

Contaminated Land within the Development Control Process

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1.0 INTRODUCTION

- 1.1 Section 37(2) of the Town and Country Planning (Scotland) Act 1997⁸ refers to the need to address 'material considerations' in the determination of planning applications. The Scottish Planning Policy (SPP1)³² paragraph 51 identifies possible examples of such 'material considerations'. One of which includes Planning Advice Notes (PAN), for example Planning Advice Note 33 (Rev.2000), "Development of Contaminated Land³³" and Planning Advice Note 51 "Planning and Environmental Protection³³".
- 1.2 PAN 33 places a duty on the Local Authority, as planning authority, to consider the potential for contamination when considering planning applications. In The Moray Council, this duty is undertaken by the Environmental Health (Contaminated Land) Section, as a consultee within the development control process.
- 1.3 This document forms the policy for how contaminated land is addressed within the Development Control process in The Moray Council. It sets out the legislation and guidance by which consultations are undertaken and the procedures for how contaminated land information requires to be submitted in support of planning applications.
- 1.4 It is aimed at being a supporting tool for developers and agents to help understand the legislation and the information required for the assessment of contaminated land as well as why such details are necessary to ensure the site of the planning application is suitable for its intended use. The document will also be of use to consultants who are contracted to undertake contaminated land investigations by clarifying the extent of information required when submitting reports.
- 1.5 For day to day use, summaries are included as appendices detailing each stage of investigation, which can be used by all interested parties. In addition a flow chart is included at Appendix 6.
- 1.6 The purpose of a contaminated land investigation is to identify any potential risk to receptors (e.g. humans) from sources (e.g. a leaking fuel tank) of contamination via a defined pathway (e.g. direct contact or inhalation). Where a potential source, receptor and associated pathway are identified this is defined as a potential pollutant linkage.
- 1.7 This document deals solely with contaminated land and does not, and is not intended to, address any of the other issues that are dealt with by the Environmental Health Section through the planning consultation process, e.g. noise.



2.0 REGULATORY CONTEXT

2.1 Section 37 of the Town and Country Planning (Scotland) Act 1997⁸ states:

"where an application is made to a planning authority for planning permission....the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations"

2.2 Scottish Planning Policy (SPP1) The Planning System, Paragraphs 50 and 51 define the tests in deciding whether a consideration is material and relevant and the range of considerations, which might be considered material. Paragraph 51 states:

"Examples of possible material considerations include...National Planning Policy Guidelines, Scottish Planning Policies, Planning Advice Notes and Circulars..."

2.3 One such Planning Advice Note [PAN] is PAN 33 "Development of Contaminated Land", in which paragraph 24 states:

"whether confirmed or suspected, contamination is a material planning consideration"

This requires that contaminated land should be considered within the planning process.

2.4 The definition of "Contaminated Land" is included within Section 78A(2) of Part IIA of the Environmental Protection Act 1990¹ 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-

(a) significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused"

2.5 The Contaminated Land regime focuses on a "suitable for use" approach which is comprised of three elements as described in PAN 33, Paragraph 19, see below and also in the Scottish Executive Paper SE/2006/44: Environmental Protection Act 1990:Part IIA: Statutory Guidance: Edition 2² (the Guidance), Annex 1. These are:

2.5.1 ***"(i) ensuring that land is suitable for its current use – in other words, identifying land where contamination is causing unacceptable risks to human health and the environment, on the***



basis of the current use and circumstances of the land, and returning it to a condition where such risks no longer arise ("remediating" the land)...."

2.5.1.1 The Scottish Executive's policy statement following the implementation of the Environmental Protection Act 1990: Part IIA advises that risks should be assessed, and remediation requirements set, on the basis of both the current use and the circumstances of the land and its proposed new use. A site investigation should take account of this by assessing the pollutant linkages currently present on a site to gain a better understanding of the site in its present state as well as giving consideration to the proposed use. Some linkages may be broken or controlled, i.e. remediated, through the new development however consideration must be given to the site in its current use to ensure all potential pollutant linkages are identified.

2.5.2 ***"(ii) ensuring that land is made suitable for any new use, as planning permission is given for that new use – in other words, assessing the potential risks from contamination, on the basis of the proposed future use and circumstances, before permission is given for the development and, where necessary, to avoid unacceptable risks to human health and the environment, remediating the land before the new use commences; this is the role of the town and country planning and building control regimes."***

2.5.2.1 As a planning application is submitted the land should be considered for any potential contaminative risks. This assessment must be made before any permission is granted to ensure that the land will be safe for the new use supporting the fact that contaminated land is a material consideration in the planning process. In addition, any such remediation required must be undertaken before the land is put to its new use. This also ensures the site should not have to be revisited under the Council's Part IIA Inspection Strategy for that historical contamination at a later date once that new use has commenced.

2.5.3 ***"(iii) limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use or future use of the land for which planning permission is being sought – in other words, recognising that the risks from contaminated land can be satisfactorily addressed only in the context of the specific uses of the land (whether current or proposed), and that any attempt to guess what might be needed at some time in the future for other uses, is likely to result either in premature work (thereby risking distorting social, economic and environmental priorities) or in unnecessary work (thereby wasting resources)"***

2.5.3.1 Remediation works, if required, are not to be beyond what is necessary to ensure the site is suitable for its intended use. It is not the intention of the legislation to predict any future use of a site beyond that of its current use



or proposed use within a planning application. Work required to protect any more sensitive future use will be addressed as planning consent is given for that use.

2.6 Paragraph 20 of PAN 33 also states:

"Within this 'suitable for use' framework, it is important to recognise both that the use of any particular area of land may cover several different activities and that some potential risks arising from contamination (particularly impacts to water and the wider environment) may arise independently of the use of the land..... In practical terms, the current use of any land should be taken to be any use which:

- (a) is currently being made of the land, or is likely to be made of it; and***
- (b) is consistent with any existing planning permission or is otherwise lawful under town and country planning legislation."***

2.7 Annex 3, Chapter A, A.27 of the Part IIA statutory Guidance gives further detail on the consideration of "current use".

"For the purposes of this guidance, the "current use" means any use which is currently being made, or is likely to be made, of the land, and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;***
- (b) the current use includes future uses or developments, which do not require a new, or amended, grant of planning permission (but also see paragraph A. 37 below);***
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on the land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and***
- (c) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land."***

A.37 states:



"When considering the possibility of significant harm being caused in relation to any future use or development which falls within the description of a "current use" as a result of paragraph A.27(b) above, the local authority should assume that if the future use is introduced, or the development carried out, this will be done in accordance with any existing planning permission for that use or development. In particular, the local authority should assume:

(a) that any remediation which is the subject of a condition attached to that planning permission, or is the subject of the planning obligation, will be carried out in accordance with that permission or obligation; and

(b) where a planning permission has been given subject to conditions, which require steps to be taken to prevent problems, which might be caused by contamination, and those steps, are to be approved by the planning authority, that the planning authority will ensure that those steps include adequate remediation.

