Dear Sir or Madam

LOCAL GOVERNMENT ACT 2003 GRANT PAYMENTS UNDER SECTION 31: CONTAMINATED LAND CAPITAL GRANTS PROGRAMME 2007/08 (England)

1. I am writing to invite bids for discretionary grants to local authorities in England under the Contaminated Land Capital Grants Programme in accordance with section 31 of the Local Government Act 2003 (“LGA2003”). Completed bids must be received by Defra by a deadline of 17h00 Friday 30 November 2007. The terms and conditions for this year’s programme (attached at Annex A) are the same as for the 2006/07 programme, apart from minor editing.

2. Last year’s programme was heavily over-subscribed and we have a large number of bids carried over from that programme. These bids have been assessed. However, any authorities that submitted bids using 2006/07 forms, either last year or earlier this year, will need to complete the relevant 2007/08 forms – attached at Annexes D and E. There is no need to resubmit all the supporting information.

3. The eligibility criteria for 2007/08 (attached at Annex B) are as set out in sections 2 and 3 of guidance note (CLAN1/06) that accompanied the 2006/07 invitation, with minor editing changes. The Project Prioritisation Scheme (attached at Annex C) is identical to the one attached to the 06/07 guidance note.
Purpose of the Programme

4. Local authorities' statutory duties under Part IIA of the Environmental Protection Act 1990 ("EPE90") are funded by central government through the Environmental Protection and Cultural Services (EPCS) component of Revenue Support Grant. This funding is not ring-fenced and individual LAs can determine their own expenditure for their duties, including Part IIA duties, covered by the EPCS block.

5. The purpose of the Contaminated Land Capital Grants Programme is to provide additional discretionary support for local authorities in support of their statutory duties and obligations under Part IIA. This additional discretionary support is made under section 31 of LGA 2003 and subject to the terms and conditions set out in Annex A to this letter.

The Bidding Process

6. Completed applications must be received by Defra by the deadline of 17h00 Friday 30 November 2007.

7. To apply for grant, please use the application forms (attached at Annexes D and E). These forms are also available in Word 6 template format, and can be downloaded shortly from the Defra website at http://www.defra.gov.uk/environment/land/index.htm.

8. Completed applications should be sent to me at the address shown above. Forms that have been completed electronically can be sent as attachments to email messages to:

   Contaminatedland.enquiries@defra.gsi.gov.uk

9. In some cases, forms may need to be accompanied by other supporting documentation such as site investigation reports. These should generally be sent by post. Please indicate on any covering email to an "electronic" form if accompanying documents are following separately.

10. All applications should be prepared or vetted by a person who is appropriately trained and familiar with Part IIA.

11. The application forms require local authorities to accept the terms and conditions set out in Annex A. Please study them carefully. If an authority needs internal clearances to accept grants or conditions, they need to either obtain these clearances before submitting a bid or to indicate that the bid is subject to internal clearance and be ready to withdraw the bid if necessary before any grant is offered.

Anticipating Outcomes

12. The grant of support under the programme is discretionary, not as of right, and local authorities should avoid anticipating or prejudging outcomes of bids.
Assessing Bids

13. Defra have arranged for the Contaminated Land Capital Projects Team at the Environment Agency to assess applications on our behalf, taking into account value for money considerations and prioritisation using the tool at Annex C. Bids will be passed to our assessors shortly after they are received. Technical assessment normally takes up to 6 weeks to complete, but will take longer if a large number of bids are received at the same time or where additional information or work (e.g. site visits or meetings) is required to complete the assessment.

14. Neither Defra nor our assessors can become involved in decision-making by local authorities in individual cases.

15. Bids that were received by Defra before 31 March 2007 will receive priority for available resources and formal determination.

Capitalisation of Intrusive Investigation Costs.

16. Capital support can be used to fund only “capital” expenditure. Not all intrusive site investigation costs are capable of being treated as “capital”. In some cases, the accounting treatment of expenditure of this kind cannot be finalised until the outcome of the investigation is known. If remediation works are required, the investigation costs need not be capitalised.

17. To remove any uncertainties on this issue, the Secretary of State will seek to make a “direction” under section 16(2)(b) of the Local Government Act 2003 in appropriate cases that the expenditure is to be treated as capital expenditure. Where necessary therefore, we will send a separate letter to indicate that the Secretary of State is minded to issue such a “capitalisation direction”, in respect of the project for which grant is being given.

18. Because there is an annual ceiling to the total “value” of such Directions across Government, it is not possible to guarantee that a direction will be made, or whether it will cover 100% of the project.

Successful Bids

19. Successful bids will receive a grant letter, indicating the maximum amount of grant awarded; a grant claim form, Defra form A/AP201 (for banking details); a final report form which must be completed by the Chief Finance Officer as soon as the grant works are completed; any technical comments from the assessor; and a copy of the formal determination under section 31 of the Local Government Act 2003.

20. Section 31 requires a formal determination to pay grant to be made by Defra before any payment can be made. A determination can cover a number of grants to a number of different authorities. Each determination will be notified to the Department for Communities and Local Government so that it can be placed on the public register of such determinations. This register will show the receiving authorities and the amounts each received.
Unsuccessful Bids

21. Unsuccessful bids will receive a letter explaining why the bid was not supported, a copy of the assessors' comments.

Additional Discretionary Funding for 2008/09

22. We have been considering, in light of the Rogers Review, how to improve the delivery of additional discretionary support to local authorities over the CSR 2007 period. We intend to announce details of a new section 31 grant system for 2008/09 early in 2008.

Yours faithfully

Trevor Jones
Department for Environment, Food and Rural Affairs

Direct Line 020 7238 2272
Fax 020 7238 6288
Email trevor.jones@defra.gsi.gov.uk
ANNEX 'A'

CONTAMINATED LAND GRANTS PROGRAMME TERMS AND CONDITIONS

2007/08

Introduction

1. This document contains the terms and conditions of a grant by the Department for Environment, Food and Rural Affairs (Defra) to a local authority under the Contaminated Land Grants Programme.

2. Local authorities are required to comply with these terms and conditions as a condition of entitlement to a grant.

3. Defra reserves the right to refuse to make, or to terminate payments of, all or part of an agreed grant in the event of any failure by a local authority to comply with these terms and conditions. In such a case the authority in question will have been previously notified and given a 30 day period within which to rectify such failure.

Financial Arrangements

5. A grant will be paid by Defra for an approved project when the local authority offered the grant has these terms and conditions in writing.

Amendments to approved projects

6. Defra is aware that amendments to approved projects may be required. The Senior Project Manager for an approved project must enter into discussions with Defra as soon as it becomes apparent that changes will need to be made to an approved project.

7. Amendments need to be submitted to Defra as soon as it is apparent that changes must be made.

8. Defra reserves the right to refuse a grant in respect of amendments to approved projects.

Acknowledgement

9. The local authority to which a grant is made must acknowledge Defra in any announcements or briefings which the authority or its contractors may make in connection with the project(s).

Expenditure

10. A grant is paid to an authority solely for expending on the eligible costs of the approved project(s) and for no other purpose. If all or any part of the grant paid to
an authority is not expended on the purposes for which it was given, the authority shall repay that grant or that part of the grant to Defra, within 30 days of being given written notice to do so.

Final Report

11. On completion of the approved project the local authority shall provide Defra with a final report. This report shall set out brief details of:

   • the success or otherwise of the approved project;
   • the total amount of grant expenditure defrayed on the approved project;
   • the amount (if any) of the grant awarded which will not be used by the local authority for the approved project.

