Contaminated Land Strategy

East Devon District Council

1 January 2025 – 31st December 2030

Update of Contaminated Land Strategy 2012 & 2019

First Strategy published May 2001

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1 EXECUTIVE SUMMARY

Part 2A of the Environmental Protection Act 1990 requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with guidance issued by the Secretary of State for Environment, Food and Rural Affairs. Each Council was required to adopt a strategy to do this, and to review the strategy periodically. This document is the third review of the original strategy adopted in 2001. The strategy details how, after considering the characteristics of the area, the authority takes a rational, ordered and efficient approach to this requirement.

The fact that a harmful substance is in, on or under a piece of land does not in itself mean that land is "contaminated land". The source of harm may be present but unless a possible route ("significant pollutant linkage") exists through which it is likely to cause harm to health, eco-systems or property or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

Since the requirement to introduce a strategy was introduced in 1990, more than 700 potentially contaminated sites have been listed based on their former site uses. Within that period many of these have come forward for development, or it was found that they had already been remediated and developed. Other sites have been noted as of minor significance. There are no sites which have been determined as "Contaminated Land" currently with East Devon.

The principal objectives of the strategy are therefore to:

- meet the statutory requirements to produce a strategy and review it;
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land;
- use the source-pathway-receptor model as an indication of significant pollutant linkages;
- inform stakeholders of the Council's intentions;
- provide information to the Environment Agency on request, to identify special sites and to transfer them to the Environment Agency;
- record details of determinations on a Public Register.

The council's priorities in dealing with contaminated land are to:

i. protect human health;
ii. protect controlled waters;
iii. protect designated ecosystems;
iv. prevent damage to property, crops and livestock etc;
v. encourage voluntary remediation; and
vi. promote the re-use of brownfield land, using the Local Plan, Planning process and regeneration proposals.

The term "special site" is defined by Section 78A(3) of the Environment Protection Act 1990 as "any contaminated land which (a) has been designated as such a site by virtue of Section 78C(7) or 78D(6) and (b) whose designation as such has not been determined by the appropriate Agency under Section 78Q(4)". The effect of the designation of any contaminated land as a special site is that the Environment Agency rather than the local authority becomes the enforcing authority for the land.

A map-based land database has been established to list sites of potentially contaminated land. This has been produced by identifying contaminative uses and primarily enables appropriate investigations and remediation to be required during redevelopment of the land.

The District Council is the lead regulator on contaminated land but, wherever necessary, the Council will work in partnership with other organisations, particularly the Environment Agency and Natural England.

The regulations set clear criteria that must be met before land can be formally determined as contaminated land. The Council must also maintain a public register that must contain only certain information. Sites are only included on the register once a declaration has been made. To date no sites within East Devon have been required to be declared, although many sites have been remediated voluntarily during redevelopment. There are no sites which have been reported as causing contamination or harm to receptors, with the exception of the Imperial Recreation Ground in Exmouth, which is in the ownership of EDDC. The necessary remediation works to contain potential contamination on this site were completed in 2014 with the approval of the Environment Agency, Natural England and the Marine Management Organisation. In accordance with the National Planning Policy Framework it shall be the policy of this Authority that no land will be capable of being declared “Contaminated Land” after redevelopment.

2 INTRODUCTION

Part 2A of the Environmental Protection Act 1990 requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with guidance issued by the Secretary of State for Environment, Food and Rural Affairs.

The Secretary of State issued statutory guidance to local authorities on the implementation of Part 2A in England. The Statutory Guidance requires local authorities to take a 'strategic approach' to inspecting their areas and to decide and publish this in a written strategy. The Statutory Guidance was revised and updated in 2012 and requires local authorities to take a pragmatic approach to this responsibility, ensuring that commercial enterprise is not discouraged. This document details how East Devon District Council will comply with the requirements between 2025 and 2030.

2.1 General Policy of East Devon District Council

The UK has established a policy and legal framework aimed at minimising the future incidence of contaminated land. This will ensure appropriate action is taken to deal with existing contamination where it poses unacceptable risks to health and the environment; and encourages the reclamation and recycling of 'brown field' land for beneficial use.

In the context of sustainable development, environmental and economic policy areas are key considerations in developing this Inspection Strategy because they:

- ensure unacceptable risks to human health and the environment are evaluated, thus ensuring a cleaner and healthier environment for local people and wildlife;
- encourage the prudent use of land and social resources; and
- ensure that the cost burdens of undertaking remediation are proportionate, manageable and economically sustainable.

Land contamination can take a number of forms and occur in a variety of places. Many different people and organisations are therefore likely to take an interest in a contaminated site, whether contamination has been proven or is suspected.

East Devon District Council recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal and societal factors, which also affect how particular contaminated land issues should be addressed. The Council also recognises that, as with its approach to local government in general, it is important that decisions about contaminated land are defensible and transparent.

This document is presented as East Devon District Council's Contaminated Land Strategy and is available both in hard copy and on the Council's web site to all groups of people ("stakeholders") who have an interest in a contaminated land strategy for the district.

2.2 Regulatory Context

The government's main policy statement on contaminated land is now contained within a DEFRA guidance document: Environmental Protection Act 1990, Part 2A: Contaminated Land Statutory Guidance, April 2012. The principles of this have also been incorporated into the Communities and Local Government document "National Planning Policy Framework 2024".

UK policy on land contamination as set out in the Framework, as well as emphasising the government's commitment to the environmental principles of "sustainable development" and "the polluter pays", requires that existing contamination which poses a threat to health or to the environment is controlled and treated within the "suitable for use" approach.

The statutory basis of the regime is to be found in Part 2A of the Environmental Protection Act 1990 (which was inserted by the Environment Act 1995).

2.2.1 Regulatory role of local authorities under Part 2A

The primary regulatory role under the Part 2A regime rests with Local Authorities. Local Authorities have historically had responsibilities for dealing with any statutory nuisance caused by land contamination and are the lead authorities on land use planning.

The Local Authority has a duty under Part 2A to:

- prepare and publish a contaminated land inspection strategy;
- cause their area to be inspected from time to time to identify whether any land appears to be contaminated land;
- determine whether any particular site meets the statutory definition of contaminated land;
- act as the enforcing authority for all contaminated land, unless the land is required to be designated as a 'special site' under the Contaminated Land (England) Regulations 2006, in which case the Environment Agency will act as the enforcing authority. Any special sites identified will need to be transferred to the Environment Agency;
- keep and maintain a public register of regulatory action.

2.2.2 Regulatory role of the Environment Agency

The Environment Agency has several principal roles with respect to contaminated land under Part 2A. These are to:

- assist local authorities in identifying contaminated land and provide relevant information that is held by the Agency particularly where water protection is involved;
- provide specific advice on the remediation of contaminated land;
- provide site specific guidance to local authorities on contaminated land;
- act as the enforcing authority for any land designated as a special site;
- maintain a public register of regulatory action for special sites;
- publish periodic reports on the state of contaminated land nationally.

If land is contaminated and falls within one of the descriptions set out in the Contaminated Land (England) (Amendment) Regulations 2012 it must be designated as a special site. The descriptions of land do not imply that land of that type is more likely to constitute contaminated land, only that if the land is contaminated land, the Environment Agency is best placed to be the enforcing authority. The Regulations also ensure that the Environment Agency becomes the enforcing authority in three types of case where contaminated land is affecting controlled waters and their quality, and where the Environment Agency will also have other concerns under the legislation. The three cases are wholesomeness of drinking water; surface water classification criteria; and cases where particularly difficult pollutants are affecting scheduled aquifers as detailed in the Regulations.

Pollution of controlled waters is to a large extent already regulated by the Water Resources Act 1991, which gives the Environment Agency the power to serve a works notice where pollution of controlled waters is occurring. In all cases the circumstances of the pollution/contamination will be reviewed to ensure the Agency and local authority use the most appropriate legislation to regulate the site.

In relation to controlled waters, for land to be determined as contaminated under the regulations it must cause significant pollution or the significant possibility of such pollution of the controlled waters. "Pollution" is "any poisonous, noxious or polluting matter or any solid waste matter."

However, land cannot be designated as contaminated land solely on the basis that the substances are already present in controlled waters, where entry of the substances has ceased and it is not likely that further entry will take place.

2.2.3 Definition of Contaminated Land under Part 2A

In the context of **existing threats to health or the environment**, and **where planning or other environmental protection legislation does not apply**, contaminated land is specifically defined in Part 2A of the Environmental Protection Act 1990 as:

"any land, which appears to the local authority in whose area it is situated to be in such 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 water is being or is likely to be caused."

Where "harm" is defined as:

"Harm to the health of living organisms or other interference with the ecological systems of which they form a part, and in the case of man includes harm to his property."

Section 78A (5) requires the enforcing authority to act in accordance with guidance issued by the Secretary of State in determining significance and likelihood.

2.2.4 Risk-based approach

Use of a risk-based approach requires recognition of three main components:

- the source: i.e. the hazardous substances on, in or under the ground;
- the receptor [or target] i.e. the specified entity which is vulnerable, or could be vulnerable, to the adverse effects of the hazardous substances; and
- the pathway i.e. the means by which a hazardous substance is able to come into contact with a receptor.

On any individual site there may be one or more of each of these components. However, all three must be present with a clear relationship or linkage between them, for a risk to exist. The degree of risk and whether it is sufficiently serious to warrant action depends primarily on the nature of the relationship between these components.

In the context of the Statutory Guidance for Part 2A a source-pathway-receptor relationship is termed 'a pollutant linkage'.

A risk based "suitable for use" approach using the concept of source-pathway-receptor relationships reflects UK Government policy on contaminated land. Under the Planning and Building Control legislative regimes, risk assessment is based on "suitable for next use" (e.g. a change from industrial to residential and therefore a change in receptors).

Under the contaminated land legislative regime, and the statutory definition of contaminated land, the risk assessment is based on "suitable for current use".

The receptors recognised as being potentially sensitive in Part 2A are:

- **Human Beings**
- **Ecological Systems or Living Organisms forming part of a System within certain Protected Locations**, including: Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Nature Reserves, Special Areas of Conservation (SAC), Special Protection Areas (SPA), Candidate SACs, RAMSAR sites, Areas of special protection for birds.

- **Property in the Form of Buildings**, including Ancient Monuments:
- **Property in other Forms**: Crops, Livestock, Home-grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights; and
- **Controlled Waters**: Surface waters (e.g. rivers, lakes, streams or bathing waters) and groundwater.

In the event that a significant pollutant linkage is identified and that significant harm is being caused to a receptor or that a risk assessment indicates there is a significant possibility of such harm occurring or that pollution of controlled waters is, or is likely to occur, an area of land can be determined as contaminated land.

If an area of contaminated land has been determined, the approach for dealing with it will be the same regardless of whether the Local Authority or the Environment Agency is the enforcing authority. There are four main stages to this approach.

- to establish who the "appropriate person" to bear responsibility for the remediation (or "clean-up") of the land is.
- to decide what remediation is required and to ensure that this occurs, through:
    - reaching a voluntary agreement or
    - serving a remediation notice, if agreement cannot be reached, or
    - carrying out the work themselves.
- to determine who should bear what proportion of the liability for meeting the costs of the work; and
- to record information on a public register.

2.2.5 Requirements for Strategic Approach

All local authorities are required to take a strategic approach to the identification of land in their area that merits detailed individual inspection. The Statutory Guidance requires that the approach adopted should:

- be rational, ordered and efficient;
- be proportionate to the seriousness of any actual or potential risk;
- seek to ensure that the most pressing problems are located first;
- ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land and;
- ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

2.3 Development of the Strategy

This strategy has been reviewed with particular reference to the 2012 DEFRA guidance and EDDC has adopted the following approach:

- Environmental Health has been identified as the lead service within the Council for the purpose of the Strategy. The designated Environmental Health Officer (EHO) will work with and consult other services including Development Management, Building Control, Estates, and Engineers as appropriate. The EHO also has

responsibility for liaising with and providing information to the Environment Agency, Natural England, DEFRA, landowners, agents and members of the public.

- The EHO will ensure that, as far as possible, land contamination is dealt with through the planning system or by voluntary remediation on the part of the current landowner.
- The EHO will respond to complaints and enquiries from members of the public regarding potentially contaminated land.

2.4 Objectives of the Strategy

The fact that a potentially harmful substance is present (in terms of "harm" to human health, to eco-systems or to property) in, on or under a piece of land does not in itself mean that land is "contaminated land". The source of harm may be present but unless a possible route ("significant pollutant linkage") exists through which it is likely to cause harm to health, eco-systems or property or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

Prioritisation is the key. Former site uses will need to be taken into account as will the local geological and hydrogeological conditions but it is the identification of vulnerable receptors and significant pollutant linkages that will drive the process.

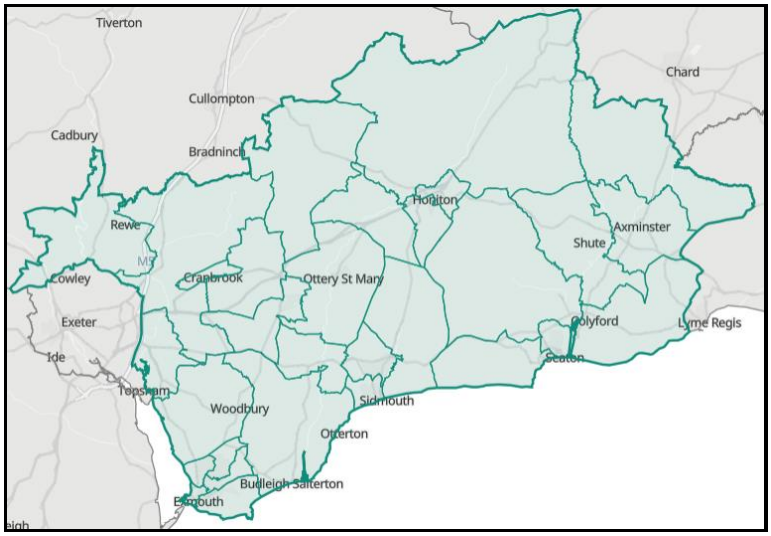
The principle objectives of the strategy are to identify and remediate contaminated land and this will be achieved by:

- meeting the statutory requirements to produce a strategy;
- identifying contaminated land and special sites;
- using the source-pathway-receptor model as an indication of significant pollutant linkages;
- informing stakeholders of the Council's intentions;
- consulting and maintaining communication links where appropriate with the Environment Agency; and
- transferring responsibility for special sites to the Environment Agency.

3 CHARACTERISTICS OF EAST DEVON DISTRICT

The purpose of this section is to provide the background to East Devon District Council's area and how that influences the Council's approach to inspection for contaminated land.

3.1 Geographical Location



East Devon District occupies the eastern part of the county of Devon and is bordered by other parts of the county to the west and the north, with Somerset and Dorset to the east.

3.2 Brief Description

The undulating landscape of East Devon is characterised by numerous valleys, formed by the rivers and streams which flow through the District and into the English Channel. The highest points in the District are around 270m above sea level, with the beaches of the south coast forming the lowest points.

The landscape is dominated by agriculture in terms of land use, but with only a small percentage of people still working in that industry. East Devon has a diverse range of industries and commercial concerns (largely in the Service Sector) centred around the main towns in the District.

The M5 Motorway crosses the most westerly part of the District providing good access to Wales, the Midlands and the north of England. The A30 and A303 trunk roads provide the main artery routes through the District, and the Exeter to London railway provides links with the south east. Exeter Airport is also located within the District, east of the junction of the M5 and A30.

3.3 Historical Development

There is some evidence that East Devon was populated in Pre Historic times. Although it was the Saxons who created and developed the farmsteads around Ottery St Mary, it is known that Pre-Historic man used the surrounding countryside. Other evidence of human population in the District in the run up to the Roman period has been found in a number of locations. Iron Age remains have been found around Seaton, and Bronze Age burial mounds are common around Honiton.

There is considerable evidence that the Romans settled in East Devon. Walled forts and a castle have been found around Seaton, and a fort was also located near Axmouth on Hochsdon Hill. Exmouth has its foundations in Roman times before it developed into a fishing village, and then a port by the 1100s.

Under the rule of Henry III in the 13th Century, many of the towns in East Devon, such as Ottery St Mary and Honiton, prospered as market towns. Wool and cloth were some of the first commercially traded goods in Honiton, which had developed a reputation for pottery as well as fabrics by the 19th Century.

During the 18th and 19th Centuries towns in East Devon continued to develop localised industries, such as lace making in Honiton and the Whetstone mines in the Blackdown Hills, as well as developing a tourism trade.

More recently, East Devon has become less reliant on agriculture and has developed a thriving economy and tourist trade. Many smaller industries have developed around the main population centres. The first new town in Devon for many centuries is being developed at Cranbrook, north of Exeter Airport.

3.4 Size

East Devon District covers an area of 315 square miles or 815 square kilometres and comprises 64 parishes.

3.5 Population Distribution

The population of the District was estimated at 150,800 (2021 Census figures). There are eight towns within the District, which accommodate approximately 60% of the total population. These are Exmouth, Axminster, Budleigh Salterton, Honiton, Ottery St Mary, Seaton, Sidmouth and Cranbrook. The towns range in size from Cranbrook with a population of 6,700, to Exmouth with 35,488.

3.6 Land Owned by the District Council

Details of the current land owned/leased by the District Council are held on the GIS system maintained by the GIS team.

3.7 Current Land Use Characteristics

The District is heavily reliant on the Service Sector (hotels, catering, banking, finance etc.) which accounts for approximately 73% of jobs. Generally, these jobs are located around the seven main population centres and the Airport. The remainder of the District's land is devoted mainly to agriculture and forestry. However, these sectors are no longer significant in terms of employment, accounting for only 6% of jobs. Commercial, industrial and waste uses both current and historical are concentrated in and around these towns and along the A3052 road which runs west to east across the district.

3.8 Protected Locations

The majority of the coastline of East Devon is designated as Heritage Coast – the Jurassic Coast. It extends from Exmouth eastwards to Lyme Regis and beyond.

Approximately 66% of the East Devon District is designated as Areas of Outstanding Natural Beauty (AONB) – the Blackdown Hills AONB and East Devon AONB.

East Devon contains 25 Sites of Special Scientific Interest (SSSIs). These sites are the best example of the national natural heritage of wildlife habitats, geological features and land forms.

The 25 SSSIs in East Devon cover a diversity of sites ranging from quarries and caves to moors and meadows. One of them, the Exe Estuary, is identified as being a wetland site of international importance, (a RAMSAR site). The Exe Estuary is classified as a Special Protection Area under the European Community Directive on the Conservation of Wild Birds.

The area running from Sidmouth to West Bay (including the Sidmouth to Beer Coast, and Axmouth to Lyme Regis SSSIs) is also designated a Special Area of Conservation (SAC) under the Conservation of Natural Habitats and of Wild Fauna and Flora (The "Habitats Directive"). The directive requires member states to take measures to maintain or restore habitats and species in the community, giving effect to both site and species protection objectives.

One site in East Devon, Axmouth to Lyme Regis undercliffs, is classed as a National Nature Reserve (NNR). These are designated by Natural England and are areas of national or sometimes international value for nature conservation.

There are 8 sites in East Devon designated Local Nature Reserves (LNRs). These are intended to protect habitats of local significance and include the Exe Estuary, Exmouth; Fire Beacon Hill, Sidmouth; The Maer, Exmouth; and Trinity Hill, Axminster and Uplyme.

In addition to this there are 270 County Wildlife Sites and 21 Regionally Important Geological Sites.

3.9 Key Property Types

There are over 4400 buildings listed as of Special Architectural or Historical Interest, 188 Ancient Monuments and 32 designated Conservation Areas within the East Devon District. There are also seven entries on the Register of Parks and Gardens of Special Historic Interest, which is an English Heritage designation.

With respect to ancient monuments it should be acknowledged that the sites of some former industrial activities are scheduled ancient monuments and at these locations any contaminants present may constitute a significant element of the archaeological interest whereby the monument was scheduled. This aspect would need to be taken into consideration when drawing up a remediation strategy for the site. Scheduled ancient monuments constitute a relatively small proportion of the total archaeological resource and where contamination is identified on or in an unscheduled archaeological site and remediation is necessary there will be full consultation with the County Archaeologist and English Heritage at an early stage.

For scheduled Ancient Monuments, substantial damage i.e. harm, is regarded as any damage that significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled. No such sites have been identified with East Devon to date.

3.10 Key Water Resource/Protection Issues

Surface Water and Bathing Waters

East Devon has a long coastline with several pebble and sand beaches, 8 of which are designated Bathing Waters. There are also many miles of rivers, most of which flow into estuaries on the East Devon coast. Enhancing and improving the quality of water in these surface waters is a priority for all agencies involved in the protection of the natural environment. EC standards for the quality of bathing waters are high and East Devon usually meets the highest standards.

Groundwater

Groundwater is present in underground rock strata throughout East Devon. It is essential in supporting river flows and discharges to wetland ecosystems. Within East Devon groundwater is abstracted by South West Water to supply a significant proportion of the population with drinking water. In addition a large number of private abstractors rely on groundwater for a variety of agricultural and industrial uses. There are 1440 private drinking water supplies in the district, 915 of which are for single dwellings.

The Environment Agency has a statutory responsibility for the protection and management of groundwater resources. This is achieved through implementation of policies detailed in the document entitled “The Environment Agency’s Approach to Groundwater Protection 2018”.

Central to the development of the policies is a system of aquifer designation that distinguishes between aquifers that can supply significant volumes of water for public supply (Principal Aquifers), and rock formations that provide only moderate quantities of water (Secondary

Aquifers). In terms of protecting groundwater quality, and assessing the impact of contamination, there is no distinction made between the two designations.

East Devon is almost entirely underlain by either Primary or Secondary aquifers and so protection of groundwater is likely to be a material consideration when assessing the risks from potentially contaminated sites.

The Environment Agency has also delineated Source Protection Zones around significant individual groundwater abstractions. Up to date further information on these is included on the Environment Agency website.

3.11 Known Information on Contamination

The Council holds information on potentially contaminated sites, and on sites which have been remediated. This has been accumulated from the following sources: submissions as part of the development control process; information from the public and landowners; some premises subject to Environmental Permitting (e.g. the unloading of petrol into storage at a service station); landfill site records; and records of historical and current industrial uses.

A review of progress to date has shown that:

- Most sites with high priority based on the most potentially polluting former uses had already been redeveloped prior to the contaminated land regime being implemented.
- Most other brownfield sites have been developed during the last 20 years or are already included within the Local Plan.
- There have been few reports of receptors being adversely affected by pollution within the last 20 years, and any issues that have arisen have been localised and resolved through voluntary action.

The database of potentially contaminated land has been prioritised on the basis of contaminants likely to have been associated with each use, and the likelihood that these contaminants might become mobile and affect off-site receptors or receptors introduced onto the site. Potential contaminants have largely been identified by referring to the DoE Industry Guides on Contamination.

3.12 Current and Past Industrial History

The principal industry of the District in terms of land use is agriculture, with the population of the District concentrated in a number of market towns that have developed localised manufacturing operations.

The total number of people employed in the District is approximately 64,800 (year ending 2023). East Devon depends heavily on the Service Sector (e.g. hotels, catering, repairs, banking, finance, insurance, transport and communications). This sector accounted for 83% of jobs in the District. Manufacturing accounted for 6% of jobs, agriculture and forestry 6% and construction 5%. Many of the Service Sector jobs are centred around tourism, which is the District's main industry at present. South West Tourism estimates that around 4 million overnight visitors stay in the District each year, in addition to nearly 2 million day visitors.

Historically, small-scale industrial activities have been carried out around several towns in the District as well as in the more rural areas. Today the main industrial activity is centred in the west of the District on the Hillbarton and Greendale Barton Industrial Estates.

Lime burning was carried out throughout the parish of Otterford in the 19th Century. It involved burning lime in kilns to form quicklime. Water was then added which produced a chemical reaction resulting in the water being given off as steam. The resulting powder was spread over farmland to reduce the acidity of the soil and to break down heavy clay soils.

During the 18th and 19th Centuries, Whetstones were mined from the Blackdown Hills. Whetstones were used as sharpening stones for tools.

Budleigh Salterton takes its name from the salt pans that were used to collect local salt for preserving. Although freely available on the coast, salt was in great demand inland and could command high prices.

More recent industries include town gas works, which developed in Exmouth, Sidmouth, Budleigh Salterton, Axminster, and Honiton. Axminster is also famous for its carpet manufacturing.

Exeter Airport is located within the District near to the junction of the M5 and A30. The airport has a runway in excess of 2000m and has been developed as a commercial airport since 1937. It was used as an RAF base during World War 2, and in 1947 a company set up a small scale production line producing “Super Aces” and “‘Skyjeeps”. The airport was bought from the MOD by a County Council consortium and developed as a regional airport. It is now back in private ownership.

A smaller airfield was established at Dunkeswell which has been operating continually since World War 2. This site was reportedly used for disposal of some military wastes during the war and has been passed to the Environment Agency as a Special Site. Investigations to date have not caused the land to be determined as Contaminated Land, and the Environment Agency have concluded that it is no longer required to be a Special Site.

3.13 Geological Characteristics

It is important for the Strategy and for future consideration of potential pathways for the EHO and other interested parties to have an understanding of the geology, hydrology and hydrogeology of the District.

The geological conditions of the District have been assessed from the British Geological Survey 1:50,000 Solid and Drift maps, Sheet 310 Tiverton; Sheet 311 Wellington; Sheet 325 Exeter; Sheet 326/340 Sidmouth and Sheet 339 Newton Abbott.

The oldest geological deposits exposed at the surface occur at the western end of the District, west of the M5 motorway and north of Exeter. These comprise the Upper Carboniferous shales with thin sandstones of the Crackington Formation. To the east of the M5 the solid geological strata get progressively younger in an easterly direction.

Between the M5 and a line broadly defined by the River Tale and River Otter south of Ottery St. Mary, Permian rocks outcrop. To the east of these Permian rocks, Triassic and then Jurassic rocks are progressively encountered. Cretaceous rocks lie unconformably upon the easterly dipping Lias clays of Jurassic Age in the eastern part of the District east of Axminster and the River Yarty. In the centre of the District the Cretaceous rocks overlie the Triassic. To the west of the District beyond Exmouth in the Haldon Hills, they rest unconformably on the Permian strata. The coastline that forms the southern boundary of the District between Exmouth and Lyme Regis provides good examples of the various strata in cliff sections.

In the western part of the district around Exmouth and the River Clyst the oldest Permian strata are represented by a series of irregularly intercalated fine breccias and red sandstones. To the north, around Exeter, the uppermost breccia (Heavitree Conglomerate) is succeeded by a series of sandstones. South-east of Exeter and east of Exmouth a series of red marls (Littleham Mudstone between Exmouth and Budleigh Salterton) with thick red and whitish grey sandstone overlies the breccias. The marls are exposed in a much faulted cliff section at Straight Point which in turn is overlain near Budleigh Salterton by the Triassic Pebble Beds.

Table 1 - Geological Sequence of the District

Period	Age	Geological Unit	Characteristics
Quaternary	Holocene	Alluvium	Soft clays, sand, silt and peat
	Pleistocene	River Terrace Deposits	Sand and gravel, locally clayey
Tertiary	Eocene	Clay with flints 9in part Pleistocene	Gravelly clays and gravels
Mesozoic	Cretaceous	White chalk	Nodular chalk with bands of flint
		White chalk	Nodular chalk passing up into firm white chalk with scattered flints and clayey marl seams.
		Grey chalk	Soft grey chalk, with sandy limestone locally, and clayey marly chalk without flints.
		Upper Greensand	Glauconitic sands with bands of chert.
		Gault	Dark bluish grey silts and clays, locally clayey sands
	Jurassic	Middle Lias	Clays and sands
		Lower Lias	Shales and clays with limestone bands
	Triassic	Mercia Mudstone Group	Silty mudstones with local sandstone bands
		Sherwood Sandstone Group (Otter Sandstone and Budleigh Salterton pebble beds)	Red current-bedded and massive sandstones overlaying quartz and quartzite pebble beds with sand
Palaeozoic	Permian	Lower marls	Red marls and mudstones
		Lower sandstone	Red sandstones and breccias
	Carboniferous	Crackington Formation (Culm Measures)	Shales with thin sandstones

3.14 Hydrological Characteristics

The District is characterised by a southward flowing surface drainage system, including the Estuary of the River Exe on the western boundary of the District.

The River Axe enters the District on its eastern boundary and flows southwest to Axminster, where the River Yarty joins it. The river then flows south to Seaton, with the River Coly joining it just to the north of Seaton. The River Lim flows through the east of the district towards the sea at Lyme Regis in the adjacent district of West Dorset.

From its formation in the hills around Sidbury, the River Sid flows south and into the English Channel at Sidmouth.

The River Otter and its tributaries drain the central part of the District. The river flows parallel with the A30(T) north east of Honiton before turning south past Ottery St Mary and on to

Budleigh Salterton. The River Wolf joins the Otter at Weston, and the River Tale joins the Otter at Ottery St Mary.

One named right bank tributary joins the River Clyst as it passes along the western boundary of the District. Grindle Brook joins the river just before it enters the River Exe at Topsham.

The River Exe is tidal below Exeter. The River Otter is tidal below the aqueduct to the southeast of East Budleigh. The River Axe is tidal below Colyford.

3.15 Hydrogeology

The Triassic Sandstone and Pebble Bed Aquifer lies between the Lower Marls and Upper Marls and comprises 20-25m of large, uncemented pebbles and cobbles (Budleigh Salterton Pebble Beds), overlain by approximately 140m of sandstones with occasional marl bands (Otter Sandstone). The aquifer extends as a narrow band along the Otter Valley and north towards Wellington. Within the Otter Valley it forms the most important aquifer in the District with significant public supply groundwater abstraction.

The Chalk from which other Districts derive considerable groundwater supplies occurs only as isolated outliers on the hills of East Devon and in most cases, drains freely into the underlying Upper Greensand.

The Upper Greensand is an aquifer of regional importance and can provide significant yields, mainly from springs draining the near horizontal beds. The high storage capacity within these rocks results in a high base flow component to the rivers in East Devon, particularly the Culm, Axe, Upper Otter and Sid, maintaining flows even during drought conditions. The lower beds of the Upper Greensand aquifer are unconsolidated fine and silty sands.

A summary of the hydrogeological features of strata within the District is shown below.

Further detail on local Geology and Hydrogeology would be found in the EA CAMS documents detailing conditions within the catchment areas of the Rivers Exe, Otter, Sid, Axe and Lim (February 2005).

Table 2 - Hydrogeological Features of the District

Strata Type	Hydrogeological Characteristics	Flow Mechanism	Classification
Alluvium	Cobbles and gravels interbedded with sand, silt and clay. Locally important for water supply but in hydraulic continuity with surface waters.	Intergranular	Secondary Aquifer
Valley Gravels		Intergranular	Secondary Aquifer
Clay with Flint and Chert	The clay with flint and cherts overlie the Upper Greensand aquifer, reducing recharge and increasing run-off. Limited private supplies obtained.	Intergranular in gravels	Secondary Aquifer
Chalk	Limited importance for public supply in East Devon due to isolated nature of the outcrops. The chalk is generally free draining into Upper Greensand aquifer.	Fracture	Principal Aquifer
Upper Greensand	Although considered to be an important Principal Aquifer, the outcrop is highly dissected and recharge is reduced by a	Intergranular	Principal Aquifer

	capping of clay with flint. However, the formation drains to major springs important for public supply and maintaining dry weather flow in the upper reaches of the Rivers Axe, Otter and Culm.		
Lias	Generally low permeability mudstones although blue lias limestones can yield small amounts of hard water.	Fracture	Secondary Aquifer
Mercia Mudstone	Low permeability, generally regarded as Non-Aquifer, although some horizons can support small suppliers.	Fracture/ intergranular in permeable horizons	Secondary Aquifer
Sandstones and Pebble Beds	Consisting of pebble beds and overlying sandstone formations, this is the major groundwater resource in Devon. Extensively developed for public supply in the Otter Valley with numerous boreholes providing high yields.	Intergranular/ Fracture	Principal Aquifer

3.16 Natural Contamination

Several potential sources of natural contamination have been reviewed from existing information published by the British Geological Survey (BGS) and in the Soil Geochemical Atlas of England and Wales. These are:

- Methane, carbon dioxide and oil seeps from natural sources and mining areas;
- Potentially harmful elements from natural sources and mining areas.

3.16.1 Methane, carbon dioxide and oil susceptibility

BGS information at 1:625,000 scale has been used to indicate the susceptibility to methane and carbon dioxide emissions, and oil seeps at the surface and underground from natural sources. This can be used in the context of receptors and sources of possible contamination.

The information shows that the District can roughly be split into two parts - north and south. Taking a line west to east through the District from Topsham through Ottery St Mary and then between Honiton and Axminster, land to the south is indicated as having a low susceptibility to methane and carbon dioxide emissions, and oil seeps at the surface and underground from natural sources. Land to the north of the line is indicated as land where “gas and/or oil may be encountered in boreholes, underground mines or tunnels intersecting buried (concealed) Carboniferous or younger strata. Likelihood is higher in Carboniferous strata and in certain structural settings (e.g. structural highs at shallow depth and near faults that intersect Carboniferous strata)”.

3.16.2 Soil Geochemistry

In 1995 (updated 2012) the BGS produced maps at a scale of 1:625,000 entitled “Distribution of Areas with above National Average Background Concentrations of Potentially Harmful elements (As, Cd, Cu, Pb and Zn)”. This was based on stream sediment data on either one sample per 1.6km² or one sample per 2.5km². A computer procedure then classified the country in 1km grid squares based on the highest level recorded for any grid square. The BGS

data indicated the following ranges for classification of gridded stream sediment geochemical data (mg/kg):

Table 3 - Classification of Stream Sediment Geochemical Data

Element	Data set	National average Background (Bk)	Bk-<2Bk	2Bk-<4Bk	>4Bk
Arsenic	Wolfson	<40	40-80	80-190	>190
Cadmium	Wolfson	<2.5	2.5-7	7-14	>14
Copper	Wolfson	<95	95-190	190-380	>380
Lead	Wolfson	<60	60-165	165-370	>370
Zinc	Wolfson	<215	215-380	380-810	>810

In general, it was concluded that areas of more than 4 times the upper limit of the background value might be of concern to the landowner, primarily because the conditions might affect farming practices.

The plots, however, are generalised multi element maps that must not be relied upon as a source of detailed information about specific areas or as a substitute for appropriate assessment. Above background concentrations are intended as a prompt to consider whether further site specific information is required for the particular purpose. The maps merely indicate those areas where above background levels may be expected in soils and surface waters as well as stream sediments, they are not a guide to absolute concentrations in soil or water as influenced by a number of factors.

Within East Devon nine 1 kilometre squares are indicated as having more than four times the upper limit of the background level of at least one of arsenic, cadmium, copper, lead and zinc.

These are Ordnance Survey Grid Squares SY2591 and SY2691 (Axmouth), SY2592 (Colyford), SY2692 (Boshill Cross), SY0684 and SY0685 (East Budleigh), SY0686 and SY0786 (Bicton House Agricultural College), SY0785 (Bicton Park).

The 2012 DEFRA Guidance makes clear requirements with respect to “normal” contaminants in soil. The regime was not intended to be applied to land which does not pose an unacceptable risk, and defines this further as land on which there are natural contaminants caused by soil formation or contaminants caused by low level diffuse pollution arising from common human activity. Examples of such diffuse pollution would be material arising from leaded petrol exhausts or the spreading of domestic ash in gardens.

No specific action will therefore be taken in East Devon with respect to findings of natural or low level diffuse pollutants, other than to provide advice to landowners on any information we might hold.

3.17 Redevelopment History and Controls

The District Council has a statutory duty to prepare a Local Plan for the whole of its area. The current East Devon Local Plan was adopted in 2016, covering the period 2013 - 2031. The Local Plan, The Minerals and Waste Local Plan and the County Structure Plan are key documents for the majority of planning decisions. The Local Plan includes a policy relating to the identification and remediation of potentially contaminated land. Reference will also be

made to the National Planning Policy Framework, December 2024, which supersedes previous national planning policies and guidance.

If development is proposed on an area of land where past use may have resulted in contamination, the Council will request a site investigation, usually prior to a planning decision being made or as a planning condition. The outcome of the investigation will determine further action required, in respect of remediation or the breaking of a pathway between source and new receptor. Compliance with the condition imposed will ensure that land could not be determined as contaminated land in the future and is suitable for its intended use.

3.18 Action Already Taken to Deal with Land Contamination

To date, no land in East Devon is known to meet the definition of statutory contaminated land.

Withn the past 25 years, more than 150 of the 700 sites originally identified as potentially contaminated have been investigated by the landowners and, where necessary, remediated through the planning system, as directed by the EHO.

Many more of the 700 sites had already been redeveloped prior to 2000 and there have been no incidents reported of receptors being affected by inadequate remediation works.

Many of the remaining sites are still in their original condition and use class. Of those a proportion are sites which have been noted as “minor significance” – for example, former smithys.

One site within the District, the Imperial Recreation Ground at Exmouth, which is a former landfill site adjacent to the estuary and owned by EDDC, is known to have physically contaminated the water environment. The contaminants are inert and comprise mainly bricks, concrete and metals. EDDC took action in 2014 as landowner to voluntarily remediate this site, by providing better containment to prevent further pollution and by clearing the affected foreshore.

One other site, land at and in the vicinity of Dunkeswell airfield, was passed to the Environment Agency for consideration as a Special Site. However subsequent investigation by the Environment Agency in 2010 found no evidence of the presence of buried military wastes and the EA concluded that there are no significant pollutant linkages and the site therefore does not meet the statutory definition of contaminated land.

4 EAST DEVON DISTRICT COUNCIL STRATEGY: OVERALL AIMS

In developing its “strategic” approach, the Council has paid due regard to its local circumstances and information currently available. This has enabled consideration of the following aspects with a rational, ordered and efficient approach as required within the DEFRA Contaminated Land Statutory Guidance 2012:

- available evidence that significant harm or pollution of controlled waters is actually being caused;
- the extent to which human and ecological receptors and controlled waters are likely to be distributed within different parts of the authority’s area;
- the extent to which those receptors are likely to be exposed to a contaminant as a result of the use of the land or the geological and hydrogeological features of the area;
- the extent to which information on land contamination is already available;

- the history, scale and nature of industrial and military activities which may have contaminated the land in different parts of the District;
- the nature and timing of past redevelopment in different parts of the District; and
- the extent to which remedial action has already been taken by the authority to deal with land-contamination problems, or is likely to be taken as part of the District's Local Plan and Development Plan for its area.

This section sets out the Council's future aims and objectives.

4.1 Aims of the Strategy

In accordance with the requirements of a strategic approach set out in Section 3.2.5 a prioritised list of the Council's aims has been devised to aid decision-making in a cost effective manner.

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

- protect human health;
- protect controlled waters;
- protect designated ecosystems;
- prevent damage to property; livestock and crops etc;
- prevent further contamination of land;
- encourage voluntary remediation; and
- encourage the re-use of brownfield land.

Wherever possible this will be achieved through voluntary remediation and the redevelopment or regeneration of sites.

4.2 Objectives, Milestones and Inspections

The Council has considered the following factors in determining its approach to complying with its obligations within the Contaminated Land Regime:

- The most likely polluting sites (based on information provided within the DOE Industry Profiles) have already been remediated or redeveloped, or are still in active industrial use. Examples are the town gas works, active landfill sites and Exeter Airport.
- Many of the remaining brownfield sites have been, or are due to be, coming forward for development and are included in the Local Plan.
- A significant number of the original 700 sites have been determined as very low risk and have been retained on the list as of interest only to existing and future landowners. Examples of this are smithies and small, private landfills.
- No land has been identified or reported where the Authority considers that there is a reasonable possibility that a significant contamination linkage exists (as defined in the 2012 DEFRA guidance).

If the Council becomes aware of land which should be inspected, the following procedures will be followed.

The inspection strategy will use the source-pathway-receptor model as an indication of significant pollutant linkages. It will review the condition of the receptors and move up towards

potential sources, hence considering immediate concerns which may become apparent in the future.

A map-based land categorisation and prioritisation method using a receptor source – proximity relative risk model will be used to enable the identification of minimum information requirements. These requirements are:

- current land use plans;
- locations of current and former landfills and other areas of filled ground;
- locations of groundwater abstraction wells, both public and private;
- current surface water classification under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
- current processes authorised by the Environment Agency or Local Authority under the Environmental Permitting regulations.
- location of statutory and non-statutory sites of ecological importance;
- potential sources of contamination based on the industries listed in the DOE Industry Profiles; and
- the current and historical locations of these industries.

The detailed procedures contained in the DEFRA April 2012 Guidance will be followed in all respects.

5 PROCEDURES

5.1 Internal Management Arrangements

The EHO will deal with the day-to-day implementation of the strategy and other matters relating to contaminated land. The EHO will also be responsible for serving remediation notices, subject to consultation with the Environmental Health Manager and the Council's Solicitor.

Elected members will be informed at the earliest opportunity of any plans to determine an area of council-owned land, or where the Council is the 'appropriate' person and may be liable for remediation costs. Ward Councillors will be informed of any plans to determine land within their area.

5.2 Local Authority Interests and Complaints

As indicated in Sections 2 and 3, East Devon District Council holds title deeds on some current and former sites owned by the Council, the locations of which are available as a layer on the GIS database.

Information may be provided to the Council by the general public, businesses or other organisations or individuals either as a complaint regarding contaminated land or informally if it relates to land contamination that is not directly affecting them.

5.2.1 Complaints

A complaint regarding contaminated land will be dealt with following the same procedure as currently used by the Environmental Health Service 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 a reasonable amount of time;
- to be kept informed of progress towards resolution; and
- to be informed of the outcome of their enquiry.

Every effort will be made to resolve complaints quickly and efficiently. Most complaints are likely to be resolved by the provision of information, or by agreeing voluntary action with the landowner, if any is found to be necessary.

It must be recognised however, that the legislation requires the following process in the determination of contaminated land:

i. proof of a viable pollutant linkage before any formal determination as contaminated land is permissible, which might only be possible with detailed investigation;

ii. prior consultation with interested parties before determination of the land as contaminated;

iii. a minimum of a three month period between determination and serving of a remediation notice; and

iv. a requirement for the enforcing authority to make every effort to identify the original polluter of the land (or "Class A" person).

The regulations allow clauses ii and iii to be waived in extreme cases, but not conditions i and iv. It is likely that this process would take several months to complete.

5.2.2 Confidentiality

All complainants will be asked to supply their names and addresses and, if appropriate, the address which is the subject of complaint. The identity of the complainant will remain confidential, as far as practicable, and only divulged following consent by the complainant. One circumstance in which this information might be made public would be in the case of a remediation notice being appealed in a Court of Law and where an adverse effect on the complainant's health was an important reason for the original contaminated land determination.

5.2.3 Informal provision of information

If a person or organisation provides information relating to contaminated land that is not directly affecting their own health, the health of their family or their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice.

5.2.4 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. This policy does not, however, preclude investigation of an anonymous complaint in exceptional circumstances, such as the report of a visible contamination incident.

5.2.5 Anecdotal evidence

Any anecdotal evidence provided to the Council relating to contaminated land will be noted, but no determination of contaminated land will occur without robust scientific evidence. In all cases, the Contaminated Land Officer will use knowledge and experience to decide what, if any, further investigation is required following a complaint or the provision of information.

5.3 Information Evaluation

All information on substances in, on or under the ground that may cause significant harm or pollution will be evaluated against current governmental guidelines.

5.3.1 Soil

Current generic guidelines for a range of contaminants in soil are provided by DEFRA.

Risk assessments may also be required for substances not specifically covered by the DEFRA studies. This will either be addressed via generic guidelines and standards adopted in other countries (with due regard to the fact these criteria have been developed to support particular policy and/or regulatory frameworks in the country of origin which may differ significantly from those applying in the UK), or through site specific human health risk assessment tools using authoritative sources of information. In some cases it may be appropriate to undertake site-specific risk assessments on substances even where a generic guideline value is available or specified. This will depend on factors present on the site being evaluated.

5.3.2 Soil-Gas

Assessment of data on the soil-gas regime will utilise guidance current at the time prepared by DEFRA and the Construction Industry.

5.3.3 Controlled Waters

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, however, that risk assessments and remediation will be carried out in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM) guidance.

5.4 Interaction with other regulatory regimes

There are other regulatory actions that can be taken to deal with contamination on land. Overlaps with planning, water pollution and Environmental Permitting legislation are considered the most important and are addressed here. Any issues of historical land contamination that may previously have been dealt with under the Statutory Nuisance regime will now be dealt with through Part 2A processes. Some new contamination caused by pollution incidents is likely to be dealt with using the Environmental Damage (Prevention and Remediation) (England) Regulations 2015.

5.4.1 Planning

The majority of potentially contaminated land sites are addressed through the planning regime, where contamination is a material consideration. Redevelopment of brownfield sites, and the associated planning controls, will remain the primary mechanism for dealing with contaminated land. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part 2A, but the developer must satisfy the Authority that, after redevelopment, the land cannot be determined as Contaminated Land.

5.4.2 Water pollution

The Water Resources Act 1991 gives the Environment Agency powers to deal with harm to controlled waters being caused by contaminated land. While Part 2A legislation does not revoke these powers, DEFRA have indicated that such problems should now be dealt with under the contaminated land regime. The following steps will be taken:

- The Council will consult with the Environment Agency before determining any contaminated land as a result of risk to controlled waters and will take into account any comments made with respect to remediation; and
- If the Environment Agency identifies a risk to controlled waters from land that may be potentially contaminated, the Council will be notified to enable determination of the land and remedial action taken under Part 2A.

5.4.3 Environmental Permitting

Under legislation to regulate pollution from industrial processes, some site operators are required to undertake a site condition survey prior to receiving a permit to operate. If the site condition is such that areas of land meet the definition of contaminated land, then submission of a site survey may trigger action under Part 2A.

It is likely that contamination associated with the process that is permitted will be dealt with under the permit issued. Historic contamination which may potentially cause a problem but is not part of the application may be dealt with under the Part 2A regime.

6 LIAISON AND COMMUNICATION

Effective liaison with other bodies is central to the implementation of this strategy. Liaison mechanisms are identified in this section.

6.1 Statutory Consultees

Statutory consultees for the first contaminated land inspection strategy were:

- Environment Agency
- English Nature
- English Heritage

- DEFRA
- South West of England Development Agency
- Devon County Council

Each organisation was invited to comment on the original strategy. The Environment Agency was consulted on the 2012 review and contributed significantly. Internally the Heads of Development Management and Legal Services were consulted and their recommendations incorporated. Only minor factual updates have been made during this review.

No changes have been made to the original strategy that are likely to impact on the interests of the other consultees and therefore all the original consultees, together with the UK Health Security Agency, will be invited to view the Revised Strategy on the website.

6.2 Non-statutory Consultees

There is considerable scope for members of the public, businesses and voluntary organisations to make important contributions in dealing with contaminated land in the District. In particular the 64 Parish Councils within the District are an important source of information on potentially contaminative land uses in the past.

The revised strategy will be published on the District's website and every effort will be made to continue to encourage participation by non-statutory consultees in the process of identifying potential contamination.

6.3 Communicating with Owners, Occupiers and other Interested Parties

The District Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach has been adopted and used to good effect for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement than by enforcement.

This approach requires effective communication with owners, occupiers and other interested parties at all stages. The EHO will be the central contact point within the authority on contaminated land issues and keep owners, occupiers and other interested parties informed as necessary and regardless of whether there is a formal determination of contaminated land.

6.4 Powers of Entry

Under Section 108 (6) of the Environment Act 1995 the Council has been granted powers of entry to carry out investigation, and these have been delegated to Environmental Health Officers. At least seven days' notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment.

6.5 Risk Communication

In accordance with the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) publication "Communicating Understanding of Contaminated Land Risks", the Council recognises that decisions about contaminated land are not made on a purely technical basis.

Procedures will be based on criteria, which address:

- the need for two-way communication;
- the need to create trust in the regulatory role; and
- the need for openness to enhance the legitimacy of the overall process to the stakeholder.

Each site will be different and as such risk communication will need to operate in a structured but flexible framework and reflect the content and history around a particular contaminated site.

The Council recognises that the statutory definition of contaminated land requires that there must be a **significant possibility of significant harm to human health or non-human receptors** or **significant possibility of pollution of controlled waters** and that the expectations of some members of the public will not be met by the powers the local authority may exercise under the Part 2A regime.

6.6 The Public Register

Under the regulations, the Council is required to maintain a public contaminated land register. The Environmental Health Department will hold the register electronically.

The regulations clearly specify the information that can be recorded on this register. This register will therefore include:

- remediation notices;
- details of the site reports obtained by the authority relating to remediation notices;
- remediation declarations, remediation statements and notification of completed remediation;
- designation of sites as “special sites”;
- any appeals lodged against remediation and charging notices; and
- convictions.

The public register will not include details of historic land use and other records used in the assessment and investigation of potentially contaminated land. These are research documents and as such will not be made available to the public.

To date no public register has been formed because no land has been determined as contaminated land.

6.7 Provision of Information to the Environment Agency

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

- a summary of local authority inspection strategies, including progress against the strategy and their effectiveness;
- the amount of contaminated land and the nature of the contamination; and
- measures taken to remediate land.

As local authorities are the lead regulators on contaminated land, with the Environment Agency regulating only some categories of sites, the national survey is clearly reliant on information provided by local authorities. A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the local authority and the Environment Agency. The Council will therefore provide information to the Environment Agency following the guidelines agreed through this national forum.

The local authority must also provide information to the Environment Agency whenever a site is determined as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed. The Environment Agency has provided standard forms allowing this information to be provided in a consistent format and the Council will adopt these to fulfil its reporting requirements.

7 DETAILED INSPECTION OF SITES

7.1 Site Specific Liaison and Powers of Entry

Under Section 108 (6) of the Environment Act 1995, the council has been granted powers of entry to carry out investigation.

Before the Council carries out an inspection using statutory powers of entry it will have carried out site specific liaison with owners, relevant parties, the Environment Agency, English Nature, or English Heritage, and satisfied itself on the basis of any information already obtained that:

- there is a reasonable possibility that a pollutant linkage exists on the land; or
- in cases involving intrusive investigation that it is likely that the contaminant is actually present and that given the current use of the land, the receptor is actually present or is likely to be present.

The Council will not carry out an inspection using statutory powers of entry, which takes the form of intrusive investigation, if:

- it has already been provided with detailed information on the condition of the land upon which the Council can determine whether the land is contaminated; or
- a person offers to provide such information within a reasonable and specified time, and then provides such information within that time.

Where the Council decides to carry out intrusive investigation it will be in accordance with appropriate technical procedures for such investigations, for example the current British Standard BS10175:2011+A2:2017.

7.2 Formal Determination of Contaminated Land

The Council will prepare a written record of any determination that particular land is contaminated land.

The record will include:

- a description of the particular significant pollutant linkage, identifying all three components of the pollutant, pathway and receptor;
- a summary of the evidence upon which the determination is based;
- an analysis of significant harm or significant pollution;
- a summary of the relevant assessment of this evidence; and
- a summary of the way in which the authority considers that the requirements of statutory guidance have been satisfied.

When a formal determination of contaminated land is due to be made, the following actions will be undertaken prior to any notice being served:

i. the owner and/or the occupier of the land, as well as the Environment Agency, will be informed in writing at least 5 working days prior to determination. This will explain in a summary format the reason for determination;

ii. the owner and/or the occupier will be invited to carry out appropriate remediation without service of a notice;

iii. a copy of the written risk assessment will be provided to the owner and/or occupier of the land within 5 working days of receipt of a request;

iv. the owner/occupier of neighbouring properties and/or the complainant will be informed of the decision within 5 working days of determination.

Should an urgent determination of contaminated land be required, these steps will be observed as far as practicable, although some deviation from the timescales specified is to be expected.

All procedures for investigation and determination will strictly follow the DEFRA Guidance in lie with all other Local Authorities.

8 REVIEW MECHANISMS

The strategy and supporting information outlines the overall approach the Council will adopt in inspecting land within its area for contamination. An integral part of the strategy is to review processes in the light of changes to legislation, guidance and priorities.

8.1 Triggers for Undertaking Inspection

The procedures in Section 6 have recognised that there may be occasions when the assessment of data and inspections may have to be undertaken outside the general framework. These include:

- responding to information from other statutory bodies, owners, occupiers, the general public or other organisations relating to pollution incidents or alleged harm to health;
- the introduction of new receptors as a result of particular land uses identified in the Local Plan;
- dealing with urgent sites as identified (e.g. as a result of unplanned events); and
- supporting voluntary remediation where a potentially liable party wishes to undertake a clean-up before their land has been inspected by the local authority.

8.2 Triggers for Reviewing Inspection Decisions

All decisions made with regard to contamination need to be made objectively, consistently, transparently, and with proper regard to uncertainty. One important aspect of managing contaminated land is the need to review from time to time, the decisions that no action is necessary, to establish whether any material changes have occurred. Examples of factors which influence the decisions and which have the potential to change include:

- site use
- use of adjoining land
- climatic or meteorological change
- change in physical characteristics e.g. the water environment
- legislative or internal or external policy changes
- technical standards or procedures
- actions taken by humans or other agents to reduce the effectiveness of remedial measures.

All decisions will therefore be made and recorded in a consistent manner that will allow efficient review.

8.3 Reviewing the strategy

The strategy will be reviewed after 5 years, or if legislative changes direct, whichever is the earlier.

9 INFORMATION MANAGEMENT

The database of Potentially Contaminated Sites has been added to the Council's GIS system. The database is also contained within the Uniform computer system to enable easy cross referencing with Planning, Building Control and Environmental Health site information.

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Section 2

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Section 3

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5. Environment Agency. Remedial Targets Methodology. Hydrogeological Risk Assessment for Land Contamination 2006.

Section 7

1. British Standards Institute. Code of Practice for Site Investigations. BS 5930 (1999) and A2 (2010).
2. British Standards Institute. Investigation of Potentially Contaminated Sites – Code of Practice. BS10175 (2011).

Section 9

1. British Geological Survey and Environment Agency. Some Guidance on the Use of Digital Environmental Data. BGS Technical Report WE/99/4; EA Project NC/06/32 (2000).

11 APPENDICES

Appendix 1 - Receptor Source-Proximity Relative Risk-Screening Model

Stage 1 Prioritised Receptors

Humans

- Low risk industrial and commercial developments
- Medium risk playing fields, public open space
- High risk informal play areas, schools, allotments, housing

Proximity of possible source, excluding landfills, to area

- High risk 0 to 50m
- Medium risk 51 to 250m
- Low risk >250m

Development (gas)

- Low risk industrial development
- Medium risk commercial development
- High risk residential

Proximity of filled ground/landfills to area

- High risk 0 to 50m
- Medium risk 51 to 250m
- Low risk >250m

Groundwater

- Low risk industrial or agricultural use
- Medium risk private supply
- High risk public supply

Proximity of abstraction point to area

- High risk 0 to 1000m
- Medium risk 1001 to 2000m
- Low risk >2000m

Surface Water

- Low risk GQA Classes A and B, River Ecosystem Classes RE1 and RE2
- Medium risk GQA Classes C and D, River Ecosystem Classes RE3 and RE4
- High risk GQA Classes E and F, River Ecosystem Classes RE5

Proximity of possible source from each bank and 100m upstream of GQA surface water class

- High risk 0 to 50m
- Medium risk 51 to 250m
- Low risk >250m

Protected Species

- Low risk non-statutory
- Medium risk SSSI
- High risk European designation
-

Proximity of possible source to area

- High risk 0 to 50m
- Medium risk 51 to 250m
- Low risk >250m

Property in other forms

- Low risk crops
- Medium risk livestock, owned or domesticated animals, wild animals subject to shooting or fishing rights
- High risk home-grown produce

Proximity of possible source to area

- High risk 0 to 50m
- Medium risk 51 to 250m
- Low risk >250m

For each receptor and source proximity:

- score 3 for high risk;
- score 2 for medium risk; and
- score 1 for low risk.

By multiplying the receptor and source risk levels, nine possible combinations for each ranked group of receptors can be derived:

Receptor Sensitivity (Score)				
	High (3)	**3**	**6**	**9**
	Medium (2)	**2**	**4**	**6**
	Low (1)	**1**	**2**	**3**
		Low (1)	Medium (2)	High (3)
		Source proximity risk level (Score)		

The scores can be grouped into preliminary categories which in turn allow further investigations, of the inferred pathway, to be prioritised for those areas where greatest risk of contamination is likely to occur.

Risk Score	**Preliminary Category**
1 – 2	i
3 – 4	ii
6	iii
9	iv

A land area plan showing each of these Preliminary Categories can then be produced. The plan can then be revised based on site specific information, which may be supplied by the local authority, Environment Agency, individual organisations, voluntary groups and local residents.

On this basis minimum information requirements to complete Stage 1 will be:

i. Current land use plans
ii. Locations of current and former landfills and other areas of filled ground
iii. Locations of groundwater abstraction wells, both public and private
iv. Current surface water classification under the Environment Agency's GQA (Chemistry) and River Ecosystem Classification
v. Location of statutory and non-statutory sites of ecological importance
vi. Potential sources of contamination based on the industries listed in the DOE Industry Profiles
vii. The historical locations of these industries based on historical Ordnance Survey maps.

Stage 2 Inferred Pathways

Starting with the human receptors in Preliminary Category iv and the information available at this stage (including the local geological and hydrogeological conditions), the presence of a particular pathway will be considered in terms of:

- likely to be present;
- may be present; or
- unlikely to be present

The following matrix could emerge in terms of numbers of preliminary prioritised sites with emphasis placed on the presence of *likely* pathways in Preliminary Category iv for human receptors and then working down the chosen receptor priority list for Preliminary Category iv areas under the development, groundwater etc. receptor categories.

			Low Preliminary Categories			High
			i	ii	iii	iv
Priority	High	Humans	X	X	X	X
		Development	X	X	X	X
		Groundwater	X	X	X	X
		Surface water	X	X	X	X
		Protected Species	X	X	X	X
	Low	Property in other Forms	X	X	X	X

Those areas falling within Preliminary Category i would be screened out at this stage.