

CONTAMINATED

LAND

STRATEGY

**UPDATED
JULY 2005**

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LONDON BOROUGH OF MERTON CONTAMINATED LAND STRATEGY

JULY 2005

EXECUTIVE SUMMARY

The Government's aim in introducing legislation to deal with contaminated land is to ensure that sites are fit for their end use and do not pose a serious risk to health or to the environment.

The public perception of what might be "contaminated land" is that of sites that have "contamination" of any sort, be it oil, gas or anything not naturally occurring on it. The Government have specifically defined contaminated land and laid down strict criteria that has to be met before land can be determined as "contaminated".

The general responsibility placed on every Council to cause their areas to be inspected for the presence of contaminated land could be far reaching, as much contamination is not visible or is unknown due to its historic nature. The scale of the problem in Merton will be assessed as a having regard to this strategy but it is envisaged that there are areas of the Borough that will contain potentially more former contaminative uses than others. The Borough has a high percentage of open spaces to the west. The majority of industrial use has predominantly been to the east.

The London Borough of Merton has in the past dealt with contamination issues largely through the development control regime. It is envisaged that the Council will continue to use these controls in the main to ensure sites are remediated so as to be fit for their end use.

The Council will assess all potentially contaminated land sites within the Borough in a strategic manner, based on a risk assessment technique. A database and register will be compiled and this will hold all the Council's information in relation to contaminated land issues both past and present. Close liaison between internal departments will be established and liaison with external bodies such as the Environment Agency, English Heritage and MAFF etc will be established to ensure sites are dealt with through effective consultation and communication.

Information related to contaminated land will be held on a public register which will be readily accessible to the public, internal departments and industry as well as interested parties.

INTRODUCTION

There are many sites throughout the UK which have been contaminated by previous industrial use. With continually increasing demands on land there is now a growing requirement for land to be reused as opposed to further development of greenfield sites. Recent targets set by the Government demand that 60% of all redevelopment should be built on such sites to relieve pressure on greenfield sites and to preserve the countryside.

The planning system currently deals with the majority of the Boroughs sites when known contamination exists and a great deal of remediation has already occurred within the Borough, ensuring that sites are made suitable for their end use.

Land contamination has historically been dealt with in a piecemeal way and there have been occasions where legislative controls dealing with contamination have been ineffective. This unsatisfactory situation was recognised in the Environmental Protection Act 1990. There followed a consultation period in 1994 where the paper "Paying for our Past" was followed by a framework for assessing contaminated land. This reaffirms the Government's overall "suitable for use" approach which requires remediation only where contamination poses unacceptable risk to health or the environment, taking into account the use of the land and its environmental setting.

A list of the documents referred to in this report is attached at Appendix 5

A glossary of technical terms used in this report is attached as Appendix 6 that you may find useful in your reading and understanding of this report.

Section 57 of the Environment Act 1995 has inserted Part IIA into the Environmental Protection Act 1990 which has created a new statutory regime for the identification and remediation of land defined as 'contaminated'.

Broadly the new legislation imposes three key duties.

1. The Council to cause their area to be inspected to identify contaminated land.
2. To determine whether any particular site is contaminated.
3. To act as the enforcing authority for land that is not designated a "special site" by the Environment Agency.

1.1 GENERAL POLICIES OF THE LOCAL AUTHORITY WITH REGARD TO CONTAMINATED LAND

Environmental Issues

During the 1990s there has been a growing recognition of the importance of “sustainable development” (development which meets the needs of the present without compromising the ability of future generations to meet their own needs). The Council is committed to the principles of “sustainable development” and it has produced an Environmental Action Plan to deal with these issues. The Action Plan complements and links with other Council strategies and plans that address sustainable development issues. Merton’s vision is to bring contaminated land back into appropriate use whilst ensuring adequate protection for users and those who live and work locally.

The Action Plan has three main aims.

1. To develop and enforce comprehensive procedures and actions to deal with the contaminated land.
2. To encourage appropriate redevelopment of land.
3. To minimise activities that might result in future land contamination.

Enforcement

The Environmental Health Department have adopted the Government’s enforcement concordat to ensure consistent, fair and transparent practises are used when taking enforcement action. Contaminated land investigations will be undertaken in line with this policy.

Land Contamination More Generally

The Council’s Unitary Development Plan (UDP) brings together the Council’s general policies on contaminated land and development within the Borough. Its purpose is to guide development in the Borough by setting out a framework of policies and proposals against which planning applications and development proposals will be assessed. By way of clarification land can become contaminated in a number of ways.

- a) Contamination of land as a result of past industrial use.
- b) Disposal of waste material; both industrial and domestic for example following extraction of gravel or clay or by the infilling of natural depressions in land.
- c) Raising of land using waste.
- d) Infill as a result of reprofiling land for development purposes or raising riverbanks to prevent flooding.

- e) Contamination of ground and ground water due to water borne migration of contaminative substances.
- f) Bacterial contamination associated with the burial of diseased animals of animal related processes for example anthrax.
- g) Naturally occurring contamination i.e. where background levels are found to be significantly elevated for example arsenic and radon etc.

Almost without exception industrial and commercial activities produce waste that must be disposed of in a controlled manner or it may result in contamination unless preventative measures are taken. Historically little was known about the potential impact on human health or the environment of contaminative processes associated with industrial activity. Equally in recent times, despite knowledge of pollution, some industry and individuals have continued to dispose of waste in an unacceptable or illegal manner. Activities such as pouring waste engine oil down drains potentially polluting local rivers; oil tankers cleaning their tanks and road tankers discharging liquid waste in the wider environment to save disposal and transport costs as well as fly tipping are all examples of a irresponsible and illegal disposal of waste.

Public Access to Information

The Environmental Information Regulations 1992 grants general rights of public access to environmental information held by public bodies. Details for the arrangements of information and access to the general public are detailed in section 9.9 and 9.10 of the strategy.

Consultation and Involvement of Community Groups and Businesses

The Council will publish the strategy on the Council's website giving contact details and key contacts within the Council. Copies will also be available in the main libraries and via the Environmental Services Department at the Civic Centre Interested groups are invited to make comments on this strategy at any time.

1.2 REGULATORY CONTEXT

Regulatory Role of the Local Authority

The main responsibility of the Local Authority under the Act will be as follows.

1. To cause their areas to be inspected in order to identify contaminated land.
2. Where contaminated land is identified to act as the enforcing authority to ensure that appropriate remediation of land is undertaken.
3. To record information on the public register about their regulatory actions.
4. To provide the Environment Agency with information for its annual report on contaminated land.

Regulatory Role of the Environment Agency

The principle role of the Environment Agency with respect to contaminated land can be summarised as follows.

1. To provide site specific guidance to Local Authorities,
2. To act as the regulator for any contaminated land categorised as a “ special site”.
3. To publish an annual report on contaminated land for the Department of Environment Transport and the Regions
4. To provide advice and technical guidance to the Council with regards to the remediation of contaminated land

Definition of Contaminated Land

Contaminated land is defined (Section 78A(2) Environmental Protection Act 1990) as “any land which appears to the Local Authority and 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, 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 are all natural inland and near coastal waters, including ground water.).

Land may be ‘contaminated’ but unless it presents a significant risk to a receptor such as a human being or an aquifer used to supply water, the mere presence of a contaminant would not necessarily require remediation measures to be undertaken.

It should be noted that when Part IIA of the Environmental Protection Act 1990 came into force it specified that contaminated land was now not a matter for statutory nuisance action under Section 79(e) in Part III of the Environmental Protection Act 1990. In addition the contaminated land regime and legislation is not applicable where contamination has come about as a result of a breach of particular environmental licence or permit. In this instance the polluter is required, under the relevant regulatory regime to remove the contamination completely.

Principles of Pollutant Linkage

In order for land to be deemed contaminated then the Local Authority must be satisfied of the existence of “a pollutant linkage”. A pollutant linkage means a relationship between a contaminant (or source) a pathway and a receptor. In the DETR circular guidance 02/2000 Source, Pathway and Receptor are defined as follows:

Component of Pollutant	Definition
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Linkage	
Source or contaminant.	Is a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to controlled waters.
Receptor or target.	<p>a) Is either a living organism, a group of living organisms, an ecological system or a piece of property which:</p> <p>i) Is in a category listed in Appendix 1, table A as a type of receptor and,</p> <p>ii) Is being or could be harmed by a contaminant, or</p> <p>b) Are controlled waters, which are being, or could be polluted by a contaminant</p>
Pathway	<p>Is one or more routes or means by or through which a receptor:</p> <p>a) Is being exposed to or affected by a contaminant, or</p> <p>b) Could be so exposed or affected.</p>

In identifying a pollutant linkage Local Authorities should consider the land in its current use. Unless a contaminant can actually get to a receptor the site is not contaminated under the new regime. The guidance states that a Local Authority should take a progressive approach to dealing with contaminated land and in this respect a form of risk assessment will need to be applied so as to be able to prioritise sites and actions.

Before determining that land is contaminated because of water pollution, the Authority should consult with the Environment Agency (so as to ensure consistency with the Agency use of its powers under the Water Resources Act 1991) and take into account the Agency's comments. Where an ecological system effect is involved the Local Authority is required to consult with English Nature.

The Local Authority must prepare a written record of the determination that land is contaminated. This must include a description of the pollutant linkage and a summary of evidence on which the determination is based.

Significant Harm and Significant Possibility of Significant Harm

In determining whether there is a significant possibility of significant harm both the severity and the likelihood of the possible harmful effect must be considered.

DETR guidance (Circular 02/2000) outlines what constitutes significant harm to various receptors (Appendix 1, Table A) and also conditions where there is a significant possibility of significant harm (Appendix 1, Table B).

