.
- The amount of contaminated land and the nature of the contamination.

- Measures taken to remediate land.

As the Council is the lead regulator on contaminated land, with the EA regulating only some categories of sites, the EA's Annual Report will clearly be reliant on information provided by local authorities. A Memorandum of Understanding has been drawn up between the EA and the Local Government Association that describes how information will be exchanged between the Local Authority and the EA. The Council will therefore provide information to the EA (as it already does) following the guidelines agreed through this national forum.

The Council is also required to provide information to the EA whenever a site is designated as contaminated land, and whenever a Remediation Notice, statement or declaration is issued or agreed. The EA has provided standard forms allowing this information to be provided in a consistent format and the Council will adopt these to fulfil its reporting requirements. The "Register" will have these standard forms incorporated on to it.

## **5.9 – Data Handling and Access to Information**

The Council is required by law to produce this contaminated land strategy and to formally publish it by July 2001. Subsequently it must maintain a register of regulatory action taken under Part IIA, which must be made available for public inspection at all reasonable times. (See Chapter 4.1.2)

- **Environmental Information Regulations 1992**

Implementation of the Strategy will result in significant volumes of data, which will be held on computer databases and GIS as well as on paper. There is no statutory obligation to disclose this information, therefore the Council will comply with the requirements of the Environmental Information Regulations when dealing with requests for disclosure.

These Regulations require local authorities to make any environmental information they hold available upon request, subject to certain exemptions. These are complex but it would be likely that the Council will have to respond to requests for information on land it has identified as part of, for example, the inspection of the Borough.



Listed below are broadly the exemptions to the right of environmental information. In all circumstances where there is doubt the Councils Legal Department will be consulted:

- Where held for judicial purposes.
- Where disclosure would affect legal proceedings.
- Where disclosure would affect international relations, national defence or public security.
- Where disclosure would affect the confidentiality of deliberations by a relevant person, or the confidentiality of commercially sensitive matters.
- Where it would involve the supply of a document or record which is still in the course of completion.
- Where the information is not accessible.

“Information” for the purposes of the Regulations includes records, registers, reports, returns and information held on computer.

It has been suggested that information held as a result of the Council’s initial inspection of the Borough, could be classified as “a record which is in the course of completion”, for the purposes of the Regulations, and therefore not be disclosed. Whilst this interpretation is appealing, it should be understood that sites should not be so identified unless there are sound reasons, based on scientific judgement, that a pollutant linkage may exist. Also once the preliminary inspection of the Borough has commenced, each assessment about each and every site, could constitute a, “record” in itself.

More significantly, however, should a third party purchase land following a refusal on the part of this Council to supply information requested on its condition, and the Council had identified it at that stage as potentially contaminated land, that party may wish to seek a remedy against the Council should the site be subsequently declared as contaminated land and lose value as a result.

Requests for information will therefore be dealt with promptly and no later than 28 days after they are made. A minimum charge of £30.00 will be made for the supply of information in accordance with the Regulations. Where the Council must refuse a request for any of the reasons stated in the Regulations it will provide details of the reasons in writing at no cost to the applicant.

- **The Data Protection Act 1998**

The Data Protection Act applies to all personal data that is processed automatically, it does not apply to data processed manually. The Act seeks to give some protection to persons (known as data subjects) in respect of three potential dangers:

- The use of personal information that is inaccurate, incomplete or irrelevant.
- The possibility of access to personal information by unauthorised persons.
- The use of personal information in a context or for a purpose other than that for which the information is collected.

Personal data is defined as data consisting of information, which relates to a data subject who can be identified from the information, or from that and other information in the possession of the data user (the Council). Every individual member of the public can be considered a data subject, there is no age limit.

It should be noted that just about all information held on computers is considered as being “processed automatically”, for the purposes of the Act. Therefore should the Council be unsure of the legality of maintaining data on a computer it will keep a paper record only.

The implications of holding information relating to the condition of potentially polluted property, and the persons associated with that property and pollution, could be significant. The matter will therefore be considered in detail with the Councils Legal Department and System Development Officer.

## **Chapter 6 – Review Mechanisms**

The Strategy has outlined the general approach to be taken to inspect land in the Borough for contamination issues. This Chapter describe instances when inspections will occur outside this general inspection framework, circumstances where previous inspection decisions will be reviewed and measures to be taken to ensure the Strategy remains effective and up to date.

