

ANNEX C
Risk Assessment Definitions

The contaminated land regime is set out in Part 2A of the Environmental Protection Act (EPA) 1990 and was introduced on the 1st April 2000 in England and 1st July 2001 in Wales. A similar regime was introduced in Scotland on 14th July 2000.

Part 2A was introduced to achieve three overarching objectives:

- (a) To identify and remove unacceptable risks to human health and the environment.
- (b) To seek to ensure that contaminated land is made suitable for its current use.
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

Under Part 2A the statutory definition of 'contaminated land' is:

"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:

- (a) Significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) Pollution of controlled waters is being, or is likely to be, caused."

Under Part 2A, for land to be classified as 'Contaminated Land' there must be one or more contaminant, pathway, receptor linkages, known as the '**Pollutant Linkage**'. A pollutant linkage requires three essential elements:

- (a) A **CONTAMINANT** (SOURCE) – a substance that is in, on or under the land and has the potential to cause harm or to cause pollution of controlled waters.
- (b) A **RECEPTOR** – something which could be adversely affected by a contaminant.
- (c) A **PATHWAY** – a route by which a receptor is or might be exposed to or affected by a contaminant.

The term 'Risk' is widely used in different contexts and situations, but a prescriptive definition is given by the Guidelines for Environmental Risk Assessment and Management (DEFRA *et al*, 2000):

'Risk is a combination of the probability, or frequency, of occurrence of a defined hazard and the magnitude of the consequences of the occurrence'.

Model Procedures for the Management of Land Contamination – Contamination Land Report 11 (2004) defines a 'Hazard' as

'a property or situation that in particular circumstances could lead to harm'.

A framework for qualitative risk assessment is provided in CIRIA publication C552 Contaminated Land Risk Assessment – A Guide to Good Practice (2001). The method requires an assessment of the magnitude of the probability of the risk occurring and the magnitude of the potential consequence. Classifications of consequences and probability, levels and descriptions of risk have been devised from the above publication and are defined in the following sections.

Classification of Consequence

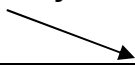
Table A Classification of Consequence	
Classification	Definition
Severe	• Short term (acute) risk to human health likely to result in significant harm • Short term risk to controlled waters • Catastrophic damage to buildings/structures • Short term risk to an ecosystem or organism within the particular ecosystem
Medium	• Chronic damage to human health (long term risk) • Pollution of a sensitive water resource • A significant change in an ecosystem or organism within the ecosystem
Mild	• Pollution of non-sensitive water resources • Significant damage to buildings/structures • Damage to sensitive buildings/structure/services or the environment
Negligible	• Harm (not necessarily significant) which may result in financial loss • Non-permanent health effects to humans (easily prevented by PPE for example) • Easily repairable effects of structural (building) damage

Classification of Probability

Table B Classification of Probability	
Classification	Definition
High Likelihood	• There is a complete pollution linkage and an event appears very likely to occur in the short term and is inevitable in the long term. • Evidence of harm to the receptor
Likely	• There is a complete pollution linkage which means that it is probable that an event will occur • The event is not inevitable but possible in short term and likely in the long term
Low Likelihood	• There is a complete pollution linkage and circumstances are possible under which an event could occur • It is not certain that an event will occur in the long term, and it is less likely to occur in the short term
Unlikely	• There is a complete pollution linkage but circumstances are such that it is improbable that an event would occur even in the long term

Risk Assessment Matrix

By comparing the consequences of a risk and the probability of the risk of a pollution linkage, the likely risk category can be determined as shown in **Table C** below.

Table C Risk Assessment Matrix					
Increasing acceptability 		Consequence			
		Severe	Medium	Mild	Negligible
Probability	High Likelihood	High risk	High risk	Medium risk	Low risk
	Likely	High risk	Medium risk	Low risk	Near zero risk
	Low Likelihood	Medium risk	Low risk	Low risk	Near zero risk
	Unlikely	Low risk	Near zero risk	Near zero risk	Near zero risk

Description of Risks and Likely Actions

High Risk

There is a high probability that severe harm could arise to a receptor, or there is evidence that a receptor is currently being severely harmed. The risk if realised is likely to result in liability, and urgent investigation or remediation will be required.

Medium Risk

It is probable that harm will arise to a receptor. However, it is relatively unlikely that such harm would be severe, or if harm does occur the harm is likely to be relatively mild. Investigation will be required to determine the liability, and some remedial works may be required in the long term.

Low Risk

It is possible that harm may arise to a receptor, but it is likely that the harm would be mild.

Near Zero Risk

There is a very low risk of harm to the receptor. In the event of harm being realised the harm is not likely to be severe.