2.8 The Council will therefore assess the site in terms of its most conservative receptor within that specific class of land use under the Town and Country Planning (Scotland) Act 1997. This will ensure that the site is safe for the most conservative land use in that particular class.

2.8.1 The Town and Country Planning (Use Classes) (Scotland) Order 1997³⁴ details the 11 classes of use within the planning process. Planning permission is generally required for changes of use between categories and as such the Environmental Health (Contaminated Land) Section will be consulted.

2.8.2 In certain circumstances the Environmental Health (Contaminated Land) Section will not ask for further information to be provided where the change of use is within the same land use category. This would include circumstances where the sensitivity of receptor is not being altered.

2.8.3 Any change of use to a more sensitive end use, such as residential, crèche etc will require further information to ensure the site is suitable for use.

2.8.4 Each site will be assessed on a site specific basis and the Environmental Health (Contaminated Land) Section should be contacted at an early stage in the planning process, preferably prior to submission of any application, by the agent or applicant, for advice.

2.9 PAN 33, Paragraph 3 recognises that:

"The planning system has a key part to play in addressing the problem of historical contamination"

Paragraph 5 of PAN 33 states the objectives are to give advice on:



- ***"the implications of the new contaminated land regime for the planning system;***
- ***the development of contaminated land;***
- ***the approach to contaminated land in development plans;***
- ***the determination of planning applications when the site is or may be contaminated; and***
- ***where further information and advice can be found."***

2.10 PAN 33, paragraph 12 states

"With regard to the planning regime, a site containing contaminants may not be likely to cause significant harm in its current use, but if a different use were proposed, then the potential for significant harm may be enhanced. Moreover, the mere presence (or suspected presence) of contaminants may prove an impediment to successful development of a site. Planning authorities should have regard to the potential blight effects in these cases. Finally, the presence or level of contamination may simply be unknown, but this should not be taken to mean that potential contamination should be disregarded. The possibility of contamination on a site proposed for development should trigger a response, which takes into account the potential risk. Planning authorities, therefore, need to consider 'contaminated land' in its broadest sense.

This compliments the Part IIA legislation in so far as considering contaminated land as part of the planning process. A site may not be posing any risk to human health or the water environment in its current state however a change of that site's use could enable the formation of a pollutant linkage, e.g. the introduction of a receptor such as humans in a dwelling, or the creation of a pathway by removing hard capping on a site. Such potential for the creation of a pollutant linkage therefore requires further investigation to be undertaken in support of the planning application. It may also be that there is no information available on the potential risk of contamination at that site other than a known past use on, or in the vicinity of, the site, which could have the potential to create contamination. Further investigation again would be required; in this case to ensure any potential risks are addressed.

2.11 The responsibility for any investigation into potential contamination and subsequent remediation, if required, rests firmly with the developer of the site. PAN 33 paragraph 23 states:

"...the developer must build-up a picture of the source(s), pathway(s) and receptor(s) that are relevant to the particular site, consider the risks that are relevant and design an appropriate remedial solution."

2.12 The necessity to assess the investigation at an early stage in the planning process is detailed in PAN 33, paragraph 25:



"The best way of minimising any associated risks is to ensure that potentially contaminated sites are identified at an early stage. The necessary investigations can then be carried out to enable cost-effective solutions to be devised and thus reduce the need for urgent and expensive emergency action later."

The Council's Environmental Health (Contaminated Land) Section advises developers of potential sources of contamination as soon as it is consulted.

- 2.13 Paragraph 33 of PAN 33 discusses how a planning application should be accompanied with remediation measures:

"... where development is to take place on contaminated land, a key element of the 'suitable for use' approach is to ensure that land is made suitable for the proposed new use.....Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal. Where applications are approved, conditions should be put in place to ensure that land is remediated before the commencement of any new use"

The Council requires the developer to undertake the necessary investigations in support of the planning application prior to its determination. This is essential to ensure the site will be suitable for its intended use. If remediation is required, a remediation strategy must be submitted to the Council, for approval in writing. The agreed remediation strategy becomes a legally binding document and part of the conditions of the consent if granted.

In certain circumstances such as, the presence of buildings on a site, which prevent full investigation before the application is determined a further investigation/remediation strategy can be submitted. Any investigation however, which is possible before the planning application is determined, must be undertaken. Investigations to encompass areas not accessible at that time can be carried out post consent as detailed in the developer's further investigation/remediation strategy.

- 2.14 Discussions regarding potential contamination and any possible remediation measures required can be initiated with the Council prior to the submission of a planning application. PAN 33, paragraph 34, supports this approach and indeed places a responsibility on the local authority to make a developer aware of any potential contamination:

"If the planning authority has reason to believe that the land might be contaminated, then this should be brought to the attention of the developer immediately and the implications explained."



As stated in 2.12 above, the Council's Environmental Health (Contaminated Land) Section advises developers on the potential sources of contamination as part of the development control consultation process.

- 2.15 If contamination is discovered on a site, an assessment must be made of the risk posed from the presence of the contaminants. This should comprise of a site specific risk assessment.

PAN 33, paragraph 23 states:

"Implicit within this site specific approach is that generic concentrations in soil of contaminants above which a site is considered contaminated (sometimes called 'trigger levels'), are not relevant to site specific risk assessments and should not be used".

Further information is given within Section 3.0 of this document on the Council's position on the use of screening criteria and risk assessment models.

- 2.16 Not all sites will require full investigation, despite the potential for contamination to be present. It is not the Council's intention to request further information where the application is for minor works, an extension or alteration to an existing building and there is no change of use and the situation is as outlined in 2.8. PAN 33 gives guidance on how information can be provided with the planning consent.

PAN 33, paragraph 43;

"Where planning consent is granted for a site on which the presence of contamination is known or suspected, an advisory note may be attached to the planning permission informing the applicant(s) that the responsibility for the safe development of the site rests with the developer".

In instances of changes of use or minor development which would not prompt a request for contaminated land information, the Environmental Health (Contaminated Land) Section, will recommend to the Development Control Officer that an 'informative note' be attached to any grant of consent. This will detail the potential sources of contamination on or in the vicinity of the site and advise the developer that they should satisfy themselves as to the condition of the site and investigate further prior to development commencing. The Council, however, does not require any work to be undertaken on site. Should any contamination be discovered the Environmental Health (Contaminated Land) Section should be informed immediately to enable advice to be given.

