



**Contaminated Land
Inspection Report**

Hardings Pits
Wisbech Road
King's Lynn

Reference no. CL134

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Executive Summary

The Borough Council of King's Lynn and West Norfolk (BCKLWN) has a statutory duty to inspect its district for potentially contaminated land under Part 2A of the Environmental Protection Act 1990. The Borough Council's Part 2A inspection strategy identified Hardings Pits (the site) as being of very high priority due to the presence of a former landfill and a railway line on site and potentially sensitive receptors.

To gather information of the site's history a desk study and preliminary risk assessment were carried out by the Environmental Quality Team. From the evidence gathered during the desk study of the site history and a site walkover, the following can be stated: The site was historically a brick field in the mid-19th Century. Landfilling took place following extraction of the clay, including informal tipping from nearby industrial activities and an official municipal waste disposal tip during the 1950s and 1960s. The site's present use is public open space, flood protection and surface water storage. The site was landscaped in 2004 when Hardings Pits Doorstep Green was established. The majority of the site is maintained by a team of volunteers and is used for informal recreation and blackberry picking by the general public. The remainder of the land is managed by the borough council and the Environment Agency.

The site has been subject to a number of investigations as part of the borough councils Waterfront Regeneration project and under Part 2A of the Environmental Protection Act. No significant risks were identified to property, the environment, or controlled water. In 2009, SLR Consulting carried out a detailed quantitative human health risk assessment to quantify potential risks to human health. The additional site investigation and analysis of soil and fruit samples from Harding's Pits revealed relatively low levels of arsenic and lead contamination in both shallow soil and wild blackberries growing on the site. The findings indicated an absence of significant risk to recreational users of the site, volunteer workers undertaking maintenance work and those consuming wild blackberries growing on the site.

A major project in 2010 to construct surface water storage took into account the previous investigations. This work did not affect the site conditions nor change the probability of a contamination event or the nature of the hazard.

The 2009 risk assessment findings have been re-assessed to take account of changes in technical and policy guidance for Part 2A. From the contaminated land risk assessment plausible source pathway receptor linkages were identified. A MODERATE/LOW risk was assessed from contamination to human health, LOW risk to property, VERY LOW risk to designated environmental receptors and MODERATE/LOW risk was identified to surface water and groundwater.

Based on the site's current use, there was no evidence of harm or of a significant possibility of significant harm to the receptors identified in the conceptual site model. As the risk posed is moderate/low, the site would be classified as Category 3 as set out in the Statutory Guidance. Therefore the site is not considered to be contaminated land under Part 2A of the Environmental Protection Act 1990.

1 Introduction

This report details a review of information and risk summary about land at Hardings Pits, King's Lynn and provides a conclusion on the risk to human health, property, groundwater and the wider environment.

The Contaminated Land Statutory Guidance (DEFRA, 2012) suggests that where the authority has ceased its inspection and assessment of land as there is little or no evidence to suggest that it is contaminated land the authority should issue a written statement to that effect. This report forms that written statement.

2 Desk Study Information

Location

The site's location is shown in Appendix B. The grid reference for the centre of the site is 561806, 319184. The nearest postcode is PE30 5JL.

Previous investigation

The site has been subject to a number of investigations as part of the borough councils Waterfront Regeneration project and under Part 2A of the Environmental Protection Act. Table 1 below lists the reports used in compiling this written statement.

<i>Table 1 Documents used in this report</i>			
Reference	Date	Author	Title
-	October 1988	WS Atkins for BCKLWN	Hardings Pits - preliminary investigation and assessment of landfill gas and chemical hazards (draft report)
721217/OR/001	September 2008	Mouchel for BCKLWN	Interpretive Report - Waterfront Regeneration
721217/1/2/MH	November 2008	Mouchel letter to BCKLWN	Waterfront Regeneration, King's Lynn: Potential Statutory Part 2A Liabilities
408.1291.00007	October 2009	SLR for BCKLWN	Harding's Pits and Former Harbour Branch Line Additional Risk Assessment Quantitative Human Health Risk Assessment
13708-10	May 2010	Ashfield Solutions for BCKLWN	Nar Ouse Regeneration Area Offline Storage Project Remediation Scheme and Materials Management Plan

Previous Site Usage

The site was historically a brick field in the mid-19th Century. Landfilling took place following extraction of the clay. Informal tipping from nearby industrial activities is thought to have taken place from the late 19th century until 1928. Hardings Pits were also used as an official municipal waste disposal tip during the 1950s and 1960s. Following provision of some cover material Hardings Pits was subsequently adopted as an area of open public space.