### **6.1 – Triggers for undertaking inspection**

It is recognised that there may be occasions where inspections may have to be carried out outside the general inspection framework listed in Chapters 3 and 4.

These “triggers” for undertaking non-routine inspections will be:

- Unplanned events – e.g. if a pollution incident occurs – such as a spillage.
- Introduction of new receptors – e.g. if housing is to be built on a potentially contaminated site.
- Supporting voluntary remediation – e.g. a potentially liable party wishing to undertake clean up before their land has been inspected by the Council. (This already occurs.)
- Identification of localised health effects which appear to relate to a particular area of land.
- Responding to information from on-going monitoring.
- Responding to information from other statutory bodies, owners, occupiers, or other interested parties.
- As a result of planning applications or regeneration initiatives.

Whilst the above may trigger non-routine inspections, if this Strategy is to prove effective, they must not be allowed to significantly interfere with the milestones and targets laid down in the general inspection framework. It may necessitate the buying in of specialist services – such as Environmental consultants – to help in this work.

It should be noted that the Environment Agency would look to use the Water Resources Act 1991 when dealing with pollution incidents.

## **6.2 – Triggers for reviewing inspection decisions**

In addition to the above there may be occasion where the findings of previous inspection decisions will have to be reviewed. This might be due to the following:

- Significant changes in legislation.
- Establishment of significant case law or other precedent.
- Revision of Guideline values for exposure assessment.
- Previous remediation schemes are now considered not robust enough.

These points could have major financial cost implications on previously remediated land and careful consideration by the Council will be required in reviewing areas of land in the Borough. It may require the buying in of both Environmental Consultants and Legal Representation.

In any case, all decisions will have to be made and recorded in a consistent manner that allows efficient review.

## **6.3 – Reviewing the Strategy**

It is vital that any Strategy the Council produces has mechanisms in place to undertake fundamental reviews from time to time.

All comments and observations received during the consultation stage, will if applicable, be fed into the final Strategy. The Councils Steering Group and Working Party will also review the Strategy and set timescales for review.

It is anticipated that the first fundamental review will take place after May 2001 once consultations/comments have been received. The next review will be five months into the DeskTop Study to see how that is progressing. Further reviews will then continue on a six monthly basis when the Risk Assessments are being carried out. The Steering Group will co-ordinate this and inform all Chief Officers and elected Members of progress.

Any problems will be able to be sorted out at these reviews.

#### **6.4 – Auditing**

The Council has prepared this Strategy internally without using Environmental Consultants. However to ensure that issues have been addressed fully, the Strategy has been given to Robert Halford Environmental Health Consultant for independent evaluation/auditing and comment.

## **GLOSSARY**

### **AONB**

### ***Area of Outstanding Natural Beauty***

#### **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.

#### **BSI**

British Standards Institution

#### **CLEA**

Contaminated Land Exposure Assessment – a methodology for carrying out a 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: a) significant harm is being caused or there is significant possibility of such harm being caused; or b) pollution of controlled waters is being, or is likely to be caused.

#### **Controlled Waters**

These include: a) inland waters, b) groundwater, c) terrestrial waters, d) coastal waters.

#### **DETR**

Department of the Environment, Transport and Regions

EA	The Environment Agency
GIS	Geographical Information System
ICRCL	Interdepartmental Committee on the Redevelopment of Contaminated Land.
Pathway	One or more routes by which a receptor can be exposed to a contaminant.
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 or 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	Generally accepted as being 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.
Risk Assessment	The study of a) the probability, or frequency, of a hazard occurring; and b) the magnitude of the consequences.
Source	A substance in, on or under the ground with the ability to cause harm.
Source Protection Zone	Protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted.
Special Site	Any contaminated designated due to the presence of: <ul style="list-style-type: none"> <li>• Waste acid tar lagoons</li> </ul>

- Oil refining
- Explosives
- Integrated pollution control sites
- Nuclear sites.

SSSI

Site of Special Scientific Interest.



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6. NSCA – Pollution Handbook 2000.
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9. DETR – Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources – R&D Publication 20 – 2000.
10. DETR – The Environment Act 1995 – HMSO 1995.