12. The form on which the local authority should submit its final report will be included with the grant determination.

Appraisal, Monitoring and Financial Systems

13. Local authorities shall establish effective appraisal, project-monitoring and financial systems so that the costs of the project and the outputs expected can be clearly identified, and the propriety, regularity and value for money of all transactions relating to the grant ensured.

14. Defra reserves the right to commission an independent evaluation of activities relating to the grant and local authorities shall assist with any such evaluation.

15. Local authorities shall make available for inspection by, or on behalf of, Defra or the NAO, all accounting records referred to above or such other information relating to the administration of the approved project as they may, from time to time, reasonably require.

Termination

16. If the authority or its contractors use the grant or any part of it for purposes other than those for which it was approved Defra may, at its sole discretion:

   (a) terminate the agreement forthwith;

   (b) recover from the authority all or any part of the grant already paid; and

   (c) recover from the authority any expenses which Defra incurs as a result of the act or default of the authority.

17. The authority shall, within 30 days of termination, provide to Defra:

   (a) a report on the progress made in administering the approved project up to the date of termination, together with accounting records, documents or such other information Defra may reasonably require;
(b) a statement containing details of all payments made and sums which the authority has undertaken to pay towards approved projects, prior to the date of the notice of termination; and

(c) payment in full, including interest, of the unexpended part of the grant.

End
ELIGIBILITY CRITERIA

1. Eligible Projects

Eligible works

- 1.1 Subject to a minimum cost per bid of £5000 (see paragraph 1.16 below) and the rules below about ineligible works, capital support may be available for three categories of works:

(a) Intrusive Investigations prior to determination.

(i) This covers works comprising "intrusive investigations", as defined in the Statutory Guidance, paragraph B.20(c) and Annex 6 (Glossary of terms), which are to be carried out for the purpose of deciding whether particular land falls within the definition of "contaminated land" under section 78A(2) EPA 1990. Paragraphs 3.11 and B.22 (b) of the Circular¹ mean that before an intrusive investigation is carried out using statutory powers of entry the Authority should be satisfied that it is likely, rather than only "reasonably possible", that a contaminant is actually present and that, given the current use of the land, a receptor is present, or is likely to be present. To encourage the submission of cost effective investigation bids, Defra requires authorities to take the same approach in situations where they do not have to rely on statutory powers of entry to carry out the investigation (e.g. for inspections of council owned land). Consequently, in all cases, applications must be supported by some evidence that there is a likely risk that needs to be investigated. This evidence should be presented in the form of an initial conceptual site model developed from an inspection in accordance with paragraphs B20(a) and B20(b).

(ii) While the main objective of the intrusive investigation will be to decide whether the land meets the definition of contaminated land, there are situations where it may be cost effective to extend the scope of investigation works to include a preliminary appraisal of remedial options. This will normally be in circumstances where:

- the Authority need to take into account the nature of remediation which might be required in considering the physical extent of land to be determined as contaminated land having regard to paragraph B.32(b) of the statutory guidance, and/or;

- the Authority are not planning to undertake any remediation works as detailed in 1.1(b) below but need to review feasible remedial options in order to inform the consultation with the appropriate person(s) on what remediation may be appropriate and to assess remediation schemes proposed by others.

(iii) Where an appraisal of remedial options is scheduled to be carried out as part of an intrusive investigation, this appraisal should not commence until the authority have considered the conclusions of the main intrusive investigation and are satisfied that the land falls within the definition of contaminated land.

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¹ Defra Circular 01/2006 "Contaminated Land", which includes the Part 2A statutory guidance.
(iv) Where intrusive investigations are supported under the programme, and the results suggest a need for remedial actions, authorities should seek to discuss possible bids for further support with Defra and the Defra assessors prior to making a formal Part IIA determination.

(b) **Remediation.** This covers works carried out by the Authority on land formally determined to be contaminated land (see also paragraph 1.20 below) and which meet the definition of “remediation” under section 78A(7) and which are intended to achieve the standard of remediation described in Chapter C of the Statutory Guidance. Such works can include:

(i) “assessment actions”, as defined (paragraphs C.65 and C.66);

(ii) “remedial treatment actions” as defined (paragraph C.67); and

(iii) “monitoring actions” as defined (paragraphs C.68 and C.69). However, long term revenue monitoring costs are not eligible even where these costs are required by a remediation notice.

(c) **Remediation by non-Part IIA authorities.** This covers works as described in (b) above carried out on land which has not been formally determined to be “contaminated land” under section 78A(2) EPA 1990, where the works are the responsibility of a non-Part IIA authority (see paragraph 1.13 below). In such cases these authorities must demonstrate that:

i. all reasonable steps have been taken to get the land determined by the Part IIA authority, including provision of all relevant information;

ii. the Part IIA authority has agreed that the land appears to be capable of determination but is currently dealing with other higher priority sites in accordance with its inspection strategy that are presenting more pressing and serious problems; and

iii. the Part IIA authority intend to reconsider the site at a later date in accordance with their inspection strategy with a view to determining if the site still falls within the definition of contaminated land.

**Re-instatement**

o **1.2** Works to re-instate a site on completion of the remediation works may also be eligible, but this will normally be limited to the minimum works necessary to make the site capable of being used for its current use (for example, re-turfing or repairing fences of residential gardens following remediation in the gardens). Other reinstatement works such as extensive landscaping and items such as mature shrubs and trees or reconstruction or renovation of buildings & structures will not normally be eligible, even though such works would be necessary to fully restore a site to its former condition or to meet current legislative requirements applicable to new work, such as those concerning access for disabled people.

**Associated costs (fees etc)**

o **1.3** Eligible works can also include certain associated costs that are specific to the project, whether these arise from the employment of third parties such as consultants, or
from the use of in-house resources, as follows. The total of these costs should be identified on the application form.

- 1.4 Applications can include other reasonable costs directly associated with the planning and implementation of eligible capital works, such as project management, conveyancing fees, hire costs, transport, travel and subsistence costs, and insurance. However, costs of peer review by a third party of the work of others, or of providing independent technical support to other interested persons (e.g. residents), will not be eligible.

- 1.5 Where staff spend a significant proportion of their time either carrying out the eligible, project-specific work 'in-house' or managing/supervising a consultant or contractor, then reasonable costs incurred may be funded. However, these associated costs must be essential to the delivery of the capital project itself, and should not include Part IIA regulatory costs that would have arisen anyway if the site was being progressed outside this Programme. As a guide, the costs associated with project-managing an intrusive investigation or remediation contract for works may be included. The wider regulatory Part IIA costs that arise on all Part IIA sites should not normally be included.

- 1.6 A rule of thumb to identify which costs are eligible for an intrusive investigation is simply to consider which costs would have been met by a third party if it were to inspect the land instead of the authority. Such costs can be regarded as eligible. Examples of third party inspections are where an appropriate person is carrying out the inspection on a voluntary basis or where the Environment Agency are inspecting a potential special site on an Authority's behalf.

- 1.7 Defra recognise that project-managing an intrusive investigation on a residential estate presents particular challenges and that it is important to establish good communications with the residents at an early stage. For this reason, the staff costs incurred in supporting residents directly affected, and providing information and advice on the investigation and its outcome, will normally be supported (even where these costs would have arisen if the site was being progressed outside the Programme).

