



RESTRICTED – COMMERCIAL

QUALITY CONTROL SHEET

## **REGENT'S PARK BARRACKS, LONDON**

### **LAND QUALITY ASSESSMENT PHASE ONE: DESK STUDY DRAFT TECHNICAL NOTE**

### **DEFENCE ESTATES**

**TECHNICAL NOTE**

**May 2007**

**by**

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Prepared by Enviros Consulting for  
Defence Estates



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## REPORT RELEASE SHEET

### DEFENCE ESTATES

#### REGENT'S PARK BARRACKS LAND QUALITY ASSESSMENT PHASE ONE – DESK STUDY TECHNICAL NOTE

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## 1. INTRODUCTION

- 1.1 In April 2007, Enviro Consulting (Enviro) was commissioned by Defence Estates to undertake a Phase One Land Quality Assessment (LQA) of the proposed band practice room, hereafter referred to as 'the site', at Regent's Park Barracks, London.

### Objectives

- 1.2 The objectives of the LQA are to determine the environmental quality of the land at the site, to review the potential ground contamination and to assess the potential for any health and environmental risks at the site associated redevelopment works and a future use as a band practice room with external areas comprising hardstanding.
- 1.3 The objective of this Technical Note is to set out the results of the environmental risk assessment and to identify the options available to Defence Estates for addressing land quality issues. Recommendations are made for further work, if appropriate, to manage risks to the environment and human health arising from any contamination at the site.

### Methodology

- 1.4 The management options and recommendations included in this note are based on the factual information and qualitative risk assessment relating to the site, which are set out in detail in the Land Quality Assessment Report. The Land Quality Assessment Report should be read in conjunction with this note.
- 1.5 The note is structured as follows: Chapter 2 provides a tabulation and discussion of the qualitative risk assessment addressing the significance of any contamination identified at the site. Chapter 3 discusses relevant environmental legislation and the likely statutory designation of the site. Chapter 4 presents management options identified for dealing with any land quality issues at the site and Chapter 5 discusses the recommended option(s). Conclusions are provided in Chapter 6.

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**2. SUMMARY OF ENVIRONMENTAL RISK ASSESSMENT**

- 2.1 Potential sources of contamination have been identified and a summary of the potential environmental risks associated with these is presented in Table 2.1. Potential risks to sensitive receptors that are assessed to be moderate/low and above are discussed below.

***During Current Use***

- 2.2 The potential risks to current site users from migration of soil gas from the infilled canal are assessed as moderate / low. This is due to the severity of the hazard, but also that the hazard is unlikely to occur. This is unlikely as the underlying geology has a low permeability, the infilling took place over 50 years ago and has subsequently been redeveloped.

**2.3 *During Redevelopment Works***

- 2.4 Potential risks to construction workers associated with redevelopment of the site from the potential presence of asbestos from demolished buildings are assessed to be moderate/low. These materials could be disturbed during redevelopment works leading to potential exposure to asbestos fibres. The use of appropriate PPE and decontamination procedures should be adhered to in order to reduce likelihood of exposure.
- 2.5 The potential risks to development workers from soil gas generated from the infilled canal are assessed as moderate/low due to the severity of the hazard (asphyxiation).

***Risks to Future Site Users***

- 2.6 The potential risks from any soil gas generated from the infilled canal is assessed as moderate/low due to the severity of the hazard (asphyxiation and explosion), although the age of the fill and low permeability nature of the underlying geology are also considered.