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12. DETR – Circular 02/2000 – Environmental Protection Act 1990: Part IIA – Contaminated Land – HMSO 2000.
13. LB Barking and Dagenham Unitary Development Plan.
14. DETR – CLR 11 – Handbook of Model Procedures for the Management of Contaminated Land.
15. DOE – Industry Profiles.
16. ICRCL Guidelines – Various.
17. EPP Publications – A review of full Scale Technologies for the Remediation of Contaminated Soil.
18. Building Research Establishment (BRE) – construction of new buildings on gas-contaminated land.
19. Stanger Science – Contaminated Land Guidance and Risk Assessment.
20. CIEH – Desk Reference Guide to Potentially Contaminative Land Uses.
21. DOE – CLR 3 – Documentary Research on Industrial Sites.
22. DOE – CLR 1 – A Framework for assessing the impact of Contaminated Land on Groundwater and Surface Water.
23. BRE – Measurement of Gas Emissions from Contaminated Land.

24. Institute of Petroleum – Code of Practice for the Investigation and Mitigation of Possible Petroleum Based Land Contamination.
25. BSI 10175:2001 – Investigation of Potentially Contaminated Land – Code of Practice.
26. EA – Policy and Practice for the Protection of Groundwater - 1998.
27. CIRIA Report C552 - 2001 "Contaminated land Risk Assessment" - A Guide to Good Practice.

## APPENDIX B

Area of potential concern (Source)	Chemical Contaminant	Potential Pathways to Receptor	Potential Receptor	Associated Hazard	Potential Consequence of Hazard Receptor Linkage	Likelihood of Hazard Receptor Linkage	Potential Significance (Risk)
Heavy Metals in the Made Ground.	Elevated concentrations of metals (when compared to ICRL guidelines)	Skin contact, inhalation, or ingestion.	Current occupiers – no change to site  Maintenance or redevelopment workers.  Site occupiers following redevelopment for commercial use.	Irritation, Toxicity	Moderate	Nil – most areas covered with buildings or concrete	Low
					Moderate	Possible	Moderate
					Moderate	Unlikely – most areas covered with buildings or concrete	Low
		Surface runoff	Surface water – Rivers	Pollution of Controlled waters	Mild – assume river quality is poor	Unlikely – leachate levels are low.	Low – flow volumes of leached material into river are likely to be low.
		Infiltration and leaching	Groundwater – both minor and major aquifers.	Pollution of Controlled Water	Mild – assume cont. Is present in the wider area.	Possible – although Alluvium at site will limit downward migration.	Low
		Via Soil	Plants	Phytotoxicity.	Moderate	Likely	Moderate

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**Worked Example - Environmental Risk Assessment – Assume that the area is near a Main River, the development is an old industrial park with many varied uses both past and present. Also area due for redevelopment as a large retail park – mostly concrete hardstanding. Previous Site investigations show no migration of contaminated groundwater into the nearby River.**

## APPENDIX C

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**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B(3)**  
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**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**

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**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78B(4)**

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**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.**

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

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### **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><b>If you are the owner of part of the Land please identify the extent of your ownership [on the attached plan].</b></p>	<p><b>Yes/No</b></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><b>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].</b></p>	<p><b>Yes/No</b></p>
<p>(C) Have you, or any company in which you have been a shareholder, director, company secretary or manger, been an owner of all or part of the Land at any time in the past?</p> <p><b>If “yes” please give the dates when you were the owner.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please give the dates when you were in occupation or were a tenant.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please provide details.</b></p>	<p><b>Yes/No</b></p>
<p>(F) Do you know the identity of the present or any former owners of all or part of the Land?</p>	<p><b>Yes/No</b></p>



<p><b>If “yes” please provide details.</b></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><b>If “yes” please provide details.</b></p>	<p><b>Yes/No</b></p>
<p>(H) Are you aware of the presence of any contaminating substances in, on or under the Land?</p> <p><b>If “yes” please provide details.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please give details.</b></p>	<p><b>Yes/No</b></p>
<p>(J) Are you aware of any investigations already carried out as to whether the Land is or may be contaminated?</p> <p><b>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.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please give details.</b></p>	<p><b>Yes/No</b></p>
<p>(M) Are you aware of any contractual agreement relating to responsibility for contamination present on the Land?</p> <p><b>If “yes” please give details.</b></p>	<p><b>Yes/No</b></p>
<p>(N) Are there any other matters you wish to draw to the attention of the Enforcing Authority?</p>	<p><b>Yes/No</b></p>