- 1.8 Examples of wider Part IIA regulatory costs that would not be eligible on an inspection project include formal notification of interested persons who may need to take action, research to establish liability, negotiating with appropriate persons, and preparation of formal Part IIA notices etc.

- 1.9 A similar approach can be applied to remediation. The costs that would be met by a third party in carrying out the remediation voluntarily may be included. This could cover costs associated with preparing a remediation statement and project-managing the remediation contract, including on-site liaison with those directly affected by the works (e.g. residents on a residential estate). Regulatory costs associated with compliance visits, updating public registers, negotiations on liability, and wider public relations/media work will arise on all Part IIA sites and should not be included.

- 1.10 For project management and contract supervision, a guideline to what is reasonable is 10% of the contract value being managed (excluding expenses & contingencies etc). Where internal staff costs rather than external contractors are being included in the bid, these should be itemised in the application with confirmation that the authority is treating them as capital expenditure for accounting purposes.

- 1.11 To account for internal staff costs in the final report for the approved project, you will need to ensure that any staff time and costs supported by the grant are effectively recorded so the output costs can be clearly identified.
Eligible authorities

1.12 Local authorities which have statutory duties under Part IIA (i.e. borough, district and unitary authorities – referred to as "Part IIA authorities" in this Guide), may be eligible in the following cases:

   (a) Intrusive investigations – (see paragraph 1.1(a) above about definition) where local authorities carry out intrusive investigations on land in the area of the local authority for the purposes identified in section 78B, i.e. to identify whether the land is "contaminated land" or is land which is required to be designated a "special site", see section 3 below on Special Sites. See also section below on cost recovery.

   (b) Remediation – in some circumstances where the local authority has a statutory power under section 78N to carry out remediation (e.g. where it is acting in default of an "appropriate person", where there is an orphan liability, or where imposing statutory liabilities on an "appropriate person" would cause hardship). This will not include cases when the local authority is doing the works by agreement, and at the cost of the appropriate person(s), under section 78N(3)(b).

   (c) Land outside the area – where local authority responsibilities extend to another local authority area - see section 78X(2), also the Circular, paragraphs 3.6, 17.4-6 and C8(d).

1.13 In addition, any authority (whether or not it is a Part IIA authority) that falls within the definition of a "local authority" under section 23 of the Local Government Act 2003, such as a county council, or an authority established under section 10 of the Local Government Act 1985 (National Parks), may be eligible to receive support for eligible works where:

   (a) it owns or occupies the land to which the project relates; or

   (b) it would otherwise be the "appropriate person" (as defined in section 78F) to bear responsibility for remediation on the land; or

   (c) it has some other legal or contractual obligation to investigate or remediate the land; or

   (d) any of the preceding sub-paragraphs applies to another local authority within its area that is not entitled to receive support under this programme in its own right (for example, a town or parish council).

Local authorities as liable parties

1.14 In cases where land is owned, or may have been contaminated, by a local authority that is not a Part IIA authority, the question may arise as to which local authority should apply for and receive capital support for intrusive site investigation or remediation work – i.e. should it be the authority that owns/contaminated the land, or should it be the Part IIA authority? Defra considers that, in general, the financial responsibility should fall on the local authority that owns, or may have contaminated, the land and therefore this authority should receive the support. (However, see the advice in section 2 below of this Guide on funding for intrusive site investigations on potential "special sites".)

Works and costs that will be ineligible

1.15 The purpose of this capital support programme is to assist in the identification and remediation of land falling within the scope of Part IIA. This means, broadly speaking, that
it deals only with cases concerning contamination that is causing unacceptable risks to human health or the wider environment, assessed in the context of the current use and circumstances of the land. It will not deal with contamination falling outside the scope of the regime. Paragraphs 1.16 to 1.25 below provide a non-exhaustive list of examples where capital support is not likely to be available.

- 1.16 Small bids. Applications for less than £5000 cannot be considered, because it is not cost-effective for Defra to process them.

- 1.17 Development. Works intended solely to facilitate the sale, development or redevelopment of land are not eligible for support under this programme. In particular, addressing risks which arise only in relation to the future development of land or risks which development can address in due course, is outside its scope. However, land intended for sale or development may, in its “current use and circumstances” pose a risk which is relevant for Part IIA purposes (see Circular, paragraph A.26 for definition of “current use”). In such cases, the minimum works required to address the problem to the extent required by Part IIA may be eligible, if there is a pressing need to act which cannot wait to be addressed by development or redevelopment.

- 1.18 Radioactivity. Works relating solely to any radioactivity as described in section 78YC are not currently eligible under this programme, but will be eligible once planned new regulations applying the Part IIA regime to problems of radioactive contamination come into force².

- 1.19 Section 59 cases. Work to remove unlawful waste deposits under section 59 EPA 1990 (illegal deposits of controlled wastes) will not normally be eligible. However, works associated with section 59 action may be eligible where the land in question has been formally determined under Part IIA as contaminated land and the waste is contributing to the contaminated condition of the land or the land would still fall within the definition of contaminated land following removal of the surface deposits. This exception is provided because section 78YB(3) precludes a local authority from carrying out remediation under section 78N where the powers under section 59 are exercisable.

- 1.20 Undetermined sites. Remediation works relating to land which has not been formally determined to be “contaminated land” under Part IIA will not generally be eligible, except for the cases described in section 1.1 (c) above.

- 1.21 Upgrades. Works to upgrade or improve existing pollution control facilities to comply with other regulations or requirements are not eligible (for example amended water discharge consents, or to meet new emission controls for landfill gas flares.) This would not apply where a system is being installed or upgraded as part of the works to comply with a Part IIA remediation statement or notice.

- 1.22 Maintenance etc. Works which are general maintenance, improvements or upgrades (for example replacement of worn parts and equipment that has reached the end of its useful life) are not eligible even where these ongoing maintenance requirements have been included in a remediation notice or remediation statement. In such cases local authorities should plan for their replacement as they would with any other type of equipment, e.g. vehicle replacement, computer upgrades etc.

- 1.23 Desk studies etc. Desk studies and other work described in paragraph B20(a) and (b) of the Circular such as visual inspections and limited sampling are not eligible, as they do not entail intrusive investigation and hence capital works. Peer reviews of reports are not eligible and neither are other evaluations of existing information where no capital work

² These regulations came into force in August 2006
is carried out. Geophysical surveys will be considered where they form part of a contract for intrusive investigation or remediation works.

- **1.24 Insurance of plant.** Insurance premiums relating to the long term insurance of items of plant following completion of the works are not eligible (but note that normal insurance against possible claims for loss or injury arising during or resulting from works is eligible (see guidance on associated costs above).

- **1.25 Waste management & PPC sites.** The following categories of works on former or current landfill and other waste management sites are not eligible:

  (a) works on sites which have a waste management "site licence" issued under Part II EPA 1990, and where these works are intended to deal with contamination that would fall outside the scope of the Part IIA regime as a consequence of section 78YB(2); (NB capital support may still be available where the remediation works themselves require a waste management site licence);

  (b) works on site that come under PPC legislation or PPC permit where this is the appropriate regime to deal with any pollution (i.e. where contamination was caused after the permit was issued).

  (c) restoration works on closed sites where either:

    (i) these works are the subject of planning or licensing conditions; or

    (ii) these works relate to the control of landfill gas and landfelling on the site, or relevant part of the site, was started after the publication of Waste Management Paper 27 Landfill Gas in 1989: the need to deal with landfill gas problems should have been foreseen for any site starting after this time);

  (d) works on parts of sites that are still operating as landfill sites, except where the works relate to separately-identifiable completed parts of a wider site; and

  (e) works on sites that have transferred to the ownership of a Local Authority Waste Disposal Company.