## REGENT'S PARK BARRACKS – PHASE 1 TECHNICAL NOTE

Table 2:1 Summary of potential environmental risks at Regent's Park Barrack for current use, during development and for the future use as a band practice room

Source	Identified Pollutant	Identified Receptors	Pathways to Receptors	Associated Hazard [severity]	Likelihood of Occurrence	Risk/ Significance
Historic vehicle washing facility	Heavy metals, PAHs, hydrocarbons, detergents	<b>Humans</b>	Inhalation of volatiles	Health risk	Vehicle washing facility present but it is now redundant. Hand washing of cars now carried out in this area.	
					Assessment for current use, during redevelopment and future use scenarios	
					Current site users	Medium Unlikely Low Hardstanding will prevent exposure to any subsurface contamination. <b>D: Minor remediation liability</b>
					Future site users	Medium Unlikely Low Buildings and hardstanding will prevent exposure to any subsurface contamination. <b>D: Minor remediation liability</b>
					Construction workers during re-development	Direct contact, ingestion or inhalation Medium Unlikely Low Exposure to any contamination during groundworks will be short term and mitigated by the appropriate use of PPE and site controls. <b>D: Minor remediation liability</b>
		<b>Surface water</b> (Boating Lake & Grand Union Canal)	Baseflow	Degradation of surface waters  Mild	Unlikely Nearest controlled surface water is Grand Union Canal located 600m north west classified by EA as Grade E. Other unclassified surface water 700m SW. Hardstanding will limit infiltration. Due to the presence of low permeability strata beneath the site there is little potential for baseflow to surface water.	Very Low <b>E: Minor significance, no remediation required</b>
					<b>Buildings and services</b>	Direct contact Permeation of water pipes and degradation of building structure Low likelihood Water pipes and foundations from future development may be laid in Low <b>D: Minor remediation liability</b>

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Source	Identified Pollutant	Identified Receptors	Pathways to Receptors	Associated Hazard [severity]	Likelihood of Occurrence	Risk/ Significance
<i>Mild</i>					contaminated soils, although they are likely to be laid above the water table.	
Demolished buildings	Asbestos	Human	Inhalation of asbestos fibres	Health hazard	Potential for asbestos containing materials from demolition of former on-site buildings.	
Assessment for during current use, redevelopment and future use scenarios						
		Construction workers		<i>Severe</i>	<i>Unlikely</i> Exposure during groundworks will be short term and mitigated by the appropriate use of PPE and site controls.	Moderate/ low <b>D: Minor remediation liability</b>
Off-site sources (railway lines, sidings and carriage shed, infilled canal, historic hospitals and garages, timber yard, sanitary engineers, oil and colour storage)	Heavy metals, phenols, sulphates, PAHs, PCBs, hydrocarbons, solvents, herbicides and asbestos	Humans	Inhalation of dusts and vapours	Health hazard	Railway lines 100m to the east of the site but site underlain by low permeability strata thus minimising any on-site migration.	
Assessment for during current use redevelopment and future use scenarios						
		Current site users		<i>Medium</i>	<i>Unlikely</i> Buildings and hardstanding will prevent exposure to any subsurface contamination.	Low <b>E: Minor significance, no remediation required</b>
		Construction workers during re-development		<i>Medium</i>	<i>Unlikely</i> Any exposure during groundworks will be short term and mitigated by the appropriate use of PPE and site controls.	Low <b>E: Minor significance, no remediation required</b>
		Future site users		<i>Medium</i>	<i>Unlikely</i> Buildings and hardstanding will prevent exposure to any subsurface contamination.	Low <b>E: Minor significance, no remediation required</b>
		<b>Buildings and services</b>	Direct contact, migration of vapours	Permeation of water pipes, degradation of building structure	<i>Unlikely</i> On-site migration of contaminants unlikely due to low permeability	Very low <b>E: Minor significance, no remediation</b>

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Source	Identified Pollutant	Identified Receptors	Pathways to Receptors	Associated Hazard [severity]	Likelihood of Occurrence	Risk/ Significance		
				Mild	underlying geology.	required		
Off-site infilled canal	Soil gas	Humans	Migration via permeable strata	Explosion and asphyxiation	Infilled canal potentially containing biodegradable material approximately 50 years old 70m east of the site. Parts of canal were redeveloped in 1960s.			
					Assessment for during current use, redevelopment and future use scenarios			
					Current site users	Severe	Unlikely	Moderate/ low
							Site underlain by low permeability material. No on-site buildings for gas to accumulate within.	E: Minor significance, no remediation required
					Construction workers during re-development	Severe	Unlikely	Moderate / low
							Site underlain by low permeability material. Appropriate PPE and site controls will mitigate risk.	E: Minor significance, no remediation required
On-site buildings				Explosion	Future site users	Moderate / low		
							Site underlain by low permeability material. Any accumulation of soil gas within enclosed spaces or basement areas in buildings may lead to asphyxiation or explosion.	E: Minor significance, no remediation required
							Unlikely	Low
				Medium	No current buildings on site. For any future buildings, site is underlain by low permeability material. Any accumulation of soil gas within enclosed spaces or basement areas in buildings may lead to explosion.	E: Minor significance, no remediation required		