Please provide details.	
-------------------------	--

- 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 – 1<sup>st</sup> Floor  
15 Linton Road  
Barking  
Essex, IG11 8HE

-----

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

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### **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><b>If you are the owner of part of the Land please identify the extent of your ownership [on the attached plan].</b></p>	<p><b>Yes/No</b></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><b>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].</b></p>	<p><b>Yes/No</b></p>
<p>(N) Have you, or any company in which you have been a shareholder, director, company secretary or manger, been an owner of all or part of the Land at any time in the past?</p> <p><b>If “yes” please give the dates when you were the owner.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please give the dates when you were in occupation or were a tenant.</b></p>	<p><b>Yes/No</b></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><b>If “yes” please provide details.</b></p>	<p><b>Yes/No</b></p>
<p>(Q) Do you know the identity of the present or any former owners of all or part of the Land?</p>	<p><b>Yes/No</b></p>

<p><b>If “yes” please provide details.</b></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><b>Yes/No</b></p>
<p><b>If “yes” please provide details.</b></p> <p>(S) Are you aware of the presence of any contaminating substances in, on or under the Land?</p>	<p><b>Yes/No</b></p>
<p><b>If “yes” please provide details.</b></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><b>Yes/No</b></p>
<p><b>If “yes” please give details.</b></p> <p>(U) Are you aware of any investigations already carried out as to whether the Land is or may be contaminated?</p> <p><b>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.</b></p>	<p><b>Yes/No</b></p>
<p>(V) <b>what is the nature of the activities, which to your knowledge have been carried out on the Land?</b></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><b>Yes/No</b></p>
<p><b>If “yes” please give details.</b></p> <p>(P) Are you aware of any contractual agreement relating to responsibility for contamination present on the Land?</p>	<p><b>Yes/No</b></p>
<p><b>If “yes” please give details.</b></p> <p>(Q) Are there any other matters you wish to draw to the attention of the Enforcing Authority?</p>	<p><b>Yes/No</b></p>

Please provide details.	
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- 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 – 1<sup>st</sup> 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**

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**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78E(1)  
THE CONTAMINATED LAND (ENGLAND) REGULATIONS 2000**

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## **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***

1<sup>st</sup> 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)

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## 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)**

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**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

<b>Things that would have been specified</b>	<b>Reasons why they would have been specified.</b>

## APPENDIX 2

<b><i>Things that would have been specified</i></b>	<b>Grounds on which precluded from specifying each thing.</b>



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## ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78H(7)

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### REMEDIATION STATEMENT

1. This Statement is prepared by..... as the “responsible person” under Section 78H(9) 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

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





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## ***NOTICE OF APPEAL***

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**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



## **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**  
**1<sup>st</sup> 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  
1<sup>st</sup> Floor Roycraft House  
15 Linton Road  
Barking  
Essex, IG11 8HE**





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

**020 8227 5671**

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**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 78E(1)**  
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**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  
Officer.....  
Name of  
Officer.....

Authorised  
Authorised

**London Borough of Barking and Dagenham  
Housing and Health Department  
Enforcement Policy**

This document states the principles and practices that the Council will apply when deciding what enforcement action to take

**Enforcement Policy Statement**

***Our primary enforcement duty is to protect the public and the environment. At the same time we are committed to promoting a thriving national and local economy by carrying out our enforcement functions in an equitable, practical, transparent and consistent way***

**Scope of Enforcement Policy**

The Council enforces a wide range of legalisation and prosecutes offenders. This policy includes legislation in the following areas

- Food Safety
- Health and Safety at Work
- Fair Trading
- Consumer Safety
- Environmental Protection
- Licensing and Registration
- Public Health
- Housing

**Enforcement Principles**

- Standards

We will consult widely with relevant partners to draw up clear standards setting out the level of service and performance we expect to provide. We will publish these standards and our performance against them in our annual service plan report.

- **Openness**

We will publish information and advice about the rules that we apply. Where formal action is taken we will ensure that our reasons are clear and that any appeals procedures available are explained.