2. **Special Sites**

- **2.1.** Part IIA creates a particular category of contaminated land called "special sites". These are sites which as well as being formally identified as contaminated land, also meet one or more the descriptions in regulations 2 and 3 of the Contaminated Land (England) Regulations 2000. (Annex 4 of the Circular provides an outline of the various categories of special sites.) The effect of a site being designated a special site by the LA is that the Environment Agency becomes the "enforcing authority" under Part IIA. Defra would expect local authorities to liaise closely with the Environment Agency at the earliest possible opportunity in cases such as these. Where a site is, or might be, a special site, there will also be implications for any bid for capital support for that site.

- **2.2 Intrusive Site Investigations.** Capital support will not generally be available for any local authority to carry out investigations on potential special sites (those sites where the Part IIA Authority and the Agency agree that if the land were found to be contaminated land it would also require to be designated as a special site). This reflects the

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3 These regulations were replaced by the 2006 Regulations.
requirement in the statutory guidance (paragraphs B.26 to B.30) that the Part IIA authority should seek to make arrangements with the Environment Agency for the investigation to be carried out by the Agency. However, capital support would be available in the circumstances described in paragraph 1.13 above (i.e. where the local authority has certain other reasons to do the works), provided that the Environment Agency agrees that the local authority should undertake the intrusive investigation. However that investigation must be in accordance with any Environment Agency requirements.

- 2.3 In any case where the Environment Agency carries out an intrusive investigation of a potential special site, this will be done at no cost to the local authority.

- 2.4 Remediation Work. Where a local authority owns, or is otherwise the "appropriate person" for, a special site, Defra expects that it will be the local authority that pays for the remediation, rather than the Environment Agency. Capital support may be available in these cases.

- 2.5 The Environment Agency will, however, be responsible for picking up special site responsibilities relating to "orphan linkages", or cases where hardship is involved and capital support will not generally be available in such cases.
ANNEX C

Guidance on Prioritisation of Defra Contaminated Land Capital Projects

1.0 Introduction

1.1 This guide provides an overview of the prioritisation scheme for funding applications submitted under Defra's Contaminated Land Capital Projects Programme. This new scheme replaces the former scheme as described in the report "Landfill gas: Evaluation by DoE of Bids for Supplementary Credit Approvals: Cost and Extent of Site Investigations and Control Measures", published by DoE in 1986.

1.2 The revised prioritisation scheme will also be used for the prioritisation of funding applications submitted under the:

a) Environment Agency's Contaminated Land Capital Programme in England and;


1.3 The prioritisation scheme will be used by the Contaminated Land Capital Projects team in the Environment Agency to assess applications for funding on Defra's behalf. It will also be of use to Local Authorities in comparing relative priorities of candidate bids and identifying which projects are most likely to be funded.

1.4 The prioritisation is carried out on the attached spreadsheet in accordance with the notes given in this guide below.

1.5 The Prioritisation Scheme works by assigning a fixed score (or range of scores) for various aspects of a project (either site inspection or remediation phases). It is assumed that investigation phases will precede determination as “Contaminated Land” under Part IIA of the Environmental Protection Act (EPA) 1990 and that remediation phases will follow formal determination. The scores are summed at the end of the assessment to give an overall total score, which can then be used in prioritisation of projects across the programme.

2.0 Project History

2.1 Ongoing phases of work on existing projects should be prioritised over new phases of work in this section of the spreadsheet. For the purposes of this scheme, all projects will
fall into one of two project phases, i.e. inspection or remediation. Inspection describes all actions carried out prior to formal determination of the site as Contaminated Land under Part II A. Remediation describes all subsequent actions carried out in respect of significant pollutant linkages that are identified in the formal determination under Part II A.

2.2 Progression from inspection to remediation should not qualify as an ongoing phase of work. This is because once the inspection has been completed there will be an opportunity to review priorities having regard to the significant pollutant linkages actually identified in the formal determination and the costs and benefits of implementing the remediation works.

3.0 Inspection

3.1 The prioritisation of inspection activities is based on all reasonably possible pollutant linkages that are being, or have been investigated. This is to ensure that partial investigations carried out supplementary to the main investigation, are prioritised in order to complete the inspection of the site.

3.2 The scores have been carefully banded to ensure that human health issues are dealt with first, followed by protected habitats, serious water pollution cases etc. The assumption is that a preliminary "conceptual model" should be available for each and every site that identifies pollutant linkages requiring assessment or investigation.

3.3 Reference to Regulations relates to projects where the site is either a Potential Special Site (in cases of inspection) or Designated Special Site (in cases of remediation) under the Contaminated Land (England) Regulations 2000. Section 3(a) refers to sites where the contaminated land affects the wholesomeness of drinking water, Section 3(b) refers to sites where the contaminated land impacts upon surface water classification criteria and Section 3(c) covers cases where particularly difficult pollutants are affecting scheduled major aquifers. Controlled waters (other) refers to impacts on controlled waters that fall outside of the descriptions for Regulations 3(a), 3(b) & 3(c).

3.4 This scoring system has been carefully designed so as to avoid "double counting" of linked receptors (e.g. only the highest score applies for all the controlled water receptors) and it also moves away from the previous approach which concentrates on distance between a source and a receptor.

4.0 Remediation

4.1 The prioritisation for remediation actions is based only on the pollutant linkages being remediated. This is to prioritise the sites where all identified significant pollutant linkages are to be remediated as a single project.

4.2 This section follows the scoring system for inspection (i.e. based upon environmental sensitivity) plus an extra scoring allowance for "urgent cases" where (by virtue of legal definition) there is an imminent danger of serious harm or serious pollution of controlled waters (see Annex 2, Section 5 of DETR Circular 02/2000). The category scores for

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4 These regulations were replaced by the 2006 Regulations
remediation projects are marginally higher than those for inspection projects to ensure that expenditure of the budget is focussed towards remediation.

5.0 Technical assessment

5.1 This category of scoring applies to both Inspection & Remediation bids and is split into two parts. The first part considers the technical merit of the application i.e. the technical viability of the project, sustainability and value for money provided having regard to costs and benefits.

5.2 This section also provides a mechanism by which more "efficient" investigation and remediation designs, such as those applying innovative investigation or treatment technologies can be rewarded relative to other schemes (See sections 1.26 & 1.27 of the guide).

5.3 For remediation schemes this section also allows statutory issues associated with selection of best practicable techniques to be considered including an assessment of the "reasonableness" of any proposals (See Annex 3, Chapter C, Part 5 of DETR Circular 02/2000). While all remediation schemes must be "reasonable" in order to be approved for funding, the benefit arising from incurring the cost (and hence value for money provided) will be greater on some sites than it will be for others.

5.4 The second section on "Scale of Local Environmental Impact" acknowledges the local environmental impact and wider public interest of any proposed scheme (including political, public and media interest in the site). Having already scored for broad "environmental sensitivity", this provides the opportunity to assess the profile or "seriousness" of each site. Here an assessment is made having regard to the number and importance of receptors affected (rather then just the receptor types) and the context in which the effects may occur. This will also link to the wider public interest involved. All sites will be of local significance but the higher profile ones may also be significant in a regional or even national context.