In general, significant harm includes:

- Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions in humans.
- Irreversible adverse change, or threat to endangered species, affecting an ecosystem in a protected area (e.g. Site of Special Scientific Interest).
- Death, serious disease or serious physical damage to pets, livestock, game, animals or fish.
- A substantial loss (20%) in yield or value of crops, timber or produce.
- Structural failure, substantial damage or substantial interference with right of occupation of any building.

Principles of Risk Assessment

In order to assist in the prioritisation of sites a risk based approach will be used. Risk assessment is the structured method on making decisions in circumstances where there is uncertainty. It provides a necessary structure for rationalising decisions on the risks that society is prepared to accept. Such acceptance has to take account of values established by political debate and public willingness to tolerate risk in return for benefits. In risk assessment there is a need to distinguish between the concept of hazard and risk

Hazard is an attribute or situation that in a particular circumstance could lead to harm.

Risk is the chance, great or small that someone or something will be harmed by the hazard.

The Source -Pathway -Receptor analysis is used to identify the hazard (the pollutant linkage). The risk assessment considers how likely the pollutant linkage is to exist and how severe the consequences would be if it did exist. This could involve for example considering how much contaminant might be able to contact the receptor, over what time period, and how sensitive the receptor might be to the contaminant.

The Department of the Environment Transport and the Regions (DETR) has produced documentation entitled "Prioritisation and Categorisation Procedures for sites which may be contaminated" (CLR6). This ranks sources of contamination (A – C) in terms of their contaminative nature and seriousness, and receptors (1 – 4) in terms of their sensitivity.

A site having a scoring of A1 would rank higher in terms of risk than a site having score of C4. Appendix 2 gives details of the scoring and ranking mechanism.

Risk assessment will be key to the prioritisation of sites and a number of organisations are currently developing models to assist in this process. In addition professional consideration, judgement and expertise will form an essential part of the assessment process.

Requirements for a Strategic Approach

The statutory guidance requires local authorities to take a strategic approach to the inspection of land and identification of land that may be contaminated. The statutory guidance states that the approach must

- (a) be rational, ordered and efficient.
- (b) be proportionate to the seriousness of any actual or potential risk.
- (c) seek to ensure that the most pressing and serious problems are located first.
- (d) ensure that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land.
- (e) ensure that the Council efficiently identifies requirements for detailed inspection of particular areas of land.

Special Sites

Special sites are the most complex and dangerous contaminated sites. They include defence and nuclear sites, and sometimes include water pollution, for example where drinking water is affected. The sites which must be designated as special sites are set out in Regulation 2 and 3 of the Contaminated Land (England) Regulations 2000 (see Appendix 3). The responsibility for enforcement on these sites rests with the Environment Agency.

Powers Of Entry

Under Section 108 (6) of the Environmental Act 1995 the Council has been granted powers of entry to carry out investigations. At least 7 working days notice will be given of proposed entry onto any premises unless there is an immediate risk to health or the environment.

1.3 DEVELOPMENT OF THE STRATEGY

This strategy has been written by staff within the Environmental Health Section who will be lead officers on this area of work and will be the central point of contact within the Council for issues concerning contaminated land.

All enquiries in respect of the Strategy should be made to: 0208 545 3025 or Email Ehealth@merton.gov.uk.

Other Departments and Sections that have been involved in the process include:

- Development Control Section
- Forward Planning and UDP Team
- Business Partnerships Unit.
- Estates and Valuations Section
- Education, Leisure and Libraries Department
- Housing and Social Services Department

In addition to corporate communication the Council is actively involved with the Contaminated Land Cluster Group made up of 9 local authorities (Bromley, Croydon,

Lewisham, Merton, Richmond, Southwark, Sutton, Tandridge and Wandsworth). The purpose of the group is to provide a forum for information exchange, advice and co-operation between neighbouring authorities.

There are a number of statutory consultees that the Council are currently liaising with as detailed in Section 6 of this strategy.

1.4 OBJECTIVES OF THE STRATEGY DOCUMENT

The main objectives of this Strategy Document are to meet the requirements of the Contaminated Land Regulations 2000 by writing a formal strategy of how the Council proposes to deal with contaminated land within its area.

In order to demonstrate how the Council achieves this it will have regard to the following points and be

- Rational, ordered and efficient.
- 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 in areas where the authority is most likely to identify contaminated land.
- Ensure that the local authority efficiently identifies requirements of the detailed inspection of particular areas of land.
- Ensure sites are satisfactorily remediated.
- Compile and maintain a register of contaminated land.

2.0 CHARACTERISTICS OF THE LOCAL AUTHORITY AREA

2.1 Geographic Location

Merton is an outer London Borough comprising the areas of Wimbledon, Morden and Mitcham. It extends from Wandsworth in the north to Sutton and Croydon in the south. It borders with the London Boroughs of Kingston, Wandsworth, Sutton, Croydon and Lambeth.

2.2 Brief Description/History

Mitcham, Morden, and Wimbledon merged to form the London Borough of Merton in 1965. Merton existed in Saxon times, then known as “Mereton or Meretun”.

Road communications and proximity to London were a significant influence in the development of the Borough. The Surrey Iron Railway which was the first public railway in the world was opened in 1803 to serve the many industries located in the area.

2.3 Current And Past Industrial History

Merton benefited from economic growth in the 1880s. There is a long established industrial tradition and despite the recent industrial decline the Borough has retained a number of industrial firms and several large industrial areas, located mainly along the Wandle Valley.

Currently, the Borough has a strong residential nature but still retains a manufacturing and commercial base. There has been a trend towards redevelopment of industrial land for housing and other commercial purposes in the past ten years. In line with National trends Merton’s manufacturing industry has in comparative terms declined yet it still remains a key element of business activity within the Borough. There has been change both in the nature and scale of manufacturing.

Sand, gravel and clay have been extracted for construction purposes and exhausted pits were backfilled with waste materials at a number of locations within the Borough. Prior to the licensing provisions introduced by the Control of Pollution Act 1974 waste disposal practices were unstructured and no comprehensive records exist of waste disposal sites.

Ordnance survey and the earlier County Series Maps offer some valuable detail, however, these maps are snapshots in time and extraction and backfilling and other activities which may have taken place between surveys may not be shown. Information obtained from maps should be regarded as pieces of a jigsaw but may not provide a complete history.

2.4 Size

The Borough has an area of 3766 hectares including 683 hectares of open space, the largest being Wimbledon and Mitcham Commons. Merton has approximately 206 miles of roadway including 22 miles of Metropolitan Road.

2.5 Population Distribution

At the 2001 population census the London Borough of Merton had a resident population of 187 908. These figures can be further broken down.

Merton & Morden 64501 (Abbey, Cannon Hill, Lower Morden, St Helier, West Barnes, Ravensbury, Merton Park Wards)

Mitcham 66797 (includes Colliers Wood, Figges Marsh, Graveney, Lavender, Longthornton, Phipps Bridge and Pollards Hill Wards).

Wimbledon 56631 (includes Dundonald, Durnsford, Hillside, Raynes Park, Trinity and Village Wards).

2.6 Current Land Use Characteristics

A recent survey suggests that current land use is as follows:

Housing 42%
Public open space 31%
Industrial 5%
Other 22%

2.7 Key Property Types

Within the Borough there are:

226 Grade II listed buildings
3 Grade I listed buildings
4 Nature Reserves
1 Site of Special Scientific Interest (an area which English Nature has designated as being of outstanding value for its flora, fauna or geology under the Wildlife and Countryside Act 1981).

2.8 Protected Locations

4 sites of Metropolitan importance for nature conservation (a site of importance for nature conservation is defined as: Sites identified as important for nature conservation by the London Ecology Unit, sites have been categorised as of Metropolitan, Borough and local importance.
48 sites of Borough importance for nature conservation
3 scheduled ancient monuments.
15 archaeological protection zones (Areas which are thought to be of archaeological importance because of past finds, excavations or historical evidence) See Appendix 4 for site location details.

2.9 Details Of Authority Ownership Of Land

Currently 9.5% of housing stock in the Borough is Council owned. In addition to this the Council owns the following.

Allotments 19
Community Centres 7
Car parks 14
Civic Amenity Sites 2
Cemeteries 3
Civic Offices 12
Day Centres 11
Depots 2
Electricity Sub-Stations 48
Further Education Colleges 4
Schools 34
Halls 6
Industrial Units 97

2.10 Known Information On Contamination

Historically, the main control mechanism for development and redevelopment has been through the planning system. Where development or redevelopment has taken place the Council has in most cases required an investigation of the site history to be undertaken and where necessary specified measures to make the site suitable for use. With changing technical advances and revision of standards part of the work that will be undertaken will be to review past remediation measures, particularly as the potential impact on health and the environment associated with contaminated land was only really recognised in the 1960s and early 1970s.

Development Control is likely to continue to be the main influence with regard to the remediation of contaminated land.

Most industrial sites are now commonly covered with either tarmac or concrete hardstanding with the result that ground contamination is unlikely to pose any risk. Where for example industrial land has been developed for flats or houses with gardens clearly the potential impact of any contamination may need to be reassessed. The potential impact on health and the environment associated with contaminated land was only really recognised in the 60s and early 70s.

At the time of writing there are currently no licensed landfill sites within the borough

2.11 Broad Geological/Hydro Geological Characteristics

The Borough is underlain by a thick layer of London Clay. Underlying this is a chalk and lower tertiary sand aquifer between 40 and 100m below the surface. The presence and thickness of this layer between the surface deposits of top soil, sand and gravel and the deep chalk aquifer provides a natural protective barrier preventing any contamination permeating to the chalk from which water is extracted by local water companies. The clay layer thickens from south to north across the Borough.

The River Wandle is the major watercourse draining the area and is 19km long from its source to its confluence with the River Thames. Associated with the river valley is a ribbon of alluvial silt and clay. The gravels and alluvium are in general less than 5m thick and contain a perched water table that is vulnerable to contamination from the surface. Both of the main watercourses running through the Borough, the River Wandle and the Beverley Brook run from south to north and enter the Thames. Although relatively insignificant today these rivers were in the past important both as sources of water and as a means of transport. The alluvial fills of their valleys are a high quality agricultural soil.

