Borough Council of King's Lynn & West Norfolk



Contaminated Land Inspection Report

Stow Road, Wiggenhall St Mary Magdalen

August 2019

Reference no. CL 022155.2

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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 a landfill at Stow Road, Wiggenhall St Mary Magdalen (the site) as being of high priority due to the presence of landfill material and potentially sensitive receptors.

Given the former site usage, an assessment of the site has been undertaken to assess the potential for harm to human health, property, ground/surface water and designated environmental receptors under Part 2A.

To gather information of the site's history a desk study and preliminary risk assessment were carried out by the Environmental Quality Team. Access was not gained to a proportion of the site. Ground conditions have had to be assumed based on walkover information for a small area of the site and available documentary evidence.

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 marshland before being reprofiled for construction of part of a railway embankment. The site was used as a landfill by Downham Rural District Council from 1963. The site is now occupied by a residential property with a domestic garden, and part of a paddock.

From the contaminated land risk assessment plausible source pathway receptor linkages were identified. There is considered to be no significant risk to groundwater or surface water, due to the site overlaying a non-aquifer and the distance to the receptor respectively. There is not considered to be any significant risk to human health, ecology or property as the site was recorded as being filled with nonhazardous material. A LOW risk was assessed from contamination to human health, LOW risk to property, VERY LOW risk to the wider environment and 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 4 as set out in the Statutory Guidance. No evidence was noted of significant pollution of controlled waters or of the significant possibility of such pollution.

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 Stow Road, Wiggenhall St Mary Magdalen 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 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 559478 310464. The nearest postcode is PE34 3BB. Part of the site is at 92 Stow Road. The remainder of the site is to the west of 92 Stow Road and accessed from another property on Stow Road.

## Previous Site Usage

The site was historically marshland before being reprofiled for construction of a railway. The site was registered as an inert landfill being used by Downham Rural District Council from 1963.

## Present Site Usage

The site is now occupied by a residential property with a domestic garden, and part of a paddock. The location plan below (map 1) shows the site and the surrounding semi-rural area. Photographs of the site are in appendix A.



Map 1: Site location

## Ownership

The land is owned by residents of two properties on Stow Road. Part of the railway embankment is now owned and maintained by one of these landowners. This report will be made available to the site owners.

## Environmental Setting

#### Geology

The underlying geology comprises Kimmeridge Clay Formation. Surface deposits are recorded as Tidal Flat Deposits - Clay and Silt.

The Solid and Drift Geology Sheet 160, 1:50,000, 1999 and Regional Hydrological Characteristics Sheet 1 1:125 000 shows the site surface to be approximately 1.5 meters above Ordnance Datum (maOD).

#### Hydrogeology

The clay and silt deposits are designated by the Environment Agency as unproductive strata and the site is not within a Source Protection Zone (SPZ). There are no known licensed water abstractions within 1km of the site.

#### Hydrology

The nearest major water feature is The River Great Ouse, approximately 124m east of the site. There are no surface water abstraction points within 1000m.

## Local Authority Pollution Prevention and Control Regulations

No LAPPC or IPPC processes exist on site or within 500m.

#### Environment Agency records

The site is on the Environment Agency's historic landfill dataset as accepting, Inert waste (waste which remains largely unaltered once buried such as glass, concrete, bricks, tiles, soil and stones). The site is reported to have been run by Downham Rural District Council. The site began accepting waste 8th April 1963, but no date is given for the completion of the landfilling.

## MAGIC website records

The DEFRA MAGIC website records the following:

The land character is described as The Fens;

Soilscape - loamy and clayey soils of coastal flats with naturally high groundwater;

Landscape character - cropping and market gardening; Statutory designations of land - none

## Historic Maps

#### E-map Explorer

Enclosure Map 1800 – 1850 – Not available

Tithe map circa 1840 –.The site forms part of field 341 and is surrounded by fields

Ordnance Survey 1st Ed. 1879-1886 – not available

# Historic Maps on file at the Borough Council of King's Lynn and West Norfolk

Historic maps are presented in Appendix B and summarised below.

1843 – 1893: (Map 4) The site is indicated as being a marsh with a field to the north, Stow Road to the east, a railway line, on an embankment, to the south and additional marsh to the west. A residential dwelling is depicted in the field to the north.