6.0 Local Authority contributions

6.1 Priority is also given where a Local Authority part fund the project using their own resources in order to reduce the proportion of capital support required under the programme. (See sections 5.17 and 5.18 of the guide) The scores in this category are set at a level similar to those of environmental impact, as any contribution effectively "frees up" more of Defra's capital funds to spend on other priority sites.

7.0 Prioritisation spreadsheet

7.1 An example of the prioritisation spreadsheet is shown below.
# Capital Projects Prioritisation Tool

## 1. Project History

<table>
<thead>
<tr>
<th>Category</th>
<th>New Project</th>
<th>Ongoing Project</th>
<th>Sub Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

## 2. Investigation: "Likely" Pollutant Linkages

<table>
<thead>
<tr>
<th>Category</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Health</td>
<td>70</td>
</tr>
<tr>
<td>Ecological</td>
<td>50</td>
</tr>
<tr>
<td>Controlled waters - 3a</td>
<td>50</td>
</tr>
<tr>
<td>Controlled waters - 3b &amp; c</td>
<td>40</td>
</tr>
<tr>
<td>Controlled waters - other</td>
<td>30</td>
</tr>
<tr>
<td>Animals / crops</td>
<td>25</td>
</tr>
<tr>
<td>Property</td>
<td>15</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

## 3. Remediation: Sig. Harm/Significant Possibility of Sig. Harm/Pollution or Likely Pollution

<table>
<thead>
<tr>
<th>Category</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urgent remediation</td>
<td>100</td>
</tr>
<tr>
<td>Human Health</td>
<td>100</td>
</tr>
<tr>
<td>Ecological</td>
<td>75</td>
</tr>
<tr>
<td>Controlled Waters - 3a</td>
<td>75</td>
</tr>
<tr>
<td>Controlled Waters - 3b &amp; c</td>
<td>60</td>
</tr>
<tr>
<td>Controlled Waters - Other</td>
<td>50</td>
</tr>
<tr>
<td>Animals/Crops</td>
<td>40</td>
</tr>
<tr>
<td>Buildings</td>
<td>20</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

## 4. Technical Assessment

### Technical merit & value for money

<table>
<thead>
<tr>
<th>Quality</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptable</td>
<td>0 to 10</td>
</tr>
<tr>
<td>Good</td>
<td>10 to 30</td>
</tr>
<tr>
<td>Excellent</td>
<td>30 to 40</td>
</tr>
</tbody>
</table>

### Scale of local environmental impact

<table>
<thead>
<tr>
<th>Impact</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>0 to 20</td>
</tr>
<tr>
<td>Medium</td>
<td>20 to 40</td>
</tr>
<tr>
<td>High</td>
<td>40 to 60</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

## 5. LA Contribution

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% Contribution</td>
<td>0</td>
</tr>
<tr>
<td>5% Contribution</td>
<td>10</td>
</tr>
<tr>
<td>10% Contribution</td>
<td>20</td>
</tr>
<tr>
<td>25% Contribution</td>
<td>50</td>
</tr>
<tr>
<td>50% Contribution</td>
<td>100</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Score</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
ANNEXES D & E

ANNEX D:
APPLICATION FORM CL1 - FOR INTRUSIVE INVESTIGATIONS

ANNEX E:
APPLICATION FORM CL2 - FOR REMEDIATION OF CONTAMINATED SITES
Instructions for using form CL 1

- The boxes with grey shading are protected fields. To move from one field to another either click on it directly or press the TAB key. If you are completing the form in Word 97, do not press RETURN or ENTER as this will extend the box. If you do this by mistake, use the UNDO command in the Edit menu.

- Boxes without shading are unprotected areas and will expand to accommodate the amount of text entered. To start a new line press RETURN. Do not press TAB as this will create another box. If you do this by mistake use the UNDO command in the Edit menu. To exit these unprotected boxes either:
  - for Word 6 – press the DOWN arrow TWICE;
  - for Word 97 – or click the mouse in the next box.

- Some instructions, programmed not to print, have been added throughout the form. These instructions are printed in RED. If you can’t see them, go to the TOOLS menu and OPTIONS and in the VIEW menu make sure the HIDDEN TEXT is checked.

Press TAB to start
GRANT COVER SHEET FOR 2007-08

CONTAMINATED LAND CAPITAL PROJECTS PROGRAMME

1. Name of Local Authority

2. Name of Project Site

3. This application is for either:
   (a) Intrusive Investigation .......................................................... □
   and I enclosed a completed CL 1 form, or
   (b) Remediation Actions ............................................................ □
   and I enclosed a completed CL 2 form.

4. I confirm that I have authority to make the grant application, and that I have read the grant's terms & conditions and that by submitting this application I confirm this authority accepts them.

   Signature (unless e-mailed) ________________________________ Date ____________

   Position ____________________________________________________________________
CL 1: Intrusive Site Investigations

Contaminated Land:
Application for Capital Project Support for 2007-2008

- LAs should use this form for applications relating to intrusive site investigations, needed for determining whether the site is 'contaminated land' for the purposes of Part 2A of the Environmental Protection Act 1990.
- If you have any queries or difficulties completing the form please contact Trevor Jones on the telephone number or at the e-mail address given above.
- If you are completing in manuscript and there is insufficient space please continue on separate sheets and indicate the question number.
- Completed forms should either be e-mailed or posted to Trevor Jones at the e-mail/postal address given above.

A1 Authority information

1. Local Authority name and address

2. Local authority contacts for:
   - technical queries
     Telephone No./Ext. 
   - financial queries
     Telephone No./Ext. 

A2

3. If you are not the Part 2A authority, has it been consulted? YES □ NO □
   If NO, go to A3 below.

4. If you are the Part 2A authority did the person responsible for Part 2A within the Authority complete this application? YES □ NO □
   If NO:
   (a) Please provide contact details.
       Name 
       Department 
       Telephone No./Ext.
   (b) was the Part 2A contact consulted? YES □ NO □
5. Has the form been completed with reference to the following documents?
   - Defra Circular 01/2006 and CLR 11? ................................................................. YES □ NO □

B Basic site information

6. Name and address of site

Postcode (if any)

7. (a) National Grid reference of site centroid
      (please attach a site plan)

(b) Area of site
    hectares

(c) Defra Reference No., if site received support previously

C Purpose of the proposed investigation

8. For what purpose is the proposed investigation being carried out?
   (a) To determine whether the site is 'contaminated land' as defined in section 78A(2) of the
      Environmental Protection Act 1990. .......... YES □ Please go to Section 9
   (b) For other purposes? .............. YES □
       Please give details (e.g. to identify appropriate persons to pay for remediation)

9. (a) Is the authority making this application
      a borough/district/unitary authority
      (i.e. a 'local authority') to which the duty
      at section 78B(1) of the EPA 1990 applies?.................................................. YES □ NO □
   (b) If NO, (or if the site is outside the authority's own area) why is this authority carrying out the proposed
        investigation (e.g. it owns the site, it may be responsible for any contamination)? Please give details.

D Characteristics of the site and its surroundings

10. (a) Site history and previous land uses
      Provide a brief history of the subject site and any potentially contaminative activities carried out at this
      location.
(b) **Current land use and existing developments**
(Give details for the site itself, and for other land within the distances shown)

<table>
<thead>
<tr>
<th></th>
<th>On-site</th>
<th>50m</th>
<th>250m</th>
<th>500m</th>
<th>1000m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School</td>
<td></td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allotments</td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Derelict</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underdeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. Please add any useful additional information about the 'current use' (as defined in paragraph A.26 of the Statutory Guidance in Circular 01/2006), such as public access, planning permissions not yet implemented.