Present Site Usage

The site's present use is predominantly public open space. Hardings Pits Doorstep Green was established in 2004. The site was landscaped with a large number of trees and bushes planted, a grass common and wild flower meadow. The doorstep green site is maintained by a team of volunteers and is used for informal recreation and blackberry picking. The site plan below is taken from the Hardings Pits Doorstep Green webpage¹. The remainder of the site is managed by the borough council and the Environment Agency. Photographs of the site are in appendix A.



Figure 1: Site plan

Ownership

Enquiries have been made to establish land ownership. This report will be made available to the site owners.

¹ Hardings Pits Doorstep Green webpage <http://hardings-pits.org.uk/where-is-it/>

Environmental Setting

Geology

The northern part of Hardings Pits was covered by dredged material of up to 1m thickness following the landfilling. A thin layer of topsoil was also applied across the whole area.

The site is at 0-1metres above ordnance datum (m AOD). Previous investigations have shown the geological strata encountered at Hardings Pits to be as set out in table 2.

<i>Table 2: Geological strata encountered (from Mouchel 2008)</i>			
Strata	Thickness range (m)	Average thickness (m)	Range of depth to top of stratum (m AOD)
Made Ground	0.4 to 5.7	3.0	0.0
Terrington Beds	0.0 to 5.8	2.5	4.5 to -0.7
Nordelph Peat	0.0 to 1.2	0.4	2.2 to -5.5
Barroway Drove Beds	0.0 to 9.5	5.1	1.5 to -5.7
Basal Sands	0.0 to 1.2	0.2	0.3 to -8.0
Kimmeridge Clay	not proven	not proven	-5.0 to -8.0

Hydrogeology

The alluvial deposits and Kimmeridge Clay are designated by the Environment Agency as non aquifers. There are no known licensed water abstractions within 1km of the site.

Hydrology

The nearest major water features are the River Great Ouse to the west and River Nar to the north and north east.

Planning History

There are two withdrawn applications for redevelopment of the site and the following which were permitted:

Year	Application ref	Description
2001	2/01/0670/O	Site for creation of public open space residential development and associated infrastructure incorporating existing pumping station.
2004	04/01053/F	Creation of new paths - earthworks and associated site furniture.
2010	10/00215/F	Provision of a surface water offline storage facility to serve some of the NORA development plots.

Hardings Pits was adopted as an area of open public space and partially landscaped in 2004 following the award of grant funding from the Countryside Agency. This re-development received planning permission but no conditions were attached to the planning permission specifically dealing with contamination. The planting and landscaping work at Hardings Pits may have resulted in the cover layer being reduced or removed in some areas of the site.

In 2010 a surface water attenuation facility was proposed to provide drainage and flood alleviation support for the NORA Millennium Community and Waterfront developments. The development consisted of large scale excavation of material in the north east of the site to form a surface water storage area and included a contamination remediation scheme.

The remediation scheme detailed the remediation requirements that were applied to the construction and included the following considerations:

- Risks to controlled waters were acceptable at the time of the development and would not be increased by offline storage project;
- Excavation of known hotspots was undertaken within the footprint of the development;
- All excavated material was screened, segregated and submitted for chemical analysis;
- Materials were re-used where possible based on agreed acceptability criteria;
- Materials failing acceptable criteria were reviewed under consultation and/or removed from site;
- Capping strategy was implemented.

The scheme was implemented and both the Environment Agency and BCKLWN Environmental Quality Team 'signed off' the scheme regarding risks to controlled water and human health. As a result, no new pathways were introduced for exposure to contaminants in the landfill.

3 Site Walkover

A site walkover was carried out in September 2017. Photographs are presented in Appendix A.

Access to the site is open on most sides and footpaths cross the site as indicated on the site plan (Figure 1) and shown in photographs 1, 4 and 7. Surface vegetation consists of trees, shrubs, brambles and grassland. At the time of the walkover the site was well-used by dog-walkers, pedestrians walking into and out of town or resting on the benches provided. There was evidence of the site being used as a location for alcohol drinking as there were plastic drink bottles and cans littering a number of areas.

The site is generally well maintained and well vegetated as shown in the photographs. The vegetation did not show signs of stress or ill-health and there was a good crop of blackberry fruit at the time of the walkover. There was evidence that the blackberries were being picked as shown in photograph 5.

No evidence was observed of landfill material at the surface of the site. However, the presence of vegetation meant that there were not any areas of bare soil.

The offline surface water storage area (photograph 8) is grassed with stable banks and no evidence of landfill material.

Location of Receptors

Humans

There are houses within 50m to the south and north east of the site. Whitefriars School is within 80m to the north east. The land is used for informal recreation, as a walking and cycling route to school and to the Town Centre. The doorstep green land is managed by volunteers who litter-pick and maintain the grassed and shrub areas. The remainder of the land is maintained by borough council or Environment Agency staff. There are allotments and a playing field directly to the south. The blackberries are picked for consumption.

Property

There are houses and a school near to the site as described above. There is also commercial property adjacent to the site to the east.

Environment

There are no relevant types of receptor as set out in Table 1 of the statutory guidance within 1km of the site.

Controlled Water - Groundwater & Surface water

The River Great Ouse is to the west of the site and River Nar to the north and north east. The alluvial deposits and Kimmeridge Clay are designated by the Environment Agency as non aquifers.

4 Contaminated Land Risk Assessment

An outline of the methodology used to assess risks from land contamination is set out in Appendix C. Earlier reports, particularly the September 2008 Waterfront Regeneration Interpretative Report and the November 2008 Potential Statutory Part 2A Liabilities letter review, assessed risks to human health, property, the environment, and controlled water. No significant risks were identified to property, the environment, and controlled water. The evidence supplied in these reports supported this conclusion. Site conditions have not changed significantly since 2010 and no new evidence of harm has come to light. Therefore these receptors (property, the environment, and controlled water) will not be assessed further in this written statement.

Human health

Materials disposed of in Hardings Pits are thought to include domestic waste, fire grate ash, demolition and industrial wastes. In 2009, SLR Consulting carried out a detailed quantitative human health risk assessment (DQRA) on behalf of the borough council to assist in deciding if the land at Harding Pits should be designated as contaminated land due to risks to human health. The full report is in appendix D

The project had the following objectives:

1. Analysis of previous soil sampling locations to determine if they are likely to be representative of lead and arsenic concentrations across the site.
2. Derivation of site specific assessment criteria for lead and arsenic to reflect the recreational use of Hardings Pits.
3. Derivation of site specific assessment criteria for lead and arsenic to reflect the likely consumption of blackberries grown on Hardings Pit.
4. Collection and analysis of fruit samples to determine if contaminants are being taken up by blackberry plants growing on Hardings Pit.
5. Statistical analysis of laboratory test results and comparison with the derived critical concentrations.

The additional site investigation and analysis of soil and fruit samples from Harding's Pits revealed relatively low levels of arsenic and lead contamination in both shallow soil and wild blackberries growing on the site. The detailed quantitative risk assessment (DQRA) findings indicated an absence of significant risk to recreational users of the site, volunteer workers undertaking maintenance work and those consuming wild blackberries growing on the site. The surface water storage work undertaken in 2010 took into account the previous investigations. This work did not affect the site conditions nor change the probability of a contamination event or the nature of the hazard.

Revised risk assessment

The DQRA considered three scenarios:

- 1) Recreational use of the site by a female child (aged eight to fourteen years old);
- 2) An adult volunteer undertaking site maintenance activities (e.g. litter picking and path clearance) from spring to autumn; and
- 3) An adult or child consuming wild blackberries harvested from plants growing on Hardings Pits.

As part of the 2009 DQRA, additional samples were taken from shallow soils to provide additional data on contamination in the soil. The results for the contaminants of concern, arsenic and lead, in the upper 500mm of soil have been compared to the LQM S4UL levels² and C4SLs³ for public open space, as shown in Table 3. These assessment criteria are an up to date set of generic assessment criteria which include scenarios for public open space near residential areas (POSresi) and take account of the latest government technical and policy guidance on risk assessment for Part 2A.

Table 3-1: Comparison of mean values of contaminants in soil with generic assessment criteria for scenarios 1 & 2			
Contaminant	number of samples (n)	sample mean value (mg/kg)	Public Open Space near residential Screening level (mg/kg)
Arsenic	44	30	79 S4UL
Lead	34	327	630 C4SL
mg/kg = miligrammes per kilogramme			

The POSresi assessment criteria can be used to assess risk to the most vulnerable receptors on an area of open space which is situated close to housing and where soil could be tracked back into the home. This addresses the exposure scenarios 1 and 2. Comparison of the soil analysis data in table 3 indicates that it is unlikely that there could be significant harm to health due to lead or arsenic in surface soil on Hardings Pits.

The DQRA for scenario 3 has been revised using the CLEA v1.071 model to take account of new technical and policy guidance on risk assessment for Part 2A. Where appropriate, the same assumptions about age classes, soil to plant concentrations and exposure frequency were used as in the 2009 DQRA. The revised model inputs are provided in Appendix E. The table below show the revised site specific assessment criteria (SSAC) for exposure scenario 3:

Table 3-2 SSAC for exposure scenario 3 – consumption of wild blackberries				
Contaminant	Average scenario SSAC	Reasonable worst case scenario SSAC	Worst case scenario SSAC	Soil sample mean value
Arsenic	272	147	135	30
Lead	1160	1060	982	327

Integrated assessment criteria

Because it is possible that people may be exposed to contaminants from playing or working on Hardings Pits and also by consuming wild blackberries

² The LQM/CIEH S4ULs for Human Health Risk Assessment, Land Quality Management LQM, 2015

³ SP1010: Development of Category 4 Screening Levels for assessment of land affected by contamination, Department for Environment Food & Rural Affairs DEFRA, 2014

the 2009 DQRA also derived combined SSAC to consider the contribution from multiple scenarios. We have calculated combined contributions from scenarios 1, 2 & 3 using the equation below.

$$1 / AC_{\text{combined}} = 1 / AC_{\text{play \& work}} + 1 / SSAC_{\text{blackberry}}$$

Table 3-3 Integrated assessment criteria				
Combined Exposure scenario	Integrated AC As (mg kg-1)	Soil sample mean value As	Integrated AC Pb (mg kg-1)	Soil sample mean value Pb
1&2 + 3 (average)	61	30	408	327
1&2 + 3 (reasonable worst case)	51	30	395	327

Results of revised risk assessment

Based on the site's current use, the results of this DQRA indicates that exposure resulting from the plant uptake of arsenic and lead in soil and the subsequent consumption of wild blackberries is unlikely to result in significant harm.

Conceptual site model

The conceptual site model (Table 4) shows the sources, pathways and receptors identified and the subsequent risk classification.

Table 4: Conceptual site model

Source	Pathway	Receptor	Probability	Hazard	Risk
Heavy metals, polyaromatic hydrocarbons, petroleum hydrocarbons and asbestos containing materials within the landfill	Direct contact, ingestion, dust inhalation, plant uptake and consumption of wild fruit	Humans (adults and children)	Likely	Low	Moderate / low risk
	Direct contact	Property (buildings) [#]	Low	Low	Low risk
	Direct contact	Environment*	Unlikely	Low	Very low risk
	Direct contact	Controlled water (surface and groundwater)	Low	Medium	Moderate / low risk

Moderate/Low risk - It is possible that harm could arise to a designated receptor from an identified hazard. However, if any harm were to occur it is more likely that harm would be relatively mild.

Low risk - It is possible that harm could arise to a designated receptor from an identified hazard, but it is likely that this harm, if realised, would at worst normally be mild.

Very low risk - There is a low possibility that harm could arise to a receptor. In the event of such harm being realised it is unlikely to be severe.

Property receptors as set out in Table 2 of the contaminated land statutory guidance.

*Ecological systems as set out in Table 1 of the contaminated land statutory guidance

5 Outcome of Preliminary Risk Assessment

Conclusion

Plausible source pathway receptor linkages were identified and a MODERATE/LOW risk from contamination to human health, LOW risk to property, VERY LOW risk to the wider environment and MODERATE/LOW risk was identified to surface water and groundwater.

There was no evidence of harm or of a significant possibility of significant harm to the receptors identified in the conceptual site model. As the risk posed is moderate/low, the site would be classified as Category 3 as set out in the Statutory Guidance (Appendix D contains the categorisations from the Statutory Guidance).

No evidence was noted of significant pollution of controlled waters or of the significant possibility of such pollution.

Part 2A status

Statutory Guidance states that 'If the authority considers there is little reason to consider that the land might pose an unacceptable risk, inspection activities should stop at that point.' In such cases the authority should issue a written statement to that effect. This report forms that written statement.

On the basis of its assessment, the authority has concluded that the land does not meet the definition of contaminated land under Part 2A and is not considered contaminated land.

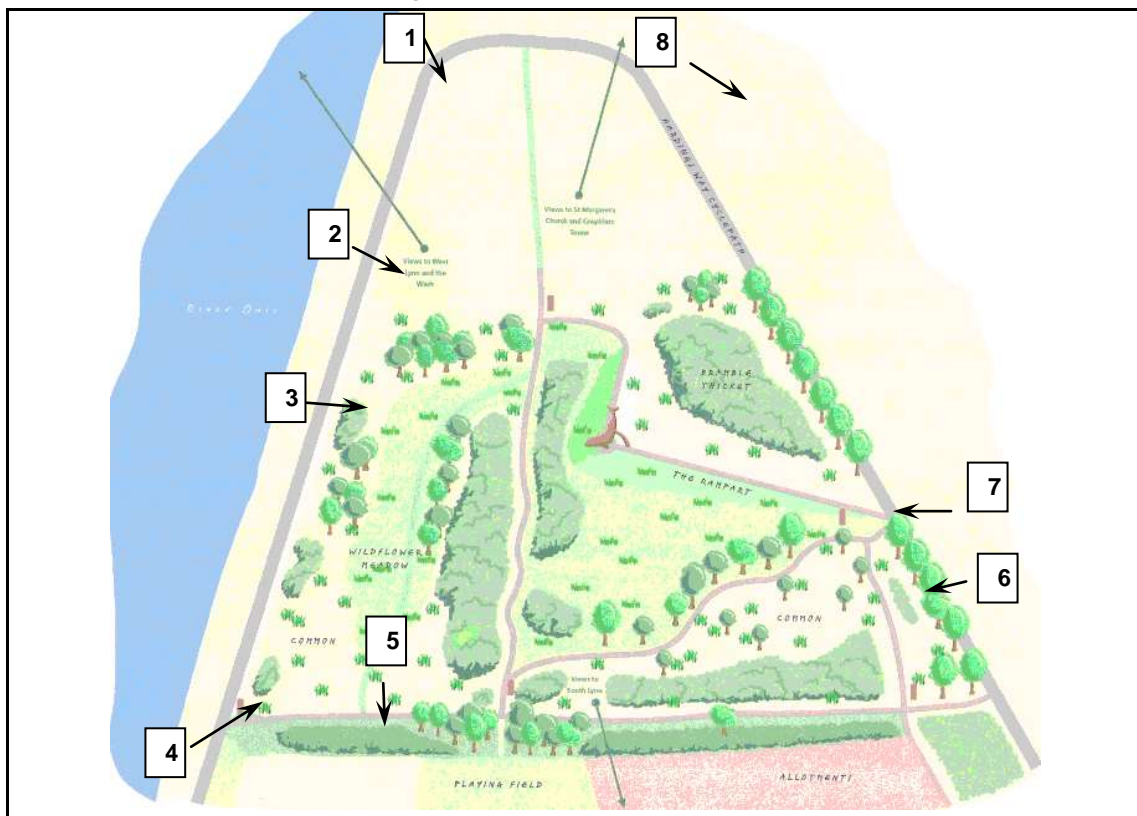
Further Action

This assessment is based on the site's current use and is valid providing no changes are made to the soil or vegetation cover material on Hardings Pits, to surface water conditions or to the site's use.

No further assessment of the site is considered necessary under Part 2A unless additional information is discovered or if changes are made to the site.

Appendices

Appendix A: Site Photographs



Location of photographs



Photograph 1:



Photograph 2:



Photograph 3:



Photograph 4:



Photograph 5



Photograph 6:



Photograph 7



Photograph 8

Appendix B: Drawings



Plan 1 – Site extent and location

Appendix C: Quantitative Human Health Risk Assessment, 2009

Appendix D: Risk Assessment Methodology

The Model Procedures for the Management of Land Contamination (CLR11⁴) provide the technical framework for applying a risk management process when dealing with contaminated land.

The Borough Council's Contaminated Land Strategy has identified priority sites based on mapping and documentary information. The Contaminated Land Inspection Report collates all the existing information on the site and develops a conceptual site model to identify and assess potential pollutant linkages and to estimate risk.

The risk assessment process focuses on whether there is an unacceptable risk, which will depend on the circumstances of the site and the context of the decision. The Council has used a process adapted from CIRIA C552, Contaminated Land Risk Assessment, a guide to good practice⁵ to produce the conceptual site model and estimate the risk of harm to defined receptors. This involves the consideration of the probability, nature and extent of exposure and the severity and extent of the effects of the contamination hazard should exposure occur.

The probability of an event can be classified as follows:

- Highly likely: The event appears very likely in the short term and almost inevitable over the long term, or there is evidence at the receptor of harm or pollution;
- Likely: It is probable that an event will occur, or circumstances are such that the event is not inevitable, but possible in the short term and likely over the long term;
- Low likelihood: Circumstances are possible under which an event could occur, but it is not certain even in the long term that an event would occur and it is less likely in the short term;
- Unlikely: Circumstances are such that it is improbable the event would occur even in the long term.

The severity of the hazard can be classified as follows:

- High: Short term (acute) risk to human health likely to result in 'significant harm' as defined by the Environment Protection Act 1990, Part 2A. Short term risk of pollution of sensitive water resources. Catastrophic damage to buildings or property. Short term risk to an ecosystem or organism forming part of that ecosystem (note definition of ecosystem in 'Contaminated Land Statutory Guidance, April 2012');
- Medium: Chronic damage to human health ('significant harm' as defined in 'Contaminated Land Statutory Guidance, April 2012'), pollution of sensitive water resources, significant change in an ecosystem or organism forming part of that ecosystem (note definition of ecosystem in 'Contaminated Land Statutory Guidance, April 2012');
- Low: Pollution of non-sensitive water resources. Significant damage to crops, buildings, structures and services ('significant harm' as defined in

⁴ <https://www.gov.uk/guidance/land-contamination-risk-management>

⁵ <https://www.brebookshop.com/samples/142102.pdf>

‘Contaminated Land Statutory Guidance, April 2012’). Damage to sensitive buildings, structures or the environment.

Once the probability of an event occurring and hazard severity has been classified, a risk category can be assigned from the table below:

		Hazard		
		High	Medium	Low
Probability	High Probability	Very High Risk	High Risk	Moderate Risk
	Likely	High Risk	Moderate Risk	Moderate/Low Risk
	Low Probability	Moderate risk	Moderate/Low Risk	Low Risk
	Unlikely	Moderate/Low Risk	Low Risk	Very Low Risk
Very High Risk		<p>There is a high probability that severe harm could arise to a designated receptor from an identified hazard, OR, there is evidence that severe harm to a designated receptor is currently happening</p> <p>This risk, if realised, is likely to result in a substantial liability.</p> <p>Urgent investigation (if not undertaken already) and remediation are likely to be required.</p>		
High Risk		<p>Harm is likely to arise to a designated receptor from an identified hazard.</p> <p>Realisation of the risk is likely to present a substantial liability.</p> <p>Urgent investigation (if not undertaken already) if required to clarify the risk and to determine the potential liability. Some remedial work may be required in the longer term.</p>		
Moderate risk		<p>It's possible that harm could arise to a designated receptor from an identified hazard. However, it is relatively unlikely that any such harm would be severe, or if any harm were to occur it is more likely that harm would be relatively mild.</p>		
Moderate/Low risk		<p>It is possible that harm could arise to a designated receptor from an identified hazard. However, if any harm were to occur it is more likely that harm would be relatively mild.</p>		
Low Risk		<p>It is possible that harm could arise to a designated receptor from an identified hazard, but it is likely that this harm, if realised, would at worst normally be mild.</p>		
Very Low Risk		<p>There is a low possibility that harm could arise to a receptor. In the event of such harm being realised it is unlikely to be severe.</p>		

Determination of contaminated land
Contaminated Land Statutory Guidance, April 2012

Human Health

Category	
1	<p>The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action is taken to stop it. For the purposes of this Guidance, these are referred to as “Category 1: Human Health” cases.</p> <p>Land should be deemed to be a Category 1: Human Health case where:</p> <ul style="list-style-type: none"> (a) The authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or (b) The authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; (c) The authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either: (i) that there is insufficient evidence to be sure of meeting the “balance of probability” test for demonstrating that significant harm is being caused; or (ii) that the time needed to demonstrate such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.
2	<p>Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve and having regard to Section 1. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.</p>
3	<p>Land should be placed into Category 3 if the authority concludes that the strong case described in 4.25(a) does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.</p>

Human Health

Category

- 4** The local authority should consider that the following types of land should be placed into Category 4: Human Health:
- (a) Land where no relevant contaminant linkage has been established.
 - (b) Land where there are only normal levels of contaminants in soil, as explained in Section 3 of this Guidance.
 - (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria in accordance with Section 3 of this Guidance, or relevant technical tools or advice that may be developed in accordance with paragraph 3.30 of this Guidance.
 - (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives).

Appendix E: CLEA v1.071 results reports