- **Helpfulness**

We will provide a courteous and efficient service. Our staff will identify themselves by name and provide a contact point and telephone number for further dealings with us. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

We believe that prevention is better than cure. We will advise on and assist with compliance and will work particularly actively with small and medium sized businesses.

- **Feedback about our services**

We will actively seek the views of those who receive our services about how we can improve.

We will provide well publicised, effective and timely complaints procedures that are easily accessible to business, the public, employees and consumer groups.

In cases where disputes cannot be resolved, we will explain any right of complaint or appeal, with details of the process and the likely time-scales involved.



- **Fairness and Risk**

We will minimise the cost of compliance by ensuring that any action we require is proportionate to the risks and seriousness of the breach.

As far as the law allows, we will take account of the circumstances and attitude of offenders when considering action. We will listen to the views of anyone who has been injured or suffered loss.

We will consult with enforcement authorities with special responsibility for the decision making base of a company (Home Authority) or the source of an offending product or service (Originating Authority).

We will take particular care to work with small businesses, voluntary and community organisations.

- **Consistency**

We will carry out our duties in a fair, equitable and consistent manner. We will promote consistency, and make effective arrangements for liaison with other authorities and enforcement bodies.

We will ensure our staff are properly trained and competent to take decisions about formal action in the field. We will monitor the outcomes of enforcement, audit the competence of our staff and run regular training. We will take formal action only where we are sure that it is consistent with this policy.

- **Targeting**

We will use risk assessment to target our resources and to prioritise our activities. Our response times and inspection intervals will be traceable to an assessment of risk and seriousness of offence.

## Enforcement Processes

Our enforcement will be based on four principles:

- **Education** - we will promote good practice, support training initiatives and provide advice at every opportunity.
- **Planned Inspection** - we will routinely inspect premises where we are the enforcement authority. Intervals between inspections and inspection priorities will be based on risk.
- **Responding to complaints and information** - we will prioritise our response to complaints and other notifications by an assessment of risk.
- **Projects** - We will monitor trends in enforcement and non-compliance and target initiatives at issues of significance.

## Enforcement Decisions

We have a number of enforcement options ranging from verbal advice on compliance through to prosecution. The following will be used to help us determine the correct level of action in any particular case:

- **How serious is the matter?**
  - ◇ Was there disregard for the law?
  - ◇ Was there significant economic advantage?
  - ◇ Has there been reckless disregard for safety?
  - ◇ Has there been serious injury, loss or public alarm?
  - ◇ Are there multiple offences?
  - ◇ Is the case connected with a major area of local concern?
- **What is the previous history?**
  - ◇ Is it a repeat offence?
  - ◇ Has previous advice on how to comply with the law been ignored?

- In the case of businesses new to the area, what steps have they taken to get information about compliance?
- Is the action proposed likely to be effective in preventing recurrence of the offence?
- Are there serious consequences resulting from a failure to comply with a legal requirement?

**Those who ignore advice on compliance will be subject to a higher level of action where it is available.**

## **Enforcement Options**

We will use the full range of enforcement options to achieve compliance. These options include

- **Informal action** - will be taken in the first instance where the matter is not serious, the past history shows no similar problems, there is no risk to health or of significant fraud and we have confidence that compliance will be achieved. Voluntary organisations will normally be dealt with at this level.

Advice from Officers will be put clearly and simply. It will be confirmed in writing, explaining why any remedial work is necessary and over what time-scale. We will make sure that legal requirements are clearly distinguished from best practice advice.

- **Notices Requiring Improvement** - These will be used where there are significant contraventions or risks to health.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference and agree time scales for compliance.

- **Notices Prohibiting Activities** - These will be used where the activity poses a significant risk to health or safety. Where the risk exists at the time of the action or is imminent we will immediately use powers available to seize or detain articles, equipment or food so as to effectively remove the risk.

Where Officers consider immediate notice action is necessary, they will give an explanation of why such action is needed at the time and confirm in writing in the notice served at that time. If requested, officers will provide further written explanation of their decision within 5 working days.

Where Officers serve an Emergency Prohibition Notice under the Food Safety Act 1990, they will also give immediate notice of an intention to apply to Barking Magistrates for an Emergency Prohibition Order. Copies of such orders and notices will be displayed at the premises to inform the public what action has been taken.

