



Revised Contaminated Land Strategy

Environmental Protection Act 1990, Part IIA

Executive Summary

Across Arun's district, there are a significant number of sites that may be contaminated by their historical or current use. Part IIA of the Environmental Protection Act 1990 came into force in the United Kingdom in April 2000 and outlines how local authorities must deal with contaminated land that lies within their jurisdiction. The provisions require local authorities to develop and publish a strategy that details the manner in which they will inspect their area for contaminated land. Arun District Council's first Contaminated Land Strategy provided an overview of the contaminated land regime and indicated how the regime would be implemented, taking into consideration the various characteristics of the district. The strategy was first published in 2001 and has now been reviewed and revised in line with updated Statutory Guidance (DEFRA, April 2012). The revised strategy outlines how Arun District Council intends to implement the contaminated land regime across the district, in parallel with the latest guidance, resources and experience.

Consultation Summary

This document is the revised Arun District Council Contaminated Land strategy which has been finalised following consultation with statutory consultees (listed on page 16). This strategy was approved by the Environment Committee on 19 March 2024. This strategy is publicly available on Arun District Council's website.

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1. Introduction

Contaminated land is regulated by Part IIA of the Environmental Protection Act, 1990. Under this legislation, local authorities are required to prepare, implement and review a Contaminated Land Strategy. Sites which are determined as contaminated land are also required to be published in a public register.

Contaminated land is defined in Part IIA of the Environmental Protection Act 1990 as:

‘any land which appears to the local authority in whose area the land is situated, to be in such a condition by reason of substances in, on or under the land that (a) significant harm is being caused or there is significant possibility of such harm being caused or (b) pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused’.

Statutory Guidance published in 2012 by the Department for the Environment, Food and Rural Affairs (DEFRA) contains definitions of ‘significant harm’, ‘significant possibility’ and ‘pollution to controlled waters is being caused’. The guidance also introduces the concept of the pollutant linkage. For land to be determined as contaminated, there must be a significant pollutant linkage present. A pollutant linkage is where the source of pollution is connected to a receptor by a pathway so as to give rise to significant harm. It should be noted that a site may have multiple pollutant linkages. If such pollutant linkages are not adequately addressed, they can pose a threat to human health, the natural environment and the built environment. The contaminated land legislation is designed to

complement existing controls under the planning and development processes, by allowing local authorities to inspect, identify, assess and prioritise potentially contaminated land. These assessments will assist in meeting Government target for 60% of new homes in the United Kingdom to be located on previously developed, brownfield sites.

2. Aims and Objectives

This revised strategy details how Arun District Council ('the council') intends to meet its statutory duties to inspect its area for contaminated land, as outlined in the Contaminated Land Statutory Guidance (DEFRA, April 2012). This strategy should be read in conjunction with the aforementioned statutory guidance, which contains specific legal and scientific information. This strategy reflects the financial and resource-based constraints faced by the council.

The Contaminated Land (England) (Amendment) Regulations 2012 require local authorities to:

- inspect its area to identify potentially contaminated land
- use a risk assessment to determine whether a specific site meets the legal definition of contaminated land
- notify any affected person and the Environment Agency (EA) if contaminated land is determined
- in consultation with the Environment Agency, decide whether any particular site should be categorised as a Special Site
- establish what remediation should be undertaken, either on a voluntary basis or by formal notification
- identify the appropriate person and after consultation, formally require them to take responsibility for the remediation
- take enforcement action against any person who fails to comply with a formal notice
- exercise its power to carry out remediation and recover the associated cost
- maintain a public register of land that has been determined as contaminated.

When undertaking any of the above, the local authority must act in accordance with the Environmental Protection Act 1990, secondary regulations (for example, the Contaminated Land Regulations 2012), statutory guidance issued by the Secretary of State and any other relevant best practice guidance.

2.1 Aims

The council's aims are provided below:

- identify potential and actual contaminated sites within the district using rational, ordered and efficient investigation
- remove unacceptable risks to human health and the environment

- seek investigation and remediation through the planning system
- carry out detailed inspection of urgent sites where there is, or there is likely to be, significant possibility of significant harm occurring
- prevent the creation of new contaminated sites
- reinforce a 'suitable for use' approach
- ensure that burdens faced by individuals, companies and the community are proportionate, manageable and compatible with the principles of sustainable development.