- 2.17 The Part IIA Guidance also refers to the interaction required with other regimes such as Development Control. Paragraphs 39 – 44 of Annex 1 of



the Guidance detail the role of Part IIA within planning and development control.

2.17.1 Annex 1, Paragraph 39 of the Part IIA Guidance;

"Land contamination can be addressed by the planning system in terms of planning policy and planning decisions. Guidance to planning authorities is set out in Planning Advice Note (PAN) 33 – Development of Contaminated Land (Revised October 2000), and PAN 51 – Planning and Environmental Protection".

2.17.2 Annex 1, Paragraph 40 of the Part IIA Guidance;

"Planning authorities are responsible for preparing structure plans which set out the policy framework for dealing with issues such as the development of contaminated land. Development Plans provide an opportunity for authorities to set out their priorities for the reclamation and reuse of contaminated land and inform developers of the availability of sites, their sustainability for development and the potential constraints attached to them".

Land with potential contamination can be considered for inclusion within development plans. However as PAN 33, paragraph 29 states:

"The allocation of a site for a particular use, however, does not in itself approve the suitability of a site for that purpose. Only investigation by the developer or applicant can confirm this".

Costly remediation measures may result in the site gaining a higher end use value and therefore more attractive to develop. Indeed the benefits of remediation can be used in some cases for planning gain.

2.17.3 Annex 1, Paragraph 41 of the Part IIA Statutory Guidance;

"In relation to planning decisions, land contamination may be regarded as a 'material consideration' when individual planning applications are considered as part of the statutory development control process. When determining a planning application the planning authority should satisfy itself that the potential for contamination has been properly assessed by the applicant, and the proposed development incorporates any necessary remediation. PAN 33 states that the planning authority must consider (often following expert advice) whether a developer's restoration plan is adequate to avoid unacceptable risks to human health and the wider environment from the contamination of the site, both during the restoration period and for the final end use. If it is not adequate then there are grounds for refusal. Where necessary, any planning permission should include conditions requiring that remediation measures are implemented before commencement of any new use. It is also the responsibility of the



planning authority to consider the potential risk of development works, and/or a proposed use, contaminating a site or the surrounding area. (This is in contrast to the approach under Part IIA, where only the current use and circumstances are considered)

This shows that the Development Control section of the Council should consider contaminated land in every planning application submitted. In order to meet this requirement the Environmental Health (Contaminated Land) Section undertake this process as a consultee within the planning process. The exact process by which the Environmental Health (Contaminated Land) Section undertakes this duty is discussed in Section 3.0 of this document. However any investigation or assessment of contamination risks will be considered as to whether the situation has been adequately addressed. If sufficient information is not provided this can be a reason for refusal of the application or delay determination of the application pending receipt of the required information.

2.17.4 Annex 1, Paragraph 42 of the Part IIA Statutory Guidance highlights that the actual remediation activity may itself constitute "development" and may require planning permission. Advice can be obtained from the Development Control Section of The Moray Council as to what work would be classed as "development".

2.17.5 Annex 1, Paragraph 43 of the Part IIA Statutory Guidance discusses how any remediation involving the protection of the fabric of any new buildings and the occupants may need to be considered under Building Standards Regulations. Information regarding the contaminated land regime within the Building Standards process is given in the Building Standards policy document, which can be found as Appendix C in The Moray Council's Approach to Contaminated Land.

2.17.6 Annex 1, Paragraph 44 of the Part IIA Statutory Guidance;

"where new development is taking place, it will be the responsibility of the developer to ensure the required and necessary remediation is carried out. In many cases, the enforcement of any remediation requirements will be through compliance with planning conditions and building control requirements, rather than through a remediation notice issued under Part IIA."

This reiterates how the responsibility for ensuring remediation is undertaken, lies with the developer and that this is done through the planning conditions for the application as opposed to Part IIA of the Environmental Protection Act 1990.

It is important to highlight again that the responsibility to address contamination issues lies with the developer. This encompasses the whole process from identifying whether there is any potential contamination



present at the site through to the remediation and validation of the site should this be required.

- 2.18 Paragraph 37 of PAN 33 also requires discussion with regard to the use of conditions of planning consents to secure remediation works rather than the approach adopted in this policy to require such works before consent is granted. Paragraph 37 states;

"Applications need not, however, be delayed pending an investigation by the developer unless there is good reason to suppose that the land is actually contaminated. Moreover, where there is potentially only slight contamination, planning permission may be granted on condition that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will incorporate measures shown in the assessment to be necessary."

This PAN was published prior to the works carried out by Contaminated Land Teams across Scotland to research and identify potentially significant sources of contamination. In addition to carrying out these works, The Moray Council's Environmental Health (Contaminated Land) Section has also purchased a risk assessment tool, CONSept⁷ from the British Geological Survey, which assesses the significance of risk from a source of contamination to an identified property or development. This methodology does not designate land as being contaminated and is not used for such but for various other functions, including allowing a risk ranking to be applied to any proposed development to assist in considering contaminated land within the planning regime.

The Environmental Health (Contaminated Land) Section now holds sufficient information to determine where there is good reason to suspect that contamination exists and that there is significant potential for such contamination to impact upon the proposed development. Only planning applications where these circumstances have been met (i.e. where the risk ranking system has identified that there is the significant potential) are required by the Environmental Health (Contaminated Land) Section to be supported with further information. The use of suspensive conditions is not adopted by the Council, because the assessment methodology used does not determine the actual extent of contamination on site, only potential sources. In any event, further information is not requested in the cases where there is potentially only slight contamination. On the sites where further information is required this is because they have been identified as potentially having more than slight contamination.



3.0 AIMS AND OBJECTIVES

3.1 The aims and objectives of this policy are as follows in no priority order.

3.1.1 Protect Statutory Receptors

3.1.1.1 Part IIA of the Environmental Protection Act 1990 defines the types of receptor to be protected.

- Human Beings;
- Ecological systems meeting the specific requirements as set out in Table A, Part 3 of the Act; e.g. Sites of Special Scientific Interest, land declared a national nature reserve under Section 35 of that Act etc;
- Property in the form of crops, domestically grown produce, livestock, other owned or domesticated animals and wild animals which are the subject of shooting and fishing rights;
- Property in the form of buildings;
- The water environment, as defined by the Water Environment and Water Services (Scotland) Act 2003.

3.1.2 Suitable For Use

3.1.2.1 The Council, as planning authority has a duty to ensure that a site of a proposed development subject to a planning application is suitable for its intended use.