- **Formal Cautions** - these will be issued where there is clear evidence and acceptance of an offence by the offender. The purpose will be :
  - ◇ to deal quickly and simply with less serious offences;
  - ◇ to avoid unnecessary appearances in criminal courts; and
  - ◇ To reduce chances of re-offending.
- **Prosecution** - will be taken where there is possibility of securing a conviction and prosecution serves the public interest.

Factors to be considered in assessing the public interest are:

- ◇ The seriousness of the offence.
  - ◇ The cost and time involved in bringing the matter before the courts.
  - ◇ The age, circumstances or mental state of the offender.
  - ◇ The likelihood of them re-offending.
  - ◇ Whether there has been negligence and the possibility of avoiding offences.
  - ◇ The views of anyone aggrieved by the offence.
  - ◇ The length of time since the offence took place.
- We will always seek to recover the full economic costs of prosecuting offenders.

**Where other factors affect our decision to prosecute we will publish them. These gravity factors will be used to reflect changing trends in offences and priorities for the Council.**

## Gravity Factors

The following offences will normally warrant the highest level of formal action

- Obstruction of an Officer.
- Organised, premeditated and deliberate offences.
- Targeting of vulnerable groups.
- Failure to comply with formal notices served by the Council.
- Where Government or other public body guidance requires strict enforcement, for example:

- ◇ Non-compliance with the Food Safety (General Food Hygiene) Regulations 1995, Regulation 4(3), where a proprietor has failed to implement control of a serious food safety hazard.
- Where there has been a serious risk of danger to life or limb,
- Where there has been a fatality or serious injury.
- Where a particular contravention has caused serious public alarm.
- Where there has been substantial financial gain.

## Publicity

We recognise that publicising our successful prosecution cases will help to inform others about the consequences of failing to comply with legal requirements. We will issue press releases on all of our successful prosecution cases.

## Enforcement Procedures

We will publish procedures prescribing procedures that support this policy. Officers will be trained in the use of these procedures and will have authority to take enforcement actions traceable to them. Where enforcement results in a formal caution or prosecution, Officers will provide a copy of this policy and a justification for their action.

These procedures include, but are not restricted to, the following areas

- Prosecution
- Formal Caution
- Service of Notices
- Planned Inspections
- Complaint Handling
- Offence Investigation
- Disclosure and the Criminal Procedure and Investigation Act
- Interviewing of Witnesses and the Police and Criminal Evidence Act
- Public Relations and Customer Care
- The Council's Corporate Complaints Procedure

## Review

This policy will be reviewed to reflect changes in its source documents and controlling bodies.

We will review the success of this policy in supporting the Core Values and Objectives of the Council and make changes where and when required and consult with our partners about any changes that we make.

## Sources

This Policy is based on the following sources:

- Enforcement Concordat - Better Regulation Unit , March 98
- Good Enforcement Policy – Barking and Dagenham Health and Consumer Services Committee, 23.3.98

- Guidance on Food Safety Enforcement Policies - Local Authority Coordinating Body on Trading Standards and Food, February 1994
- Food Safety Hazard Analysis – Guidance on securing compliance with hazard analysis requirement. - Local Authority Coordinating Body on Trading Standards and Food, July 1997
- The Code for Crown Prosecutors - Crown Prosecution Service, June 1994
- Choice of Appropriate Enforcement Action - HELA, LAC L563, February 1994
- Enforcement Policy Statement - Health and Safety Commission, 1995
- Working with Business - A Code for Enforcement Agencies - Department of Trade and Industry
- Food Safety Act Codes of Practice
- Home Office Circular 18/1994 - Guidelines to all Chief Officers of Police on the Cautioning of Offenders

## Availability

Free copies of this policy and our published standards of service and performance are available from -

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

Fax: 020 8227 5798

Tel: Robin Payne - General Manager - Community and Environment  
020 8227 5698

E mail: [rpayne@barking-dagenham.gov.uk](mailto:rpayne@barking-dagenham.gov.uk)

## APPENDIX E

## **Statutory Consultees**

### **Department of the Environment, Transport and the Regions (DETR).**

Land Quality Team  
Marine, Land and Liability Division  
DETR  
3/B4 Ashdown House  
123 Victoria Street  
London SW1E 6DE