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### 3. REGULATORY CONTEXT

#### Background

- 3.1 It is MOD policy to comply with the letter and spirit of the Environmental Protection Act 1990, the Environment Act 1995 together with all other existing environmental legislation. MOD has implemented and operates a management structure to achieve this. Other elements of the policy are to:
- ◆ invoke Crown or Defence exemptions or immunity only where essential to maintain operational effectiveness;
  - ◆ comply with the international conventions to which the UK is a signatory and the host nation legislation in countries where the UK forces operate;
  - ◆ protect and enhance the natural environment in line with the Government's environmental strategy and the principles of stewardship and sustainability, within overriding operational and financial constraints; and to
  - ◆ strive to be a good neighbour at home and abroad.
- 3.2 Joint Services Publication 418, the MOD Environment Manual forms part of the MOD's management structure implemented in support of this policy. JSP 418 advocates consideration of environmental issues as an integral part of the on-going management of sites and current MOD policy includes implementation of a corporate wide Environmental Management System (EMS).
- 3.3 Environmental legislation pertinent to management of potential contamination at Regent's Park Barracks is described below.

#### Statutory Designation

##### ***Part IIA Environmental Protection Act 1990 – Contaminated Land Regulations***

- 3.4 A new regime for identifying and remediating contaminated land under Part IIA of the Environmental Protection Act 1990 came into force in England on 1 April 2000. This could have implications for the MOD in relation to its ownership of the Regent's Park Barracks.
- 3.5 "Contaminated Land" for the purposes of Part IIA is defined as "any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:
- ◆ Significant harm is being caused or there is a significant possibility of such harm being caused; or
  - ◆ Pollution of controlled waters is being, or is likely to be, caused.
- 3.6 Contaminated land as defined by these provisions of Part IIA is referred to here and in the following paragraphs as "Statutory Contaminated Land". Further background information on the provisions of Part IIA is given in Appendix 1 of this report.

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- 3.7 Until recently the Part IIA regime excluded radioactively contaminated land. The recent Radioactive Contaminated Land (Modification of Enactments)(England) Regulations 2006 now make provision for Part IIA to have effect with modifications for the purposes of identification and remediation of radioactively contaminated land. They also transpose into the law of England and Wales Articles 48 and 53 of the Basic Safety Standards Directive (Council Directive 96/29/Euratom of 13 May 1966) which lay down basic safety standards for the protection of health workers and the general public against the dangers arising from ionising radiation. They apply in relation to England only. In respect of defence sites, the legal basis for the extension of Part IIA to include radioactivity is purely domestic law, and not pursuant to the UK's obligations under Euroatom.
- 3.8 In our opinion, for the current land use, would not be classified as Statutory Contaminated Land by the local authority. This is due to the absence of a pollution linkage with the potential to cause significant harm to people or the environment and/or pollution to water resources.
- 3.9 The guidance states that transfer of potential statutory liability can take place provided the new owner is supplied with the relevant information prior to the sale (the relevant exclusion test applies – see Appendix 1). The Land Quality Assessment Report would provide information so that a transfer could take place within the context of a sale contract.
- 3.10 Future tenants or owners, as the occupiers of the land could also be responsible for any residual liabilities, either if such liabilities were transferred as a condition of sale or if the owner and/or original polluter could not “be found”. However, as the original polluter, the MOD are unlikely not to be found and it is therefore difficult to envisage the circumstances under which occupiers in such a situation would be deemed to be liable.