12. **Wildlife and ecosystems**
Describe any 'protected locations' (as defined in Table A of the Statutory Guidance) that might be affected by the site.


13. **Controlled waters**
(a) **Groundwater status:**
- source protection zone 1 ........................................... □
- source protection zone 2 ........................................... □
- source protection zone 3 ........................................... □
- major aquifer* ....................................................... □
- minor aquifer ....................................................... □
- no groundwater features .......................................... □

("i.e. those in one of the rock formations listed in Paragraphs 2, Schedule 1 of the Contaminated Land (England) regulations 2005.

---

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(b) Surface waters
- drains
- ponds
- streams
- canals
- lakes
- rivers
- coastal waters
- no surface water features

14. Ground cover
   (a) Give type of ground surface cover on the site.
      (More than one type may be ticked where appropriate)
      - soil
      - tarmac
      - concrete
      - landfill cap
      - mixture
      - other
      If 'OTHER' please specify

   (b) Condition of any hard surface cover:
       - good
       - poor
       - moderate

   (c) Is any soil exposed? YES [ ] NO [ ]

15. Geology / Hydrogeology
   Give brief details of site geology, including superficial deposits if any, and underlying strata.

   [Blank space for details]

E Details of the proposed investigation

16. Pollutant linkages
   Describe below the potential pollutant linkages that are being investigated.
   (a) 'Human health effects'

<table>
<thead>
<tr>
<th>Particular population group (relate to land use)</th>
<th>Suspected contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   (b) 'Ecological system effects'

<table>
<thead>
<tr>
<th>Particular habitat or ecological system</th>
<th>Suspected contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   Has your authority consulted Natural England about the
   'Ecological system effects' aspect of the proposed investigation? YES [ ] NO [ ]
(c) 'Animal or crop effects'

<table>
<thead>
<tr>
<th>Particular animals or crops</th>
<th>Suspected contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(d) 'Building effects'

<table>
<thead>
<tr>
<th>Description of buildings</th>
<th>Suspected contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) 'Pollution of controlled waters'

<table>
<thead>
<tr>
<th>Water features</th>
<th>Suspected contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Has your authority consulted the Environment Agency about the 'Pollution of controlled waters' aspect of the proposed investigation? 

Yes [ ] No [x] 

(See also Question 21 below to enter contacts details)

(f) Describe the proposed investigation

Include information on what the investigation is seeking to establish; e.g. presence of particular contaminants, existence of pathways etc...

F Existing information

17. Justification for carrying out an investigation

(Please see guidance notes which accompany this form)

Indicate which of the following circumstances describes the site

- Evidence exists of significant harm or pollution of controlled waters being caused (e.g. investigation may be needed to establish that this is the result of contaminants on the site) [x]

- Evidence exists of the presence of one or more contaminants, but in unknown quantities or concentrations or with unknown potential pathways. (e.g. investigation may be needed to establish whether these contaminants form part of significant pollutant linkages) [x]

- Presence of one or more contaminants considered likely, on the basis of desk study, exploratory investigation or site walk-over. (e.g. investigation may be needed to establish whether those contaminants are actually present, and whether they form part of significant pollutant linkages) [x]
18. Describe previous studies and investigations and their conclusions, including references to information that demonstrates that the presence of one or more contaminants is considered “likely”.

G  Financial information

19. Planned expenditure on site investigation
   - Planned expenditure (A)
   - Contributions from other sources (B)
   - Net cost (A-B) for which Support is sought
     including associated costs of

20. Previous Capital Project funding
   Has contaminated land funding been provided previously for work at this site? ..........YES □ NO □
   If YES, Defra Ref.

H  General information

21. Is your local Environment Agency office aware of the proposed action at this site? ..........YES □ NO □
   If YES, please provide:
   Name
   Office location
   Date of contact

22. Waste management sites
   - Is the site, or was it, a landfill site? CLOSED □ OPERATIONAL □ NO □
   - Is there a Waste Management licence in force on the site? YES □ NO □
     (whether for landfill or otherwise)

23. Potential ‘Special Sites’
   - If this site is determined to be contaminated land, will it meet one or more of the descriptions in Regulation 2 of the Contaminated Land (England) Regulations 2006, and therefore be required to be designated as a ‘special site’? YES □ NO □
   - If YES, have the Environment Agency been approached to undertake the inspection on behalf of your authority, as set out in paragraphs B26-30 of the statutory Guidance in Defra Circular 01/2006 (see also Annex 2, Section 3, paragraphs 3.12-3.16 of the Circular)? YES □ NO □
   - If your authority is looking to undertake the inspection of a potential special site instead of the Environment Agency, please provide reasons below:

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24. Development proposals

- Are there any proposals in place, or under consideration, to redevelop the site? (N.B. this should include both private and public sector proposals – but not anything under question 11 above) ..................................YES □ NO □

If YES, please give details of the proposals below:

..........................................................
Continuation Sheet 1
Form A: Intrusive site investigations
Contaminated Land: Application for Capital Projects for 2007-2008

- Please note than when using the continuation sheets please begin each entry by referring to the section and question in the main form on which you are expanding i.e. Section E, question 16(f).

Please use this space for additional information:
Continuation Sheet 2
Form A: Intrusive site investigations
Contaminated Land: Application for Capital Projects for 2007-2008

- Please note than when using the continuation sheets please begin each entry by referring to the section and question in the main form on which you are expanding i.e. Section E, question 16(f).

Please use this space for additional information:
Instructions for using form CL 2

- The boxes with grey shading are protected fields. To move from one field to another either click on it directly or press the TAB key. If you are completing the form in Word 97, do not press RETURN or ENTER as this will extend the box. If you do this by mistake, use the UNDO command in the Edit menu.

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  - for Word 6 – press the DOWN arrow TWICE;
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- Some instructions, programmed not to print, have been added throughout the form. These instructions are printed in RED. If you can’t see them, go to the TOOLS menu and OPTIONS and in the VIEW menu make sure the HIDDEN TEXT is checked.

Press TAB to start
GRANT COVER SHEET FOR 2007-08

CONTAMINATED LAND CAPITAL PROJECTS PROGRAMME

1. Name of Local Authority

2. Name of Project Site

3. This application is for either:
   
   (a) Intrusive Investigation .................................................................   
       and I enclosed a completed CL 1 form, or

   (b) Remediation Actions .................................................................   
       and I enclosed a completed CL 2 form.

4. I confirm that I have authority to make the grant application, and that I have read the grant's terms & conditions and that by submitting this application I confirm this authority accepts them.

Signature
(unless e-mailed)

Date

Position
CL 2: Remediation of Contaminated Sites

Contaminated Land:
Application for Capital Project Support for 2007-2008

- LAs should use this form for applications for remediation of sites. In this context remediation has the meaning given in Section 78A(7) under Part 2A of the Environmental Protection Act 1990 i.e. it includes Assessment Actions, Remedial Treatment Actions and Monitoring Actions. (See descriptions in Chapter C, Part 7 of Statutory Guidance in Circular 01/2006.)

- If you have any queries or difficulties completing the form please contact Trevor Jones on the telephone number or at the e-mail address given above.

- If you are completing in manuscript and there is insufficient space please continue on separate sheets and indicate the question number.

- Completed forms should either be e-mailed or posted to Trevor Jones at the e-mail/postal address given above.