020 7844 5287

### **Environment Agency**

Mr A Norton  
Apollo Court  
2 Bishop Square Business Park  
St Albans Road West  
Hatfield  
Herts. AL10 9EX

01707 632300

## **Non- Statutory Consultees**

### **Ministry of Agriculture Fisheries and Food (MAFF)**

Room 142  
Nobel House  
17 Smith Street  
London  
SW1p 3JR

### **Food Standards Agency**

Dr Partick Miller  
Contaminants Division  
PO Box 31307  
Ergon House  
17 Smith Street  
London  
SW1p 2WG

### **English Nature**

Mr P Massini  
Ormond House  
26-27 Boswell Street  
London  
WC1N 3JZ



**English Nature**

Mr Ray Rogers  
23 Saville Row  
London  
020 7973 3000

**London Development Agency**

Ms Fiona Duncan  
58-60 St Katherine's Way  
London  
E1W 1JX  
020 7680 2050

**Greater London Authority**

Mr David Dash - Spatial development Strategy Officer  
Romney House  
43 Marsham Street  
London  
SW1P 3PY

**Barking and Dagenham Chamber of Commerce**

Roycraft House  
15 Linton Road  
Barking  
Essex, IG11 8HE

**London Wildlife Trust**

Harling House  
47-51 Great Suffolk Street  
London  
SE1 0BS

**The countryside Agency**

John Dower House  
Crescent Place  
Cheltenham  
Gloucester  
GL50 3RA

**Consultant in Communicable Disease Control (CCDC)**

Dr Glynis Double  
The Clockhouse  
East Street  
Barking  
Essex  
020 8591 9595

**London Boroughs of Newham, Redbridge and Havering**

**Newham Heritage Service**

Mr Tom McAllister  
Library and Museum Services  
Romford Road  
Manor Park  
E12 5JY

**Port of London Authority**

Mr James Trimmer  
Bakers Hall  
7 Harp Lane  
London  
E3R 6LB

020 7743 7900

**Thames Water Utilities**

Dr Peter Spillett  
Gainsborough House (RBH2)  
Manor Farm Road  
Reading  
Berks RG2 0JN

**Essex and Suffolk Water**

Mr Bob Dorrington  
Hall Street  
Chelmsford  
Essex

## **Internal Consultees**

### **Chief Executives Department**

Mr G Farrant - Chief Executive

Mr J Tatum - Borough Policy Officer

Mr P Field - Head of Health and Consumer Property Law

Mr Brian Jones - Head of Property Law and Conveyancing

Ms J MacLellan - Head of Land and Property Information

Mr D Blackie - Valuation and Development

Ms Melissa Hoskins - Public Relations

Mr J Grint - Manager ArtScape

### **Leisure and Environmental Services Department**

Mr J Knowles - Director of Leisure and Environmental Services Department

Mr Peter Adams - Head of Technical and Operational Services

Mr Peter Wright - Head of Planning and Development

Mr Peter Blanchard - Group Manager (Infrastructure)

Mr Jim Mack - Group Manager - Civil Engineering

Mr Peter Estcourt - Principal Engineer - Infrastructure

Mr Alan Wyman - Principal Engineer - Environmental

Mr Tim Lewis - Acting Manager - Development Control

Ms Bernadette McGuigan - Acting Manager - Development Project Group

Mr Tim Johnson - Development Project Group

Mr Chris Howl - Development Project Group

Mr Chris Sale - Development Project Group

Mr Doug Hann - Development Project Group

Mr Bob Weaver - Building Control

Mr Peter Parkin - Group Manager - Recreation and Parks Division

**Finance Department**

Mr R J Hillier - Director of Finance

Mr Terry Huff - Management Accountant

Mr L Russell - Management Accountant

Mrs Sue Burdon - Insurance Manager

**Housing and Health Department**

Mr D W Woods - Director of Housing and Health

Mr T Draper - Head of Housing Services

Ms Jennie Duffy - Head of Health and Consumer Services

Mr Robin Payne - General Manager - Community and Environment

Mr Colin Rigby - Management Accountant

Mr Rob Williams - Best Practitioner - Environmental Protection

**Education Department**

Mr Andy Carr - Assets Manager

Mr T Brown - Head of Library Resources

**Social Services Department**

Ms Julia Ross - Director of Social Services