The headwaters of the Wandle and Beverley Brook commence on or near the dip slope line of the North Downs and flow in a northerly direction towards the River Thames. Other than the springs a high proportion of the flow in these rivers is derived from surface run off and discharge of treated sewage effluent. At present the Beverley Brook receives treated sewage effluent from Hogsmill Sewage Treatment Works (STW) and Beddington STW which discharges treated effluent into the Wandle at Mill Green. (In the London Borough Sutton a few hundred metres from Merton's southern boundary.) The volume of water discharged considerably increases the flow and in periods of low rainfall approximately 80% of the river flow is treated effluent.

These rivers are at risk from pollution from surface water runoff from roofs, hard standings, roads and pavements. Additionally, faecal contamination may arise from point sources such as sewage treatment works or diffuse sources such as agriculture and urban run off or illegal connections of foul drainage systems in domestic and commercial properties into surface water drains.

Contaminated materials within the surface deposits may contaminate adjacent ground water. The movement of contaminated ground water is dependent on a number of factors including annual rainfall, the nature and permeability of the surface deposits, the nature of contamination and the rate of flow of ground water within the river valleys. Rates of flow of ground water towards the Beverley Brook and River Wandle are variable, however, given the volume of water flow within the rivers the impact of contaminative ground water on the water quality within the rivers has not been found to be significant.

At the time of writing the presence of contaminated ground water within surface deposits above the London Clay is not considered to prevent any detectable impact on water quality.

2.12 Specific Local Features

Riverside Industry

Water powered and water related industries have played a significant part in the development of the Borough and represented important areas of historical and archaeological research. The River Wandle and Beverley Brook have been used as a water supply from the earliest period of human settlement and known to have provided power for industrial processes such as corn milling for the last 1,000 years at least. At one time the river support power for up to 90 mills variously used to process and support flour milling, copper and iron works, snuff milling, tobacco processing, leather working and many other industrial activities. By the 19th century the Wandle was nominated as “the hardest worked river of its size in the realm”.

2.13 Redevelopment, History And Control

As stated previously the main control mechanism for development and redevelopment has been through the planning system. Where development or redevelopment has taken place the Council has in most cases required an investigation of the site history to be undertaken and where necessary specified measures to make the site suitable for use.

2.14 Action Already Taken To Deal With Contaminated Land

As well as producing this strategy the Council has purchased historical land use maps to help determine former land use patterns and site histories. The Council is currently considering how best to manage data that these maps can provide.

The Council will continue to work closely with developers on redevelopment projects to ensure that appropriate investigation and remediation has been undertaken to ensure suitability for use.

3. THE LOCAL AUTHORITY STRATEGY, OVERALL AIMS

3.1 Aims Of The Strategy

The Council wishes to identify contaminated land present in its area in the most practical and efficient way and ensure that the most pressing and serious problems are addressed first. With these priorities in mind the Council have identified the following overall aims for this strategy.

- to protect human health where significant harm is being caused or there is a significant possibility of such harm being caused.
- to protect important ecological sites and the water environment
- to review information currently held by the council with regard to contaminated land.
- to be efficient, consistent and rational in carrying out this process.
- to have a transparent decision making process wherever possible.

3.2 Objectives and Milestones

Specific objectives and milestones to help achieve the aims detailed below. To help assess the Council's performance in achieving these targets, dates or other measures are also included where these are relevant.

- The principal objective is to identify where significant harm or the potential for significant harm may be caused and that the most pressing and serious problems are targeted first. The Council's specific objectives for this are:
 1. Review historical maps to identify areas with potentially contaminative uses.
 2. Evaluate information the Council already holds concerning the possible presence of contamination.
 3. Identify sites/areas of contaminated land which have already been remediated.
 3. Collate and review all evidence of actual harm or water pollution.
 5. Prepare a prioritised list of sites for detailed investigation.
 6. Commence detailed investigation of all high priority sites and take appropriate action.

Target Date December 2005.

- Complete detailed investigation of site with medium and low priorities.

Target date July 2007.

- to work with land owners/polluters to encourage voluntary action where possible.

Target date ongoing.

- review strategy and inspection procedures at regular intervals (Section 8)

Target date: Every two years unless circumstances, guidance or further information suggests otherwise.

- The Council's specific objectives for the output of information are as follows.
 1. Clear and transparent communication of information
 2. Provide and maintain a public register available for public access (as detailed in Section 9)
 3. Respond to requests for information within 4 weeks of receipt of request.

Target date: With immediate effect

- Provide a web page of general information relating to this strategy and Merton Council contact details.

Target date: Strategy Publication Date

4. LOCAL AUTHORITY PRIORITY ACTIONS AND TIMESCALES

4.1 Priorities

Throughout the strategy production process, prioritisation and inspection, if any sites are shown to be causing significant harm or the possibility of causing significant harm these sites will take priority

The priorities of the Council in respect of this strategy are:

1. To protect public health
2. To protect controlled waters
3. To protect designated ecosystem and
4. To prevent damage to property.

In pursuit of this the Council will pay particular attention to the following:

1. Areas of residential development, schools, playgrounds and allotments up to 250m from a contaminated site.
2. Areas containing a surface water feature (river, stream, pond, lake, channel) within 50m of a contaminated site.
3. Sites located within Zone 1 or Zone 2 Source Protection Zones (SPZ) and within 100m of a private potable extraction point.
4. Sites located within 250m of protected habitats e.g. a Site of Special Scientific Interest.
5. Sites in agricultural or amenity use including parks.
6. Significant surface water feature within 500m of a contaminated site.

In order to ensure that these priorities are translated into rational and systematic action the Council will use a risk based approach for prioritising sites, which will then be followed by a more detailed investigation of the individual sites

4.2 Timescales

In addition to the timescales detailed in the Milestones and objectives of Section 3 the Council proposes the following timescales:

- setting up a database and establishment of risk assessment package and prioritising sites for investigation.

Target date August 2006

All timescales are subject to review, dependent upon the number of determinations and priorities in each category.

5.0 **PROCEDURES**

5.1 Internal Management arrangements for Inspection and Identification

- Responsibility for the management and the production of the Register is held by the, Environmental Health Manager email Ehealth@merton.gov.uk.
- Responsibility for assessing the information and classifying the sites is held by the Senior Environmental Health Officer.
- Responsibility for obtaining and collating information is held by the Senior Environmental Health Officer.
- the point of contact for external bodies and individuals is Environmental Services Department, London Borough Of Merton, Civic Centre London Road Morden Surrey SM4 5DX, telephone 020 8545 3025 email Ehealth@merton.gov.uk.

If enforcement action or action which would require significant financial commitment by the Council is necessary the relevant information will be reviewed by a panel consisting of the Environmental Health Manager, Senior Officers and where considered necessary elected members and environmental specialists.

5.2 Land Owned and Occupied by the Council

All land within the Borough will be risk assessed and prioritised using the same criteria

The Council will review its records of land that it owns and/or occupies as part of the initial survey of the whole area. Where the records indicate that such land may have had a potentially contaminated use the land will be added to the list of potentially contaminated sites. Where such land is found to be contaminated land this will be included in the public register and treated in the same manner as all other contaminated land within the area, if appropriate.

5.3 Information Collection

There are a number of sources available to the Council to assist them in determining whether land may be contaminated.

Details of the types and sources of information are given below:

TYPE OF INFORMATION	!
Historical Maps (scales 1:10,000 and 1:250) published 1850s, 1890s, 1900s, 1920s, 1930s, 1950s, 1960s/70s, 1980s, 1990s.	Ordnance Survey Maps, Local libraries.
Sites with Environment Act Pollution Control Authorisations	Environment Agency, Merton Council's Environmental Health Department
Registers of other potentially contaminative uses for example scrap yards, petrol stations, and quarries.	Environment Agency, Merton Council's Environmental Health Department
Sites with Waste Management licences.	Environment Agency
Closed landfill sites	Environment Agency and British Geological Survey.
Current land uses.	Ordnance Survey Maps, Planning Department (UDP)
Records of remediation or clean up work.	Environmental Health Department and Environment Agency.
Historical information held within the Borough	Civic Offices, Local Historical Societies, Local Libraries, Local Companies etc.
Records of actual harm or pollution of controlled waters.	Environment Agency, Merton Council's Environmental Health Department.

Appendix 1 Table A details the receptors that the Council will consider in the determination of pollutant linkages.

5.4 Information and Complaints

Detailed below are the Councils arrangements and procedures for dealing with information and complaints.

Complaints and voluntary information provision

From time to time the Council may receive a complaint regarding contaminated land from a member of the public, business or community group.

Complaints

A complaint regarding contaminated land will be dealt with using the same procedure as currently used by the Environmental Services Department to deal with Statutory Nuisance complaints.

All complainants may expect:

- their complaint to be logged and recorded.
- to be contacted by an Officer regarding their complaint within 10 working days of receipt
- to be kept informed of progress towards resolution of the problem.

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does however present a number of obstacles to speedy resolution of problems, including:

- (i) proof of a viable pollutant linkage, which might only be possible with detailed investigation.
- (ii) the processes associated with the investigation, remediation and declaration of contaminated land

Voluntary Provision of Information

If a person or organisation provides information relating to contaminated land this will not be treated as a complaint. The information will be recorded, evaluated and acted on appropriately. The Council will keep the person or organisation informed of actions or decisions taken following receipt of information.

Confidentiality

All complainants and providers of information will be asked to supply their names and addresses. Their identity will normally remain confidential. The only circumstance in which this information might be made public would be if the matter was subject to legal challenge

Anonymously Supplied Information

The Council does not normally undertake any investigation based on anonymously supplied information, and this general policy will be adopted for contaminated land issues. The policy will not however preclude investigation of an anonymous complaint in exceptional circumstances.