***Planning and Policy Statement 23: Planning and Pollution Control***

- 3.11 Local planning authorities take account of contamination or the potential for contamination in preparing development plans. These set out the policies and proposals for future land use and development within their area. Determination of individual applications for planning permission is an additional control. Guidance for planning authorities is currently provided in ‘Planning Policy Guidance: Planning and Pollution Control (PPG 23). In the case of Regent's Park Barracks, the local planning authority, London Borough of Camden, will set the conditions for any development and inspect for compliance.

***Water Resources Act 1991***

- 3.12 The Water Resources Act (WRA) 1991 is also an important piece of environmental legislation for land owners/ occupiers. For sites where contamination of controlled waters is an issue, in addition to the provisions of Part IIA (described above) consideration must also be given to the WRA.
- 3.13 The WRA is concerned with contamination of controlled waters (both groundwater and surface water) and gives powers to the Environment Agency (EA) to either deal with/ remediate contamination of such controlled water and also of land where pollution may enter controlled waters. This power may be exercised by means of a Works Notice, issued by the EA requiring the necessary remediation to be carried out or by the EA carrying out the remediation themselves and serving a notice to recover the cost. The person liable is the person who caused or knowingly permitted the substances to be present on the land or in the water.

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- 3.14 The provisions of the WRA (and the consequent powers of the EA) can apply even when the land is not Statutory Contaminated Land under the terms of Part IIA. The EA have indicated that in general Part IIA will be applied in preference to WRA powers if it is applicable.
- 3.15 In our opinion the EA would not exercise their powers under the WRA to issue a Works Notice in respect of this site.

***Control of Asbestos at Work Regulations 2002***

- 3.16 The Control of Asbestos at Work Regulations 2002 places new duties on those who are responsible for maintaining and repairing a property, including landlords, tenants and managing agents. The duties require the management of asbestos in all non-domestic buildings and comprise: identification of asbestos; risk assessment in relation to any identified asbestos; and a risk management plan detailing remedial action or an on-going monitoring program to assess the condition of asbestos. The Regulations came into force in May 2004.
- 3.17 Based on the above, it is recommended that a review of compliance with the Asbestos at Work Regulations is undertaken and that any immediate actions identified by the survey are implemented.
- 3.18 Any asbestos encountered during the groundworks should be removed by a licensed contractor.

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#### 4. MANAGEMENT OPTIONS

- 4.1 It is understood that Defence Estates wish redevelop the site as a band practice room. There are a number of options available to the MOD for further addressing land quality issues at the site, which can be summarised as follows:

**Option 1:** Undertake no further work at the site, but keep a watching brief for asbestos during redevelopment and ensure that the health and safety plan for site workers incorporates asbestos management.

**Option 2:** Undertake a site investigation to determine if asbestos or other contaminants are present on the site, beneath the hardstanding.

##### Option 1 – No further work

- 4.2 Option 1 implies that no further action is required at the site. It has the benefit that no further costs would be incurred, but it provides no further information regarding the land quality of the site.
- 4.3 Adopting this 'Do Nothing' option requires that the current status of the site is of sufficiently low risk to ensure that significant harm is not being caused to human health or that pollution of controlled waters is not occurring. The risk assessment carried out as part of this study has demonstrated that potential risks to current site users, construction workers and future residents from asbestos from demolished on-site buildings are moderate/low, although the probability of the risk being realised is unlikely.
- 4.4 The disadvantage of this option is that any risks that are realised during and/or following redevelopment could result in liabilities if the works are not investigated and managed appropriately.
- 4.5 Within the do nothing option, it is recommended that a watching brief is maintained during any on site redevelopment works. This would allow redevelopment to continue without delay or gathering of further information regarding land quality. The ground workers should incorporate asbestos management into their risk assessment and ensure that the appropriate PPE is worn. If asbestos is identified beneath the site then it should be removed from site by an appropriately licensed contractor. If other contaminants are identified then the nature and extent of these should be assessed to determine if mitigation is necessary.