3.1.3 Prevent Re-Assessment Under Part IIA

3.1.3.1 Sites, which are the subject of planning applications, should be adequately addressed for contaminated land. This should prevent the site having to be re-assessed for that source of contamination through the Council's Contaminated Land Inspection Strategy.

3.2 This document aims to meet the following aims and objectives;

3.2.1 Legislation

3.2.1.1 The aim of this document is to outline the main legislative requirements within the relevant legislation and guidance for contaminated land within the planning process to enable applicants, agents, and consultants etc to comply with the necessary procedures.

3.2.2 Advice and Guidance

3.2.2.1 The document details the procedures used by the Council and what developers can expect to receive from the Council including the advice and guidance available. It also aims to clearly define what is expected from developers when submitting information in support of planning applications to meet the requirements of the Council.



3.2.3 A Clear and Transparent Process

- 3.2.3.1 This document aims to illustrate the clear and transparent process by which contaminated land will be dealt with in the Development Control process. It also details what is expected to be submitted in support of planning applications and what developers can expect from the Council's Environmental Health (Contaminated Land) Section.



4.0 PROCEDURE

- 4.1 The Environmental Health (Contaminated Land) Section is a consultee within the planning process. All planning applications, which are submitted to the Council, are screened by the Environmental Health (Contaminated Land) Section for sources of contamination against a database of potential sources.
- 4.2 The following sections detail the process by which planning applications are handled by the Environmental Health (Contaminated Land) Section. It is not within the scope of this document to provide specific detail on what is expected and required within each of the stages of investigation involved but rather the procedures that are followed.
- 4.3 Further information on each stage of a contaminated land investigation is provided within the appendices to this document.

4.4 Screening

- 4.4.1 Planning applications are screened with regard to the proposed use stated in the application. For example, a residential house with additional ground within the site boundaries is classed as 'residential with gardens'; a flatted development with no additional ground is classed as 'residential without gardens'.
- 4.4.2 Any potential sources of contamination on the site are identified from historical maps and council records. The appropriate map dates for when they appear are also recorded.
- 4.4.3 An area of 50 metres around the site is also screened for potential sources of contamination in order to consider any possible migration of contaminants onto the subject site.
- 4.4.4 Areas of former small excavations such as gravel pits, mill dams etc., are identified within 100 metres from the site boundary. This is due to the possibility of gas production from any putrescible material, which may have been deposited in the ground. Gas created from the breakdown of material, for example domestic waste, wood, etc., has the potential to travel in the soils and bedrock and then impact upon properties nearby.
- 4.4.5 Known current or former landfill sites are noted within 250 metres of the site. This is due to a much greater increase of risk from landfill gases, which can travel considerable distances through the ground.
- 4.4.6 A risk ranking is also applied to the application. Further details on the Environmental Health Section's risk ranking system can be found in The Moray Council's Approach to Contaminated Land document.



4.5 Assessment

- 4.5.1 The information obtained from the screening exercise is then evaluated with regard to the specifics of the planning application.
- 4.5.2 Where no potential sources of contamination have been identified, no further action is required by the Environmental Health (Contaminated Land) Section. The application is marked accordingly and the consultation response returned to the Development Control Section.
- 4.5.3 It is not the Council's intention to request further information where the application is for minor works, an extension or alteration to an existing building and there is no change of use. In this instance, information will be provided in the form of an informative note attached to any grant of consent. This provides the developer with details of the potential sources of contamination, of which the Council is aware. This allows the developer to make an informed decision as to the potential risks of contamination before commencing any work. It is reiterated that it is the developer's responsibility to ensure the site is suitable for its proposed use.
- 4.5.4 Further information in the form of a site history or desk study will be requested where potential sources have been identified and the application is for a new building or structure, or the introduction of a more sensitive receptor.

4.6 Site History

- 4.6.1 Where further information is required the Environmental Health (Contaminated Land) Section will issue a letter to the agent or in the absence of an agent, the applicant. This will detail the potential sources of contamination that the Council is aware of with the relevant map dates. The letter asks, initially, for a site history to be submitted to the Council.
- 4.6.2 This site history requires to be provided within 14 days. This is to aid the Development Control Section in meeting the timescales within which planning applications should be determined.
- 4.6.3 If information cannot be provided within this timescale the Environmental Health (Contaminated Land) Section should be contacted as soon as possible with a timescale by which the information will be submitted. Any extension to this timescale must be agreed in advance by the Environmental Health (Contaminated Land) Section and where necessary with the Development Control Section.
- 4.6.4 Where no information is received after 10 days from the original letter being sent and no other correspondence has been received from the agent/applicant, a reminder call will be made by an Officer to the agent, or applicant if no agent has been specified.



- 4.6.5 If after 14 days from the original letter being sent, no information and no other correspondence have been received from the agent/applicant, a reminder letter will be sent to the agent, or applicant if no agent has been specified. If no information has been received after a further 10 days the application may be recommended to the Planning Officer for refusal due to the lack of contaminated land information.
- 4.6.6 If such timescales cannot be met, it is essential that the applicant/agent inform the Environmental Health (Contaminated Land) and Development Control Sections of when information will be received.
- 4.6.7 Information submitted to the Council will be reviewed to determine whether sufficient information is available to 'rule out' the risk from each individual source.
- 4.6.8 Where sufficient information is submitted, a consultation response will be sent to the Development Control Section with the appropriate condition and/or informative note to be attached to any grant of consent.
- 4.6.9 Further information on the requirements of a site history is provided in Appendix 1.
- 4.6.10 If the information submitted does not enable the risk to be 'ruled out', further information will be requested in the form of a full Phase I and possibly a Phase II investigation.
- 4.6.11 All contaminated land investigations must adhere to the British Standard BS:10175 "Investigation of Potentially Contaminated Sites – Code of Practice³⁵". This document details each stage of a contaminated land investigation and it is essential that the person conducting the investigation is experienced and familiar with the document.

4.7 Phase I Investigation/Desk Study

- 4.7.1 The purpose of the Phase I investigation is to identify potential pollutant linkages and facilitate the Phase II investigation, should such be required.
- 4.7.2 A Phase I investigation, also known as a desk study, is required when more detailed site specific information is needed. It should include all of the information obtained from the site history in greater detail, as well as information relating to the geology/hydrogeology, Local Authority/Regulatory records and information gleaned from a site walkover.
- 4.7.3 A Phase I report should include a conceptual model, which identifies the potential sources of contamination, the potential pathways by which the contaminants could travel and the potential receptors, which the contaminants could affect. These are known as pollutant linkages. This model can either be in text or diagrammatic format, however a combination of both is preferable.