5.5 Information Evaluation

Data Management

One of the principal aims of the Council is to set up an appropriate data management system, i.e. a geographical information system (GIS) which will be used to manage data gathered from the numerous sources available and to develop a risk rating methodology to assess the significance of contaminated land.

This will make it possible to identify areas where historically contaminated activities have occurred and at the same time review the site's current history. The Council holds a number

of property files and remediation reports, a summary of the details of which will be incorporated into the database.

The Environment Agency have provided detailed information that can be incorporated into the system showing ground water protection zones and abstraction points as well as bore holes (for the protection of ground water).

The Council will follow procedures to ensure that the process of identifying contaminated land is systematic and consistent. This will ensure that the most serious cases are identified and dealt with at an early stage and that resources are allocated preferentially to investigating where contaminated land or pollution of controlled waters is most likely.

Once the database has been established the sources identified in 5.3 will be highlighted and assigned a unique reference number as well as marking the site boundary on the Geographical Information System.

The location of receptors, as detailed in Appendix 1 Table A will be incorporated onto the database, again using a unique reference number. The risk rating will take account of the sensitivity of the receptors and the seriousness of the contaminative sources therefore the most contaminating sources and most sensitive receptors will result in the highest score.

The statutory definition of contaminated land requires the establishment of a pollutant linkage. The Geographical Information System will identify sites where there is a source and receptor present, in order to satisfy the definition, a pathway must be established between these two before the land can be determined as contaminated. The establishment of a pathway will be determined by looking at the geology and usage of the site and full investigation will be required prior to any determination. (Detailed in Section 7).

The purpose of the risk assessment is to effectively manage and prioritise time and resources in accordance with the Council's priorities set out in Section 4. The purpose of assigning unique identification numbers onto site boundaries is to ensure that all information relating to the same site is logged under the same reference number.

Evaluating Information on Actual Harm or Pollution

The Council and the Environment Agency hold records of sites that have already been investigated and/or remediated. The Council will re examine this information as part of its initial investigation. All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current government guidelines.

A new set of guidelines, the Contaminated Land Exposure Assessment (CLEA) guidelines have been produced from the DETR and Environment Agency. A number of soil guideline values have been introduced, 11 in total against which to evaluate human health effects. The Council will evaluate information against these guidelines where appropriate but due to their limitations other widely accepted guidance will be utilised.

Assessments may also be required for substances not covered by guidelines. In these cases reference may be made to occupational exposure levels issued by the Health & Safety Executive or other authoritative sources of information, such as the Chemical Incident Response Service. The Council will also consult with the Health Authority and more

specifically with the Health Protection Agency for advice on possible health effects of contaminants, if necessary.

Interaction with other Regulatory Regimes

Advice will be sought from the Environment Agency on risk assessment if controlled waters are the receptor in a particular pollutant linkage. It is anticipated that risk assessment and remediation will be carried out in accordance with the Environment Agency guidance as set out in “Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources”. (EA R & D publication 20, 1999).

6. GENERAL LIAISON AND COMMUNICATION STRATEGIES

6.1 Liaison And Communication

Internal:

It is not just the Environmental Health Section who will be concerned with issues of contaminated land. Consultation has and will continue to take place between Environmental Health and Planning, Leisure, Building Control, Development Planning and the Estates Section as all of these sections have an effective role to play in the communication and implementation of the Strategy.

External:

Statutory Consultees

The Council will need to consult other statutory organisations from time to time during the course of the detailed inspection process. These organisations may be able to supply specialist advice and information about sites or they may have prior interest. The Council will contact the following priority list of statutory bodies as appropriate with respect to sites which may be contaminated.

Consultee	Role	Issue
English Nature	Is a statutory body funded by the DETR to conserve England's wildlife and natural landscapes.	When contamination is suspected or confirmed on a site where English Nature has an involvement, the Council will liaise with them to gather more detailed information about the nature of the site and also the receptors which are most likely to be affected. From this the appropriate form of investigation and/or remediation strategy will be agreed.
Department of Environment Food and Rural Affairs DEFRA	The Government Department responsible for agricultural land is DEFRA	If it is felt that harmful or potentially harmful levels of contaminants are present on agricultural land, the Council will liaise with DEFRA.
English Heritage	English Heritage is a statutory body responsible for protecting the country's historical buildings, landscapes and archaeological sites.	Where contamination by aggressive ground conditions is causing or thought to be causing significant harm to English Heritage buildings or sites, the Council will liaise with them to agree the most appropriate form of investigation and/or remediation strategy.
Health & Safety Executive (HSE)	The Health and Safety Executive is a statutory body involved with issues of safety concerning large industry, building works and local government operations.	Should remediation of contaminated sites be carried out the Council will discuss the proposed strategy with the HSE and ensure that there will be no risk to human health during its remediation. The Council will require the developer to follow the requirements of the HSE document "Protection of Workers and the General Public during the development of Contaminated land"
Food Standards Agency	National Co-ordinating body for Food Standards and Control	Assessment of human health exposures through food Assessment of animal or crop effects involving food produce.

Non-Statutory Consultees

There is great scope for the members of the public, businesses and voluntary organisations such as Thames Water, The Health Protection Agency and Primary Care Trusts to play an important role in dealing with contaminated land in Merton. Efforts will be made to encourage participation in the process of identifying and investigating contaminated land, recognising the valuable contribution of these sectors.

Communicating with owners, occupiers and other interested parties:

The Environmental Health Section's approach to its regulatory duties, in line with the enforcement concordat, is to seek voluntary action before taking formal action. This approach will be adopted for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement rather than by formal action. The regulations provide an incentive to undertake voluntary remediation, in that any

materials that require disposal as a result of voluntary remediation will be exempt from landfill taxes. This exemption does not apply to materials generated following the service of a remediation notice.

This approach requires effective communication with owners, occupiers and other interested parties. The Senior Environmental Health Officer will be the central point of contact within the authority on contaminated land issues and as such will make work to keep owners, occupiers and other interested parties informed when considered necessary that they may have a role to play or become an interested party.

The Council's responsibilities for contaminated land include responding to information and complaints from the general public and providing information in response to enquiries. Contact 020 8545 3025 or email Ehealth@merton.gov.uk.

For issues relating to pollution of controlled waters or other Environment Agency matters contact should be made with the Environment Agency – Contact Keith Baxter Tel: 01276 454 421 in writing at: Swift House, Frimley Business Park, Frimley, Camberely, Surrey, GU16 7SQ or mail: www.environment-agency.gov.uk.

7. **PROGRAMME FOR INSPECTION**

One of the principle aims of the strategy is to detail how the Council will inspect its area for the identification of contaminated land. This will involve comprehensive investigative and inspection work to satisfy the conditions of the pollutant linkage and the statutory definition of contaminated land.

The following sets out how the Council will meet these requirements:

7.1 **Ensuring Compliance with Statutory Guidance On Inspection**

1. Powers of entry (to carry out inspection/intrusive samples under Section 108 (6) of the Environment Act 1995) with 7 days notice are given but are only used if necessary to investigate whether there is a reasonable possibility of the presence of a contaminant, a receptor or a linkage.
2. Powers of entry should not be used to carry out intrusive investigations if the Environment Agency has already provided reliable and adequate information or the person responsible agrees to provide the information required.
3. Ensure any intrusive investigations are carried out in accordance with appropriate technical standards.
4. Reasonable precautions must be taken to avoid harm, water pollution or damage to natural resources, or features of historical or archaeological interest, whilst carrying out an intrusive investigation.
5. The Council shall consult English Nature on any action that would require the consent of English Nature, prior to carrying out intrusive investigations on any area notified as a site of special scientific interest (SSSI).
6. The Council should not carry out any further detailed inspection if, on the basis of information obtained there is no longer a reasonable possibility of a pollutant linkage.

7.2 **Criteria for Selecting areas and Individual Sites**

All sites which the Council considers may be contaminated land will have a priority category assigned to them before detailed inspection commences. There will normally be more than 1 site in each priority category and it is therefore necessary to decide which site is the most important. Before beginning detailed inspections on the group of sites in a priority category all the information available for all the sites in the category will be required to decide upon the order in which they will be inspected, based on the Council's priorities as detailed in Section 4 of this Strategy.

7.3 Methodology and Procedures for Detailed Inspection

The purpose of the detailed inspection is to obtain sufficient information for the Council to establish if

- (a) if the land appears to be contaminated land.
- (b) if the land is a ‘Special Site’.

The Council has established procedures for carrying out detailed inspections to obtain information sufficient to decide whether the site is contaminated land or a Special Site, as set out below.

- (i) Review priority category: -

Before commencing detailed inspections on a priority category the information for each site shall be reviewed and the relative urgency of each case in terms of the likelihood that significant harm or water pollution is occurring shall be decided. This will ensure that the potentially most serious sites are dealt with first. Further details of the review procedures are detailed in Section 8 of this Strategy.

- (ii) Check remediation records

The first step in the detailed inspection is to check whether the site has already been remediated. If the site has been remediated, the likelihood of significant harm or water pollution may well have been reduced. If this is the case the Council will amend the priority if appropriate. The Council will not automatically assume that remediation has been effective in preventing a significant pollutant linkage and will seek information to demonstrate that this is so.

- (iii) Obtain additional information

The initial survey and prioritisation process will have provided information that is adequate to determine the likely presence and significance of contamination of most cases. All sites are different, however, and where appropriate the Council will carry out further research with regard to possible sources, pathways and receptors. This may include carrying out a ‘walk over survey’ where the Council will visit sites to confirm the current site use and condition and to look for any evidence of contamination. Walk over surveys will be carried out in accordance with published guidance on best practice.

Where the risk assessment shows that there is a reasonable possibility of a significant pollutant linkage the Council will seek evidence that contamination is actually present on the site. This generally requires taking samples and analysing them for the contaminants that may be present.