##### Option 2 – Site Investigation

- 4.6 Option 2 would allow further information to be generated regarding land quality and may enable the risks as categorised in Chapter 2 to be re-defined or even mitigated. In particular, it would allow further information to be generated on the potential presence of asbestos at the site and would allow a more detailed and certain risk appraisal to be undertaken.
- 4.7 At present, the areas of the site which have been identified as presenting potential risks are to construction workers from asbestos fibres from the demolished on-site.

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4.8 A targeted investigation would involve an intrusive investigation and laboratory testing, to establish whether the potential for contamination has been realised. This investigation would comprise:

- ◆ Construction of up to seven window sample holes using a percussive window sampler for soil characterisation and sampling;
- ◆ Installation of five wells to monitor for soil gas;
- ◆ Approximately 8 soil samples will be analysed for heavy metals, pH, sulphate, speciated PAHs, cyanide, phenol, EPH (with risk banding C10-C40) and asbestos. On-site headspace analysis will be undertaken to identify samples with elevated concentrations of volatile compounds and, if found, these will be sent for VOC and or TPHCWG analysis. TOC analyses will also be undertaken on a few samples to characterise the organic matter content of the soils.
- ◆ Three additional rounds of monitoring of the gas wells (one would be undertaken during the site works)

Window samples have been chosen over other intrusive methods (such as trial pitting) due to the size and access arrangements of the site. Installation of window sample holes avoid major site and ground disturbances. The holes can also be installed with permanent wells to monitor for soil gas.

4.9 Total costs for this option are estimated at £7,500 plus VAT. Please note that this cost is indicative only. Proposed sampling locations shown on Figure 2. An indicative costs table is shown below:

Costs		Fees	
Mobilisation	100	Supervision and logging of window sample holes	400
Window Sampler Day Rate	500	Analyse data and write report (including director review)	4200
Installation of wells	100	Three visits to site to monitor for gas	1200
PPE	10		
Soil Analysis	940		
Equipment (FID)	50		
Total costs	1700	Total fees	5800
<b>Indicative total fees and costs</b>	<b>7500</b>		

4.10 If the site were to be redeveloped, this option would have the advantage that the information obtained could be used to help address any planning conditions relating to land contamination.

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4.11 A summary of the advantages and disadvantages of the identified options is provided below:

Option	Benefits	Disadvantages
Option 1: Do nothing but keep a watching brief for asbestos	No additional cost incurred No delay in commencement of site redevelopment process	No further information generated about land quality at the site. Not all risks for current use are 'low' Potential liabilities in the future.
Option 2: Site investigation	A more accurate picture of land quality at the site gained & risks reassessed.	Additional costs. Time taken to acquire data.



## 5. RECOMMENDED OPTION(S)

### **Recommended Option for Site Retention and Redevelopment: Option 1 Do Nothing**

- 5.1 It is recommended that Option 1 be adopted to do nothing at this stage, but to keep a watching brief for the presence of asbestos or other contaminants during the groundworks. This would allow redevelopment works to commence immediately without incurring any further investigation costs.

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## 6. CONCLUSIONS

- 6.1 A small number of sources of potential contamination have been identified at the site. These include the demolished on-site buildings, former vehicle washing facility and off-site railway lines, sidings and carriage sheds, infilled canal, sanitary engineers, oil and colour storage, historic hospitals and garages.
- 6.2 The site is located on approximately 30m of London Clay, which is underlain by Reading Beds, Thanet Sands and Chalk. The London Clay is classified as a Non-Aquifer. The site is not located within an Environment Agency designated groundwater protection zone and the nearest abstraction is located 740m west for animal watering and general use.
- 6.3 The closest surface water is the Grand Union Canal (classified by the EA as Grade E for chemical quality) located 600m north west of the site. A Boating Lake is situated 700m south west and is not classified for chemical quality by the EA. Due to the presence of low permeability strata beneath the site and surrounding area it is unlikely that surface water would receive a baseflow contribution from the groundwater beneath the site.
- 6.4 The potential risks to construction workers during redevelopment from asbestos associated with the demolished on-site buildings and soil gas migration from the off-site infilled canal are assessed as moderate/low. The potential risks to construction workers during redevelopment, current site users and future site users from soil gas migration from the off-site infilled canal are assessed as moderate/low. All other risks are assessed as low.
- 6.5 It is considered unlikely that there will be any significant environmental constraints to the development of the site for use as a band practise room, provided potential risks are appropriately managed and mitigated. A watching brief is recommended to ensure that ground workers are aware of the potential risks and that any asbestos from demolished on-site buildings is identified and disposed of appropriately.
- 6.6 Given the nature of the potential contamination identified by this study, it is unlikely that the site would be classified as Statutory Contaminated Land under Part IIA of the Environmental Protection Act 1990. Similarly, it is most unlikely that the Environment Agency would exercise their powers under the Water Resources Act 1991 in respect of the site.