- 4.7.4 Full details obtained from the site walkover should also be included within the Phase I report. Such information should include the main features of the site, any staining of the ground, disturbed areas, any water features present, vegetation dieback etc. The site walkover should also be used to identify any obstacles which may cause a problem should a Phase II investigation be required. Such obstacles could include electricity cables, the presence of tanks on site, limited access etc.
- 4.7.5 The Phase I report should be submitted to the Environmental Health (Contaminated Land) Section for review. A recommendation should be included as to whether no further action is required or the investigation should proceed to Phase II. Proposals and recommendations for the Phase II investigation can also be included at this point to enable the Environmental Health (Contaminated Land) Section to comment on the proposed works.
- 4.7.6 If the Environmental Health (Contaminated Land) Section has any comments or queries on the Phase I report a letter will be sent to the agent or applicant, as applicable, for the planning application and the author of the report if instructed to do so by the agent/applicant. This will detail any issues from the report, which need clarification and require to be addressed before any further works should be undertaken.
- 4.7.7 If the report concludes that no further work is required and the Environmental Health (Contaminated Land) Section is in agreement, a recommendation for approval will be sent to the Development Control Section including any appropriate conditions, which should be applied to the consent, if granted.
- 4.7.8 Further information on a Phase I investigation can be found in Appendix 2 of this document.

4.8 Phase II Investigation

- 4.8.1 A Phase II investigation, also known as an intrusive investigation, is required where the Phase I investigation has not been able to 'rule out' the risk from all potential sources of contamination. This phase may incorporate sampling and analysis of soils and waters as well as monitoring of ground gases.
- 4.8.2 The purpose of a Phase II investigation is to quantify the nature and extent of contamination on the site. It also enables a risk assessment to be undertaken to determine which *potential* pollutant linkages are in fact *significant* pollutant linkages, i.e. those requiring to be addressed by remediation works.
- 4.8.3 A Phase II investigation must be undertaken by an appropriately qualified and trained Environmental Consultant with full working knowledge of BS:10175, "Investigation of Potentially Contaminated Sites – Code of



Practice”, BS:5930 “Code of Practice for Site Investigations³⁶” and all other appropriate guidance.

- 4.8.4 It is recommended that the developer ensure the Environmental Consultant carries appropriate insurances for the work they undertake including public liability and professional indemnity insurances.
- 4.8.5 Prior to undertaking the site works a full methodology can be submitted to the Environmental Health (Contaminated Land) Section for comment. A response will be provided to the agent for the site and copied to the consultant who submitted the methodology, if instructed by the agent.
- 4.8.6 The methodology should particularly include the contaminants of concern, the location of the trial pits to be excavated and boreholes to be installed, if required, the depths of sampling locations and the analytical suite to be used for the chemical testing.
- 4.8.7 Due regard must also be given to the limits of detection available from the laboratory for each contaminant to ensure an accurate assessment can be made against the chosen screening criteria. Details of the initial screening criteria should also be included within the Phase II methodology.
- 4.8.8 When considering the potential risk to the water environment consideration should be given to sampling ground and surface waters or leachate analyses from soil samples. Groundwater should be sampled from borehole installations; sampling of groundwater from trial pits is not an acceptable method due to the potential for additional contamination from soils. If groundwater sampling is not to be undertaken, leachate analyses should be carried out on a representative number of samples from appropriate depths above the groundwater table. However dependent on the results of any leachate analyses it may be necessary to return to sample water from boreholes.
- 4.8.9 Further detail on the methodology for a Phase II investigation is provided within Appendix 3 of this document.
- 4.8.10 Once Phase II works have been undertaken a factual and interpretative report must be submitted to the Environmental Health (Contaminated Land) Section. This should include an updated conceptual model and a revised risk assessment. The report must also have recommendations detailing whether further works are required and, if so, what these works will comprise of. This may be supplementary investigation to further delineate suspected contamination or remediation work to ensure the site is suitable for use. If the Council’s Environmental Health (Contaminated Land) Section has any comments or requires any clarification on the report, a letter will be sent to the agent and the consultant, if instructed to do so by the agent.
- 4.8.11 Issues highlighted must be addressed in writing by the agent or consultant. Any outstanding issues must be addressed before any comment can be made to the Development Control Section. Once the Environmental Health



(Contaminated Land) Section has agreed the report, a recommendation for approval will be sent to the Development Control Section including any appropriate conditions, which should be applied to the consent, if granted.

- 4.8.12 If further investigation is required, the proposals for the work should be submitted to the Environmental Health (Contaminated Land) Section. Once agreed, the further works can be undertaken with a factual and interpretative report being submitted to the Environmental Health (Contaminated Land) Section on conclusion of the works. Any outstanding issues must be addressed before any comment can be made to the Development Control Section. Once the Environmental Health (Contaminated Land) Section has agreed the report, a recommendation for approval will be sent to the Development Control Section including any appropriate conditions, which should be applied to the consent, if granted.
- 4.8.13 All Phase II investigation work that can be undertaken must be done so before the planning application can be determined. The Environmental Health (Contaminated Land) Section must be provided with all the information on the nature and extent of contamination and the feasibility and implications of remediation for the development at the time the application is determined, unless there are exceptional circumstances, where this is not possible. Where the presence of buildings or access restrictions prevent some works being carried out, these further works can be permitted to be undertaken post consent through the inclusion of appropriate conditions to the planning consent.
- 4.8.14 In cases where further investigation is required post consent, a "Further Investigation/Remediation Strategy" requires to be submitted to the Environmental Health (Contaminated Land) Section for approval, this then becomes the basis for the contaminated land condition for any consent granted. The strategy should include, in particular, details of the works to be undertaken. Appendix 4 of this document gives further details on specific requirements of such a strategy.
- 4.8.15 This strategy, once agreed, will become a legally binding document and part of the conditions of consent for the planning application, if granted.
- 4.8.16 Where no further investigation is required, but remediation works are necessary a "Remediation Strategy" must be submitted to the Environmental Health (Contaminated Land) Section, for approval, this then becomes the basis for the contaminated land condition for any consent granted. This strategy must include the detail of the remediation work to be undertaken including the site specific target criteria, which will be used to validate the success of the work and how the validation will be carried out. The remediation strategy will also detail the timescales for the submission of validation reports. The nature of some forms of remediation is such that the actual remediation takes place over a period of years. Also some forms of remediation are such that validation of the success of work has to be carried out over a period of time, which can be up to 10 years. All of this information is provided in the Remediation Strategy, which forms the



basis of the planning condition and is therefore, why it is required to be a condition of the consent.

- 4.8.17 As above, this strategy, once agreed, will become a legally binding document and part of the conditions of consent for the planning application, if granted. Appendix 4 of this document gives further details on specific requirements of a remediation strategy.
- 4.8.18 Until this point has been reached no recommendation for the approval of the planning application can be given to the Development Control Section.



