

The development of contaminated sites

Reports in Support of Planning Applications

Getting it Right First Time

Because of Newham's varied industrial past, certain areas of land are potentially contaminated. When submitting planning applications it is the applicant's responsibility to provide information on whether the site is contaminated.

To aid the swift processing of planning applications for potentially contaminated sites, the following guidance on the content and approach for supporting reports is provided. The attached checklists are a guide to the matters to be addressed, depending upon the site's previous uses and the extent of potential or actual contamination. The scope of the submitted reports must reflect the size and complexity of the site, the necessary level of investigation, as well as the likely contamination risks.

These requirements will enable officers to make informed decisions on the suitability of the proposed development and remediation schemes. Failure to submit adequate information may result in requests for further details and delay or prevent the discharge of any contamination condition.

A list of key reference documents has also been prepared. This list is not exhaustive or exclusive, but indicates the most relevant guidance and information available.

Submission of Reports

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the Development Control Unit. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Environmental Health Pollution Control Unit, Environment Agency or any other Council consultee without notifying the case officer.

For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format.

A PRELIMINARY INVESTIGATION (DESK STUDY) REPORT

- 1) Purpose and aims of study
- 2) Site location and layout plans
- 3) Appraisal of site history - to build up a picture of previous site usage
- 4) Assessment of environmental setting, to include:
 - a) Geology, hydrogeology, hydrology
 - b) Information from the Environment Agency on abstractions, pollution incidents, water quality classification, landfill sites within 250m etc.
- 5) Assessment of current / proposed site use and surrounding land uses
- 6) Review of any previous site contamination studies (desk based or intrusive) or remediation works
 - a) Preliminary (qualitative) assessments of risks
 - b) Appraisal of potential contaminant sources, pathways and receptors
 - c) Conceptual site model
- 7) Recommendations for intrusive contaminative investigations, if necessary.

B SITE INVESTIGATION REPORTS.

- 1) Site investigation methodology
 - a) Methods of investigation
 - b) Plan showing exploration locations
 - c) Justification of exploration locations
 - d) Sampling and analytical strategies - all chemical testing to conform to the Environment Agency's Monitoring Certification Scheme (MCERTS)
- 2) Results and findings of the investigation
 - a) Ground conditions (soil, ground gas and groundwater regimes, including made ground)
 - b) Discussion of soil / groundwater / ground gas/ surface water contamination (visual, olfactory, analysis)
- 3) Conceptual site model
- 4) Risk Assessment – as a minimum, based on contaminant - pathway – receptor model. Should take account of severity of consequences and likelihood of occurrence. Justification of the Generic and Site Specific Quantitative Risk Assessment models used.
- 5) Recommendations for remediation – justification should relate to proposed site use, risk assessment findings, as well as technical and financial appraisal.
- 6) Recommendations for further investigations (if required).

C REMEDIATION STRATEGIES (To be submitted before remediation works commence)

- 1) Objectives of the remediation works
- 2) Detailed outline of the works to be carried out
 - a) Description of ground conditions (soil and groundwater)
 - b) Type, form and scale of contamination to be remediated
 - c) Remediation methodology
 - d) Site plans/drawings
 - e) Phasing of works and approximate timescales
- 3) Consents, agreements and licences (discharge consents, waste management licences etc.)
- 4) Site management procedures to protect site neighbours, environment and amenity during works. These should include where appropriate:
 - a) Health and Safety plans and procedures
 - b) Dust, noise and odour controls
 - c) Control of surface water run-off
- 5) Details of how any necessary variations from the approved remediation strategy arising during the course of the works will be dealt with, including notification of the Development Control Unit.
- 6) Details of how the works will be validated to ensure the remediation objectives have been met; should include details on
 - a) Sampling strategy
 - b) Use of on-site observations, visual/olfactory evidence
 - c) Chemical analysis
 - d) Proposed clean-up standards (i.e. contaminant concentrations)

D VALIDATION or VERIFICATION REPORT (Submitted following remediation)

- 1) Include supplementary documentation as per C(3) to C(6) above.
- 2) Details of who carried out the work and when the works took place.