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### FIGURES

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### FIGURE 1: SITE LOCATION PLAN



Ref: I:\DG\CADTEAM\new-cars\IN0940032a

Plot date: May 15, 2007 - 2:40pm

File name: JSF3068.dwg

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2004 Licence number 0100031673



SCALE  
1:50,000  
CONTENT  
DWN  
CHECKED

CAN  
IN0940032A  
DRAWN  
JSF  
DATE  
MAY 2007

REGENTS PARK,  
LONDON  
FIGURE 1  
SITE LOCATION PLAN



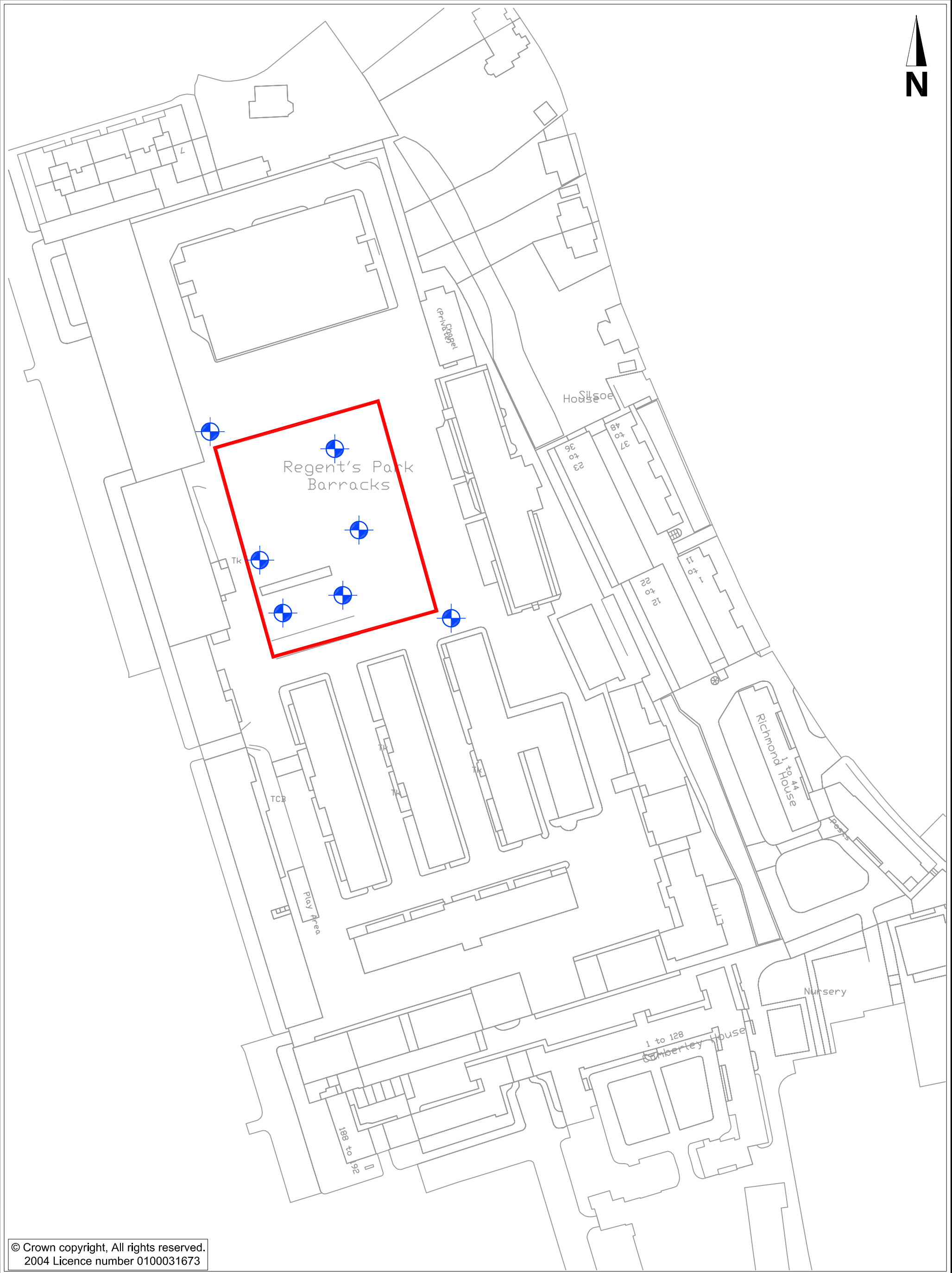


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### FIGURE 2: PROPOSED EXPLORATORY PLAN



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KEY:

-  Site Boundary
-  Proposed Exploratory hole



SCALE

1:1000

CONTENT

DWN

CHECKED

CAN

IN0940032A

DRAWN

JSF

DATE

MAY 2007

REGENTS BARRACKS,  
LONDON

FIGURE 2  
PROPOSED EXPLORATORY PLAN



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### APPENDICES



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### 1. BACKGROUND INFORMATION OF PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT 1990

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**Background**

The Statutory Guidance on contaminated land (DETR Circular 02/2006) describes how liabilities associated with the remediation of statutory 'Contaminated Land' will be determined (Annex 3, Chapter D). For most sites, any such liability will fall to the person (individual or corporation) who caused or knowingly permitted the presence of the substances causing actual or potential significant harm (Class A Person) or if they cannot be found the owner/ occupier of the site (the Class B Person).

However, the Guidance also describes certain circumstances when persons or organisations who would otherwise be responsible for remediation may be excluded from such liability. There is a series of "Exclusion Tests" which sets out in detail how parties can be removed from liability under the terms of these exclusion tests. The exclusion tests are subject to some over-riding guidance:

- a. that the tests apply to each individual 'pollutant linkage';
