

The advice given is not exclusive nor exhaustive but is indicative of the level of information that will be required for development on brownfield sites.

DEFINITIONS

Brownfield Sites - Sites which have previously been developed or used for some purpose which has ceased. They may encompass re-use of existing buildings by conversion; demolition and new build; clearance of derelict land and new build; infill and other forms of intensification. It excludes private and public gardens, sports and recreation grounds, woodlands and amenity open spaces.

Contaminated Land - 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 that land, that:-

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

Receptors - Most commonly and most importantly means humans but can also include ecosystems, property, controlled waters etc.

REFERENCES/OTHER GUIDANCE

Scottish Executive Development Department, PAN33 (Revised 2000) - *Development of Contaminated Land*

Scottish Enterprise (1998) - *How to Approach Contaminated Land (2nd Edition)*

Scottish Enterprise (1998) - *How to Investigate Contaminated Land (2nd Edition)*

Department of the Environment: *Contaminated Land Research Report No. 3 (1994), Documentary Research on Industrial Sites*

Department of the Environment: *Contaminated Land Research Report No. 4, Sampling Strategies for Contaminated Land*

Scottish Environment Protection Agency and Land Quality Management (February 2000) - *The Contaminated Land Exposure Assessment Model - CLEA, University of Nottingham*

Site Investigation and Assessment - *CIRIA Special Publication, Volume IV (1995)*

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ADVICE NOTE 27

**PLANNING AND
CONTAMINATED
LAND**

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INTRODUCTION

The Contaminated Land (Scotland) Regulations 2000 places a duty on Local Authorities to draft a strategy to deal with **contaminated land** within their area. This includes the inspection and where necessary the remediation of land found to be statutorily contaminated.

The strategy recognises that the Development Control function within the Planning system is the main mechanism by which land contamination will be managed. In order to be able to grant consent for a brownfield development, the Planning Authority will require the assurances in respect of potential contamination that the procedures indicated in this Advice Note will deliver.

APPLICATION

Where a site the subject of a new planning application has been previously built upon or used for other development purposes, it could be designated a 'brownfield' site. All brownfield sites have the potential to have been contaminated but clearly there are varying degrees of contamination and it is the intention of the Planning Authority to vary its approach and requirements dependant upon the suspected or, better still, known degree of contamination.

- In circumstances where contamination is virtually inevitable e.g. old gas producing works, ground upfilled with domestic waste, a site previously occupied by an industrial activity that utilised hazardous materials or processes, etc., information on contamination will be required before a planning application can be determined.
- Where some, probably lesser degree of contamination may be suspected of being present, planning consent may be granted but with a suspensive condition attached which will prevent the consent being implemented until the Planning Authority is satisfied that there is no contamination or that acceptable remedial measures will be undertaken.
- Some 'brownfield' developments e.g. of ground known to have previously accommodated only residential development, will have no contaminated land implications as part of its planning consent.

If it is suspected that either of the first two categories apply to your development proposal, it is recommended that a report detailing investigations carried out to determine the suitability of the site for its intended use, accompany your planning application. This will considerably speed-up the processing of the application.

This initial report should comprise of a first stage desktop study to evaluate the site and determine whether a further intrusive investigation is necessary. Where this is applicable and contamination is confirmed, then a programme of remediation would also be required.

If the third category is likely to apply, historical information indicating previous uses of the site should be provided with the application. Failure to do so could not only delay the processing of the application but could result in the imposition of a condition requiring the satisfactory provision of such information before the works can commence.

Please note that Angus Council's planning application form asks for the previous use of the land to be stated. If the land or building(s) are vacant, every effort should be made to ascertain previous uses and complete the form accordingly. This will avoid unnecessary delay to the processing of the application.

INFORMATION REQUIREMENTS

It is recommended that you engage the services of a suitably qualified professional to undertake Stage 1 below and it will be absolutely essential for Stages 2 and 3.

Desk Top Study: Stage 1

Collation of historical data (especially previous uses) relating to the site to obtain a clear picture of the potential nature of any contamination present on the site. Historical information can be obtained from old maps, title deeds, archivist, old almanacs, etc.

Identify any operational or historical waste disposal sites in proximity of the site.

Consult and thereafter collate information from statutory and unitary authorities.

Technical data from previous site investigations.

Anecdotal or other sources of information.

Site Walkover

A critical walkover survey should be carried out to establish evidence of environmental concerns. Site conditions should be assessed and obvious visual signs of contamination noted and photographed including (solids, liquids or gases) on the surface or unusual odours.

Adjacent or neighbouring activities noted for their importance in terms of potential environmental impact on the site.

If the site is operational, notes should be taken on environmental practices such as storage and handling of waste materials; authorisations associated with the site; evidence of storage areas; overground and underground tanks.

Where buildings are present on site, their current and former use should be identified as far as possible. An assessment should also be made of any environmental contamination issues that would need to be considered in the event of the property being demolished.

Site Assessment

Identify potential hazards to any sensitive receptors which may be at risk from them. Consideration should be given to any potential pathway (e.g. drains, groundwater, surface water, underground pipes etc.) which would allow the receptor to be exposed to the hazard. Information indicating the linkage of source to pathway to receptor should be provided.

Report Contents

In addition to all the above information the report should include details of the risk assessment (including conceptual model) discussion and recommendations, references i.e. documents consulted etc.

Site Assessment: Stage 2

This is required where a Stage 1 investigation indicates that the site is potentially contaminated and the degree and nature of the contamination needs further clarification.

The aim of this stage is to collect the data to support:-

- any re-assessment of pollutant linkages;
- an assessment of the degree of significance or harm in the likely risk;
- recommendations for any remedial measures;
- identification of constraints on land use.

Site Investigation Survey

The nature of work required will vary from site to site and in some cases across the same site but could include soil, groundwater, or other sampling as determined by the Stage 1 findings. The level of investigation should allow enough data to be collected to enable a site specific assessment to be made and for there to be confidence in the results.

The design of the investigation programme should consider the methods of excavation, numbers of sampling points and analytical suites.

Analysis and Monitoring

Details of the on-site testing should be provided along with:-

- the rationale behind the number of samples chosen and their locations;
- methods of sampling, storage and transportation of samples;
- analytical methods used including numbers of samples analysed, method detection limits, etc;
- names of the site investigation companies and testing laboratories (accredited);
- any other details considered appropriate.

Report Contents

In providing the above information the report should expand upon the information on the initial desktop study to detail reasons for undertaking the investigation. On the basis of the data collected a risk evaluation should be conducted. This will identify contaminant sources, pathways and receptors from which an assessment of their connectivity can be carried out and will evaluate the risks to human health, surface and groundwater and to the wider environment. Discussion and recommendations should be based on the findings of the risk assessment.

Remediation Options: Stage 3

The level of this report will depend on the complexity of the problem at the site and the number of options being considered. All stages of the assessment process should be clearly documented to demonstrate the selection criteria used and justify the decisions made.

The report should include the objectives of the remediation, site constraints, screening of options, assessment methodology, assessment of options and conclusions.