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Glossary of Terms

AOD	Above Ordnance Datum (i.e. above sea level)
AONB	Area of Outstanding Natural Beauty
Appropriate person	“any person who is an appropriate person, determined in accordance with section 78F, to bear responsibility for anything which is to be done by way of remediation in any particular case.”
CLEA	Contaminated Land Exposure Assessment (A risk assessment methodology developed jointly by the EA and partners)
CLR	Contaminated Land Research (commissioned by DETR)
Contaminated Land	<p>The statutory definition:</p> <p>“Any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that;</p> <p>(a) significant harm is being caused or there is a significant possibility of such harm being caused; or</p> <p>(b) pollution of controlled waters is being, or is likely to be, caused”.</p> <p>(DETR Circular 02/2000, Chapter A, Annex 3.)</p>
Controlled Waters	Defined in section 78A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters (see appendix 4).
COPA	Control of Pollution Act 1974 (came into effect 1976) this regulates landfill and incineration sites
cSAC	(candidate) Special Area of Conservation. A site proposed by the UK Government under EC Directive 92/43 on the conservation of natural habitats and of wild fauna and flora.
DETR	Department of the Environment, Transport and the Regions (now divided between DTLR and DEFRA)
DEFRA	Department for Environment, Food and Rural Affairs
Determination	The formal process of designating a site as meeting the statutory definition of “contaminated land”
DTLR	Department of Transport, Local Government and the Regions
EA	Environment Agency
EPA	Environmental Protection Act 1990
Exclusion tests	A series of tests that are applied to exclude persons from the Class A liability group.
FLARE	A windows-based database soon to be used by Environmental Health Services
GIS	Geographical Information System
Groundwater	Water which is contained in underground rocks (aquifers)
H & S	Health and Safety

Ha	Hectare (unit of area)
Hardship	The term is not defined in Part IIA and therefore carries its ordinary meaning-hardness of fate or circumstance, severe suffering or privation. It is a factor underlying any cost recovery decision made by an enforcing authority under section 78P(2)
ICRCL	Interdepartmental Committee on the Redevelopment of Contaminated Land
Interested Persons	Anyone who (a) is an owner of the site (b) is an occupier of the site (c) appears to be an “appropriate person”
IOW	Isle of Wight
IPC	Integrated Pollution Control (an industrial processes licensing regime)
IOW Partnership	Established to provide a co-ordinated approach to economic and social regeneration. Consists of: IOW Council, Business Link IOW, Chamber of Commerce, Wight Training and Enterprise, New Deal and The Learning Island Partnership
ISO 9002	International Standards Organisation, Quality Assurance Approval scheme
LA 21	Local Agenda 21 (Strategy for sustainable development)
LCR	(Standard) Land Condition Record
Liability Group	The people who are appropriate persons with respect to a particular significant pollutant linkage
LNR	Local Nature Reserve. An area of land that is of species nature conservation interest locally. LNRs are declared and managed by local authorities under the National Parks and Access to the Countryside Act 1949
MAPAC	Manchester Area Pollution Advisory Council
Member	An Isle of Wight Councillor
NAAFI	Navy, Army & Air Force Institute.
NGR	National Grid Reference
NNR	National Nature Reserve. An area of high nature conservation value, managed to provide opportunities for research or to preserve animals or plants and geological features of special interest. NNRs are declared by English Nature under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981
OS	Ordnance Survey
Part IIA	Part IIA of the Environmental Protection Act 1990. The legislation that has introduced the new contaminated land regulatory regime.
Pathway	One or more routes or means by, or through, which a receptor: (a) is being exposed to, or affected by, a contaminant, or (b) could be exposed or affected.
Pollutant Linkage	The relationship between a contaminant, a pathway and a receptor.
PPC	Pollution Prevention and Control (an industrial processes licensing regime)
Ramsar	A site designated as a wetland of international