- b. that the tests are applied in the sequence set out in the Guidance;
- c. that the tests cannot exclude all the members of a liability group – that is so that there would be no 'responsible person'. [In this event the test which would exclude the last person should not be carried out].

It is emphasised that the Exclusion Tests do not apply unless there is more than one Class A person in the first place.

Each of the Exclusion Tests is described briefly below with explanatory text for those Tests of relevance to the MOD and this site.

**Test 1 – Excluded Activities**

This test excludes from liability those parties whose involvement in a site of statutory contaminated land is limited to; making financial or insurance provision; placing waste on land in another's control under contract; taking / not taking statutory enforcement action; providing advice. MOD would be unlikely to be excluded under Test 1.

**Test 2 – Payment made for Remediation**

Test 2 excludes from liability a party who has made payment sufficient to pay for adequate remediation to another member of the liability group. (There are also some conditional statements attached to this test). MOD could therefore be excluded from liability if sufficient payment was made to another member of the liability group to pay for remediation such that the site was no longer classified as Statutory Contaminated Land. This may have been by a specific price reduction to deal with contamination.

**Test 3 – Sold with information**

This test is potentially the most relevant exclusion test for the MOD. Test 3 excludes a party from liability, who caused or knowingly permitted significant pollution and passes this liability to another member of the liability group. This is achieved by;

- a. selling the land to the other member;



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- b. selling the land 'at arms length' (i.e. as if it was on the open market);
- c. providing the purchaser with information about the contamination in the pollutant linkage, and not misrepresenting the implications of that presence.