A1 Authority information

1. Local Authority name and address

   [Space for name and address]

   Postcode

2. Local authority contacts for:
   - technical queries
     Telephone No./Ext.
   - financial queries
     Telephone No./Ext.

A2

3. If you are not the Part 2A authority, has it been consulted? ................................................. YES □ NO □
   If NO, go to A3 below.

4. If you are the Part 2A authority did the person responsible for Part 2A within the Authority complete this application? ................................................. YES □ NO □
   If NO:
   (a) Please provide contact details
       Name
       Department
       Telephone No./Ext.

   (b) Was the Part 2A contact consulted? ................................................. YES □ NO □
A3

5. Has the form been completed with reference to the following documents?
   - Defra Circular 01/2006 and CLR 11? YES □ NO □
   - Defra’s Guide to the Contaminated Land Capital Projects Programme 2007-08? YES □ NO □

B Basic site information

6. Name and address of site
   Postcode (if any)

7. (a) National Grid reference of site centroid
       (please attach a site plan)

       (b) Area of site
           hectares

       (c) Defra Reference No., if site received support previously

C Characteristics of the site and its surroundings

8. (a) Site history and previous land uses
       Provide a brief history of the subject and any potentially contaminative activities carried out at this location.

       (b) Current land use and existing developments
       (Give details for the site itself, and for other land within the distances shown)

       | On-site | 50m | 250m | 500m | 1000m |
       |---------|-----|------|------|-------|
       | Residential |     |      |      |       |
       | Hospital    |     |      |      |       |
       | School      |     |      |      |       |
       | Commercial  |     |      |      |       |
       | Industrial  |     |      |      |       |
       | Agriculture |     |      |      |       |
       | Allotments  |     |      |      |       |
       | Recreation  |     |      |      |       |
       | Derelict    |     |      |      |       |
       | Underdeveloped | |      |      |       |

     (c) Is this site a former landfill site? YES □ NO □

If YES, please complete the Annex to this form.
9. Please add any useful additional information about 'current use' (as defined in paragraph A.26 of the Statutory Guidance in Circular 01/2006) such as public access, planning permissions not yet implemented.

10. Wildlife and ecosystems
Describe any 'protected locations' (as defined in Table A of the Statutory Guidance) that might be affected by the site.

11. Controlled waters
(a) Groundwater status:
- source protection zone 1
- source protection zone 2
- source protection zone 3
- major aquifer*
- minor aquifer
- no groundwater features

*b.i.e. those in one of the rock formations listed in Paragraphs 2, Schedule 1 of the Contaminated Land (England) regulations 2006.

(b) Surface waters
- drains
- ponds
- streams
- canals
- lakes
- rivers
- coastal waters
- no surface water features

12. Ground cover
(a) Give type of ground surface cover on the site.
(More than one type may be ticked where appropriate)
- soil
- landfill cap
- tarmac
- mixture
- concrete
- other

If 'OTHER' please specify

(b) Condition of any hard surface cover:
- good
- poor
- moderate

(c) Is any soil exposed? YES □ NO □
13. **Geology / Hydrogeology**

Give brief details of site geology, including superficial deposits if any, and underlying strata.

---

### D Identified pollutant linkages

14. Describe below the components that make each significant pollutant linkage.

(a) **'Human health effects'**

<table>
<thead>
<tr>
<th>Particular population group (relate to the on-site land use in Section C 8(b) above)</th>
<th>Contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) **'Ecological system effects'**

<table>
<thead>
<tr>
<th>Particular habitat or ecological system (see Table A of Annex 3 of Statutory Guidance)</th>
<th>Contaminants</th>
<th>Pathways</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
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</tbody>
</table>

Has your authority consulted Natural England about the 'Ecological system effects' aspect of the proposed remediation? .................................. YES □ NO □

(c) **'Animal or crop effects'**

<table>
<thead>
<tr>
<th>Particular animals or crops (see Table A of Annex 3 of Statutory Guidance)</th>
<th>Contaminants</th>
<th>Pathways</th>
</tr>
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(d) **'Building effects'**

<table>
<thead>
<tr>
<th>Description of buildings (see Table A of Annex 3 of Statutory Guidance)</th>
<th>Contaminants</th>
<th>Pathways</th>
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(e) **'Pollution controlled waters'**

<table>
<thead>
<tr>
<th>See Chapter A, Part 4 of Statutory Guidelines</th>
<th>Contaminants</th>
<th>Pathways</th>
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</table>

Has your authority consulted the Environment Agency about the 'Pollution of controlled waters' aspect of the proposed remediation? .............................. YES □ NO □

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CL 2 (Rev. 9/07)  6
If YES, please provide:

Name, 

Office location

Date of contact

(f) Site investigation reports
Describe the site investigations/information sources used to identify these significant pollutant linkages.

(g) Seriousness of harm or pollution of controlled waters, and urgency.
Describe the seriousness of the potential harm and pollution of controlled waters arising from these significant pollutant linkages, in terms of considerations outlined in paragraphs C.39 – C.43 of the Statutory Guidance, and a summary of discussions with the Environment Agency. Is there imminent danger as described in Annex 2 section 5 of the Circular?

E Regulatory status of the site

15. Has the site been formally determined as contaminated land for the purposes of Part 2A? ......YES ☐ NO ☐
   If YES, go to question 16.
   If NO: (a) is there a waste management site licence in force on the site? ..................YES ☐ NO ☐
   (b) does the site come under PPC legislation? ...........................................YES ☐ NO ☐
   (c) is there any other reason why the site has not been determined as contaminated land? ..................................................YES ☐ NO ☐

   If YES, state reason here and then go straight to Section F. Non Part 2A authorities go to question 17(b)
16.  (a) If the site has been determined as contaminated land, which of the pollutant linkages identified in Section D are "significant pollutant linkages"?

(b) Is a copy of the written record of determination made under Section 78B(3) of Part 2A (Section B.52 of statutory guidance) attached? YES □ NO □

(c) Where the Part 2A Authority is precluded from serving a remediation notice under Section 78H(5) of Part 2A, is a copy of the Remediation Statement attached? YES □ NO □

If you have answered NO to either questions 16(b) or (c), is there a reason why these have not been attached?

17. Special sites

(a) Does the site meet any of the descriptions in Regulation 2 of the Contaminated Land (England) Regulations 2006, being land which is required to be designated a special site? YES □ NO □

If NO, go to question (b) below.

If YES:

- which description?

- did the Environment Agency carry out the inspection on behalf of the Regulatory Authority? YES □ NO □

If NO, why not?

- has the site been designated a special site? YES □ NO □
(b) **Enforcing Authority:** is the authority making this application the 'enforcing authority' for the site? (Includes special sites and other cases where the authority applying is not the Borough/District Council) ...........................................YES ☐ NO ☐

If NO:

(i) please give contact details for the enforcing authority:

Telephone No./Ext.

(ii) has the appropriate officer (i.e. Part 2A Officer) at the Authority responsible for the Regulation of Part 2A, been consulted? ...........................................YES ☐ NO ☐

---

F **Previous remediation**

18. Describe any remediation actions already carried out on this site (which do **NOT** form part of this application).

---

G **New remediation proposals**

Describe below the remediation for which support is being sought through this application.

19. **Assessment Actions**

(a) Referring to the justification for assessment action identified in paragraph C.65 of the Statutory Guidance, for what purpose(s) are assessment actions intended?