1891 – 1912: (Map 5) The site occupies approximately field 160. The surrounding area remains the same. Field 160 has a thicker outline, potentially indicating the presence of water.

1904 – 1939: The site is denoted as a field labelled 160. The land is marked as marsh.

1919 – 1943: Not available.

1945 – 1970: (Map 6) The site is depicted as a marsh. The residential building to the north is labelled 'Archdale'. The railway embankment and railway are still depicted.

1970 – 1996: Not available

## Aerial Photographs

1945 – 1946: (Map 7) MOD Aerial Photograph – The site appears to be formed of two parts both with different texture to the surrounding area. The eastern half of the site appears very dark, indicating the presence of standing water or ponds; the western part appears to be uneven grass which may indicate the presence of marshland. The railway to the south is in place and the residential property to the north can be seen. A number of drainage features can be seen in the surrounding area.

1988 Aerial Photograph: The site is vegetated with some trees present. The railway appears to have been dismantled and there are now several residential properties in the field to the north. The site is partially occupied by a residential property and garden (92 Stow Rd).

1999 Aerial Photograph: (Map 8) As 1988 photograph. Part of the railway bank appears to have been cleared and incorporated into the grassed garden of the residential property. A paddock appears to have been established to the west of 92 Stow Road and incorporated into the land accessed from the property next door but one (Walnuts, Stow Road). The remainder of the site is vegetated with some uneven grassy, possibly marshy ground

2017 Aerial Photograph: (Map 2) The site is well vegetated with no signs of vegetation stress. The trees are green and in full leaf. Approximately half of the site is occupied by the house and garden of 92 Stow Rd and paddocks accessed from Walnuts. The remainder of the site (to the west) appears to be vegetated uneven ground. Outbuildings are present in the paddocks and a small outbuilding in the garden of 92 Stow Rd. Some materials appear to be stored in the paddocks, appearing as whitish piles. On adjacent land to the north of the site, the outbuilding from planning permission 14/00378/F (details below) is present as well as a smaller shed type structure.

## Norfolk County Council Records

Norfolk County Council's closed landfill team reviewed the site in 1998 for landfill gas potential. At the time of the review the closest property identified from maps was Archdale, approximately 70m to the northwest of the site. NCC information states that that the landfill was operational from 1963 to an

unknown time. Waste category was 2b (Household/Industrial/Commercial waste not including special or clinical waste). Capping material and restoration soils were unknown. From the information available it is assumed that the review did not place the site in a high priority for further action regarding landfill gas.

## Planning History

West Norfolk District council files record planning permission ref 2/75/2738, dated 16<sup>th</sup> October 1975 for the erection of a bungalow and garage. The planning documents do not contain any details of ground conditions. The plans indicate that concrete strip footings were used with solid floors consisting of tiles laid over concrete screed and a polythene damp-proof membrane.

King's Lynn & West Norfolk planning files record an application to replace the existing timber garage with a brick garage. Permission ref 2/88/0166 was granted on 30<sup>th</sup> March 1988.

In 2014 ref 14/00378/F permission was for Walnuts, Stow Road. This was for a proposed workshop on adjacent land to the north of the site. This was commented on by Environmental Quality Officers due to the proximity to the suspected landfill. The planning application included an initial contamination report which did not identify the presence of the historic landfill. After further research by the applicant, the location of the historic landfill was confirmed using the Environment Agency's historic landfill data. Following discussions with the applicants agent it was decided that as the workshop was not directly on the landfill and simple modifications could be installed which would mitigate against any potential risk to human health from hazardous ground gas. The application was approved including condition (5) regarding gas mitigation measures. Gas mitigation is reported to have been installed and condition 5 has been discharged.

## 3 Site Walkover

A site walkover was carried out in August and November 2018. Photographs are presented in Appendix A.

The garden of number 92 Stow Road was accessed with the owners who live in the house at this address. The property has a garden which extends to the rear and southern side of the house. The current residents bought the property in 1984 and later also acquired the railway embankment to the south which now forms part of the garden. The railway embankment slopes downwards into the garden and is grassed and planted with shrubs (photographs 1 & 2). The residents of 92 say that they have re-laid the lawns and had to clear and level out the ground on the embankment which was overgrown. The residents report that when excavations were made in the garden, the subsurface appeared to be made up with soils, old road surfacing material, hoggin and carrstone.