The scope of the sampling and analysis required depends on the site. In all cases the Council will seek only the information that is required to decide whether the site is contaminated land or a Special Site. Site investigation will be carried out on a site specific basis and in accordance with the requirements of the British Standard Institute document “Investigation

of Potentially Contaminated Sites - a Code of Practice” BS:10175. 2001. In addition recent guidance has been issued by the Environment Agency entitled ‘Model Procedures for the Management of Land Contamination’ – CLR11 which must be taken into account in the assessment of sites.

In some cases the landowner or occupier or other party (for example an organisation that is or expects to be the appropriate person) may offer to carry out a site investigation. In these cases the Council will agree requirements for investigation (for example the number of samples, contaminants that must be analysed for, position and depth of samples) to ensure that adequate information is obtained. The Council will also agree a timescale within which the information must be provided.

The risk assessment may show that there is no significant pollutant linkage for example the land owner may have carried out a site investigation and found no contamination to be present. In these cases no action will be necessary and the Council will not pursue the inspection any further. Details of such sites will remain on the Council’s database, since changes such as new development on the site can create new pollutant linkages. Triggers for a site inspection to be reviewed are detailed in Section 8.

The Council has statutory powers to enter sites to inspect them but will normally expect site investigation to be undertaken by and by agreement with the site owner and/or occupier.

(iv) Liaison Arrangements

The Council will make contact with site owners and occupiers at the detailed investigation stage. The principle purposes of this first contact will be to inform them that the Council are inspecting the site for contamination problems and to request any information for example site investigation data that already exists. Contact will be made with The Environment Agency, English Nature, English Heritage and other bodies if and as appropriate

(v) Potential Special Sites

A special site is a site which the local authority considers to be contaminated land and which meets one or more of the prescribed descriptions defined in the statutory guidance. Special sites will be regulated by the Environment Agency. The category of special sites include sites where the Environment Agency already has regulatory responsibility, for example sites subject to Integrated Pollution Control to prevent duplication of regulatory roles. Special sites are not necessarily more contaminated or more likely to cause significant harm than contaminated land that is not a special site. Examples of special sites are

- Sites that could be contaminating drinking water resources.
- Industrial sites likely to have difficult contamination problems such as waste acid tar lagoons, oil refining, explosives and sites regulated under integrated pollution control.
- Nuclear sites.
- Ministry of Defence land

When the Council identifies the site that is considered is likely to be a special site the Environment Agency will be notified and the information on the site copied to the Agency. The Council will retain details of the site on its computer database and the Agency will notify the Council of significant progress on the site's remediation.

(vi) Health and Safety Procedures

The Council will discharge its obligations under the Health and Safety at Work etc Act 1974.

(vii) Appointing Consultants

The Council may, from time to time need to appoint external consultants to assist in a number of areas to fulfil its statutory duties, for example:

- advise on particular technical issues
- undertake some or all of the detailed site inspections.
- prepare and undertake detailed technical presentations to the general public or to other bodies

The Council will seek to ensure that any consultants used are competent and have expertise in the relevant area of work.

(viii) Frequency of Inspection

The Council will undertake or request programme of site inspections as detailed above and proposes to review inspections of sites on the basis of the trigger mechanisms identified in Section 8 of this Strategy Document. The most common trigger is likely to be receipt of planning applications by the Council.

(ix) Format of Information resulting from Inspections

The information collected during initial survey and prioritisation and during detailed inspection will be recorded in standard form as far as possible. Relevant data will be entered onto a Geographical Information System in summary form, paper copies of relevant documents will be held centrally within the Environmental Health Section. The Geographical Information System will be set up so that Sections within the Council such as Planning, Building Control and Unitary Development Team can have access to the database on a read only basis.

(x) 'Risk Communication' Strategy

The Council will adopt a transparent accessible approach when relaying information about contaminated land to the stakeholders concerned. The Council will follow the principals set out in SNIFFER (Scottish and Northern Ireland Forum for Environmental Research) document in "communicating and understanding of contaminated land risk". This document outlines the basic principle to adopt when communicating implicit parties concerned with contaminated land. The document also raises the issue of contaminated site reception, where a lack of understanding surrounding a site can lead to concern by stakeholders and blight of

an area if issues are not dealt with in a controlled manner. The Council acknowledges that the appropriate information exchange strategy must therefore be implemented to allow stakeholders involved to be aware of the salient issues surrounding a particular site. As part of its communication strategy the Council will therefore involve all its relevant parties.

All sites are unique and because of this the Council will adopt a flexible approach to communications. Whilst an early and transparent approach is advocated, the Council at the same time does not wish to highlight potential hazards about a site which further investigations show do not exist therefore if the earlier stages of the investigation warrant further review the landowner alone will be informed of the requirement for further information. The initial communication will be in a written form and would detail why the site is being investigated and the reasons why more information is required. The correspondence will give the contact name and telephone number of the Council's Contaminated Land Officer. Should further investigation of the site confirm the requirement for an intrusive site investigation consideration will then be given to informing stakeholders other than the landowner.

Once the Council has identified that a site is contaminated it will determine who the most appropriate person is. In subsequent communications the Council will adopt a helpful and open communicative approach. The Council will enter into dialogue and debate with regards to remedial action with environmental consultants who may be commissioned to carry out site investigation on behalf of the appropriate person. On acceptance of the remediation strategy the council will agree in writing that the remediation approach and timescales are satisfactory. Once remediation has been carried out the Council will require verification tests to confirm that the site no longer poses a risk to human health or the environment.

It is likely that once the remediation scheme has been agreed, members of the public or other interested stakeholders will wish to gain information from the council as to the exact requirements. The Council will provide summary details to any interested parties and liaise with the press accordingly.

7.4 Timetable

It is anticipated that the timetable from assessment to service of remediation notice, if necessary will be as set out below. It is, however, likely that where redevelopment is taking place the timetable will be shorter due to the proactive involvement of interested parties.

INSPECTION TIMETABLE	APPROXIMATE ACCUMULATIVE TIME
1. Review priority category/check known records.	One day
2. Further investigate site history and obtain any further information available	Up to 7 weeks
3. Initial consultation with stakeholders, (approximately 4 weeks ?).	Up to 11 weeks
4. Walk over survey approximately 1 week	Up to 12 weeks
5. Carry out risk assessment and decide what further investigations are considered necessary (approximately 4 weeks?)	Up to 16 weeks
6. Carry out further investigations. (approximately 3-4 months?)	Up to 32 weeks
7. If voluntary remediation is not forthcoming, service of Statutory notice requiring remediation of contaminated land (legal process, not less than 4 months)	Not less than 48 weeks

8. REVIEW MECHANISMS

The objective of the review is to ensure that the Strategy is efficient and effective in the application of resources with regard to contaminated land issues. The timing of reviews will, in addition be influenced by any revision of the statutory guidance or the provision of additional information which would or could significantly impact on health or the environment. Review of the strategy will also seek to ensure that the approach taken remains consistent with current Best Practice.

It is not the aim of the Strategy to prove the status of every piece of land within the Borough but rather to adopt a logical and defensible approach in which effort is proportional to risk and priorities are set accordingly.

8.1 Reviewing Inspections and Responding To New Information (Triggers for Inspection)

The process of identifying potentially contaminated land is an ongoing activity. Further information may come to light at any stage in the procedure and the Council will take into account information obtained or volunteered by the public, site owners, businesses and voluntary organisations.

The Council will make decisions about contaminated land on the basis of information available at the time and the current use of the land. The decision relates to “current use” which means any use which is currently been made or is likely to be made and which is consistent with any existing planning permission. Should the current use of the land change this may trigger a review.

When information is obtained for a site the Council will check the database to determine whether the site concerned has already been assessed. If so the site priority will be reviewed on the light of the new information. If the site has not previously been identified the Council will follow the procedures outlined in Section 5, including the new information to determine its priority category.

Examples of information that may result in the Council carrying out reviews of site prioritisation and inspection decision are as follows:

- proposed changes in the use of surrounding/adjacent land
- planning application for a change of use
- unplanned changes in the land use (e.g persistent unauthorised use of land by children, travellers, fly tipping)
- unplanned events where consequences cannot be addressed by other relevant environmental legislation (e.g. localised flooding, landslides, accidents, fires, spillages).
- reports from statutory bodies of localised health effects that appear to relate to a particular area of land.

- reports from statutory bodies of adverse ecological effects that appear to relate to a particular area of land.
- reports from statutory bodies of adverse water quality effects that appear to relate to a particular area of land.
- verifiable reports of unusual or abnormal site conditions received from members of the public, businesses, voluntary organisations (e.g. wildlife conservation groups, environmental pressure groups etc).
- updates of information provided by the Environment Agency for example changes to receptors such as source protection zones, and abstraction licence applications.
- updates of information provided by English Nature for example new SSSIs or other designated protected areas.
- Responding to information from owners or occupiers of land, and other relevant interested parties

8.2 Review of The Inspection Strategy

The Council will routinely carry out a review of its inspection strategy to ensure.

1. The inspection strategy is fulfilling the Council's obligations under the Contaminated Land Regulations 2000.
2. The inspection strategy is appropriate to the needs of the Council, owners and occupiers of land and other relevant interested parties.
3. The inspection strategy and its procedures incorporate and develop in line with practical experience and new information gained during its operation.
4. Inspection procedures represent efficient use of resources.

This review will take place on an annual basis. The Strategy document will be reviewed and amended where necessary as part of an annual process.

8.3 Auditing Procedures

This document will be subject to consideration by statutory consultees and other relevant interested parties and their views will be taken into account in any review carried out. Notwithstanding the above there is a need for the Council to demonstrate that it is fulfilling its obligations with respect to strategy review, contaminated land inspection, reporting and maintenance of the public register

To ensure that the system is operating efficiently and properly it is proposed that a Contaminated Land Officer from the South West London Local Authorities Contaminated Land Working Group will audit this Council contaminated land processes. Merton's Contaminated Land Officer will audit and liaise with neighbouring authorities to ensure there is consistency of approach in this task.