RAS	importance under the Ramsar Convention of Wetlands of International Importance, especially as waterfowl habitat
Receptor	Radioactive Substances Act, 1993, sites Either: <ul style="list-style-type: none"> • a living organism, a group of living organisms, an ecological system or a piece of property which: <ul style="list-style-type: none"> ▪ is in a category listed in Table A in Appendix 3 as a type of receptor, and ▪ is being, or could be, harmed, by a contaminant; or • controlled waters which are being, or could be, polluted by a contaminant.
Remediation	Defined as: <ul style="list-style-type: none"> • the doing of anything for the purpose of assessing the condition of- <ul style="list-style-type: none"> ▪ the contaminated land in question; ▪ any controlled waters affected by that land; or ▪ any land adjoining or adjacent to that land • the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose <ul style="list-style-type: none"> ▪ of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or ▪ of restoring the land or waters to their former state; or • the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or controlled waters.
SAC	see cSAC.
SINC	Site of Importance for Nature Conservation. They are non-statutory wildlife sites, but are recognised by the Planning Authority when drawing the UDP.
SNIFFER	Scotland and Northern Ireland Forum For Environmental Research
Source	A contaminant
SPA	Special Protection Areas. A site designated under Article 4 of EC Directive 79/409 on the conservation of wild birds. Together, SPAs and SACs form a network of European sites known as Natura 2000.
Special Site	Contaminated Land sites which are determined by the Council to be the responsibility of the Environment Agency.
SSSI	Site of Special Scientific Interest
Surface waters	Any inland freshwater eg. in streams, rivers, ponds, lakes, canals etc.
UDP	Unitary Development Plan (produced by the Council to designate land for suitable landuse in order to guide planning decisions over the next ten years
WMLR	Waste Management Licensing Regulations '94 (replaced COPA).

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Appendix 2: Statutory definitions of Receptors, Significant Harm and Significant Possibility

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
<p>1. Human beings</p>	<p>Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p>For these purposes, disease is to be taken 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>This description of significant harm is referred to as a “human health effect”.</p>
<p>2. Any ecological system, or living organism forming part of such a system, within a location which is:</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 Planning Policy Guidance Note (PPG9) on nature conservation (ie candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under Section 21 of the National Parks and Access to the Countryside Act 1949. 	<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>This description of significant harm is referred to as an “ecological system effect”.</p>
<p>3. 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>This description of significant harm is referred to as an “animal or crop effect”</p>
<p>4. 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 damage 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 part 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 the monument was scheduled.</p> <p>This description of significant harm is referred to as a “building effect”</p>

Table B - Significant Possibility of Significant Harm

Descriptions of Significant Harm (As Defined in Table A)	Conditions For There Being A Significant Possibility Of Significant Harm
<p>1. Human health effects arising from</p> <ul style="list-style-type: none"> • the intake of a contaminant, or • other direct bodily contact with a contaminant 	<p>If the amount of the pollutant linkage in question:</p> <ul style="list-style-type: none"> • which is a human receptor in that linkage might take in, or • to which such a human might otherwise be exposed, • 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 taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.</p>
<p>2. 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 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 the pollutant.
<p>3. All ecological system effects</p>	<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 that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.</p>
<p>4. All animal and crop effects</p>	<p>If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.</p>
<p>5. All building effects</p>	<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 Ancient Monument, the foreseeable future) taking into account relevant information for that type of pollutant linkage</p>

Appendix 3. "Pollution of controlled waters" definition

Sites that are polluting controlled waters will be designated as "special sites" where:

- (a) 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);
- (b) controlled waters are being affected by the land and, as a result, those waters do not meet, or are unlikely to meet the criterion for classification applying to the relevant descriptions of waters specified in regulations made under section 82 of the Water Resources Act 1991 (classification of quality of waters)(i): or
- (c) controlled waters are being affected by the land and-
 - (i) any of the substances by reason of which the 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 to these regulations; and
 - (ii) the waters, or any part of the waters, are contained within underground strata which comprise wholly or partly of rocks listed in paragraph 2 of Schedule 1 to these regulations.

Schedule 1

1. The following families and groups of substances are listed for the purposes of (c)(i)(above) –
 - Organohalogen compounds and substances which may form such substances in the aquatic environment;
 - Organophosphorus compounds;
 - Organotin compounds;
 - Substances which cause carcinogenic, mutagenic or terratogenic properties in or via the aquatic environment;
 - Mercury and its compounds;
 - Cadmium and its compounds;
 - Mineral Oil and other hydrocarbons;
 - Cyanides.
2. The following rock formations are listed for the purposes of (c)(ii)(above) –
 - Pleistocene Norwich Crag;
 - Upper Cretaceous Chalk;
 - Lower Cretaceous Sandstones;
 - Upper Jurassic Corallian;
 - Middle Jurassic Limestones;
 - Lower Jurassic Cotteswold Sands;
 - Permo-Triassic Sherwood Sandstone Group;

Upper Permian Magnesian Limestones;
Lower Permian Penrith Sandstones;
Lower Permian Collyhurst Sandstones;
Lower Permian Basal Breccias, Conglomerates and Sandstones;
Lower Carboniferous Limestones.