(The Guidance then includes a further detailed series of qualifying statements).

**Test 4 – Changes to substances**

Test 4 excludes a party from liability who caused or knowingly permitted the presence of contamination, but where the pollutant linkage was created by another member who introduced a new substance which by virtue of chemical reaction, created that linkage.

Test 4 could also therefore be important to MOD in that if residual contamination was present on the site at the time of sale, providing the information about these ground conditions is likely to be considered "a reasonable precaution" to prevent the later introduction of a substance which could give rise to such a chemical reaction.

**Test 5 – Escaped substances**

This test excludes those from liability where contamination has migrated from another persons land, and the owner / occupier (another party) was responsible for the escape of that contamination. Test 5 is unlikely to be relevant to the MOD at this site.

**Test 6 – Introduction of pathways or receptors**

Test 6 excludes a party from liability where the significant pollutant linkage was created by another party who subsequently either; introduced a pathway (e.g. removed hardstanding cover to contamination / constructed piled foundations) or, introduced a receptor (e.g. people in their gardens on a previously covered site).

Test 6 could also be important to the MOD in that if residual contamination was present at the site at the time of sale, not providing information about these ground conditions (to the party who subsequently created the pollutant linkage) could be considered a 'relevant omission'. Such an omission could lead to the inadvertent creation of a pollutant linkage. The implication of this is that the party who originally caused or knowingly permitted the presence of the contamination could then be considered to be the responsible person. Conversely, providing the information about the presence of the contamination would mean that anyone provided with that information and subsequently introducing a pathway or receptor in a significant pollution linkage would be likely to be responsible for remediation.

**Agreements on Liabilities**

The Statutory Guidance also provides that if parties agree an allocation of responsibility for cleaning up "contaminated land" and tell the enforcing authority about the arrangement then provided that neither party challenges the application of the Agreement, and provided that a party accepting liability cannot claim hardship, then the enforcing authority will "generally" give effect to the Agreement. This may be a helpful approach if a purchaser from the MOD is a company of long and secure standing with prospect of financial security into the future (in legal terms 'a strong covenant') and wishes to assume liability for clean-up.



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### 2. SUMMARY OF LQA

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**RESTRICTED COMMERCIAL****REGENT'S PARK BARRACKS – PHASE 1 TECHNICAL NOTE**

1. Site DPR #	2. Site Name	3. Area (ha)	4. Grid Ref	5. LQA priority	6. Current LQA Phase	7. Start Date	8. Finish Date	9. Total spend to date
-	Regent's Park Barracks	0.1	528700, 183200	-	-	April 2007	May 2007	-

10. Overall Land Quality	11. Pollutant source	12. Pollutant	13. Receptors	14. Approx area of site affected (0.1ha)	15. Liability class
2	Former vehicle washing facility	Heavy metals, PAHs, hydrocarbons and detergents.	Current site users Construction workers Future site users Buildings and services Surface water	0.1	D D D D E
	Demolished on-site buildings	Asbestos	Construction workers	0.1	D
	Off-site railway line, sidings and carriages buildings	Heavy metals, phenols, sulphates, PAHs, PCBs, hydrocarbons, solvents, herbicides and asbestos.	Construction workers Future site users Buildings and services Surface water	0.1	E E E E
	Off-site infilled canal	Unknown fill material, but potentially heavy metals, PAHs, pH, ammonium, sulphate, sulphide, cyanide, phenol, asbestos, hydrocarbons, PCBs and soil gas.	Construction workers Future site users On-site buildings	0.1	E E E E

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	Off-site historic hospital	Heavy metals, PAHs, pathogens, hydrocarbons, VOCs, phenols, pH, solvents, asbestos and sulphate.	Construction workers Future site users Buildings and services	2500	E E E
	Off-site historic garage	Heavy metals, PAHs, hydrocarbons, VOCs, phenols, pH, solvents, asbestos and sulphate.	Construction workers Future site users Buildings and services	6000	E E E

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