2.2 Objectives

The overall objective is to provide an effective and efficient system for the identification and remediation of land where contamination is causing an unacceptable risk to human health and/or the wider environment. Assessment of each site will consider the current use and circumstances of the land and seek to prevent the creation of new contaminated sites. In order to ensure the aims of this strategy are met, the following objectives have been identified:

- assume that land is not contaminated unless there is reason to consider otherwise
- utilise the development control/planning system as the predominant mechanism for the investigation and remediation of land that is affected by contamination
- deploy Part IIA only in the absence of an appropriate, alternative solution
- refer any issues or allegations relating to radioactivity on land to the Environment Agency
- utilise powers of entry under Section 108 of the Environment Act 1995 only when the council is satisfied that there is a reasonable possibility that a significant pollutant linkage exists
- where appropriate, encourage voluntary remediation of sites
- detailed inspection will not be undertaken on sites where planning permission exists or is understood to be imminent, unless there is substantial evidence that the land is contaminated
- maintain appropriate records, including the public register
- continue the process of strategic inspection across the district
- continue to prioritise sites for detailed inspection
- consult with landowners and identified stakeholders prior to conducting detailed inspection of their land
- when remediation is undertaken by the council on behalf of another entity and liable parties have been identified, the council will pursue the appropriate person(s) for the cost associated with the apportioned share of the liability, in accordance with the statutory guidance
- communicate in an appropriate manner and if necessary, use non-technical language

- when a Special Site is identified, the council will request in writing that the EA conducts a detailed inspection of the site
- when a site is determined as contaminated land, the council will include information concerning its associated regulatory action on the public register.

The implementation of this strategy operates in tandem with the council's overarching strategies and priorities. It will work alongside existing policies, such as the National Planning Policy Framework (NPPF) to aid the efficient and effective delivery of these commitments by supporting the regeneration of brownfield land and encourage development. This will assist the council in meeting the Government's target for redevelopment of brownfield sites; simultaneously, promotion of brownfield development protects important greenfield sites.

3. Arun's District

3.1 Area Overview

Across the United Kingdom, there are marked differences in geography, industrial activity and the prevalence of vulnerable receptors, such as protected wildlife and water resources. The manner in which contaminants are deposited, move and affect (or threaten to affect) receptors can vary between proximate localities. The character of the district has been considered when developing priorities, aims and objectives for inspecting land that may be contaminated.

3.2 Location

Arun's district is situated in the middle of the West Sussex coastal plain, which stretches between the counties of East Sussex in the east and Hampshire in the west.

Arun has an area of approximately 85 square miles and is bordered by the South Downs to the north and 14.5 miles of coastline to the south. Notable boundary settlements include Houghton (north), Findon (east) and Pagham (west). The River Arun joins the English Channel at Littlehampton and its course roughly divides the district in half. The district includes three main Rifes at Aldingbourne, Felpham and Ferring. Over two-thirds of the district is in agricultural use, including pasture for cattle on the flood plains of the Arun Valley, while the steeper slopes are utilised for arable farming and rough grazing. Arun is home to 20 local wildlife sites; areas of land that are especially important for their wildlife. These locations are some of our most valuable wildlife areas.

3.3 Protected Locations

3.3.1 Site of Special Scientific Interest (SSSI)

There are nine Site of Special Scientific Interest (SSSI) designations in Arun and these are determined by English Nature. The SSSIs are Arun Banks, Fairmile Bottom, part of Chanctonbury Hill, Arundel Park, part of Cissbury Ring, Climping Beach, Felpham, Bognor Reef and part of Pagham Harbour. Bognor Reef and Felpham Reef are SSSI for their geological value.