9. INFORMATION MANAGEMENT

9.1 General Principles

In the course of preparing this Strategy and subsequent work the Council will obtain large amounts of information from a variety of sources that will need to be managed efficiently.

It is the intention of the Council to have an inspection strategy that is as transparent as possible so that reasons for the decisions made concerning contaminated land can be readily understood. The Council will therefore manage information as set out below in order to achieve this aim and to comply with the requirements of the statutory guidance.

9.2 The Public Register

The Council is obliged to maintain a public register of information about contaminated land in its area of responsibility details of what must be included on the Register are as follows:

Remediation Notices

1. who the Council has served a notice on.
2. where the contaminated land the notice refers to is.
3. why the land is contaminated land, what contamination is and where it came from.
4. what the contaminated land is currently used for.
5. Details of what remediation each ‘ appropriate person’ has to do and when this has to be done by.
6. The date of the notice.

Appeals against Remediation Notices

details of any appeal against a remediation notice served by the Council and any decision on such an appeal.

Remediation Declaration

any remediation declaration prepared and published by the Council and for any such declaration details of items 2-5 as detailed in remediation notices above.

Remediation Statement

any remediation statement prepared and published by the responsible person or by the Council and for any remediation statement, details of items 2 - 5 as detailed in remediation notices above.

Appeals Against Charging Notices

any appeal against a charging notice served by the Council and any decision on such an appeal.

Designation of Special Sites

Details of any land in the Council's area of responsibility designated as a special site by the Council or the Secretary of State and the reasons for this.

any notice given by the Environment Agency of its decision to adopt a remediation notice (the Environment Agency being the enforcing authority for special sites).

any notice given by or to the Council terminating the designation of any land as a special site.

Notification of Claimed Remediation

any notification given to the Council of remediation claimed to have taken place.

Convictions For Offences In Relation To a Remediation Notice

any conviction of a person for any offence in relation to a remediation notice served by the Council, including the name of the offender, the date of the conviction, the penalty imposed and the name of the Court.

For ease of reference the information detailed is organised so that all the entries relating to a particular site can be readily consulted in connection with each other. The Council will add new information to the Register as soon as is reasonably possible after it has been generated. The contents of the register therefore change over time as the information in it is added to or updated.

9.3 Other Information

In addition to the public register information statutory guidance requires the Council to prepare a written record of any determination that a particular area of land is contaminated land. This must include information summarised below.

- A description of the particular significant pollutant linkage, identifying all three components of the linkage i.e. the source, pathway and receptor.
- a summary of the evidence upon which the determination is based.
- a summary of the relevant assessment of this evidence.
- a summary of the way in which the Council considers that the requirements of the statutory guidance have been satisfied.

9.4 Information Not On The Public Register

The Council will generate a great deal of information during the survey of the area of contaminated land and the detailed inspection of sites. When a site is not considered to be contaminated land this information will not be on the public register. Unless information is confidential, it will be available from the Council on request. Arrangements for releasing information are given in Section 9.8, 9.9 and 9.10.

Information that is not on the public register and that may be available from the Council comprises.

- information on particular sites for example

Historic uses

Potential for the site to be contaminated

Environmental sensitivity

Priority classification

Results of walk over survey

Advice from the Environment Agency and other statutory bodies

Site investigation results

Risk assessment results.

- information on the Council's area:

Geology

Hydrogeology

Water quality

Industrial history

Land use

Ecology

9.5 Storage Systems

The most effective means of storing information is currently being investigated but it is anticipated that information will be stored within a Geographical Information System. This system is likely to comprise a digital map of the Council's area of responsibility linked to a database containing information held by the Council. It is intended that information from the public register for particular areas or sites will be displayed on this system in response to direct queries by the public and the system will have a facility for printing hard copies of the public register information where required. A reasonable charge will be made for this service.

9.6 Administration

Information will be managed by the Environmental Health section of the Council. This section is responsible for the collation of data, entering it onto the system and subsequent management. This includes ensuring that all confidential information is identified and managed in an appropriate manner. This section is also responsible for ensuring that all information is accurately recorded and up to date.

9.7 Use By Other Council Departments

There are links between the regulatory role of the Council in respect of contaminated land and other regulatory regimes such as planning and building control. Other sections and departments of the Council may from time to time require access to the information contained in this Strategy. Access to the database will be on a read only basis.

9.8 Confidentiality of Information

Under certain circumstances the Council may not or cannot place information on the public register. Circumstances where information is withheld may include:

- where it is in the interests of national security.
- where it is commercially confidential.

Where information has been excluded from the public register for reasons of commercial confidentiality the Council will place a statement on the register to indicate this.

Supply of environmental information held by the Council is subject to certain restrictions, including in the following circumstances

- where it is in the interests of national security.
- where this is commercial confidential.
- where the information is an issue in any legal proceedings or enquiry.
- where the information is still being completed or it is an internal communication of a relevant person.
- where this would affect the confidentiality of the deliberations of a relevant person.

The confidentiality of any information supplied to the Council by third parties is determined when this is received. When a third party states that information is supplied to the Council is commercially confidential or cannot be released for any of the other reasons given above then the Council ask for justification to be provided giving the reasons for this. Information which is confirmed as confidential on the basis of a justification cannot be released to other parties.

9.9 Arrangements for giving Access to Information

The Council's public register will be located in the Environmental Services Department at the Civic Centre London Road Morden the Register is available for inspection free of charge between the hours of 9.00am and 4.30pm Monday to Friday.

9.10 Dealing with requests for information

Requests for copies of information from the public register may be made by telephone, fax, email or letter. Please contact: : Ehealth@merton.gov.uk.

All correspondence should be addressed to

Environmental Health Department
Merton Civic Centre
London Road
Morden
Surrey
SM4 5DX

Direct dial: 0208 545 3025 or fax: 0208 545 4025
Email: Ehealth@merton.gov.uk.

A site location map should be provided and/or clear details of the information required.

If you wish to make more specific or complex enquiries about a particular site or its environs we will try to provide more detailed information. A charge will be made for this service, minimum charge of £100.00 (this service does not attract VAT) per hour. These charges are reviewed on an annual basis.

9.11 Provision of Information to the Environment Agency

The Council has responsibilities for consulting with the Environment Agency as part of the inspection strategy. A standard reporting procedure has been agreed.

1. Consult the Environment Agency on pollution of controlled waters.
1. Transfer responsibility for special sites
2. Provide summary information on contaminated land.

From time to time the Environment Agency has to prepare and publish a report on the state of contaminated land in England. The purpose of this report is to assess the scale and significance of the problem and the effectiveness of measures put in place to address it. To allow the Environment Agency to do this the Council has to supply data to it from the body of information obtained under this inspection Strategy. The appropriate arrangements have been agreed with the Environment Agency.

APPENDICIES

APPENDIX 1

TABLE A – CATEGORIES OF SIGNIFICANT HARM	
Type of receptor	Description of harm to that type of receptor that is to be regarded as significant harm.
Human beings	<p>Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p>For these purposes, disease is to be take to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p> <p>In this chapter, this description of significant harm is referred to as a "human health effect".</p>
<p>Any ecological system, or living organism forming part of such a system, within a location which is part</p> <ul style="list-style-type: none"> • an area notified as an area of special scientific interest under Section 28 of the Wildlife and Countryside Act 1981; • any land declared a national nature reserve under Section 35 of that Act; • any area designated as a marine nature reserve under Section 36 of that Act; • an area of special protection for birds, established under Section 3 of that Act; • any European Site within the meaning of Regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (ie Special Areas of Conservation and Special Protection Areas); • any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; • any habitat or site afforded policy protection under paragraph 13 of the Planning Policy Guidance Noted 9 (PPG9) on nature conversation (ie candidate Special Areas of 	<p>For <u>any</u> protected location:</p> <ul style="list-style-type: none"> • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. <p>In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there.</p> <p>In determining what constitutes such harm, the local authority should have regard to the advice of English Nature and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994.</p>

<p>candidate Special Areas of Conservation potential Special Protection Areas and listed Ramsar sites); or</p> <ul style="list-style-type: none"> any nature reserve established under Section 21 of the National Parks and Access to the Countryside Act 1949. 	<p>In this Chapter, this description of significant harm is referred to as an "ecological system effect".</p>
<p>Property in the form of:</p> <ul style="list-style-type: none"> crops, including timber. produce grown domestically, or on allotments, for consumption; livestock; other owned or domesticated animals; wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p> <p>In this chapter, this description of significant harm is referred to as an "animal or crop effect".</p>
<p>Property in the form of buildings</p> <p>For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.</p>	<p>Structural failure, substantial damaged or substantial interference with any right of occupation.</p> <p>For this purpose, the local authority should regard substantial damage or substantial interference as occurring when any party of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which</p>

	the monument was scheduled. In this chapter, this description of significant harm is referred to as a "building effect".
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TABLE B SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM

Descriptions of Significant Harm	Conditions for There Being a Significant Possibility of Significant Harm
<p>Human health effects arising from</p> <ul style="list-style-type: none">• the intake of contaminant, or• other direct bodily contact with a contaminant	<p>If the amount of the pollutant in the pollutant linkage in question:</p> <ul style="list-style-type: none">• which a human receptor in that linkage might take in, or as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. <p>Such an assessment should take into account:</p> <ul style="list-style-type: none">• the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question;• the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and• the duration of intake or exposure resulting from the pollutant linkage in question. <p>The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure.</p> <p>Toxicological properties should be take to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.</p>
<p>All other human health effects (particularly by way of explosion or fire)</p>	<p>If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning:</p> <ul style="list-style-type: none">• that type of pollutant linkage, or• that type of significant harm arising from other causes. <p>In making such an assessment, the local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give</p>

	<p>particular weight to cases where the pollutant linkage might cause significant harm which:</p> <ul style="list-style-type: none"> • would be irreversible or incapable of being treated; • would affect a substantial number of people; • would result from a single incident such as a fire or an explosion; or • would be likely to result from a short-term (that is, less than 24-hour) exposure to pollutant.
All ecological system effects	<p>If either:</p> <ul style="list-style-type: none"> • significant harm of that description is more likely than not to result from the pollutant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.</p>
All building effects	<p>If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or, in the case of a scheduled relevant information for that type of pollutant linkage.</p>

APPENDIX 2

PROCEDURE TO PRIORITISE ACTION WITH RESPECT TO CONTAMINATED SITES BY RISK ASSESSMENT

INTRODUCTION

Action for site investigation will be based on the Department of Environment: Contaminated Land Research Report CLR6 (1995) and related guidance that sets out a prioritisation and categorisation procedure for sites that may be contaminated. Sites suspected of being contaminated will initially be evaluated on a systematic risk assessment basis and thereafter sites that are assessed as being potentially of higher risk will be actioned accordingly. It is important to note that the procedures make use of a limited amount of basic data. The placing of sites in a priority category is therefore not definitive and care must be taken with regard to the reliability placed on the priority categorisation of sites. Further site investigation or risk assessment may result in the revision of priority categorisation.

