

MALVERN HILLS DISTRICT COUNCIL

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 78b(3).

NOTICE OF DETERMINATION THAT LAND IS CONTAMINATED LAND.

To: Mrs. P.M. Owen, (previously of Apple Tree House, Millers Court Road, Birtsmorton, Worcestershire).

C/O Mr. Richard Hadley, Solicitor
Gaynor – Smith Owen & Co.
133 – 135 Barnards Green Road
Malvern
Worcestershire
WR14 3LT

Under section 78B(3) of the Environmental Protection Act 1990, Malvern Hills District Council, ("the Council"), has determined that the land described in schedule 1 to this Notice, ("the land"), being land which is situated within the Council's area, is contaminated land.

Notice of the fact is hereby given to you in the capacity indicated below and pursuant to the paragraph of section 78B(3) of the Act as indicated below:

the owner of the land.

A summary of the basis on which this determination has been made is set out in Schedule 2 of this Notice.

Dated this seventh day of January 2009.



Mr. A. Ferguson,
Environment Team Manager, Customer & Environmental Services.

The Council House,
Avenue Road,
Malvern
Worcestershire
WR14 3AF.

SCHEDULE 1

Description of the land.

The property and land within the boundary marked in red on the attached plan and known as:

Apple Tree House
Millers Court Road
Birtsmorton
Worcestershire
WR13 6AP

National Grid Ref.: SO 79310 36530

SCHEDULE 2.

Summary of the basis on which the determination has been made.

SCHEDULE

1. Pollution linkage.

Contaminant: Petroleum Hydrocarbons.

Pathway: Migration through sub-soil, percolation into drinking water supply, (well Water).

Receptors: Occupants of the dwelling.

Minor aquifer, (River Terrace Gravels and Mercia Mudstone).

Birtsmorton Brook – possible, not considered to be at significant risk.

2. Evidence on which the determination is based.

a). Site Report SO 80012 36388 of October 2007.

Mr. Steve Brown. Area Hydrogeologist, Environment Agency, Tewkesbury.

b). Proposal Ref. 60064 P1. & Site Investigation with Risk Assessment. June 2008.

ESI Ltd; Soil & Groundwater Consultants, New Zealand House, 160 Abbey Foregate, Shrewsbury.

c). Report Ref. 60064 R1D1. January 2009.

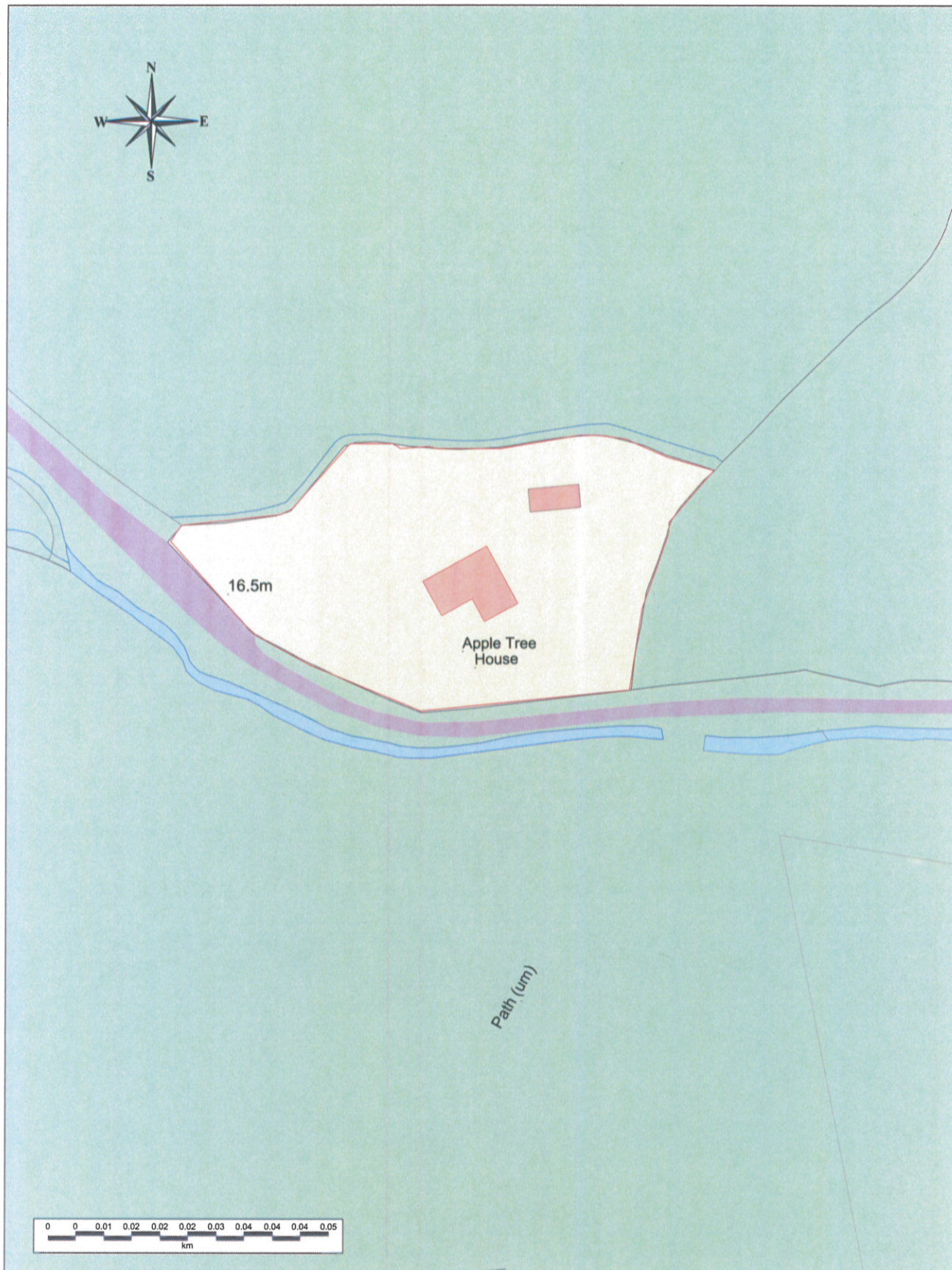
ESI Ltd; Shrewsbury.

Contamination of land and well water supply with heating oils rendering property unfit for human habitation due to gross contamination by petroleum hydrocarbons of sole source of drinking water.

Site investigations and sampling undertaken by ESI of Shrewsbury confirm the existence of a Source – Pathway – Receptor linkage on the defined site posing a significant risk to human health, a significant risk of harm to a minor aquifer, and a possible risk to a surface water feature, (namely Birtsmorton Brook).

Attachments:

All documents referred to at 2 a. b. and c. above.



Sterling Court
 Norton Road
 Stevenage
 Herts SG1 2JY
 UK

Tel : +44 (0)1438 747996
 Fax : +44 (0)1438 747997
 E-mail: info@cadcorp.com

© Crown copyright. All rights reserved
 (Worcester City Council) (100018714) 2013.