3.3.2 Local Nature Reserve (LNR)

Arun's first Local Nature Reserve (LNR) was declared in 1995 at the sand dunes of Littlehampton's West Beach. Three more nature reserves exist at Fairmile Bottom in Madehurst, Bersted Brooks in Shripney (created in 2010) and at Pagham Harbour. The council's Parks and Greenspaces Service manages West Beach and Bersted Brooks.

3.3.3 South Downs National Park

Almost half of the district is included within the South Downs Area of Outstanding Natural Beauty (South Downs AONB) and the South Downs National Park (SDNP). The SDNP is England's newest national park, designated in March 2010 and covering 1,627km² between Eastbourne in East Sussex and Winchester in Hampshire.

3.3.4 Conservation Areas and Sites of Nature Conservation Importance (SNCI)

In total, Arun boasts 29 Conservation Areas, in addition to nine Sites of Nature Conservation Interest (SNCI), which are determined by West Sussex County Council as being of nation-wide importance.

3.3.5 Pagham Harbour

Pagham Harbour is a particularly important area; it is a nature reserve, has SSSI status and its importance within Europe as an essential wild bird site was confirmed by a designation as a Special Protection Area (SPA) under EC Directive 79/409 for the conservation of wild birds. Furthermore, its international importance as a site for wetfowl is recognised in its Ramsar designation for Convention on Wetlands of International Importance.

3.3.6 Marine Conservation Areas

Pagham Harbour, Selsey Bill and the Hounds and Kingmere are the three Marine Conservation Areas within Arun's district.

3.4 Water Resources

The River Arun has a significant impact on the environment of the district; the Arun Valley is of great ecological importance, providing important wetland and lowland habitats which support several rare species of flora and fauna.

There are currently 22 registered private water supplies, with 15 being from boreholes, six from a public supply and one from springs.

3.5 Geology

Ordnance Survey Sheets 317 and 332 show that the geology underlying the coastline between Worthing and Bognor Regis is of upper chalk, which is the same formation as that of the South Downs. Between Patching and Chichester are belts of Woolwich and

Reading Beds and London Clay. The overlying drift between Kingston and Pagham and between Poling and Aldingbourne is Brickearth with Gravel, whilst the Arun Valley is predominantly Alluvium.

3.6 Hydrogeology

Groundwater plays a fundamental role in the environment. It provides over one-third of our drinking water and maintains the flow in many of our surface waterways, such as rivers and streams. In some areas of southern England, groundwater accounts for 80% of drinking water. The protection of groundwater is the responsibility of the EA and this strategy takes into account potential impacts on groundwater reserves from contaminated land.

The EA has statutory responsibility to protect groundwater reserves in England and Wales; their Groundwater Protection: Policy and Practice (GP3) document provides a framework to allow the EA to achieve this. GP3 works alongside defined groundwater Source Protection Zones (SPZ) in order to identify and protect sensitive groundwater resources. GP3 classifies the underlying strata of England and Wales into aquifers of varying sensitivity and defines an aquifer as ‘a sub-surface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater’. The aquifers are further classified into principal, secondary, secondary undifferentiated and unproductive, depending on their potential for exploitation as potable water supplies. The majority of Arun’s district is classed as principal with secondary elsewhere. SPZ are defined as the parts of the aquifer which are considered to form the catchment to public water supplies and some types of private supply. SPZ relate purely to groundwater flow below the water table and the SPZ maps show the position of each source, whilst representing a precautionary approach to the protection of groundwater.

The permeable chalk geology underlying the majority of Arun’s district, holds vast volumes of groundwater that supplies drinking water to the local population. A number of public water supply abstraction points are located within the district, some of which lie within SPZs.

3.7 Population Distribution

According to the most recent Census (2021), Arun had a population of almost 165,000; an increase of 10.3% since the 2011 Census was conducted. West Sussex has total population of approximately 882,700 with Arun being the largest of the seven boroughs and districts within the county. During the summer, Arun’s population increases notably due to seasonal employment and tourism. Table 1 (overleaf) shows Arun’s population according to Ward, based on information from the Office for National Statistics – Census 2021.