The garden of number 92 is predominantly lawned. There is a small greenhouse for growing vegetables in which the ground level is raised to

provide a suitable growing medium. All the vegetation appeared healthy and the ground appeared generally level (Photographs 3 & 4). The site walkover took place following a significant period of hot dry weather and grass dieback was common across the region. No evidence of waste material was noted at the surface and no signs of subsurface movement were observed.

Several attempts were made to arrange access to the paddock and field to the west of 92 Stow Road. However access was not granted to the land, therefore ground conditions in this location have had to be assumed based on photographic, documentary and anecdotal evidence.

#### Location of Receptors

#### Humans

There is a house and garden on the site where people are present and a number of others within 250m to the north and to the south of the railway embankment. It is assumed that the paddocks are also visited by the owners to feed and tend to the horses there.

#### Property

There are houses on site and adjacent as well as some outbuildings and agricultural land used to grow crops within 250m. It is understood that a neighbouring resident keeps horses in the paddocks.

#### 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 located approximately 125m to the east of the site and is contained within a substantial flood defence bank.

Groundwater is expected to be present at shallow depths, however this is not a productive source for drinking water.

## 4 Contaminated Land Risk Assessment

The borough council has used a process adapted from CIRIA C552 (Contaminated Land Risk Assessment, a guide to good practice) to produce the conceptual site model and estimate the risks 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. Further explanation is provided in Appendix C.

#### Assessment of probability of a contamination event

From the information gathered it is considered that there is the potential for a source of contamination to be present on the site. The potential source is landfilled waste.

#### Human health, property, environment

People (adults) are present on the site. Contact with fill material is unlikely as the site is covered with soil and vegetation and is not routinely disturbed. The probability is assessed as LOW.

Property is present on the site in the form of buildings and horses. It is understood that buildings are on raft foundations and no preferential pathway for ground gas to existing buildings appears likely from the available information. Additionally the site is not capped and therefore any hazardous ground gas will be able to vent to air vertically rather than migrate laterally into properties.

Horses may graze part of the site. Where access was gained for a walkover survey no evidence was noted of waste material at the surface of the site, which is predominantly vegetated. No evidence was noted of damage to crops in neighbouring fields. A limited amount of produce is grown on the site in a raised bed. This will effectively create a cover system or break layer between any potential contamination and the vegetables. The probability is assessed as LOW.

In considering environmental receptors, the statutory guidance states that the authority should only regard certain receptors (described in Table 1 of the Statutory Guidance) as being relevant for the purposes of Part 2A. Harm to an ecological system outside that description should not be considered to be significant harm. The site and surrounding area do not contain any of the receptors stipulated in Table 1 of the Statutory Guidance. Therefore the probability of a contamination event affecting environmental receptors is UNLIKELY.

The overall probability of a contamination event affecting human health, property, designated environmental receptors is LOW.

#### Controlled water - Groundwater

The groundwater beneath the site is classified as unproductive by the Environment Agency for the purposes of drinking water. Groundwater levels are predicted to be high but soils are clayey and should help to restrict the migration of any contamination. The probability of a contamination event affecting groundwater is assessed as LOW.

## Controlled water - Surface water

The River Great Ouse is situated behind substantial flood banks which are at a higher elevation than the site. The probability of water running off from the site or percolating into base flow is unlikely. No pollution incidents are recorded at local surface water features. Therefore the probability of a contamination event to surface water is assessed as UNLIKELY.

## Assessment of Hazard

#### Human Health

Access was not gained to a large proportion of the site. Ground conditions have had to be assumed based on walkover information for a small area of the site and available documentary evidence.

The site was permitted to receive landfill waste. Filling took place from 1963 for an unknown time (until 1975 at the latest). The evidence from the site walkover and anecdotal information suggest that the wastes were generally non-hazardous and have been in place for a minimum of 43 years. Some hydrocarbon containing road planings may have been included however it is considered that contamination from this source is likely to be stable and are generally not mobile. Some contaminants from the road planings may have migrated into the surrounding soil matrix, but it is considered that these would have been biodegraded by soil bacteria into low or non-toxic constituents.

Evidence from maps and aerial photographs suggests the available area for landfill was limited and therefore large amounts of waste are not expected to have been deposited. CL:AIRE research bulletin 17<sup>1</sup> suggests that Made Ground up to 5m depth with a low organic content is less likely to require gas monitoring and may be considered a low risk site for ground gas. The site is not capped and therefore any hazardous ground gas will be able to vent to air. The hazard is assessed as LOW.

#### Property

Harm, should it occur to crops, produce, livestock, owned or domesticated animals and buildings is not expected to be significant as defined in the statutory guidance. The hazard is assessed as LOW.

#### Environment

The site and surrounding area do not contain any of the receptors stipulated in Table 1 of the Statutory Guidance.

## Controlled Water – Groundwater & Surface water

No pollution incidents relating to the site have been recorded. The waste materials are likely to be stable and with low levels of mobile contamination.

<sup>&</sup>lt;sup>1</sup> Research Bulletin RB17, A Pragmatic Approach to Ground Gas Risk Assessment, CL:AIRE, 2012

Groundwater beneath the site is classified as unproductive for drinking water. Therefore the hazard is assessed as LOW.

## Conceptual site model

The conceptual site model (Table 3) shows the sources, pathways and receptors identified and the subsequent risk classification.

Source	Pathway	Receptor	Probabil ity	Hazard	Risk
Metals, Asbestos, Polyaromatic hydrocarbons petroleum hydrocarbons	Direct contact, ingestion, dust inhalation, plant uptake and consumption of produce	Humans (adults)	Low	Low	Low risk
within the landfill	Direct contact (ingestion – horses)	Property (buildings, horses, crops, produce)	Low	Low	Low risk
	Direct contact	Environment*	Unlikely	Low	Very low risk
	Direct contact	Controlled water (surface and groundwater)	Low	Low	Low risk

Table 3: Conceptual site model

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.

\*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 LOW risk from contamination to human health, LOW risk to property, VERY LOW risk to designated environmental receptors and 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 low, the site would be classified as Category 4 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.

It should be noted that access was refused to the paddock and field to the west of 92 Stow Road. Therefore ground conditions on this part of the site have had to be assumed based on available evidence.

#### 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 significant changes are made to the soil or vegetation cover material, to surface water conditions or to the site's use.

Available information suggests there is a low risk from hazardous ground gas to existing structures. Gas mitigation is reported to have been installed and a condition of planning permission granted in 2014 for a new structure has been discharged. If access was gained to the areas of the site in the west, the assumptions in this report could be refined based on visual observations.

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

Appendices

Appendix A: Site Photographs







Appendix B: Drawings















Appendix C: Risk Assessment Methodology

## **Risk Assessment Methodology**

The Model Procedures for the Management of Land Contamination (CLR11<sup>2</sup>) 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 practice<sup>3</sup> 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

<sup>&</sup>lt;sup>2</sup> https://www.gov.uk/guidance/land-contamination-risk-management

<sup>&</sup>lt;sup>3</sup> 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
ility	High Probability	Very High Risk	High Risk	Moderate Risk
bab	Likely	High Risk	Moderate Risk	Moderate/ Low Risk
Pre	Low Probability	Moderate risk	Moderate /Low Risk	Low Risk
	Unlikely	Moderate/Low Risk	Low Risk	Very Low Risk
	Very High Risk	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 This risk, if realised, is likely to result in a substantial liability. Urgent investigation (if not undertaken already)		
	High Risk	Harm is likely to arise to a designated receptor from an identified hazard. Realisation of the risk is likely to present a substantial liability. 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		
	Moderate risk	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.		
	Moderate/Low risk	It is pose receptor harm we would be	sible that harm could a from an identified haz are to occur it is more a relatively mild.	arise to a designated zard. However, if any likely that harm
	Low Risk	It is pose receptor that this be mild.	sible that harm could a from an identified haz harm, if realised, wou	arise to a designated zard, but it is likely Id at worst normally
	Very Low Risk	There is receptor it is unlik	a low possibility that l . In the event of such kelv to be severe.	harm could arise to a harm being realised

# Determination of contaminated land Contaminated Land Statutory Guidance, April 2012

## Human Health

Category	
1	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. Land should be deemed to be a Category 1: Human Health case where:
	(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	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.
3	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.

	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).