

Register of Contaminated Land
Environmental Protection Act 1990 s.78R



**AMBER VALLEY
BOROUGH COUNCIL**

Before completing this register it is **ESSENTIAL** that the following has been read, understood, and will be applied:

- Environmental Protection Act 1990 Section 78 (A – YC), with particular attention to **Section 78R** – Registers.
- The Contaminated Land (England) Regulations 2006, Statutory Instrument 2006 No.1380 - with particular attention to **Regulation 13** and **Schedule 3** – Registers.
- Defra Circular 01/2006 Contaminated Land; with particular attention to:-
 - Annex 2, A Description of the New Regime for Contaminated Land, **Section 17**.
 - Annex 4, A Guide to the Contaminated Land (England) Regulations 2006, **Sections 71 – 92**.
- Local Authority Guide to the Application of Part IIA; with particular attention to Section **F8, Entering Information on a Register**.

Name & Address of Site	LandScan ID
Crays Hill Recreation Ground, Crays Hill, Leabrooks, Derbyshire	194

Legend-

Register Section Titles	
Statutory Requirement of Register	
Non-Statutory Requirement of Register (but likely Environmental Information Regulations 2004 requirement (see para 86, Annex 4 of Guide to Regulations, Circular 02/2000))	
Consider This Requirement for that Particular Remediation Document	Yes
Do Not Consider This Requirement for that Particular Remediation Document	No

Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input					
Reference	Annex 4 Reference	Information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.					
Sch3 (1) (b) Sch3 (5) (a) Sch3 (7) (a) Sch3 (14) (a)	77(a), 80	Location and extent of the contaminated land	Yes	Yes	Yes	Yes	Crays Hill Recreation Ground, Crays Hill, Leabrooks, Derbyshire. (See Crays Hill Determination)					
		Address	Yes	Yes	Yes	Yes	Crays Hill Recreation Ground, Crays Hill, Leabrooks, Derbyshire					
		Area in hectares	Yes	Yes	Yes	Yes	2.05 hectares					
		Plan	Yes	Yes	Yes	Yes	See Crays Hill Determination					
		National Grid reference	Yes	Yes	Yes	Yes	Site centre SK417 530					
Sch3 (1) (c)	77(b)	Particulars of Significant Harm/pollution of controlled waters.	Yes	Yes	Yes	Yes	Substance	Source Location	Pathway	Receptor	Receptor Location	Description of Significant Harm
							Methane (originating from landfilled materials)	As described in Schedule 1; The location and extent of the Source is known as the Crays Hill Recreation Ground (National Grid Reference for the site centre SK417 530), Crays Hill, Leabrooks, Derbyshire	Subsurface migration, to confined spaces in nearby residences via, shallow made ground/fill material. Deep migration via coal measures is limited by the presences of mudstones.	Human beings.	Residences to the north and west of the site source site boundary.	Using CIRIA R152, an unacceptable event frequency, has been identified, which satisfies the conditions of identifying a significant possibility of significant harm, as set out in Table B, Chapter A, Part 3, for human health effects, particularly by way of explosion or fire, of the Statutory Guidance.
Sch3 (1) (d)	77(c)	Substances detailed in Determination	Yes	Yes	Yes	Yes	Methane (CH ₄)					
		Location of land affected by escaped substances	Yes	Yes	Yes	Yes	N/A					
Sch3 (1) (e)	77(d)	Current use of the Contaminated Land	Yes	Yes	Yes	Yes	Rough, disturbed grassland, surrounded by semi-mature trees and shrubs					

Hyperlinked References		Requirements		Requirement Consideration for Document Type				Input
		Designation of Special Sites		Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (10) (a)	85(a)	Designation of Special Site		Yes	Yes	Yes	Yes	N/A
Sch3 (10) (b)	85(b)	Provisions by which site is designated as <i>Special Site</i>		Yes	Yes	Yes	Yes	N/A
		Water pollution (Regulation 2 (a))						
			- Regulation 3 (a) – Wholesomeness of drinking water	Yes	Yes	Yes	Yes	N/A
			- Regulation 3(b) – Surface water classification criteria	Yes	Yes	Yes	Yes	N/A
			- Regulation 3(c) – Major aquifers and Schedule 1	Yes	Yes	Yes	Yes	N/A
		Industrial						
			- Regulation 2(b) – waste acid tar deposit	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (c) (i) – oil refining	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (c) (ii) – explosives manufacture or processing	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (d) – IPC and PPC	Yes	Yes	Yes	Yes	N/A
		Defence						
			- Regulation 2 (f)	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (g)	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (h)	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (i)	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (j)	Yes	Yes	Yes	Yes	N/A
		Radioactivity	- Regulation 2 (k)	Yes	Yes	Yes	Yes	N/A
		Adjacent Lands	- Regulation 2 (L) (i)	Yes	Yes	Yes	Yes	N/A
			- Regulation 2 (L) (ii)	Yes	Yes	Yes	Yes	N/A
Sch3 (10) (c)	85(c)	Decision by Environment Agency to adopt a <i>remediation notice</i>		Yes	No	No	No	N/A

S78R (1) (g) Sch3 (10) (d)	85(d)	Any notice which terminates designation as <i>Special Site</i>	Yes	Yes	Yes	Yes	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (l)	86	Site specific guidance issued by the Environment Agency	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (13)	86	Date of guidance	Yes	Yes	Yes	Yes	N/A
		Reference to where it is available	Yes	Yes	Yes	Yes	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R(l)		Other environmental controls	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (14)		Any steps taken under S27 of EPA 1990 (or equivalent under PPC regime)	Yes	Yes	Yes	Yes	N/A
Sch3 (15)		Any steps taken under S59 of EPA 1990	Yes	Yes	Yes	Yes	N/A
Sch3 (16)		Any consent under Chapter II of Part III of Water Resources Act 1991 which has precluded remediation	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (a)		Remediation notice(s)	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (1) (a)	77(e)	Name of person on whom the notice has been served	Yes	No	No	No	N/A
		Address	Yes	No	No	No	N/A
	79	Type of <i>remediation action</i> :					
		- <i>Assessment action</i>	Yes	No	No	No	N/A
		- <i>Remedial treatment action</i>	Yes	No	No	No	N/A
		- <i>Monitoring action</i>	Yes	No	No	No	N/A
Sch3 (1) (f)	77(f)	What each person is to do by way of <i>remediation</i>	Yes	No	No	No	N/A
Sch3 (1) (g)		The time periods within which they must do it	Yes	No	No	No	N/A
		The date of the notice	Yes	No	No	No	N/A
	78	Reference to any site investigation report:					
		- description	Yes	No	No	No	N/A

		- date on which it was prepared	Yes	No	No	No	N/A
		- person by whom and for whom it was prepared	Yes	No	No	No	N/A
		- where it is available	Yes	No	No	No	N/A
Hyperlinked References	Requirements	Requirement	Consideration for Document Type				Input
S78R (1) (b) Sch3 (2)	Appeals against remediation notices	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.	
	87(a)	Name of appellant	Yes	No	No	No	N/A
		Address of appellant	Yes	No	No	No	N/A
		Date of <i>appeal</i>	Yes	No	No	No	N/A
		Grounds of <i>appeal</i> – see Regulation 7 and 8 (3)]	Yes	No	No	No	N/A
Sch3 (3)	87(b)	Decision on <i>appeal</i>	Yes	No	No	No	N/A
	88	- decision of magistrates court	Yes	No	No	No	N/A
		- decision of High Court	Yes	No	No	No	N/A
Hyperlinked References	Requirements	Requirement	Consideration for Document Type				Input
S78R (1) (k) Sch3 (12)	Convictions for non-compliance with notice	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.	
	90	Name of offender	Yes	No	No	No	N/A
		Date of conviction	Yes	No	No	No	N/A
		Penalty imposed	Yes	No	No	No	N/A
		Name of the Court	Yes	No	No	No	N/A
Hyperlinked References	Requirements	Requirement	Consideration for Document Type				Input
S78R (1) (d) Sch3 (8)	Appeals against charging notices	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.	
	89(a)	Name of appellant	Yes	No	No	No	N/A
		Address of appellant	Yes	No	No	No	N/A

		Date of appeal	Yes	No	No	No	N/A
Sch3 (9)	89(b)	Decision on appeal	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c)		Remediation declaration	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (4)	80	Date	No	Yes	No	No	N/A
	78	Reference to any site investigation report:					
		- description	No	Yes	No	No	N/A
		- date on which it was prepared	No	Yes	No	No	N/A
		- person by whom and for whom it was prepared	No	Yes	No	No	N/A
		- where it is available	No	Yes	No	No	N/A
	80	Reason why the Local Authority was precluded from specifying a particular <i>remediation action</i>	No	Yes	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c) Sch3 (6)		Remediation statement	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	80	Date	No	No	Yes	No	20 th June 2005 (See Crays Hill Remediation Statement)
		Reference to any site investigation report:					
		- description	No	No	Yes	No	<ul style="list-style-type: none"> ○ Phase I Desk Study/Spike survey (February 2000) - Ground Solutions Group Limited. ○ Phase II Survey (September 2000) - Ground Solutions Group Limited. ○ Phase III Investigation (February 2001) - Ground Solutions Group Limited. ○ Site Characterisation, (March 2004) - GeoDyne Limited. ○ Landfill Gas Detailed Quantitative Risk Assessment (August 2004) - GeoDyne Limited.

		- date on which it was prepared	No	No	Yes	No	See Above
		- person by whom and for whom it was prepared	No	No	Yes	No	See Above
		- where it is available	No	No	Yes	No	Contaminated Land Investigation Files; Folder Name: Crays Hill.
	80	Remediation action that has been or will be taken	No	No	Yes	No	<ol style="list-style-type: none"> 1. Installation of a Virtual Curtain at the site has been commissioned. The system involves the installation of vent nodes along the boundary of the site. The nodes will intercept the migration path of the methane to the nearby residencies. The nodes will create a low resistance route to atmosphere, and therefore significantly reduce the lateral migration of methane beyond the system. The Virtual Curtain will effectively remove the Pathway component of the Significant Pollutant Linkage. 2. A series of ten boreholes will be constructed to provide monitoring wells; five monitoring wells will be sited along the base of the embankment on the northern boundary, with the remaining five along the western boundary; monitored monthly over 12 months.
		Timescale	No	No	Yes	No	<ol style="list-style-type: none"> 1. April 2005 and the end of June 2005. 2. June 2005 – June 2006.
		Details of the person responsible	No	No	Yes	No	Amber Valley Borough Council. Environmental Services. PO Box 17. Town Hall. Ripley. Derbyshire. DE5 3TU.
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (h), (j) Sch3 (11)		Notification of claimed remediation	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	80	Any notice given to the Local Authority for S78R(1)(h) or (j) 88	Yes	No	No	No	N/A
	80	Action claimed to have been taken	Yes	No	No	No	N/A
		Timescale of action	Yes	No	No	No	N/A

		Person who claims to have taken it	Yes	No	No	No	N/A
	81	Additional material on:					
		- what the work was intended to achieve	Yes	No	No	No	N/A
		- description of any appropriate quality assurance procedure	Yes	No	No	No	N/A
		- description of any verification measures to assess effectiveness	Yes	No	No	No	N/A
S78R(3)	82	A copy of the disclaimer in the primary legislation	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (7)	92	Statement regarding the existence of confidential information Any other relevant information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
			Yes	Yes	Yes	Yes	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
		Any other relevant information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
			Yes	Yes	Yes	Yes	N/A
S78R (5)		Local Authority to whom information has been copied	Yes	Yes	Yes	Yes	N/A

Date of Entry.....20th June 2005.....**Signed**.....Darren Hurst.....**Position**...Scientific Officer.....

Register of Contaminated Land
Environmental Protection Act 1990 s.78R



**AMBER VALLEY
BOROUGH COUNCIL**

Before completing this register it is **ESSENTIAL** that the following has been read, understood, and will be applied:

- Environmental Protection Act 1990 Section 78 (A – YC), with particular attention to **Section 78R** – Registers.
- The Contaminated Land (England) Regulations 2006, Statutory Instrument 2006 No.1380 - with particular attention to **Regulation 13** and **Schedule 3** – Registers.
- Defra Circular 01/2006 Contaminated Land; with particular attention to:-
 - Annex 2, A Description of the New Regime for Contaminated Land, **Section 17**.
 - Annex 4, A Guide to the Contaminated Land (England) Regulations 2006, **Sections 71 – 92**.
- Local Authority Guide to the Application of Part IIA; with particular attention to Section **F8, Entering Information on a Register**.

Name & Address of Site	LandScan ID
Cinderhill, Kilburn, Derbyshire	05

Legend-

Register Section Titles	
Statutory Requirement of Register	
Non-Statutory Requirement of Register (but likely Environmental Information Regulations 2004 requirement (see para 86, Annex 4 of Guide to Regulations, Circular 02/2000))	
Consider This Requirement for that Particular Remediation Document	Yes
Do Not Consider This Requirement for that Particular Remediation Document	No

Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
Reference	Annex 4 Reference	Information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (1) (b) Sch3 (5) (a) Sch3 (7) (a) Sch3 (14) (a)	77(a), 80	Location and extent of the contaminated land	Yes	Yes	Yes	Yes	Cinderhill, Kilburn, Derbyshire (see Schedule 1, Figure 1) - national grid reference for the centre of the site, approximately, See Record of Determination .
		Address	Yes	Yes	Yes	Yes	Cinderhill, Kilburn, Derbyshire.
		Area in hectares	Yes	Yes	Yes	Yes	11.5 hectares
		Plan	Yes	Yes	Yes	Yes	See Record of Determination .
		National Grid reference	Yes	Yes	Yes	Yes	SK 377470 (x437680, y34700).

Sch3 (1) ©	77(b)	Particulars of Significant Harm/pollution of controlled waters.	Yes	Yes	Yes	Yes	The Significant Pollutant Linkages (Relevant Section of Statutory Guidance)					
							Significant Pollutant Linkage No.	Contaminant (A.12)	Pollutant (A.17)	Significant Pollutant (A.20)	Pathway (A.14b)	Receptor (A.13a)
							1	Total Petroleum Hydrocarbon Aliphatic Range C ₁₆ to C ₃₅	A relationship exists between the Contaminant, Pathway and Receptor, therefore a Pollutant Linkage exists.	This Pollutant is a Significant Pollutant as it forms part of a Significant Pollutant Linkage as it will form the basis for the Determination of the land as Contaminated Land.	The Significant Pollutant is a component of the Acid Tar Leachate, present in areas on the surface of the land, therefore there is a Dermal Pathway to the Receptor.	The Receptor is Human Beings, that have access to the land, and the Receptor could be harmed by the contaminant.
							2	Total Petroleum Hydrocarbon Aromatic Range C ₂₁ to C ₃₅	A relationship exists between the Contaminant, Pathway and Receptor, therefore a Pollutant Linkage exists.	This Pollutant is a Significant Pollutant as it forms part of a Significant Pollutant Linkage as it will form the basis for the Determination of the land as Contaminated Land.	The Significant Pollutant is a component of the Acid Tar, present in areas on the surface of the land, therefore there is a Ingestion Pathway to the Receptor.	The Receptor is Human Beings, that have access to the land, and the Receptor could be harmed by the contaminant.
							3	Benzo(a) pyrene	A relationship exists between the Contaminant, Pathway and Receptor, therefore a Pollutant Linkage exists.	This Pollutant is a Significant Pollutant as it forms part of a Significant Pollutant Linkage as it will form the basis for the Determination of the land as Contaminated Land.	The Significant Pollutant is a component of the Acid Tar, present in areas on the surface of the land, therefore there is a Ingestion Pathway to the Receptor.	The Receptor is Human Beings, that have access to the land, and the Receptor could be harmed by the contaminant.
							4	Benzo(a) pyrene	A relationship exists between the Contaminant, Pathway and Receptor, therefore a Pollutant Linkage exists.	This Pollutant is a Significant Pollutant as it forms part of a Significant Pollutant Linkage as it will form the basis for the Determination of the land as Contaminated Land.	The Significant Pollutant is a component of the Acid Tar, present in areas on the surface of the land, therefore there is a Dermal Pathway to the Receptor.	The Receptor is Human Beings, that have access to the land, and the Receptor could be harmed by the contaminant.
							5	Sulphuric Acid (H ₂ SO ₄)	A relationship exists between the Contaminant, Pathway and Receptor, therefore a Pollutant Linkage exists.	This Pollutant is a Significant Pollutant as it forms part of a Significant Pollutant Linkage as it will form the basis for the Determination of the land as Contaminated Land.	The Significant Pollutant is a component of the Acid Tar flows present in areas on the surface of the land, therefore there is a Dermal Pathway to the Receptor.	The Receptor is Human Beings, that have access to the land, and the Receptor could be harmed by the contaminant.
Sch3 (1) (d)	77(c)	Substances detailed in Determination	Yes	Yes	Yes	Yes	See above.					
		Location of land affected by escaped substances	Yes	Yes	Yes	Yes	See Record of Determination .					
Sch3 (1) (e)	77(d)	Current use of the Contaminated Land	Yes	Yes	Yes	Yes	Informal open space.					
Hyperlinked References			Requirements				Requirement Consideration for Document Type				Input	
S78R (1) (e) (f)		Designation of Special Sites	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.					
Sch3 (10) (a)	85(a)	Designation of Special Site	Yes	Yes	Yes	Yes	See Record of Notification of Designation .					

Sch3 (10) (b)	85(b)	Provisions by which site is designated as <i>Special Site</i>	Yes	Yes	Yes	Yes	Section 78C(8), based on the description of Special Sites prescribed in Regulation 2(1)(b), of The Contaminated Land (England) Regulations 2006: "...which is contaminated land by reason of waste acid tars in, on or under the land" With due regard to Regulation 2(2), of those Regulations.
		Water pollution (Regulation 2 (a))					
		- Regulation 3 (a) – Wholesomeness of drinking water	Yes	Yes	Yes	Yes	N/A
		- Regulation 3(b) – Surface water classification criteria	Yes	Yes	Yes	Yes	N/A
		- Regulation 3(c) – Major aquifers and Schedule 1	Yes	Yes	Yes	Yes	N/A
		Industrial					
		- Regulation 2(b) – waste acid tar deposit	Yes	Yes	Yes	Yes	Acid Tar presence confirmed.
		- Regulation 2 (c) (i) – oil refining	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (c) (ii) – explosives manufacture or processing	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (d) – IPC and PPC	Yes	Yes	Yes	Yes	N/A
		Defence					
		- Regulation 2 (f)	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (g)	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (h)	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (i)	Yes	Yes	Yes	Yes	N/A
		- Regulation 2 (j)	Yes	Yes	Yes	Yes	N/A
		Radioactivity					
		- Regulation 2 (k)	Yes	Yes	Yes	Yes	N/A
Sch3 (10) (c)	85(c)	Decision by Environment Agency to adopt a <i>remediation notice</i>	Yes	No	No	No	N/A
S78R (1) (g) Sch3 (10) (d)	85(d)	Any notice which terminates designation as <i>Special Site</i>	Yes	Yes	Yes	Yes	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input

S78R (1) (l)	86	Site specific guidance issued by the Environment Agency	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (13)	86	Date of guidance	Yes	Yes	Yes	Yes	Environment Agency agreed that the land should be Designated a Special Site, if the land was first Determined to be Contaminated Land in a letter from the Environment Agency to AVBC, EA ref:MIDUT/119/432307/LETIDENT01/02/03a dated 7 th July 2006
		Reference to where it is available	Yes	Yes	Yes	Yes	See MIDUT/119/432307/LETIDENT01/02/03a
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R(l)		Other environmental controls	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (14)		Any steps taken under S27 of EPA 1990 (or equivalent under PPC regime)	Yes	Yes	Yes	Yes	N/A
Sch3 (15)		Any steps taken under S59 of EPA 1990	Yes	Yes	Yes	Yes	N/A
Sch3 (16)		Any consent under Chapter II of Part III of Water Resources Act 1991 which has precluded remediation	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (a)		Remediation notice(s)	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (1) (a)	77(e)	Name of person on whom the notice has been served	Yes	No	No	No	N/A
		Address	Yes	No	No	No	N/A
	79	Type of <i>remediation action</i> :					
		- <i>Assessment action</i>	Yes	No	No	No	N/A
		- <i>Remedial treatment action</i>	Yes	No	No	No	N/A
		- <i>Monitoring action</i>	Yes	No	No	No	N/A
Sch3 (1) (f)	77(f)	What each person is to do by way of <i>remediation</i>	Yes	No	No	No	N/A
Sch3 (1) (g)		The time periods within which they must do it	Yes	No	No	No	N/A
		The date of the notice	Yes	No	No	No	N/A
	78	Reference to any site					

		investigation report:	- description	Yes	No	No	No	N/A
			- date on which it was prepared	Yes	No	No	No	N/A
			- person by whom and for whom it was prepared	Yes	No	No	No	N/A
			- where it is available	Yes	No	No	No	N/A
Hyperlinked References		Requirements		Requirement Consideration for Document Type				Input
S78R (1) (b) Sch3 (2)		Appeals against remediation notices		Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	87(a)	Name of appellant		Yes	No	No	No	N/A
		Address of appellant		Yes	No	No	No	N/A
		Date of <i>appeal</i>		Yes	No	No	No	N/A
		Grounds of <i>appeal</i> – see Regulation 7 and 8 (3)]		Yes	No	No	No	N/A
Sch3 (3)	87(b)	Decision on <i>appeal</i>		Yes	No	No	No	N/A
	88	- decision of magistrates court		Yes	No	No	No	N/A
		- decision of High Court		Yes	No	No	No	N/A
Hyperlinked References		Requirements		Requirement Consideration for Document Type				Input
S78R (1) (k) Sch3 (12)		Convictions for non-compliance with notice		Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	90	Name of offender		Yes	No	No	No	N/A
		Date of conviction		Yes	No	No	No	N/A
		Penalty imposed		Yes	No	No	No	N/A
		Name of the Court		Yes	No	No	No	N/A
Hyperlinked References		Requirements		Requirement Consideration for Document Type				Input
S78R (1) (d) Sch3 (8)		Appeals against charging notices		Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.

	89(a)	Name of appellant	Yes	No	No	No	N/A
		Address of appellant	Yes	No	No	No	N/A
		Date of appeal	Yes	No	No	No	N/A
Sch3 (9)	89(b)	Decision on appeal	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c)		Remediation declaration	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
Sch3 (4)	80	Date	No	Yes	No	No	N/A
	78	Reference to any site investigation report:					
		- description	No	Yes	No	No	N/A
		- date on which it was prepared	No	Yes	No	No	N/A
		- person by whom and for whom it was prepared	No	Yes	No	No	N/A
		- where it is available	No	Yes	No	No	N/A
	80	Reason why the Local Authority was precluded from specifying a particular <i>remediation action</i>	No	Yes	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c) Sch3 (6)		Remediation statement	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	80	Date	No	No	Yes	No	29 th November 2007
		Reference to any site investigation report:					
		- description	No	No	Yes	No	N/A
		- date on which it was prepared	No	No	Yes	No	N/A
		- person by whom and for whom it was prepared	No	No	Yes	No	N/A
		- where it is available	No	No	Yes	No	N/A

	80	Remediation action that has been or will be taken	No	No	Yes	No	1. Erection of fence around areas of exposed tar. 2. The fence should be robust and inspected monthly. 3. Any breaches in the fence should be repaired within 28 days. 4. Copies of inspection records to be forwarded to the EA.
		Timescale	No	No	Yes	No	Before the end of December 2007
		Details of the person responsible	No	No	Yes	No	The Company Secretary, Fuchs Lubricants UK Plc, New Century Street, Hanley, Stoke on Trent, Staffordshire. ST1 5HU
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R(1)(h), (j) Sch3(11)		Notification of claimed remediation	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
	80	Any notice given to the Local Authority for S78R(1)(h) or (j) 88	Yes	No	No	No	N/A
	80	Action claimed to have been taken	Yes	No	No	No	N/A
		Timescale of action	Yes	No	No	No	N/A
		Person who claims to have taken it	Yes	No	No	No	N/A
	81	Additional material on:					
		- what the work was intended to achieve	Yes	No	No	No	N/A
		- description of any appropriate quality assurance procedure	Yes	No	No	No	N/A
		- description of any verification measures to assess effectiveness	Yes	No	No	No	N/A
S78R(3)	82	A copy of the disclaimer in the primary legislation	Yes	No	No	No	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
S78R(7)	92	Statement regarding the existence of confidential information Any other relevant information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.
			Yes	Yes	Yes	Yes	N/A
Hyperlinked References		Requirements	Requirement Consideration for Document Type				Input
		Any other relevant information	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Were the Information is Held.

			Yes	Yes	Yes	Yes	See Atkins Report
S78R (5)		Local Authority to whom information has been copied	Yes	Yes	Yes	Yes	N/A

Date of Entry...14th March 2007...(updated Remediation Statement Section – 19th December 2007)

Signed.....Darren Hurst.....**Position**...Scientific Officer.....

Contaminated Land (England) Regulations 2006.

Registers

13. —(1) For the purpose of subsection (1) of section 78R (registers) the particulars that must be contained in a register maintained under that subsection are specified in Schedule 3.

(2) The following descriptions of information are prescribed for the purposes of section 78R(2) as information to be contained in notifications for the purposes of section 78R(1)(h) and (j)—

- (a) the location and extent of the land in sufficient detail to enable it to be identified;
- (b) the name and address of the person who it is claimed has done each of the things by way of remediation;
- (c) a description of any thing which it is claimed has been done by way of remediation; and
- (d) the period within which it is claimed each such thing was done.

(3) The following places are prescribed for the purposes of subsection (8) of section 78R as places at which any registers or facilities for obtaining copies must be available or afforded to the public in pursuance of paragraph (a) or (b) of that subsection—

- (a) where the enforcing authority is the local authority, its principal office; and
- (b) where the enforcing authority is the Environment Agency, its office for the area in which the contaminated land in question is situated.

SCHEDULE 3
Regulation 13(1)

PARTICULARS PRESCRIBED FOR THE PURPOSE OF SECTION 78R(1)

Remediation notices

1. In relation to a remediation notice served by the enforcing authority—

- (a) the name and address of the person on whom the notice is served;
- (b) the location and extent of the contaminated land to which the notice relates, in sufficient detail to enable it to be identified whether by reference to a plan or otherwise;
- (c) the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
- (d) the substances by reason of which the contaminated land in question is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (e) the current use of the contaminated land in question;
- (f) what each appropriate person is to do by way of remediation and the periods within which they are required to do each of the things; and
- (g) the date of the notice.

Appeals against remediation notices

2. Any appeal against a remediation notice served by the enforcing authority.

3. Any decision on such an appeal.

Remediation declarations

4. Any remediation declaration prepared and published by the enforcing authority under section 78H(6).

5. In relation to any such remediation declaration—

(a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and

(b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Remediation statements

6. Any remediation statement prepared and published by the responsible person under section 78H(7) or by the enforcing authority under section 78H(9).

7. In relation to any such remediation statement—

(a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and

(b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Appeals against charging notices

8. Any appeal under section 78P(8) against a charging notice served by the enforcing authority.

9. Any decision on such an appeal.

Designation of special sites

10. In the case of the Environment Agency, as respects any land in relation to which it is the enforcing authority, and in the case of a local authority, as respects any land in its area—

(a) any notice given by a local authority under subsection (1)(b) or (5)(a) of section 78C, or by the Secretary of State under section 78D(4)(b), which, by virtue of section 78C(7) or section 78D(6) respectively, has effect as the designation of any land as a special site;

(b) the provisions of regulation 2 or 3 by virtue of which the land is required to be designated as a special site;

(c) any notice given by the Environment Agency under section 78Q(1)(a) of its decision to adopt a remediation notice; and

(d) any notice given by or to the enforcing authority under section 78Q(4) terminating the designation of any land as a special site.

Notification of claimed remediation

11. Any notification given to the enforcing authority for the purposes of section 78R(1)(h) or (j).

Convictions for offences under section 78M

12. Any conviction of a person for any offence under section 78M in relation to a remediation notice served by the enforcing authority, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court.

Guidance issued under section 78V(1)

13. In the case of the Environment Agency, the date of any guidance issued by it under subsection (1) of section 78V and, in the case of a local authority, the date of any guidance issued by the Agency to it under that subsection.

Other environmental controls

14. Where the enforcing authority is precluded by virtue of section 78YB(1) or 78YB(2B)[\[25\]](#) from serving a remediation notice—

(a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;

(b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and

(c) any steps of which the authority has knowledge, carried out under section 27[\[26\]](#) or by means of enforcement action (within the meaning of section 78YB(2C)[\[27\]](#)), towards remedying any significant harm, harm or pollution of controlled waters by reason of which the land in question is contaminated land.

15. Where the enforcing authority is precluded by virtue of section 78YB(3) from serving a remediation notice in respect of land which is contaminated land by reason of the deposit of controlled waste or any consequences of its deposit—

(a) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified whether by reference to a plan or otherwise;

(b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and

(c) any steps of which the enforcing authority has knowledge, carried out under section 59[28], in relation to that waste or the consequences of its deposit, and in a case where a waste collection authority (within the meaning of section 30(3)[29]) took those steps or required the steps to be taken, the name of that authority.

16. Where, as a result of a consent given under Chapter 2 of Part 3 of the Water Resources Act 1991 (pollution offences), the enforcing authority is precluded by virtue of section 78YB(4) from specifying in a remediation notice any particular thing by way of remediation which it would otherwise have specified in such a notice,—

(a) the consent;

(b) the location and extent of the contaminated land in question, in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and

(c) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Environmental Protection Act 199.

78R. — (1) Every enforcing authority shall maintain a register containing prescribed particulars of or relating to—

- (a) remediation notices served by that authority;**
- (b) appeals against any such remediation notices;**
- (c) remediation statements or remediation declarations prepared and published under section 78H above;**
- (d) in relation to an enforcing authority in England and Wales, appeals against charging notices served by that authority;**
- (e) notices under subsection (1)(b) or (5)(a) of section 78C above which have effect by virtue of subsection (7) of that section as the designation of any land as a special site;**
- (f) notices under subsection (4)(b) of section 78D above which have effect by virtue of subsection (6) of that section as the designation of any land as a special site;**
- (g) notices given by or to the enforcing authority under section 78Q(4) above terminating the designation of any land as a special site;**
- (h) notifications given to that authority by persons— (i) on whom a remediation notice has been served, or (ii) who are or were required by virtue of section 78H(8)(a) above to prepare and publish a remediation statement, of what they claim has been done by them by way of remediation;**
- (j) notifications given to that authority by owners or occupiers of land— (i) in respect of which a remediation notice has been served, or (ii) in respect of which a remediation statement has been prepared and published, of what they claim has been done on the land in question by way of remediation;**
- (k) convictions for such offences under section 78M above as may be prescribed;**

(l) such other matters relating to contaminated land as may be prescribed;

but that duty is subject to sections 78S and 78T below.

(2) The form of, and the descriptions of information to be contained in, notifications for the purposes of subsection (1)(h) or (j) above may be prescribed by the Secretary of State.

(3) No entry made in a register by virtue of subsection (1)(h) or (j) above constitutes a representation by the body maintaining the register or, in a case where the entry is made by virtue of subsection (6) below, the authority which sent the copy of the particulars in question pursuant to subsection (4) or (5) below—

(a) that what is stated in the entry to have been done has in fact been done; or

(b) as to the manner in which it has been done.

(4) Where any particulars are entered on a register maintained under this section by the appropriate Agency, the appropriate Agency shall send a copy of those particulars to the local authority in whose area is situated the land to which the particulars relate.

(5) In any case where—

(a) any land is treated by virtue of section 78X(2) below as situated in the area of a local authority other than the local authority in whose area it is in fact situated, and

(b) any particulars relating to that land are entered on the register maintained under this section by the local authority in whose area the land is so treated as situated,

that authority shall send a copy of those particulars to the local authority in whose area the land is in fact situated.

(6) Where a local authority receives a copy of any particulars sent to it pursuant to subsection (4) or (5) above, it shall enter those particulars on the register maintained by it under this section.

(7) Where information of any description is excluded by virtue of section 78T below from any register maintained under this section, a statement shall be entered in the register indicating the existence of information of that description.

(8) It shall be the duty of each enforcing authority—

(a) to secure that the registers maintained by it under this section are available, at all reasonable times, for inspection by the public free of charge; and

(b) to afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges;

and, for the purposes of this subsection, places may be prescribed by the Secretary of State at which any such registers or facilities as are mentioned in paragraph (a) or (b) above are to be available or afforded to the public in pursuance of the paragraph in question.

(9) Registers under this section may be kept in any form.

Annex 4 Guide to Regulations Circular 01/2006

Public Registers

71

Section 78R requires each enforcing authority to keep a public register. The public register is intended to act as a full and permanent record, open for public inspection, of all regulatory action taken by the enforcing authority in respect of the remediation of contaminated land, and will include information about the condition of land.

72

As records of regulatory activity, registers are broadly similar in purpose to, and part of the suite of, registers kept in relation to other environmental protection controls, including those kept under Part 1 and Part 2 of the Act (IPC etc, and waste regulation); and planning registers kept under the Town and Country Planning Acts, which may also contain valuable information relevant to the condition of land in particular locations.

73

The Agency register is to be kept at the Agency office for the area in question, and the local authority register is kept at the authority's principal office (regulation 13).

Content of the Registers

74

Section 78R(1) specifies what material is to be entered on the register. It leaves the details of that material to be prescribed in regulations. These details are set out in Schedule 3.

75

It is good practice to ensure that the register is so organised that all the entries relating to a particular site can be readily consulted in connection with each other.

76

Schedule 3 requires registers to include full particulars of certain matters, rather than copies of the various forms of notice and other documents listed. However, there is no legal objection to authorities placing a copy of the various documents on the register. Any document not placed on the register may, in any case, be accessible under the Environmental Information Regulations 2004 (S.I. 2004/339).

INFORMATION ABOUT REMEDIATION

77

For a **remediation notice**, the effect of regulation 13 and Schedule 3 is that the following information must be placed on the register:

Site information

- (a) the location and extent of the contaminated land sufficient to enable it to be identified; this requirement would ideally be met by showing its address and the estimated area in hectares, together with a plan to a suitable scale and a National Grid reference;
- (b) the significant harm, pollution of controlled waters, or harm attributable to radioactivity by reason of which the land is contaminated land;
- (c) the substances by reason of which the land is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (d) the current use of the land in question;

Remediation information

- (e) the name and address of the person on whom the notice is served;
- (f) what each appropriate person is to do by way of remediation, and the periods within which they are required to do each of the things;

78

In cases where site investigation reports obtained by or provided to the authority, which relate to the condition of land or any remediation action, are likely to be publicly accessible under the Environmental Information Regulations, it would also be good practice to include a reference to such information. The entry could include:

- (a) a description of the information,
- (b) the date on which it was prepared,

- (c) the person by whom and for whom it was prepared, and
- (d) where it is available to be inspected or copied.

79

It is also good practice for the remediation particulars referred to in paragraph 77(f) above to include an indication of whether the action required was “assessment action”, “remedial treatment action” or “monitoring action” (see the definitions of these terms in paragraph C.8 above of Chapter C of the statutory guidance, reflecting section 78A(7)).

80

For **remediation declarations**, **remediation statements** and **notifications of claimed remediation** (that is notifications for the purposes of section 78R(1)(h) or (j)), the requirement is to enter full particulars of the instrument in question, together with the site information described at paragraphs 77(a)-(d) above. This means that the registers should show, in addition to the date of the instrument and the site information, at least:

- (a) for **remediation declarations** (see paragraphs 4 and 5 of Schedule 3): the reason why the authority was precluded from specifying a particular remediation action (where, therefore, in the case of pollution of controlled waters, the authority considered that remediation of pollution was precluded on the basis that it would be unreasonable, having regard to the nature of that pollution, the register will show why the authority considered that the contamination was not significant);
- (b) for **remediation statements** (see paragraphs 6 and 7 of Schedule 3): the remediation action that has been, is being or will be taken, the timescale for that action and the details of the person who is taking it;
- (c) for **notifications of claimed remediation** (see regulation 13(2)) and paragraph 11 of Schedule 3): the remediation action that is claimed to have been taken, the timescale of that action and the details of the person who claims to have taken it.

81

In respect of notifications of claimed remediation, it is open to the person giving the notification to include additional material. In particular, it will be in the interests of both regulators and those giving the notifications to include, in addition, an indication of what the work carried out was intended to achieve; a description of any appropriate quality assurance procedure adopted relating to what has been claimed to be done; and a description of any verification measures carried out for the purpose of assessing the effectiveness of the remediation in relation to the particular significant harm, pollution of controlled waters or harm attributable to radioactivity to which it was referable.

82

Section 78R(3) makes clear that an entry in the register relating to notifications of claimed remediation in no way represents any endorsement or confirmation by the authority maintaining the register that remediation measures have been carried out nor, therefore, that land is no longer contaminated land. It would be good practice to ensure that this disclaimer is clearly associated with all entries of this kind.

83

Other environmental controls: The register is required, by paragraphs 14 and 15 of Schedule 3, to include information in cases of the three situations where a site may be formally identified as contaminated land but is dealt with under certain other controls, instead of under Part 2A (see sections 78YB(1), 78YB(2B) and (3)). These other powers are section 27 in Part 1 of the Environmental Protection Act 1990 (Integrated Pollution Control), enforcement action under Pollution Prevention and Control Regulations and section 59 in Part 2 of the 1990 Act (waste management licensing). In all cases, the register is required to include, in addition to the site information described in paragraphs 77(a)-(d) above particulars of any steps about which the enforcing authority knows that have been taken under those other powers.

84

The register is also required, by paragraph 16 of Schedule 3, to include information about any cases where particular remediation actions cannot be specified in a remediation notice because they would have the effect of interfering with a discharge into controlled waters for which consent has been given under Chapter 2 of Part 3 of the Water Resources Act 1991 (see section 78YB(4)). In addition to the site information described in paragraphs 77(a)-(d) above, the register is required to give particulars of the discharge consent.

OTHER INFORMATION

Special sites

85

Where the land is a special site, the register should include the information required in respect of any other site. In addition, under paragraph 10 of Schedule 3, the register is required to include:

- (a) the notice designating it as such (given by a local authority under section 78C(1)(b) or 78C(5)(a), or by the Secretary of State under section 78D(4)(b));
- (b) an identification of the description of land under which it is a special site (see regulations 2 or 3 and Schedule 1);
- (c) any notice given by the appropriate Agency of its decision to adopt a remediation notice;

(d) any notice given by or to the enforcing authority under section 78Q(4) terminating the designation.

Agency site-specific guidance

86

Under paragraph 13 of Schedule 3, the register is required to include the date of any site specific guidance issued by the Environment Agency under section 78V(1). Where such site-specific guidance exists, information in it may be required to be available to the public under the Environmental Information Regulations. Where this is likely, it would be good practice to include a reference to where it is available to be inspected or copied.

Appeals against a remediation notice

87

Where a person on whom a remediation notice has been served appeals against that notice, the register is required, under paragraphs 2 and 3 of Schedule 3, to include full particulars of:

- (a) any appeal against a remediation notice, including the date and the name and address of the appellant; and
- (b) the decision on such an appeal.

88

It would also be good practice to include on the register any Court decisions, including an application for judicial review, which may relate to an appeal against a remediation notice.

Appeals against a charging notice

89

Where the owner or occupier of any land appeals to the county court under section 78P(8) against a notice charging costs to be recovered by the enforcing authority on his land, the register is required to contain full particulars of:

- (a) any appeal against a charging notice; including the date and the name and address of the appellant; and
- (b) the decision on such an appeal.

Convictions

90

Under paragraph 12 of Schedule 3, the register is required to include full particulars of any conviction under section 78M (failure to comply with a remediation notice), including the name of the offender, the date of conviction, the penalty imposed, and the name of the Court.

91

Authorities should have regard to the provisions of the Rehabilitation of Offenders Act 1974, under which convictions of individuals can become spent. The Department understands that it would not be unlawful under that Act to retain details of a spent conviction on the register, but nonetheless retention would seem contrary to its spirit. The Department recommends therefore that authorities should regularly review their registers with the aim of identifying and removing spent convictions, although it may be desirable to continue to record that an offence has taken place. In the case of convictions of a body corporate, the 1974 Act does not apply, but it would seem equitable for the same approach to be applied as for the spent convictions of individuals.

CONFIDENTIALITY

92

Sections 78S and 78T set out restrictions on information to be placed on the register because of considerations of national security or commercial confidentiality. The effect of these provisions is explained in Annex 2, paragraphs 17.8 to 17.19.