Ward	Population (rounded to nearest 100 people)
Aldwick East	5,200
Aldwick West	6,300
Angmering and Findon	10,800
Arundel and Walberton	8,400
Barnham	9,200
Beach (Littlehampton)	4,700
Bersted	10,200
Brookfield (Littlehampton)	6,300
Courtwick with Toddington (Wick)	11,800
East Preston	7,800
Felpham East	6,000
Felpham West	6,300
Ferring	4,900
Hotham (Bognor Regis)	6,100
Marine (Bognor Regis)	7,200
Middleton-on-Sea	4,900
Orchard (Bognor Regis)	6,800
Pagham	6,400
Pevensey (Bognor Regis)	5,600
River (Littlehampton)	9,500
Rustington East	5,400
Rustington West	8,300
Yapton	6,900

Table 1: Arun's population according to Ward, based on information from the Office for National Statistics.

Generally, the majority of settlements in the north of the district are smaller (fewer than 1000 people) than those located further south (typically between 1000 – 5000 people). The district has three main towns at Arundel, Bognor Regis and Littlehampton. The urban areas of Littlehampton and Bognor Regis lie respectively on the east and west sides of the River Arun, emphasising the districts geographical split in population. Bognor Regis gained popularity as a seaside resort during the early 19th Century, due to the desirable 'new' pastime of sea water bathing. As the town expanded, several smaller peripheral settlements were enveloped to form the urban centre as it now appears. Littlehampton's origins stem from port activities and associated trades. A small number of fishing vessels still launch from the town. In more recent years, the town has seen an increase in its reputation as a seaside resort. The unique skyline of historic Arundel dominates views of the Arun Valley. Arundel and its 11th Century castle are situated at the foot of the South Downs and surrounded by countryside which makes the town an ever-popular tourist destination. Small, rural town and villages are interspersed throughout the remaining countryside. There are almost 67,000 households in Arun, of which 73.8% are owner-occupied, 15.3% are privately rented, 0.8% are in shared ownership (part owned and part rented), 8.8% are social rented with 1.2% living rent free.

3.8 Industrial Influence

Arun's district contains a number of relatively small sites which, due to their historic and/or current use, may be a source of contamination. This may include, for example, land formerly used as blacksmith's yards, current vehicle refuelling stations and old brickworks. Historically, Littlehampton was a hub for shipbuilding, ironworks and brickworks with the River Arun providing an essential route for trade and transport of goods. The majority of sites along the banks of the river have been remediated. The following industries have been identified as potentially contaminative uses and are provided only for context. The industries listed are typical to the area and does not form an exhaustive dataset. Full reference should be made to relevant guidance documents for specific detail.

3.8.1 Littlehampton Port

Ironworks, ship building and rope making extended along the river during the 19th century and into the mid-20th century. Most of these sites have been redeveloped. Shipbuilding along the quayside has existed for the last 300 years and continues on the western banks of the river.

3.8.2 Former Gas Works and Brickworks

A number of former gas works and brickworks exist within Arun's district. Production of town gas began in the middle of the 19th century and continued until the 1970's when natural gas supplies were introduced. In order to produce town gas, coal was heated in airless environment to separate its liquid and gaseous components. Prior to distribution, the gas was processed to remove impurities such as tar, ammonia and cyanides. The fluid portion contained tars and liquid ammonia. These substances may have contaminated the land at gas working sites.

Some areas within Arun's district overlie a geological layer called Brickearth. As the name implies, this layer of material is highly suitable for the construction of bricks. Some sites, usually referred to as brickworks or brickyards, housed long-term brick manufacturing industry that utilised kilns to fire bricks. Brickfields were typically temporary sites where clamp burning techniques were used to fire bricks. Brickmaking itself is not usually considered likely to have contaminated the land, however any activity which could result in excavations, for example, clay or brickearth extraction, are of particular interest as the land may have been infilled with unknown material.

3.8.3 Ford Airfield

Heavily utilised by the Ministry of Defence (MoD) during World War One and World War Two, it is possible that the site may have been impacted by fuel, ordnance, oils and solvents. Ford Airfield now houses a number of industrial premises and a men's open prison.

3.8.4 Railway Land

Contamination from railway activities can occur through spillages of material being transported and spills or leaks of locomotive fuel, petroleum oils and other substances used for lubrication and hydraulics. Railway lines, sidings and goods and service yards may also have received concentrated applications of pesticides and/or de-icing solutions.

3.8.5 Environmental Permitting

Under the Environmental Permitting (England and Wales) Regulations 2016, the council authorises various processes to operate in the district, details of which can be found in the online public health register: [Arun | Environmental Health Online Services Login](#).

The Environment Agency holds their own public register: [Environmental Permitting Regulations – Installations \(data.gov.uk\)](#).

3.8.5 Landfills and Landraises

Landfills and landraises are generally described as sites where waste material is deposited for final disposal. These sites are important because the decomposition of waste material produces gases and leachate. Landfills are typically depressions below ground level which are infilled with waste material, whereas landraises are sites where waste material is piled on top of the ground. Landfills are the most popular route of disposal for waste material in the United Kingdom. According to WSCC data, there are no longer any open, operational landfills in West Sussex. Any waste that requires landfill disposal is sent to Redhill landfill site in Surrey. WSCC does not record any closed landfills in Arun's district, although a number of former (historic) landfills are known. There are no known landraisings within Arun's district.

Historically, landfills were not closely regulated and many informal sites were utilised by local communities. Frequently, the landfill areas were not lined to prevent leachate escaping or vented to control gas escaping. In addition, the material being deposited within the landfill was not controlled. The construction, operation, maintenance and decommissioning of landfills is now tightly regulated. Landfill gas is usually composed of varying concentrations of methane and carbon dioxide. In certain concentrations and in certain conditions, landfill gas can present an explosive risk. Leachate is the liquid product of decomposition and its composition will depend on the waste material in the landfill. Leachate often contains toxic substances which can affect surface and groundwater. Landfill gas and leachate have the ability to migrate off site and affect neighbouring land.

3.9 Key Property Types

There are 971 listed buildings in Arun, of which 48 are classed as Grade I or Grade II*. There are also 923 Grade II listed buildings in the district. The number of Scheduled Monuments totals 41, with Littlehampton Fort being classified as a Scheduled Monument at Risk. Flint Mine at Findon Place has the same designation, however it lies within the SDNP's administrative area and is therefore not managed by the council. Blakes Cottage

in Felpham and St. Mary's in Littlehampton are recorded as buildings at risk. The Church of St. Nicholas in Arundel is also a building at risk and this is within the SDNP's planning jurisdiction. It should be noted that planning responsibilities across the Arun District is divided between the council's local planning authority area and the SDNP's planning team.

3.10 Council-owned Land

ADC owns buildings across the district, including its own housing stock. Land holdings include agricultural land, industrial sites and a significant number of car parks, in addition to open spaces, recreational grounds, allotments and five cemeteries. ADC owns or operates 352 areas of public open space over approximately 245 hectares, of which 71 are children's play areas, skate parks and games areas. Other parks across the district are in private ownership or owned by Town and Parish Councils.

3.11 Known Information on Contamination

The council holds some information concerning potentially contaminated land within the area. These data are predominantly from the initial desk-top assessments carried out by the council and from reports undertaken by third parties and submitted through the planning process. The information has been amalgamated to create a digital Geographical Information System (GIS) which is utilised for consulting on planning applications and in the decision making process regarding prioritisation and inspection of potentially contaminated sites.

A contaminated land register has been publicly available since 2000. There are currently no entries on the register, however the register does not include sites which are potentially contaminated.

4. Current and Future Work, including voluntary remediation, the public register and investigating reports of potential contamination

4.1 Current work

The council's database holds records of 457 potentially contaminated sites across Arun's district. Sites identified as low or medium risk, the majority of which are currently occupied by commercial or industrial enterprises, will not be further investigated unless they are put forward for redevelopment or new, relevant information is identified.

The council continues to be represented at the Chartered Institute of Environmental Health (CIEH) Sussex Pollution Group and at the CIEH Sussex Contaminated Land sub-group. The latter was developed to ensure compliance with the legislation, encourage consistency across local authorities in East and West Sussex and promote best practice.