4.9 Phase III – Remediation

- 4.9.1 A Phase III investigation, also known as remediation or risk management, involves the breaking or controlling of significant pollutant linkages to ensure that the development can proceed without detrimental impact to any receptors. Remediation can take many forms, e.g. removal of source of contamination, breaking a pathway by inserting a barrier etc and is entirely site specific.
- 4.9.2 The specific details of the remediation will have been submitted within the remediation strategy. In some cases where the detailed methodology cannot be specified at the time of the submission of the strategy, the condition of consent will state that a detailed methodology must be submitted within a timescale prior to the commencement of the remedial works. All works to be undertaken must be approved by the Council's Environmental Health (Contaminated Land) Section, in writing, prior to any works commencing.
- 4.9.3 If, at any time, significant unsuspected contamination is found then all work must cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken. Before works can recommence a remediation method statement requires to be agreed with the Environmental Health (Contaminated Land) Section.
- 4.9.4 Once the remedial works have been completed, a full report should be submitted to the Environmental Health (Contaminated Land) Section detailing all works that have been undertaken including any unexpected occurrences of contamination, which required to be addressed.
- 4.9.5 Further details on the requirements of Phase III works is given in Appendix 4 of this document.

4.10 Phase IV – Validation

- 4.10.1 A Phase IV investigation, also known as validation, is undertaken following Phase III works. Its purpose is to confirm the success or otherwise of these works and to identify whether any further remediation or risk management measures are necessary.
- 4.10.2 Depending on the validation work required, the validation report can be submitted with the Phase III – Remediation Report.
- 4.10.3 The report should detail what analyses have been undertaken in accordance with the remediation strategy.
- 4.10.4 In some cases long term monitoring will be required, the details of which will have already been agreed. Depending on the length of monitoring required interim reports, with results to date, might require to be submitted to the Environmental Health (Contaminated Land) Section. In addition, interim target criteria may also be required to ensure the validation results



are proceeding as planned. Such an instance, for example, would be where groundwater monitoring was required and the time to when the site criteria will be reached at the compliance point is 3 years. Interim site target criteria would be required for the end of years 1 and 2 to ensure that the remediation undertaken at the site was going to result in the water target criteria being achieved at the end of three years.

- 4.10.5 Further detail on the requirements of a Phase IV – Validation report is presented in Appendix 5 of this document.
- 4.10.6 The final validation report must be submitted to the Environmental Health (Contaminated Land) Section for approval, in writing. If the Environmental Health (Contaminated Land) Section has any comments or queries on the Phase IV report a letter will be sent to the agent and the consultant if instructed to do so by the agent.
- 4.10.7 If the validation report demonstrates that pollutant linkages have not been broken and a risk is still present, further contingency works may be required. The Environmental Health (Contaminated Land) Section will consider any submission of a cost-benefit analysis in support of the developer not carrying out further works. It will not guarantee that such an analysis will be agreed and further works may still be required. However where such analysis is accepted this may still not prevent the site being assessed under Part IIA of the Environmental Protection Act 1990 and possibly being placed on the Council's Contaminated Land Register with a Remediation Declaration to state why no further work is considered necessary.
- 4.10.8 When all queries and outstanding issues have been addressed the Environmental Health (Contaminated Land) Section can request that the Development Control Section discharge the relevant conditions relating to remediation of the site. A condition will not be discharged until the Environmental Health (Contaminated Land) Section is satisfied and all requested information has been received.

4.11 Screening Criteria and Risk Assessments

- 4.11.1 Every site is different and as such any risk assessment should be site specific. In order to do this, site specific screening criteria need to be established for each site. However the Environmental Health (Contaminated Land) Section is mindful that this can be an additional cost for the developer and therefore a risk assessment may be carried out in a phased or tiered approach.
- 4.11.2 Any risk assessment must follow the guidance set out in the CLR publications¹⁴⁻¹⁸ produced by the Department for the Environment, Food and Rural Affairs (DEFRA) and the Environment Agency. Details are given within these reports on the UK policy and the available parameters to be used in a risk assessment package.



4.11.3 In some cases it may be appropriate to utilise generic screening criteria for an initial assessment. This will only be appropriate where a comparison of the conceptual model for the generic criteria and the subject site shows sufficient similarity and the generic criteria proposed are consistent with UK guidance at that time.

4.11.4 Soils and groundwater will be discussed separately owing to the different screening criteria used for the assessment.

4.11.5 *Soils*

4.11.5.1 To date the Environment Agency and DEFRA have produced Soil Guideline Values: The Way Forward, Assessing Risks from Land Contamination – A Proportionate Approach, DEFRA, November 2006²⁶ for 10 contaminants and toxicological data for 23 contaminants.

4.11.5.2 UK data should be used wherever available. In the absence of UK data, information, such as the derivation of tolerable daily intake (TDI's) values and other toxicological data can be used from the following bodies/organisations in the order of priority given in the CLR publications.

- Authoritative bodies in the UK
- European Commission's committees
- International authoritative organisations
- Other national organisations
- Authoritative organisations where the information was for different purposes

4.11.5.3 Where non-UK screening criteria are used, full justification for their use must be included within the report along with any degree of conservatism that has been applied to account for not complying with UK policy. The most recently published version of such values should be used. Please note the Environmental Health (Contaminated Land) Section does not, in any circumstance, accept the following screening criteria:

- IRCRL 59/83, which have been withdrawn in UK;
- Kelly Indices;
- Maryland Values.

4.11.5.4 If exceedences against screening criteria are demonstrated a site specific risk assessment should be undertaken. Again a UK risk assessment model should be used wherever possible to ensure compliance with UK policy. However if this is not possible, other assessment models may be used but must be adapted to comply with UK policy and full details of how this has been carried out submitted to the Environmental Health (Contaminated Land) Section with the risk assessment.

4.11.5.5 The Environment Agency and DEFRA have developed the CLEA UK¹⁹⁻²⁰ model which can risk assess using all 10 pathways defined in CLR 7. This however, is currently only a beta version, with the full version not yet



released. This model can be used to undertake risk assessments, however whilst it is still the trial version another risk assessment tool must be used alongside it to verify the results. The most conservative figure from the two models must be used as the screening criteria. The CLEA 2002 model has now been formally withdrawn by the Environment Agency and as such will not be accepted by the Environmental Health (Contaminated Land) Section.