The procedure is based on the source - pathway - receptor approach to contaminated land risk assessment. Examples of hazard sources include toxicity, flammability, explosive nature or potential for attack on building materials but the presence of a source does not necessarily constitute a significant risk. A pathway, for example, the means for a contaminant to migrate through soil, water or air, is required, as is a potential receptor - humans, ground or surface water, the eco system or buildings and other structures. Not all receptors are vulnerable.

A key element of the initial assessment is for the previous land use/uses and accordingly industrial uses which were likely to be contaminative to be identified and classified. The industrial uses will be allocated a "risk rating". Industrial uses and key receptors will be placed within broad categories (see end of this Appendix).

The procedure has two main parts. **Part I** leads to a preliminary prioritisation of the site based on an assessment of the proximity of a receptor. The receptors are assessed under the three groupings: -

Group A - Development (humans, plants and the built environment)

Group B - Surface water

Group C - Ground water

Each site is assigned to one of three groups which determines the priority for assessment under **Part II** of the procedure.

PART I - INITIAL PRIORITISATION

The objective of **Part I** of the procedure is to provide a preliminary prioritisation of sites into groups for progression to **Part II**. The site is assessed under the following headings: -

i) Group A - Development

The preliminary prioritisation of potential risks to development (humans, plants and the built environment) should be based on information on the location and current use of the site.

ii) Group B - Surface water

All surface water features on the site or within 500m of the boundary of the site such as drains, streams, pools, canals and rivers should be identified. For urban areas this should be done with reference to OS 1:1,250 scale maps where they are available or otherwise the 1:2,500 scale maps. 1:10,000 scale maps should be used for other areas. The direction of surface water run off at the site should be established by an interpretation of the contours shown on a 1:10,000 scale map. Where maps do not show clearly the direction of run off it should be assumed that run off from the site drains to the nearest watercourse.

iii) Group C - Ground water

The site should be placed in a preliminary group on the basis of the Environment Agency Source Protection Zone plans and Groundwater Vulnerability maps. Should source Protection Zone plans not be available the documents listed by each region of the Environment Agency in their Appendix to the Aquifer Protection Policy should be used during the interim period until finalised plans are available. At this stage a possible protection of Aquifers by superficial deposits is not taken into consideration.

Preliminary Groups

At the end of this process (**Part I**) the site should be placed in the highest group identified under any of the above headings. For example if assessment under “Development” results in the placement of the site in Group A, assessment under “Surface water” results in the placement of the site in Group B and assessment under “Ground water” results in the placement of the site in Group B, the site should be placed in Group A at the end of this part of the procedure.

PART II - ASSESSMENT

The prioritisation is refined into more specific categories using more detailed information about each site and the hazards likely to be present, the pathways and receptors. The sites placed in Group A during **Part I** of the procedure are assessed first, followed by the sites in Group B and then those in Group C. Individual sites are assessed for possible impact on development, surface water and ground water and placed in one of the following categories.

Priority Category 1

- Site probably or certainly not suitable for present use and environmental setting.
- Contaminants probably or certainly present and very likely to have an unacceptable impact on key receptors.
- Urgent 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 receptors.
- Action may be 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 the receptors.
- Action unlikely to be needed whilst site remains in present use or otherwise remains undisturbed.

Priority Category 4

- Site considered suitable for present use and environmental setting.
- Contaminant may be present but very unlikely to have an unacceptable impact on key receptors.
- No action needed whilst site remains in present use and remains undisturbed.

Once assessment is completed under **Parts I** and **II** sites will then fall into broad classes with the higher risk sites being classified as A1-4 with the lower risk sites following as B1-4 and C1-4. The procedure has been designed to provide a structured framework with a consistent outcome at each stage and avoid subjective judgement where possible. However, appropriate management control systems and quality assurance will assist in the proper and consistent application of the procedure.

Broad categories of Industrial Use and Key Receptors are detailed below:

INDUSTRIAL USES

Industrial Sector: Animal Products

- Abattoirs
- Agriculture
- Medicinal Products
- Tanning
- Taxidermists

Industrial Sector: Asbestos

- Asbestos products
- Asbestos containing materials

Industrial Section: Chemical

- Chemical manufacturers
- Chemical merchant
- Chemical plant and equipment

Industrial Sector: Energy

- Coal merchants
- Gas works
- Power stations

Industrial Sector: Metals

- Foundries and Forges
- Plating works
- Printing equipment (metal)
- Product manufacturers (metal)
- Raw metals: production
- Tinmen, zinc workers and braziers
- Treatment: metals
- Waste
- Welders

Industrial Sector: Tars, Paints, and Polishers and Printers

- Carbon black manufacturers
- Cellulose/enamellers/lacquers
- Coatings
- French polishers
- Oil products
- Paints
- Printers
- Tarmac/bitumen/pitch
- Transformers
- Typewriter manufacturers

Industrial Sector: Timber

- Coopers
- Timber manufacturers
- Pre-treatment
- Rot treatment

Industrial Sector: Toiletries

- Bath salt manufacturers

- Cosmetic manufacturers
- Soap manufacturers
- Other

Industrial Sector: Transport and Support - Air

- Contractors
- Fuel
- Garages/repair
- Manufacture
- Rail

Industrial Sector: Waste

- Demolition contractors
- Incinerators
- Landfills
- Other waste disposal units
- Sewage and water treatment works
- Waste contractors
- Waste recycling

RECEPTORS

Commercial
 Education (Adult)(Child)
 Industry
 Parks/open space
 Public building
 Transport
 Residential with gardens
 Residential without gardens
 Allotments
 Health
 Utilities
 Vacant land
 Water bodies
 Agriculture
 Woodland
 Protected areas (Nature)
 Protected areas (Urban)

APPENDIX 3

Definition of Special Sites

Contaminated land of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site -

(1) controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land and, as a result, require a treatment process or a change in such a process to be applied to those waters before use, so as to be regarded as wholesome within the meaning of Part III of the Water Industry Act 1991 (water supply).

(2) controlled waters are being affected by the land and, as a result, those waters do not meet or are likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 82 of the Water Resources Act 1991 (classification of quality of waters); or

(3) controlled waters are being affected by the land and -

(i) any of the substances by reason of which pollution of the waters is being or is likely to be caused falls within any of the families or groups of substances listed in paragraph 1 of Schedule 1 of the Contaminated Land (England) Regulations; and

(ii) the waters, or any part of the waters, are contained within underground strata which comprise wholly or partly any of the formations of rocks listed in paragraph 2 of Schedule 1 to the Contaminated Land (England) Regulations.

(4) land which is contaminated land by reason of waste acid tars in, on or under the land;

(5) land on which any of the following activities have been carried on at any time -

(i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or

(ii) the manufacture or processing of explosives;

(6) land on which a prescribed process designated for central control has been or is being carried on under an authorisation where the process does not comprise solely things being done which are required by way of remediation;

(7) land within a nuclear site;

(8) land owned or occupied by or on behalf of -

- (i) the Secretary of State for Defence;
- (ii) the Defence Council;
- (iii) an international headquarters or defence organisation; or
- (iv) the service authority of a visiting force,

being land used for naval, military or air force purposes;

(9) land on which the manufacture, production or disposal of -

- (i) chemical weapons;
- (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974 (restriction on development of biological agents and toxins); or
- (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons), has been carried on at any time;

(10) land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991 (arrangements for development etc of nuclear devices);

(11) land to which section 30 of the Armed Forces Act 1996 (land held for the benefit of Greenwich Hospital) applies; and

(12) land which -

- (i) is adjoining or adjacent to land of a description specified in sub-paragraphs (b) to (i) above; and
- (ii) is contaminated land by virtue of substances which appear to have escaped from land of such a description.