4.2 Future work

The statutory guidance requires the council to continue to identify and prioritise sites that may be potentially contaminated, followed by producing detailed inspections of sites where the need for further investigation has been identified. The council's current database and associated GIS mapping form a basic provision of this requirement, however these systems are dis-jointed and not easily updated. Consequently, it is proposed to migrate existing data from the unsupported database to the current online system and then ensure the data are mapped either within the online system or in the GIS. It is anticipated that this phase of upgrade will be completed using existing capacity within the Environmental Health team.

Following completion of this undertaking, risk-based software will be able to reprioritise the sites and produce a list of sites for detailed inspection, prioritised according to the potential risk to receptors. This targeted approach will allow effective and appropriate deployment of the council's resources.

4.3 Voluntary Remediation

It is inevitable that some residents in Arun's district live on or near to land which is potentially contaminated. Households in this category may wish to engage the services of a suitably qualified, independent professional to produce a risk assessment for their property, in particular when conveyancing. When requested, the council will review risk assessment reports and provide a written response to the resident. If the risk assessment is approved by the council, the database and associated risk rating will be updated in accordance with the risk assessment report.

4.4 Public Register

Section 78R of the Environmental Protection Act 1990 requires local authorities to hold and maintain public registers of all regulatory action taken under Part IIA across their districts. The registers are not lists of contaminated land within each district; they are records of sites where land has been formally determined as contaminated. Arun's register is managed by the Environmental Health Service and is available online: [Arun | Environmental Health Online Services Login](#). At present, there are no entries of formally determined contaminated land or special sites on the register, however it should be noted that the register does not include sites which are potentially contaminated.

4.5 Investigating Reports of Potential Contamination

In the event that justified reports are received, identifying land that is contaminated or has been contaminated, an investigation will be conducted in line with our service standards. It is anticipated that the matter will be resolved either through direct action as a result of the investigation (for example, either by providing advice or taking enforcement action), or by updating and reprioritising the council's database.

5. Special Sites

Special Sites are areas that meet a specific set of circumstances and are usually where the main receptor is a controlled water, such as a river or an aquifer. Typically, Special Sites have had uses where the Environment Agency is likely to have already had a regulatory responsibility, for example, nuclear sites, MoD areas, oil refineries and sites that may be causing pollution of drinking water reserves.

In the event that the council identifies a Special Site, a request is made to the EA to take over as the lead authority. The statutory guidance details the precise mechanism for such requests. The council will continue to work with the EA throughout the investigation and remediation phases, as required.

6. Benefits of the Strategy

The information collated during the initial prioritisation exercise has provided specialist officers of the council with a database and associated mapping facility relating to potentially contaminated land. It is recognised that this dataset required reviewing and updating and once complete, this will ensure that the council is able to focus its resources on the highest risk sites. The council will also be able to provide responses of greater detail when presented with Environmental Information Requests (EIR).

7. Measuring our Progress

Each year, it is anticipated that more detailed knowledge of sites will be added to the database using existing resources. This increased pool of information will enable the council to refine and prioritise sites whilst reducing the number of sites that require investigating and clearly identify sites that require urgent detailed investigation.

8. Interaction with the Planning System

The concept that potentially contaminated land must be demonstrated to be suitable for its current or intended use is promoted within the relevant statutory guidance and the National Planning Policy Framework (NPPF). As a minimum, the land in question should be remediated to a standard where significant harm or pollution of controlled waters cannot occur. Consequently, the site is unable to be determined as contaminated land as defined in Part IIA of the Environmental Protection Act 1990.

The council expects that any planning application for land which may be affected by contamination to be accompanied by a desktop/Phase I report that meets the definition provided in British Standard BS10175:2011 'Investigation of potentially contaminated sites – Code of Practice' (updated in 2017). Valid reports will be completed by an independent and suitably qualified person, as defined in Annex 2 of the NPPF. Further guidance on investigating potentially contaminated land is available at the following link: [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/land-contamination-risk-management-lcrm).

9. Summary

The council has identified and prioritised numerous potentially contaminated sites, the majority of which are low or medium risk commercial sites which will not be further investigated unless redeveloped. The existing database requires an extensive review to ensure all information has been transferred into the Environmental Health database and is available in the corporate mapping system. Once complete, the reprioritisation and associated investigation of sites will be conducted, with detailed investigations carried out according to a risk-based priority, starting with the highest risk sites. The council will continue to provide support for those commissioning investigations on private land. The council will work with residents to ensure that they are informed of any site investigation and remediation that affects them. The council will try to hold previous polluters and/or developers accountable and responsible for any remediation. Where this is not possible, residents will be required to contribute and a hardship policy may be used to ensure this is as proportionate and as fair as possible. Reports of potentially contaminated land will be investigated and the appropriate action will be taken.

Glossary

The following is a non-technical explanation of terms and acronyms used within this document. For precise definitions, reference should be made to the relevant source document (e.g. statutory guidance).

Term or Acronym	Definition
ADC/the council	Arun District Council.
Appropriate person	A person who is determined to have responsibility for conducting remediation work and bearing the cost of the work.
Brownfield land	Previously developed land.
C4SL	Category 4 Screening Level. These are levels below which land is not considered capable of being determined as contaminated.
CIEH	Chartered Institute of Environmental Health.
CLEA	Contaminated Land Exposure assessment. An assessment tool for considering risks to human health.
CLR	Contaminated Land Report. A series of reports from the (then) Department for Environment, Food and Rural Affairs and the Environment Agency, assessing the risk to human health from land contamination.
Contaminant	A substance that is in, on or under the land and has the potential to cause harm or to cause pollution of controlled water.
Contaminated land	Any land that appears to the local authority in whose area it is situated to be in such a condition by reason of substances in, on or under the land, that significant harm is being caused or there is a significant possibility of such

	harm being caused or pollution of controlled water is being, or is likely to be, caused.
Controlled water	These include inland waters (rivers, streams, underground streams, canals, lakes, reservoirs), groundwater (any water in underground strata, wells or boreholes), territorial waters (seawater within the three mile limit), coastal waters (the sea up to the line of highest tide and tidal waters within the freshwater limit).
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
Ecosystem	A biological system of interacting organisms and their physical environment.
EIR	Environmental Information Request.
EPA/EPA 1990	Environmental Protection Act 1990
GIS	Geographical Information System. A storage and retrieval database, capable of being interrogated on any level of pre-determined parameters.
Greenfield land	Land which has not been previously developed.
Groundwater	Any water contained in underground strata, wells or boreholes.
LNR	Local Nature Reserve.
MoD	Ministry of Defence.
NPPF	National Planning Policy Framework.
Part IIA	Part IIA of the Environmental Protection Act 1990, inserted by section 57 of the Environment Act 1995.
Pathway	The route or routes by which a receptor can become exposed to a contaminant.
Pollutant linkage	The relationship between a source, pathway and receptor.
Ramsar	Designation of internationally important wetland sites.
Receptor	Something that could be affected by contamination (e.g. water, human health, ecosystem, property).
Remediation	The carrying out of works to prevent or minimise the effects of contamination. It can include ongoing monitoring work.
Risk assessment	The study of probability of a hazard occurring and the magnitude of the consequences.
SDNP	South Downs National Park.
Source	A substance in, on or under the land which has the ability to cause harm.
SNCI	Site of Nature Conservation Interest.
SPA	Special Protection Area.
SPZ	Source Protection Zones. Areas around groundwater abstraction points utilised for public water supply, within which certain activities and/or processes are either restricted or prohibited.

Special Sites	Any contaminated land designated as ‘special’ in accordance with the criteria specified in the Contaminated Land (England) Regulations 2006.
SSSI	Sit of Special Scientific Interest.
Statutory Guidance	In this strategy, this refers to the Statutory Guidance document published by DEFRA in April 2012.

Consultation Recipients

The council is obliged to consult specific organisations on its draft revised contaminated land strategy. The public authorities consulted for this strategy are as follows:

- Arun District Council’s Planning service (internal)
- Arun District Council’s Property and Estates service (internal)
- Environment Agency (Solent and South Downs)
- Natural England
- Historic England (London and South-east Regional Team)
- South Downs National Park Authority
- West Sussex County Council (Public Health)
- UK Health Security Agency
- Neighbouring local authorities – Chichester District Council, Horsham District Council, Worthing Borough Council.

Appendix 1

Significant changes since the publication of Arun District Council’s Contaminated Land Strategy in 2001

Part IIA – new statutory guidance

In April 2012, revised statutory guidance on the contaminated land regime under Part IIA of the Environmental Protection Act 1990 was published by the Department for Environment, Food and Rural Affairs (DEFRA). The new guidance supersedes previous publications and aims to provide greater clarity to regulators in determining whether land is contaminated. The most significant change is that the new guidance introduces a four-category system to assist local authorities determine whether land is contaminated. The system is based on whether the land presents a significant possibility of significant harm to human health and sets out a framework for decision making. Category 1 sites are clearly contaminated and represent a high risk, whereas Category 4 sites are evidently low risk and do not qualify as contaminated land. Category 2 sites require further risk assessment under the Part IIA regime whereas Category 3 sites will only be subject to further assessment through the planning system (e.g. triggered by proposed redevelopment or change of use, etc.). Technical guidance to support the revised statutory guidance introduced Category 4 Screening Levels (C4SL) that represent generic screening levels for a range of common contaminants. The C4SL are precautionary but more pragmatic than Generic Assessment Criteria (GAC), soil guideline values (SGV)

and other screening levels. GAC and SGV remain in use for substances that have not been assigned a C4SL. It should be noted that the revised statutory guidance does not relate to land contaminated with radioactive substances. Separate statutory guidance for radioactive sites exists and the enforcing authority for such sites is likely to be the Environment Agency.

Part IIA – radon amendment

In September 2010, an amendment to Part IIA came into force that redefines the term ‘substance’ in relation to radioactive contaminated land. This amendment removed the exclusion for radon and its products of decay; consequently, regulators are now able to take action where a radiological emergency or past activity has left radon-impacted land (e.g. through the use of radium-luminous paint). Naturally occurring radon remains beyond the scope of the regime.

National Planning Policy Framework

In March 2012, the National Planning Policy Framework (NPPF) was published. The NPPF streamlined several separate technical guidance documents into a single comprehensive resource, including legislative and technical guidance in relation to redeveloping land affected by contamination. The NPPF, which was most recently revised in December 2023, outlines the government’s planning policies and details the expected application of these policies. A key principle of the NPPF is a presumption in favour of sustainable development, in particular, encouraging the redevelopment of brownfield sites, providing they are not of high environmental value. The NPPF states that planning policies and decisions should ensure that the proposed development is appropriate for the location and that the landowner and/or developer is responsible for securing the safe development of the land. As a minimum, land should not be capable of being determined as contaminated after it has been through the planning process.

South Downs National Park

In March 2010, the South Downs became the tenth National Park to be designated in England. The South Downs National Park (SDNP) extends over 1600 km², stretching for over 160 kilometres between Beachy Head (East Sussex) and Winchester (Hampshire). The SDNP covers a significant and rural area along the northern edge of Arun’s district.

Aquifers

Since April 2010, the EA’s Groundwater Protection Policy has utilised aquifer designations that are consistent with the Water Framework Directive. These designations reflect the importance of aquifers in relation to groundwater reserves and their role in supporting surface water flows and wetland ecosystems. The aquifer designations (listed below) are based on geological mapping data from the British Geological Survey:

- Principal aquifer – highly permeable, previously classed as ‘major aquifers’

- Secondary aquifers – variably permeable, subdivided into Secondary A aquifers (formerly classed as ‘minor aquifers’) and Secondary B aquifers (usually water-bearing parts of previously classified ‘non-aquifers’)
- Secondary Undifferentiated – typically the layer in question has previously been classified as minor and non-aquifer due to the variable geological characteristics in different locations.
- Unproductive strata – negligibly permeable.

Table of Amendments			
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