- 4.11.5.6 Other risk assessment models are available however may not cover all the pathways identified in the CLR publications. A degree of conservatism must be adopted when using such packages to take account of their non-alignment with UK policy. In addition, input parameters should be altered to be consistent with those identified in CLR 10¹⁷, to ensure the UK context is taken into account.
- 4.11.5.7 All risk assessment data sheets, inputs and outputs, must be submitted along with reports to the Environmental Health (Contaminated Land) Section for review.
- 4.11.5.8 It is important to note that the Environmental Health (Contaminated Land) Section will not set the screening criteria or the remediation and validation criteria for the site. It is the responsibility of the developer and their consultant to propose appropriate criteria with all necessary reference and justification for the parameters and tools used. However, all criteria will require to be approved by the Environmental Health (Contaminated Land) Section in advance of works commencing.

4.11.6 *Groundwater*

- 4.11.6.1 SEPA states in its document "Water Pollution Arising From Land Containing Chemical Contaminants²⁹" Dec 2001, page 12;

"Until groundwater standards are derived, it should be assumed that the most sensitive standards designed to protect surface water (Environmental Quality Standards) and drinking water supply (Drinking Water Standards) will be protective of groundwater."

- 4.11.6.2 Therefore the most conservative of the above two values should be used for the assessment of the water environment. The most up to date published values should be used. UK values should be used where available with EU values only used where a UK value does not exist. This will be updated as further advice and guidance from SEPA is received.
- 4.11.6.3 The initial assessment of the water environment must be made by comparing the site values against the most conservative of the Environmental Quality Standards²⁷ and the Drinking Water Standards³⁷. However the Council recognises that the values are conservative and in some cases unachievable.



- 4.11.6.4 This is taken into account when site specific target criteria are being agreed for remediation works. The groundwater leaving the site at the site boundary should meet the most conservative of the two values. As SEPA's booklet "Water Pollution Arising From Land Containing Chemical Contaminants"²⁹ Dec 2001, states,

"The assessment should normally be made just outside a mixing zone, such that it is the resultant concentration in the receiving water rather than the concentrations entering the water that is being assessed"

"For groundwater, it is anticipated that the mixing zone should not extend beyond the boundary of the contamination or the site".

- 4.11.6.5 The assessment point is determined on a site by site basis and generally will be the site boundary except in the case of very large sites where the boundary of the contamination will be used.
- 4.11.6.6 However, the Environmental Health (Contaminated Land) Section does adopt a pragmatic view and if the most conservative value cannot be met at the site boundary the developer must propose an alternative value to be applied at the site boundary. This must take account of cost benefit, the reasonableness of remediation work, the overall sustainability of the remediation technique and should comprise the most conservative value possible taking account of these parameters. Supplementary validation will be required where surface waters are in proximity to the site.
- 4.11.6.7 When carrying out risk assessments for the water environment, regard should be given to UK policy and guidance as well as the specific circumstances of the site. As with human health risk assessment, water environment risk assessments must be site specific and all risk assessment data sheets, inputs and outputs, must be submitted along with reports to the Environmental Health (Contaminated Land) Section for review.
- 4.11.6.8 As stated in 4.11.5.8 the Council does not set the criteria for the screening and validation assessment, however these require to be approved by the Environmental Health (Contaminated Land) Section in advance of any works.

4.12 Gas and Vapour monitoring

- 4.12.1 Where gas monitoring is required to be undertaken, a very minimum of three month's data should be provided. The number of rounds of monitoring should be determined by the circumstances of the site with regard given to guidance and research in this field, e.g. "Site investigation and monitoring for ground gas assessment – Back to Basics"³⁹, Wilson and Haines, EPP Publications, 2005. A representative number of monitoring rounds must be at low and falling atmospheric pressure. In addition, monitoring must be carried out over a range of weather conditions. This is to ensure the characterisation of the gas regime at the site. As such the regularity of monitoring and the monitoring period itself is site specific.



However for example, a housing development proposed on or within the vicinity of a post 1960's domestic waste site may require monthly monitoring for a period of two years.

- 4.12.2 Initial assessment of gases present can be made using available guidance such as CIRIA Report 149 – Protecting Development from Methane, CIRIA, 1995⁴⁰ document and other peer reviewed material, e.g. "Reliability and risk in gas protection design", Wilson and Card, Ground Engineering, 1999⁴¹. Gas risk assessments will be accepted by the Council but full justification for the parameters and values used must be also submitted.
- 4.12.3 The Council does not accept results obtained from the use of gas spikes. These are unreliable and do not allow characterisation of the gas regime at a site.
- 4.12.4 When considering vapours the use of Flame Ionisation Detectors and Photo-Ionisation Detectors can be used on site for indication purposes but the results will not be accepted on their own and must not replace laboratory analysis.



5.0 TIMESCALES

5.1 The period allowed for a consultation response to planning applications is 14 days and, where this is possible; such a response will be given. However, the Environmental Health (Contaminated Land) Section may not have been provided with sufficient information to provide a full response within that time and therefore will provide a holding comment, advising that the application should not be determined until the final consultation response has been returned from the Contaminated Land Section. Initial consultation responses, therefore, will normally be provided within 10 working days of receipt of the application by the Environmental Health (Contaminated Land) Section.

5.2 Details of timescales with regard to the submission of site history information are given in 4.6 above.

5.3 All information submitted in respect of planning applications will be responded to by the Environmental Health (Contaminated Land) Section within the following timescales;

- Site history – 5 working days
- Phase I investigation report – 10 working days
- Phase II investigation proposals – 10 working days
- Phase II investigation report (including risk assessments) – 20 working days
- Phase II re-submissions/supplementary reports – 10 working days
- Phase III & IV proposals – 20 working days
- Phase III & IV re-submissions – 10 working days
- Phase III & IV reports – 20 working days

The timescales for responses to reports, which include investigation information and proposals, will be treated as though that information had been provided separately. For example a Phase I investigation report, which includes Phase II investigation proposals will take up to 20 working days. However, it should also be noted that whilst the above timescales detail the maximum time allocated for the consideration of submissions, the Environmental Health (Contaminated Land) Section will endeavour to provide comments as quickly as possible.

5.4 The Environmental Health (Contaminated Land) Section will seek to process planning applications in a timeous and efficient manner. However the Council cannot accept responsibility for delays, which are caused due to circumstances beyond its control, for example delays in the submission of reports to the Council.