- C.65(a) – detailed characterisation ☐
- C.65(b) – setting design or specifications for remedial treatment actions ☐
- C.65(c) – identifying further remediation needs ☐

Relevant significant pollutant linkage (as listed in Section D)

(b) Describe the proposed assessment work, identifying how it will meet the purpose identified in question 19(a) above. Please attach copies of any related reports.
20. Remedial Treatment Actions

(a) Describe the proposed remedial treatment actions. Please attach copies of any related reports.

(b) Explain how these actions will reduce/manage risks arising from each of the significant pollutant linkages identified in Section D.

21. Monitoring Actions

(a) Describe the proposed monitoring actions. Please attach copies of any related reports.

(b) What potential changes in the condition of a pollutant, pathway or receptor are these actions intended to identify?
(c) Start and finish dates for proposed Monitoring Actions.  

- Proposed start .................................................................  

- Likely finish .................................................................  

H Other remediation
22. Describe any other remediation being carried out on this site by other authorities, companies or individuals.


J Contact with statutory bodies
If the authority making this application has discussed with other statutory bodies (e.g. Environment Agency, Natural England, English Heritage etc., or received advice about these remediation proposals from other statutory bodies, as above, give contact details:

Telephone No./Ext.

K Liabilities and responsibilities
23. Why does the authority consider that it is liable/responsible for carrying out the proposed ‘remediation’ identified in Section G?

(i) The authority is an ‘appropriate person’ for the purposes of Part 2A as:

- Class A ............... ☐  - Class B ............... ☐

(ii) The authority is acting under powers in Section 78N of Part 2A.  

78N:  

- urgent remediation ................................................................. ☐

- (N.B. no funding needed for cases in paragraph (b))

- action in default of recipient of a remediation notice ................. ☐

- remediation actions precluded from inclusion in a remediation notice by:

  - section 78J(2) – Class B person and water pollution ................. ☐

  - section 78J(3) – water from an abandoned mine ....................... ☐

  - section 78K – escapes to other land ..................................... ☐

- hardship/guidance in Chapter E of the Statutory Guidance ............ ☐

- no appropriate person can be found ....................................... ☐

(orphan linkages – paragraphs D103-109 of Circular)
(iii) Action under other regulatory powers:
(a) section 59 of the Environmental Protection Act 1990 (illegal deposits of controlled waste) ................. [ ]
(b) sections 161/161A of the Water Resources Act 1991 ................................................ [ ]
(c) other ................................................................................. [ ]

If OTHER, please specify: _______________________________________________________________________

24. Does the authority expect to recover any or all of its costs under section 78P?
   - All [ ]
   - Part [ ] approximately % __________ amount £ __________

25. If the authority considers that, applying section 78(P)2 and the guidance in chapter E, it should not recover all of its costs, outline the basis for this decision below:


L  Financial information

Other funding

26. Will the proposed remediation, or a wider project of which this forms part, get additional funding from other sources? .......................................................... YES [ ] NO [ ]

If YES, please state the source of the funding:
- Public bodies/Agencies
- Private sector

Give details:


Amount £ __________
Authority’s own contribution
27. What contribution, if any, will the authority make from its own resources?
   • Amount £   or proportion %

Recovery of costs
28. What recovery of costs, under section 78P, is expected within 3 years (i.e. so that support under this programme is not needed)?
   • Amount £   or proportion %

Project costs
29. Please enter below the project cost for this phase of work for which support is required.
   A
   • Assessment £
   • Remedial treatment £
   • Monitoring £
   • TOTAL £

   B Total contribution: from other sources (questions 27 and 28) £

   C Net estimated required for support under this programme (A – B) £

   including associated costs of £
Document enclosure check list

Have the following documents been attached?

- Copy of written record of determination under section 78B(3) of Part 2A
- Copy of Remediation Statement
- Assessment Actions (any related reports)
- Remedial Treatment Actions (any related reports)
- Monitoring Actions (any related reports)
- Any other documents you wish to enclose in support of your application

If YES, please name/describe details below:

If appropriate, number of manuscript continuation sheets attached

Please state below the name of the person authorised to make this application on behalf of your authority

(Name in BLOCK letters or TYPE)

Contact details

Telephone No./Ext.
Continuation Sheet 1
Form B: Remediation of Contaminated Sites
Contaminated Land: Application for Capital Projects for 2007-2008

- Please note that when using the continuation sheets, please begin each entry by referring to the section and question in the main form on which you are expanding, i.e., Section G, question 19(b).

Please use this space for additional information:
Please note that when using the continuation sheets please begin each entry by referring to the section and question in the main form on which you are expanding i.e. Section G, question 19(b).

Please use this space for additional information:
Landfill sites
- Complete question 1 in ALL cases.
- For landfill gas works only complete questions 2-5. For leachate works only complete questions 6-8.

General for Gas and Leachate bids
1. Give details of the depth, volume, age range and type(s) of fill.

<table>
<thead>
<tr>
<th>Depth of fill</th>
<th>m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume of fill</td>
<td>m³</td>
</tr>
<tr>
<td>Age range of fill (e.g. from 1948 – 1964)</td>
<td>from 19 to 19</td>
</tr>
<tr>
<td>Type of fill</td>
<td></td>
</tr>
</tbody>
</table>

Landfill Gas Remediation
2. Details of any previous gas remediation. (Attach report and plan if available.)
If YES, please name/describe details below:

3. Give details of peak and average gas concentrations detected at the site.

**Surface:**
- Carbon dioxide (CO₂)
- Methane (CH₄)
- Other gas (please specify)

<table>
<thead>
<tr>
<th></th>
<th>Peak</th>
<th>Average</th>
<th>Show units</th>
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</tbody>
</table>

**Sub surface:**
- Carbon dioxide (CO₂)
- Methane (CH₄)
- Other gas (please specify)

<table>
<thead>
<tr>
<th></th>
<th>Peak</th>
<th>Average</th>
<th>Show units</th>
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</table>

**Buildings:**
- Carbon dioxide (CO₂)
- Methane (CH₄)
- Other gas (please specify)

<table>
<thead>
<tr>
<th></th>
<th>Peak</th>
<th>Average</th>
<th>Show units</th>
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</table>
4. Over what period were the measurements taken?  

5. Are the works a condition of the planning permission or a condition of the site licence?  
   - Planning permission: YES [ ] NO [ ]  
   - Licence condition: YES [ ] NO [ ]

Leachate Remediation

6. Details of any previous leachate remediation. (Attach report and plan if available.)

7. Give details of any known contamination in ground water, surface water or leachate. (Specify the type of contamination and the concentration. Attach report if available.)

<table>
<thead>
<tr>
<th>Containment</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface water</td>
<td></td>
</tr>
<tr>
<td>Ground water</td>
<td></td>
</tr>
<tr>
<td>Leachate</td>
<td></td>
</tr>
</tbody>
</table>

8. Are the works a condition of the planning permission or a condition of the site licence?  
   - Planning permission: YES [ ] NO [ ]  
   - Licence condition: YES [ ] NO [ ]

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Document enclosure check list for Annex

Have the following documents been attached?

- Details, if available, of previous landfill gas remediation works i.e. reports: YES [ ] N/A [ ]
- Details, if available, of previous leachate remediation works, i.e. reports: YES [ ] N/A [ ]
- Details, if available, of contamination in ground water, surface water or leachate, i.e. reports: YES [ ] N/A [ ]
- Any other documents you wish to enclose in support of your application: YES [ ] N/A [ ]

If YES, please name/describe details below: