

## Public Register

### *s.78R Part 2A Environmental Protection Act 1990*



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

- Part 2A 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 2A; with particular attention to Section **F8, Entering Information on a Register**.
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**Legend**

Register Section Titles	
Statutory Requirement of Register	
Non-Statutory Requirement of Register (but likely Environmental Information Regulations 2004 requirement (see para 78, Annex 4 of Guide to Regulations, Circular 01/2006))	
Consider This Requirement for that Particular Remediation Document	Yes
Do Not Consider This Requirement for that Particular Remediation Document	No
References refer to s78R of Part 2A EPA 1990, Schedule 3 of the Regulations or Annex 4 of Circular 01/2006 – Full details of references are provided at the end of each entry	

Name & Address of Site												
UNIT 4, THE OLD FOUNDRY, MARKET STREET, SHIPDHAM, pages 1-11												
References		Requirements	Requirement Consideration for Document Type				Input					
78R or Schedule 3 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)	77(a), 80	Location and extent of the contaminated land	yes	yes	yes	yes	UNIT 4, THE OLD FOUNDRY, MARKET STREET, SHIPDHAM ( SEE UNIT 4, RECORD OF DETERMINATION AVAILABLE ELECTRONICALLY OR AS HARD COPY FROM BRECKLAND COUNCIL, ELIZABETH HOUSE, WALPOLE LOKE, DEREHAM NR19 1EE)					
Sch3 (5) (a)		Address	yes	yes	yes	yes						
Sch3 (7) (a)		Area in hectares	yes	yes	yes	yes	UNIT 4, THE OLD FOUNDRY, MARKET STREET, SHIPDHAM ( SEE UNIT 4, RECORD OF DETERMINATION)					
Sch3 (14) (a)		Plan	yes	yes	yes	yes						
		National Grid reference	yes	yes	yes	yes					596821, 307839	
Sch3 (1) ©	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	UNIT 4, THE OLD FOUNDRY, MARKET STREET, SHIPDHAM, NORFOLK	SUB-SURFACE MIGRATION TO COMMERCIAL BUILDING ON UNIT 4	HUMAN BEINGS	USERS OF COMMERCIAL BUILDING, NAMED UNIT 4	A SINGLE IRREVERSIBLE EVENT BY WAY OF EXPLOSION AS DESCRIBED IN TABLE B, CHAPTER A, ANNEX 3

References		Requirements	Requirement Consideration for Document Type				Input
78R or Schedule 3 Reference	Annex 4 Reference	<b>Information (cont)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert information or a Reference for where the information is held.
Sch3 (1) (d)	77(c)	Substances detailed in Determination	yes	yes	yes	yes	METHANE
		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	COMMERCIAL

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (e) (f)		<b>Designation of Special Sites</b>	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	'FORMER GLOBAL COMMODITIES (UK) LTD, UNIT 4, THE OLD FOUNDRY RECORD OF DETERMINATION'
Sch3 (10) (b)	85(b)	Provisions by which site is designated as <i>Special Site</i>	yes	yes	yes	yes	'FORMER GLOBAL COMMODITIES (UK) LTD, UNIT 4, THE OLD FOUNDRY RECORD OF DETERMINATION'
		Water pollution (Regulation 2 (a))					
		- Regulation 3 (a) – Wholesomeness of drinking water	no	no	no	no	N/A
		- Regulation 3(b) – Surface water classification criteria	no	no	no	no	N/A
		- Regulation 3(c) – Major aquifers and Schedule 1	no	no	no	no	N/A
		Industrial					
		- Regulation 2(b) – waste acid tar deposit	no	no	no	no	N/A
		- Regulation 2 (c) (i) – oil refining	no	no	no	no	N/A
		- Regulation 2 (c) (ii) – explosives manufacture or processing	no	no	no	no	N/A
		- Regulation 2 (d) – IPPC	yes	yes	yes	yes	ENVIRONMENT AGENCY, ICENI HOUSE, COBHAM ROAD, IPSWICH, SUFFOLK, IP3 9JD
		Defence					
		- Regulation 2 (f)	no	no	no	no	N/A
		- Regulation 2 (g)	no	no	no	no	N/A
		- Regulation 2 (h)	no	no	no	no	N/A
		- Regulation 2 (i)	no	no	no	no	N/A
		- Regulation 2 (j)	no	no	no	no	N/A
		Radioactivity					
		- Regulation 2 (k)	no	no	no	no	N/A
		Adjacent Lands					
		- Regulation 2 (L) (i)	no	no	no	no	N/A
		- Regulation 2 (L) (ii)	yes	yes	yes	yes	CONSIDERED BUT NOT DESIGNATED AT THE TIME OF THIS ENTRY

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (e) (f)		<b>Designation of Special Sites (cont)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (10) (c)	85(c)	Decision by Environment Agency to adopt a <i>remediation notice</i>	no	no	no	no	N/A
S78R (1) (g) Sch3 (10) (d)	85(d)	Any notice which terminates designation as <i>Special Site</i>	no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
S78V (1)	86	<b>Site specific guidance issued by the Environment Agency</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (13)	86	Date of guidance	no	no	no	no	N/A
		Reference to where it is available	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R(1)		<b>Other environmental controls</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (14)		Any steps taken under S27 of EPA 1990 (or equivalent under PPC regime)	no	no	no	no	N/A
Sch3 (15)		Any steps taken under S59 of EPA 1990	no	no	no	no	N/A
Sch3 (16)		Any consent under Chapter II of Part III of Water Resources Act 1991 which has precluded remediation	no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (a)		<b>Remediation notice(s)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (1) (a)	77(e)	Name of person on whom the notice has been served	no	no	no	no	N/A
		Address	no	no	no	no	N/A
	79	Type of remediation action:					
		- Assessment action	no	no	no	no	N/A
		- Remedial treatment action	no	no	no	no	N/A
		- Monitoring action	no	no	no	no	N/A
Sch3 (1) (f)	77(f)	What each person is to do by way of remediation	no	no	no	no	N/A
Sch3 (1) (g)		The time periods within which they must do it	no	no	no	no	N/A
		The date of the notice	no	no	no	no	N/A
	78	Reference to any site investigation report:					
		- description	no	no	no	no	N/A
		- date on which it was prepared	no	no	no	no	N/A
		- person by whom and for whom it was prepared	no	no	no	no	N/A
		- where it is available	no	no	no	no	N/A

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



References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (d) Sch3 (8)		<b>Appeals against charging notices</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
	89(a)	Name of appellant	no	no	no	no	N/A
		Address of appellant	no	no	no	no	N/A
		Date of appeal	no	no	no	no	N/A
Sch3 (9)	89(b)	Decision on appeal	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c)		<b>Remediation declaration</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (4)	80	Date	no	no	no	no	N/A
	78	Reference to any site investigation report:					
		- description	no	no	no	no	N/A
		- date on which it was prepared	no	no	no	no	N/A
		- person by whom and for whom it was prepared	no	no	no	no	N/A
		- where it is available	no	no	no	no	N/A
	80	Reason why the Local Authority was precluded from specifying a particular <i>remediation action</i>	no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c) Sch3 (6)		<b>Remediation statement</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
	80	Date	no	no	yes	no	Remediation Statement by Mr A Jackson dated 10 July 2013, for a copy contact the Environment Agency, Icen House, Cobham Road, Ipswich, Suffolk IP3 9JD
		Reference to any site investigation report:					
		- description	no	no	yes	no	Harrison Geotechnical Engineering Desk Study Ref: GN12820, May 2008 URS Final Interpretative Report Intrusive Investigation Ref: BMRP0002/49327953-3040/AF/LS/Final, 3 March 2010 SKM Enviro Global Commodities – Adjacent and Adjoining Land: Review of Ground Gas Potential Pollutant Linkages, Project No. JL30177, V3, April 2011 Assessment of the Seriousness of Harm from the Ground Gas Significant Pollutant Linkage, Project No. JL30177, Final V3, November 2011
		- 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	Desk Study – by Harrison Geotechnical Engineering for Breckland Council Final Interpretative Report Intrusive Investigation – by URS for the Environment Agency Global Commodities – Adjacent and Adjoining Land: Review of Ground Gas Potential Pollutant Linkages – by SKM Enviro for the Environment Agency Assessment of the Seriousness of Harm from the Ground Gas Significant Pollutant Linkage - by SKM Enviro for the Environment Agency
		- where it is available	no	no	yes	no	Environment Agency, Icen House, Cobham Road, Ipswich, Suffolk IP3 9JD
	80	Remediation action that has been or will be taken	no	no	yes	no	Remediation action carried out as per Remediation Statement and verified (Remediation Statement by Mr A Jackson dated 10 July 2013). Therefore the site, Unit 4, The Old Foundry, Market Street, Shipdham, is no longer 'contaminated land' as defined under Part 2A of the EPA Act 1990.
		Timescale	no	no	yes	no	Completed by 21 May 2013
		Details of the person responsible	no	no	yes	no	Mr A Jackson, Jackson Car Sales, Market Street, Shipdham, Norfolk IP25 7LZ
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	no	no	no	no	N/A
	80	Action claimed to have been taken	no	no	no	no	N/A
		Timescale of action	no	no	no	no	N/A
		Person who claims to have taken it	no	no	no	no	N/A
	81	Additional material on:					
		- what the work was intended to achieve	no	no	no	no	N/A
		- description of any appropriate quality assurance procedure	no	no	no	no	N/A
		- description of any verification measures to assess effectiveness	no	no	no	no	N/A
S78R(3)	82	A copy of the disclaimer in the primary legislation	no	no	no	no	N/A
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.
			no	no	no	no	N/A
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.
			no	no	no	no	N/A
S78R (5)		Local Authority to whom information has been copied	no	no	no	no	N/A

Date of Determination.....22 July 2010.....Signed...Kay Wilcox.....Position...TECHNICAL OFFICER (CONTAMINATED LAND)...

**Legend**

Register Section Titles	
Statutory Requirement of Register	
Non-Statutory Requirement of Register (but likely Environmental Information Regulations 2004 requirement (see para 78, Annex 4 of Guide to Regulations, Circular 01/2006))	
Consider This Requirement for that Particular Remediation Document	Yes
Do Not Consider This Requirement for that Particular Remediation Document	No
References refer to s78R of Part 2A EPA 1990, Schedule 3 of the Regulations or Annex 4 of Circular 01/2006 – Full details of references are provided at the end of each entry	

**Name & Address of Site**

52 Whitsands Road, Swaffham, Norfolk PE37 7BY, pages 12-22

References		Requirements	Requirement Consideration for Document Type				Input	
78R or Schedule 3 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)	77(a), 80	Location and extent of the contaminated land	yes	yes	yes	yes	52 Whitsands Road, Swaffham, Norfolk PE37 7BY	
Sch3 (5) (a)		Address	yes	yes	yes	yes		
Sch3 (7) (a)		Area in hectares	yes	yes	yes	yes		
Sch3 (14) (a)		Plan	yes	yes	yes	yes		See 52 Whitsands Road, Swaffham Record of Determination, available electronically or as hard copy from Breckland Council, Elizabeth House, Walpole Loke, Dereham NR19 1EE
		National Grid reference	yes	yes	yes	yes		581481 309518

References		Requirements	Requirement Consideration for Document Type				Input						
78R or Schedule 3 Reference	Annex 4 Reference	Information (cont)	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert information or a Reference for where the information is held.						
Sch3 (1) ©	77(b)		Particulars of Significant Harm/pollution of controlled waters.	yes	yes	yes	yes		Substance	Source Location	Pathway	Receptor	Receptor Location
		Benzo(a)pyrene		52 Whitsands Road, Swaffham, Norfolk	Ingestion of soil & soil derived dust, consumption of produce & soil attached to produce, dermal contact with soil & soil derived dust	Human being	Resident(s) of site	Carcinogenicity of substance					
		Cyanide		52 Whitsands Road, Swaffham, Norfolk	Ingestion of soil & soil derived dust	Human being	Resident(s) of site	One-off fatal dose					
Sch3 (1) (d)	77(c)	Substances detailed in Determination	yes	yes	yes	yes	Benzo(a)pyrene & cyanide						
		Location of land affected by escaped substances	no	no	no	no	N/A						
Sch3 (1) (e)	77(d)	Current use of the Contaminated Land	yes	yes	yes	yes	Residential						

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (e) (f)		<b>Designation of Special Sites</b>	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	no	no	no	no	N/A
Sch3 (10) (b)	85(b)	Provisions by which site is designated as <i>Special Site</i>	no	no	no	no	N/A
		Water pollution (Regulation 2 (a))					
		- Regulation 3 (a) – Wholesomeness of drinking water	no	no	no	no	N/A
		- Regulation 3(b) – Surface water classification criteria	no	no	no	no	N/A
		- Regulation 3(c) – Major aquifers and Schedule 1	no	no	no	no	N/A
		Industrial					
		- Regulation 2(b) – waste acid tar deposit	no	no	no	no	N/A
		- Regulation 2 (c) (i) – oil refining	no	no	no	no	N/A
		- Regulation 2 (c) (ii) – explosives manufacture or processing	no	no	no	no	N/A
		- Regulation 2 (d) – IPPC	no	no	no	no	N/A

References	Requirements	Requirement Consideration for Document Type				Input
S78R (1) (e) (f)	<b>Designation of Special Sites (cont)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.

		Defence					
		- Regulation 2 (f)	no	no	no	no	N/A
		- Regulation 2 (g)	no	no	no	no	N/A
		- Regulation 2 (h)	no	no	no	no	N/A
		- Regulation 2 (i)	no	no	no	no	N/A
		- Regulation 2 (j)	no	no	no	no	N/A
		Radioactivity					
		- Regulation 2 (k)	no	no	no	no	N/A
		Adjacent Lands					
		- Regulation 2 (L) (i)	no	no	no	no	N/A
		- Regulation 2 (L) (ii)	no	no	no	no	N/A
Sch3 (10) (c)	85(c)	Decision by Environment Agency to adopt a <i>remediation notice</i>	no	no	no	no	N/A
S78R (1) (g) Sch3 (10) (d)	85(d)	Any notice which terminates designation as <i>Special Site</i>	no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
S78V (1)	86	<b>Site specific guidance issued by the Environment Agency</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (13)	86	Date of guidance	no	no	no	no	N/A
		Reference to where it is available	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R(1)		<b>Other environmental controls</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (14)		Any steps taken under S27 of EPA 1990 (or equivalent under PPC regime)	no	no	no	no	N/A
Sch3 (15)		Any steps taken under S59 of EPA 1990	no	no	no	no	N/A
Sch3 (16)		Any consent under Chapter II of Part III of Water Resources Act 1991 which has precluded remediation	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (a)		<b>Remediation notice(s)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (1) (a)	77(e)	Name of person on whom the notice has been served	no	no	no	no	N/A
		Address	no	no	no	no	N/A
	79	Type of remediation action:					
		- Assessment action	no	no	no	no	N/A
		- Remedial treatment action	no	no	no	no	N/A
		- Monitoring action	no	no	no	no	N/A



References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (a)		<b>Remediation notice(s)</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (1) (f)	77(f)	What each person is to do by way of <i>remediation</i>	no	no	no	no	N/A
Sch3 (1) (g)		The time periods within which they must do it	no	no	no	no	N/A
		The date of the notice	no	no	no	no	N/A
	78	Reference to any site investigation report:					
		- description	no	no	no	no	N/A
		- date on which it was prepared	no	no	no	no	N/A
		- person by whom and for whom it was prepared	no	no	no	no	N/A
		- where it is available	no	no	no	no	N/A

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

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (d) Sch3 (8)		<b>Appeals against charging notices</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
	89(a)	Name of appellant	no	no	no	no	N/A
		Address of appellant	no	no	no	no	N/A
		Date of appeal	no	no	no	no	N/A
Sch3 (9)	89(b)	Decision on appeal	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c)		<b>Remediation declaration</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
Sch3 (4)	80	Date	no	no	no	no	N/A
	78	Reference to any site investigation report:					
		- description	no	no	no	no	N/A
		- date on which it was prepared	no	no	no	no	N/A
		- person by whom and for whom it was prepared	no	no	no	no	N/A
		- where it is available	no	no	no	no	N/A
	80	Reason why the Local Authority was precluded from specifying a particular <i>remediation action</i>	no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (c) Sch3 (6)		<b>Remediation statement</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
	80	Date	no	no	yes	no	See Remediation Statement 'A F Howland Associates Report Ref 11.065/CPJS/DRMS/rev01 9 November 2011'
		Reference to any site investigation report:					
		- description	no	no	yes	no	Phase I Desk Study, January 2009  Final Site Investigation & Land Contamination Assessment Ref:5084549/GTG.20082926/Swaffham/R001/rev1, dated January 2010  Atkins <i>Updated</i> Final 'Site Investigation and Land Contamination Assessment Report' Ref: 5084549/GTG.20082926/Swaffham/R001/rev2, dated October 2010  Human Health Part 2A Detailed Quantitative Risk Assessment Report (DQRA) Ref: 5084549/GTG.20082926/Swaffham/R002/rev1, dated March 2011
		- date on which it was prepared	no	no	yes	no	See description above
		- person by whom and for whom it was prepared	no	no	yes	no	Desk Study – by and for Breckland Council Other reports – by Atkins Limited and for Breckland Council
		- where it is available	no	no	yes	no	As hard copies at Breckland Council, Elizabeth House, Walpole Loke, Dereham NR19 1EE. The DQRA is available electronically.
	80	Remediation action that has been or will be taken	no	no	yes	no	Remediation action carried out as per Remediation Statement and verified (see A F Howland Verification Report Ref 11.065-AFH-Rev02 26 April 2012). Therefore the site, 52 Whitsands Road, Swaffham, is no longer 'contaminated land' as defined under Part 2A of the EPA 1990.
		Timescale	no	no	yes	no	29 February to 12 March 2012
		Details of the person responsible	no	no	yes	no	Mrs Jill Skinner and Graham Skinner as owners of the property.

References		Requirements	Requirement Consideration for Document Type				Input
S78R (1) (h), (j) Sch3 (11)		<b>Notification of claimed remediation</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
	80	Any notice given to the Local Authority for S78R(1)(h) or (j) 88	no	no	no	no	N/A
	80	Action claimed to have been taken	no	no	no	no	N/A
		Timescale of action	no	no	no	no	N/A
		Person who claims to have taken it	no	no	no	no	N/A
	81	Additional material on:					
		- what the work was intended to achieve	no	no	no	no	N/A
		- description of any appropriate quality assurance procedure	no	no	no	no	N/A
		- description of any verification measures to assess effectiveness	no	no	no	no	N/A
S78R(3)	82	A copy of the disclaimer in the primary legislation	no	no	no	no	N/A
References		Requirements	Requirement Consideration for Document Type				Input
S78R (7)	92	<b>Statement regarding the existence of confidential information Any other relevant information</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
			no	no	no	no	N/A

References		Requirements	Requirement Consideration for Document Type				Input
		<b>Any other relevant information</b>	Remediation Notice	Remediation Declaration	Remediation Statement	Notification of Claimed Remediation	Insert Information or a Reference for Where the Information is Held.
			no	no	no	no	N/A
S78R (5)		Local Authority to whom information has been copied	no	no	no	no	N/A

**Date of Determination**...20 April 2011.....**Signed**.....Kay Wilcox.....**Position**... ..Technical Officer (Contaminated Land).....

## **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.

## **Part 2A Environmental Protection Act 1990**

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.