APPENDIX 4

SITES OF SPECIAL SCIENTIFIC INTEREST, LOCAL NATURE RESERVES, SITES OF IMPORTANCE FOR NATURE CONSERVATION, ARCHAEOLOGICAL PRIORITY ZONES AND SCHEDULED ANCIENT MONUMENTS

Site of Special Scientific Interest	- Wimbledon Common
Local Nature Reserves	- Sir Joseph Hood Memorial Wood - Myrna Close - Bennett's Hole - Fishponds Wood/Beverley Meads - Cannon Hill Common - Wandle Meadow Nature Park
Sites of Metropolitan Importance for Nature Conservation	- Mitcham Common - Morden Cemetery - Upper River Wandle and surroundings - Wimbledon Common
Sites of Borough (Grade I) Importance for Nature Conservation	- Atkinson Morley Hospital Woodland - Cannizaro Park - Cannon Hill Common - Malden Golf Course and TWU Pipetrack - Morden Hall Park and Deen City Farm - Royal Wimbledon Golf Course, South - Sir Joseph Hood Memorial Wood - Wandle Meadow Nature Park and the Lower River Wandle - Wimbledon Park Lake, Woods and Golf Course - Worcester Park Green Lanes
Sites of Borough (Grade II) Importance for Nature Conservation	- Abbotsbury School Meadowlands - Beverley Brook - Buddhapadipa Temple Grounds - Cherrywood - Derwent Road floodwash - Lower Pyl Brook - Merton Park green walks - Morden Park - Myrna Close Valley - Oakleigh Way nature area - Prince Georges playing field - Pyl Brook nature reserve

Sites of Local Importance for Nature Conservation

- Railside habitats
- Bushey First School Conservation Area
- Cannons Pond
- The Chase
- Church Lane Playing Field
- Cranmer Green Pond
- The Eltandia Hall Nature Area
- Liberty Middle School Conservation Area
- London Road Playing Fields
- Morden Recreation Ground Spinney
- Moreton Green
- Park House Middle School Conservation Area
- Poplar First School Nature Area
- Pyl Brook by Garth Road
- Raynes Park Sports Ground Wildlife Area
- St John Fisher School Nature Garden
- St Mary's Churchyard and Glebe Fields, Merton Park
- St Mary's Churchyard Wimbledon
- St Mary's R.C. Primary School Nature Garden
- St Peter and St Paul Churchyard, Mitcham
- Three Kings Pond

Archaeological Priority Zones

1. Wandle Valley Alluvium
2. Beverley Brook Valley Alluvium
3. Wimbledon Common
4. Mitcham Common
5. Morden Park
6. Merton Village
7. Wimbledon Village
8. Mitcham Village
9. Morden Village
10. Cannon Hill
11. Lower Morden
12. West Barnes Farm
13. Stane Street
14. Wandle/Copper Mill Lane
15. Wandle/Colliers Wood
16. Wandle/Mitcham
17. Mill Corner
18. Merton Place
19. Wimbledon Park House
20. Morden Hall and Park

Scheduled Ancient Monuments

- a) Caesar's Camp, Wimbledon Common
- b) Merton Priory
- c) Morden Park Mound

APPENDIX 5

LIST OF DOCUMENTS REFERRED TO IN THE TEXT:

- [1] *Environmental Protection Act 1990, Part IIA*: inserted by Environment Act 1995, Section 57. See Environment Act 1995 for text of Part IIA.
- [2] *Environmental Protection Act 1990, Part IIA. Contaminated Land*, DETR Circular 02/2000, Department of the Environment, Transport and the Regions, 20th March 2000.
- [3] M.J. Carter Associates (1995) *Prioritisation and Categorisation Procedure for Sites which may be Contaminated* CLR Report No. 6, Department of the Environment.
- [4] SNIFFER (1999) *Communicating understanding of contaminated land risks* Scotland and Northern Ireland Forum for Environmental Research, SEPA, Stirling.
- [5] Environment Agency Procedural Note 6: State of Contaminated Land Report (2000).
- [6] Environment Agency - Model Procedures for the Management of Land Contamination CLR11
- [7] London Borough of Merton Unitary Development Plan, Adopted October 2003

APPENDIX 6

GLOSSARY

This glossary has been prepared to assist with the understanding of technical and legal terms used in this contaminated land strategy. Definitions should therefore be taken in the context of contaminated land; they are not necessarily full and all encompassing definitions appropriate to any purpose. Explanations of terms with legal meaning have been simplified and/or further explained for clarity and should not be assumed to comprise full legal definitions. These are given by the statutory guidance [2]

ABSTRACTION

The pumping or collection of water for drinking or other use from a well, spring, river or other water source.

APPROPRIATE PERSON

Any person who is found to be liable to pay for remediation under the terms of the EPA 1990 Part IIA. This is firstly the polluter. If no polluter can be identified, then the landowner may be the appropriate person. The appropriate person

Where a site is found to be contaminated, the Council will determine who the appropriate is (a person or company who will be responsible for carrying out remediation). The appropriate person may be either

an appropriate person - Class A; the person who calls or knowingly permitted a pollutant to be in, on or under that land or

an appropriate person - Class B; the owner or occupier of the site.

These persons (class B) are responsible for any necessary remediation only in the event of the Class A person not being found. Where there is more than one appropriate person associated with the site the Council will apportion liability to reflect the amount of contamination that each may have caused.

AQUIFER

A body of rock or sediment that is sufficiently permeable to store and transmit water under the ground, in quantities that permit use of the water.

CHARGING NOTICE

A notice placing legal charge on land by an enforcing authority enabling the authority to recover reasonable remediation costs from the appropriate person(s).

CONTAMINATED LAND

The definition of contaminated land from the Environmental Protection Act 1990, Part IIA, Section 78A (2) is:

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

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

CONTROLLED WATERS

“Controlled waters” are all natural inland and near coastal waters, including groundwater. Therefore, all ponds, lakes, rivers, streams, estuaries and coastlines are controlled waters. Pollution of controlled waters means the addition of any “poisonous, noxious or polluting matter or any solid waste matter”.

DISCHARGE CONSENT

A consent, issued by the Environment Agency, allowing the discharge of waste water (eg run-off, or treated effluent from a factory) to a controlled water. The consent specifies the quantity and quality of waste water that may be discharged at the consented location.

GEOGRAPHICAL INFORMATION SYSTEM (GEOGRAPHICAL INFORMATION SYSTEM)

A computer program that enables map-related data to be stored, viewed and processed.

INTEGRATED POLLUTION CONTROL (IPC)

A system for regulating industrial sites in the UK, made under the Environmental Protection Act 1990. It requires industrial sites operating particular processes to obtain authorisation to operate from the Environment Agency or the Local Authority (depending on the nature and scale of the process). In general, processes regulated under Integrated Pollution Control are likely to be more polluting than those not regulated; however this covers all forms of pollution and does not necessarily mean that Integrated Pollution Control sites are likely to cause contamination of the ground. The IPC regime is currently being replaced by the Pollution Prevention and Control (PPC) regime.

MAJOR AQUIFER

An aquifer that provides significant drinking water resource in the UK.

PATHWAY

A mechanism for a receptor to be exposed to a contaminant that may harm the receptor.

POLLUTANT LINKAGE

A circumstance where it is possible that a contaminant (source) may contact a receptor (via a particular pathway).

POTENTIALLY CONTAMINATIVE USE

A development that exists, or has previously existed, on a site where the nature of the development is such that it is possible that contamination of the ground may have occurred.

PUBLIC REGISTER

The register maintained by the enforcing authority containing details of land that is contaminated land.

RECEPTOR

(a) A living organism (including humans) or group of organisms, and ecological system or piece of property that is being or could be harmed by a contaminant.

(b) controlled waters which are being, or could be, polluted by a contaminant.

REMEDIATION

Remediation is an action carried out to reduce the risk of significant harm or water pollution. It entails breaking or removing significant pollutant linkages, by treating the source (contaminant); blocking the pathway or protecting or removing the receptor.

REMEDIATION DECLARATION

A document prepared and published by the enforcing authority, detailing remediation actions that it would have specified for a given site, but is prevented from so doing by Section 78E (4) and (5). This says that the authority must only specify remediation that is reasonable, given the seriousness of the harm or water pollution, and the cost of the works that would have to be carried out.

REMEDIATION NOTICE

A notice specifying what an appropriate person has to do by way of remediation and by when.

REMEDIATION STATEMENT

A statement prepared and published by the responsible person detailing the remediation actions that have been carried out (or are planned).

RUN-OFF

Surface water that flows across an area and into rivers, streams etc or drains during rainfall (ie all the water that does not soak into the ground).

SIGNIFICANT HARM

Significant harm includes:

Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions in humans.

Irreversible adverse change, or threat to endangered species, affecting an ecosystem in a protected area (e.g. site of special scientific interest).

Death, serious disease or serious physical damage to pets, livestock, game animals or fish.

A substantial loss (20%) in yield or value of crops, timber or produce

Structural failure, substantial damage or substantial interference with right of occupation to any building.

Further information on significant harm is given in Chapter A, Table A of Circular 02/2000 DETR (the statutory guidance).

SIGNIFICANT POLLUTANT LINKAGE

A pollutant linkage where the amount of contaminant (source) that may be able to contact the receptor is likely to be sufficient to result in significant harm or pollution of controlled waters.

SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM

In determining whether there is a significant possibility of significant harm, the local authority will use a risk assessment approach, considering both the severity and the likelihood of the possible harmful effect. This will involve establishing:

The nature and degree of harm predicted.

The susceptibility of the receptors to which harm might be caused.

The timescale within which the harm might occur.

SOURCE

A substance capable of causing harm, that is present in, on, or under the ground.

SOURCE PROTECTION ZONE

An area around a major groundwater abstraction (drinking water source) where ground contamination may result in the contamination of the water source. Source protection zones are defined by the Environment Agency and there are restrictions on development of some kinds (e.g. landfill sites) within them.

SPECIAL SITE

A Special Site is a contaminated land site that is regulated by the Environment Agency instead of the Local Authority. The definition of a Special Site is given in Section 78C (7) and 78D (6) of the Environmental Protection Act 1990.

Examples of Special Sites are:

- Sites that could be contaminating drinking water resources
- Industrial sites likely to have difficult contamination problems, such as waste acid tar lagoons, oil refining, explosives and sites regulated under Integrated Pollution Control.
- Nuclear sites.
- Ministry of Defence Land

STATUTORY GUIDANCE

Guidance that must be complied with by the enforcing authority. The statutory guidance for English local authorities is set out in DETR Circular 02/2000.

WALKOVER SURVEY

A preliminary survey of a site carried out by visual inspection.

WASTE MANAGEMENT LICENCE

Under the Waste Management Licensing Regulations 1994, all businesses involved in waste management must hold a license for each site or premises on which waste management operations are carried out. Licenses are issued and enforced by the Environment Agency.