- 3) Details and justification of any changes from the original Remediation Strategy.
- 4) Substantiating data – should include where appropriate
 - a) Laboratory and in-situ test results
 - b) Monitoring results for groundwater and gases
 - c) Summary data plots and tables relating to clean-up criteria
 - d) Plans showing treatment areas and details of any differences from the original Remediation Strategy.
- 5) Confirmation that remediation objectives have been met.

Notes:

1. *Preliminary Investigation (Desk study) Reports and Site Investigation Reports may be combined providing the submitted report contains Sections A (1) to A (6).*
2. *General recommendations for remediation made in the Site Investigation Report will not be accepted as a substitute for a Remediation Strategy.*
3. *Note that remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.*
4. *Note that should Soil Guideline Values be quoted other than the CLEA SGV series published by DEFRA/ Environment Agency then these must be justified as being appropriate for use in the circumstances and be shown to be properly supported by scientific research.*

Contaminated Land Investigations

Key Reference Documents Include:

1. British Standards Institution. BS 10175: 2001, Code of practice for the Investigation of potentially contaminated land.
2. Building Regulations 2000: Approved Document C- Site preparation & resistance to contamination.
3. Department for Environment, Food and Rural Affairs, R&D Publications SGV & TOX series.
4. DETR. A framework for Assessing the Impact of Contaminated Land on Groundwater and Surface Water, 2 Volumes, CLR 1, 1994
5. Department for Environment, Food and Rural Affairs. Guidance on preliminary site inspection of contaminated land. CLR2.
6. Department for Environment, Food and Rural Affairs. Documentary research on industrial sites. CLR3.
7. Department for Environment, Food and Rural Affairs. Sampling Strategies for Contaminated Land. CLR4.
8. DETR Information Systems for Land Contamination, CLR 5, 1994
9. Department for Environment, Food and Rural Affairs. Prioritisation & categorisation procedure for sites which may be contaminated. CLR6.
10. Department for Environment, Food and Rural Affairs/ Environment Agency. CLR7: Assessment of Risks to Human Health from Land Contamination: An Overview of the Development of Soil Guideline Values and Related Research.

11. Department for Environment, Food and Rural Affairs/ Environment Agency. CLR:8 Potential Contaminants for the assessment of Land.
 12. Department for Environment, Food and Rural Affairs/ Environment Agency. CLR9: Contaminants in soils: Collation of Toxicological data and Intake values for Humans.
 13. Department for Environment, Food and Rural Affairs/ Environment Agency. CLR:10 Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms.
 14. Environment Agency. 'Model Procedures for the Management of Land Contamination' Contaminated Land Report 11. 2004. The document is available to download in PDF format free of charge from www.environment-agency.gov.uk.
 15. DETR. CLR Report No 12. 'A Quality Approach for Contaminated Land Consultancy' [section 3.4 'Reporting']. 1997
 16. DETR. Circular 02/2000 Contaminated Land Implementation of Part IIA of the Environmental Protection Act 1990.
 17. Office of the Deputy Prime Minister, Planning Policy Statement 23: Planning and Pollution Control 2004.
- DETR. 'Guidelines for Environmental Risk Assessment & Management'. Revised Departmental Guidance. July 2000.
19. Harris, M.R., Herbert, S.M., Smith M.A. 'Remedial Treatment for Contaminated Land' (twelve volumes), special publications 101-112, CIRIA.
 20. Harris, M.R., Herbert, S.M. 1994. 'Contaminated Land: Investigation, Assessment & Remediation'. ICE Design and Practice Guide.
 21. Health & Safety Executive, 1991. 'Protection of Workers & the General Public during the Development of Contaminated Land'.
 22. NHBC. NHBC Standards Chapter 4.1. Land Quality – Managing Ground Conditions. September 1999 edition.
 23. Environment Agency & NHBC, 2000. R&D Publication 66. Guidance for the safe development of housing on land affected by contamination.
 24. Department of the Environment, 1992. Waste Management Paper No. 27. Landfill Gas: A technical memorandum Providing Guidance on the Monitoring and Control of Landfill Gas.
 25. CIRIA: Methane and associated Hazards to Construction report series.
 26. Details of the Environment Agency's MCERTS standard is available at www.mcerts.net.

For further information please contact:

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