5.5 The process is further described in the flow diagram in Appendix 6.



6.0 LIAISON AND COMMUNICATION

6.1 Communication with Agent/Applicant

- 6.1.1 All correspondence in relation to planning applications will be sent primarily to the agent for the application. In the absence of an agent, the applicant will be the main contact for the site. Initial contact will be made by a letter from the Environmental Health (Contaminated Land) Section. Any further correspondence will be by e-mail, fax, telephone or letter, whichever is the agent/applicant's preference or appropriate for the situation. For example, if contact cannot be made by telephone an e-mail may be sent if an address has been provided.
- 6.1.2 Site details will not be discussed with any person other than the agent and/or applicant named on the planning application D1 form and officers within Development Services unless instructed to do so in writing by the agent or applicant.
- 6.1.3 Information with regard to a site history must be submitted in written format either by letter, fax or e-mail. Details of how such information has been gathered must also be included.
- 6.1.4 Draft reports, site proposals and strategies can be submitted either by letter, fax or e-mail for comment by the Environmental Health (Contaminated Land) Section. Comments will be sent to the agent, or applicant if an agent has not been appointed, with copies sent to the consultant where instructed to do so by the agent/applicant.
- 6.1.5 Final reports and strategies must be submitted in signed paper format. Two copies of the documents should be provided. The document should be signed by the consultant on behalf of the person commissioning the report or by the applicant or agent himself or herself.

6.2 Consultations

- 6.2.1 SEPA will be consulted, by the Environmental Health (Contaminated Land) Section, on applications where it appears that there may be a significant impact upon the water environment. A response from SEPA will require to be provided within a pre-determined time period set by the Environmental Health (Contaminated Land) Section. Generally this will be at least 10 working days, however, this may be reduced where an urgent response is required or the report/strategy being consulted upon is a re-submission.
- 6.2.2 If a site investigation shows a significant pollutant linkage associated with an ecological system or ancient monument etc., consultation will be sought with Scottish Natural Heritage or Historic Scotland, as appropriate. Response times will be consistent with those applicable to SEPA consultations.



7.0 INFORMATION MANAGEMENT

- 7.1 All information submitted in relation to contaminated land in support of a planning application will be held by the Environmental Health (Contaminated Land) Section. Any comment required in the future in response to enquiries, planning applications etc which may be received for that site, will include reference to any works that were undertaken.
- 7.2 If a planning application is received where a previous application for that site had a site history submitted and the applicant is not the same person, the information will be requested again. This is to ensure firstly that there have been no changes in circumstances since the first application and also to ensure the new applicant confirms the information for himself and is aware of all potential contamination, which may be present on site. Where there is a previous application and the applicant is the same person confirmation will be sought that there have been no changes in circumstances since the earlier submissions.
- 7.3 The Council must be made aware in writing if any information submitted in support of an application has been requested to remain confidential. However, the Council is subject to Freedom of Information and Environmental Information legislation and cannot guarantee that material requested to be held as confidential will not be subject to release under the above legislation.



Appendix 1



Appendix 1

Site History

Where potential sources of contamination have been identified and further information is required to process a planning application, the Environmental Health (Contaminated Land) Section will inform the agent/applicant by letter. This letter will detail the potential sources of contamination that have been identified from Council records including the relevant dates, where possible. The agent/applicant will be requested to provide a Site History in support of the application.

This Appendix outlines what should be included as a minimum when compiling a site history whilst giving guidance on possible sources of information. Please note that the information contained in this Appendix gives details of what is expected and required, it is not the intention of the Environmental Health (Contaminated Land) Section to provide a prescriptive methodology for any part of a site investigation undertaken within the planning process. There are a number of references available on undertaking contaminated land site investigations and The Moray Council is committed to providing an advisory service. However, as the role of the Environmental Health (Contaminated Land) Section in this regard is to regulate contaminated land within the planning process it is not possible for it to define the exact investigation. The Council welcomes the opportunity to provide any comments on site investigation proposals prior to work commencing.

A site history should include details of the sites past uses and activities, as well as those within its vicinity. This initial investigation consists of research and as much detail as possible should be included, in particular with regard to:

1. Timescales – when each process and activities commenced and concluded,
2. Process – what types of processes and activities were undertaken,
3. Products – details of raw materials used and waste products generated by these processes,
4. Scale – magnitude of activities undertaken,
5. Previous Investigations/Remediation – details of any works previously undertaken,
6. References – details of where the information submitted has been obtained and how that information was known.

There are various sources of information, which can be consulted to obtain the history of the site. The following examples are given but are by no means exhaustive.

1. Consultation of historic maps, available from The Moray Council Archivist,
2. Discussion with previous owners, local residents, etc.,



3. Site visit to identify any pertinent features, e.g. visual evidence of contamination, etc.,
4. Research similar processes/activities undertaken at other sites,
5. Consultation with the Environmental Health (Contaminated Land) Section to ascertain whether it holds information on the site or it's vicinity.

This information should be provided in the form of a letter and requires to be submitted within 10 working days of the initial request from the Environmental Health (Contaminated Land) Section. On receipt of this information, the Contaminated Land Officer dealing with the application will consider whether enough information has been provided in order to identify whether any potential risk exists to the proposed development. Where supplementary information is required, the Contaminated Land Officer will advise the agent/applicant accordingly, with a further reply date set.

In the case of an application where there are agricultural buildings present, a form will be sent out to the agent/applicant asking for specific details relating to the agricultural use.

Should the information provided identify no potential significant pollutant linkages, the Contaminated Land Officer's final recommendation of approval of the application will be able to be provided to Development Control. However, where the potential for significant contamination to exist remains, the Contaminated Land Officer will require further information to be submitted. This may constitute possibly just some further clarification or justification of the information already submitted or may require a formal contaminated land investigation, undertaken in Phases. At the end of each Phase the Contaminated Land Officer will evaluate the information provided and advise whether the next Phase is necessary.



Appendix 2



Appendix 2

Phase I – Desk Study

A Phase I investigation, also known as a desk study, encompasses detailed research regarding the site and its surrounding area. It should include all of the information discussed in the Site History, in greater detail, as well as further information relating to potential pollutant linkages. It is at this stage that an environmental consultant is often contracted to gather and collate all the information required for a Phase I report, however, it is acceptable for this to be undertaken by the agent or applicant where they have sufficient expertise to carry out the investigation appropriately.

This Appendix outlines what should be included as a minimum when compiling a Phase I Desk Study. Please note that the information contained in this Appendix gives details of what is expected and required, it is not the intention of the Environmental Health (Contaminated Land) Section to provide a prescriptive methodology for any part of a site investigation undertaken within the planning process. There are a number of references available on undertaking contaminated land site investigations and The Moray Council is committed to providing an advisory service. However, as the role of the Environmental Health (Contaminated Land) Section in this regard is to regulate contaminated land within the planning process it is not possible for it to define the exact investigation. The Council welcomes the opportunity to provide any comments on site investigation proposals prior to work commencing.

As a minimum the Phase I should include the following:

1. The objectives of the investigation – what the investigation intends to address,
2. Site history, historical and present uses of the site and the surrounding area including analysis of historical and present day maps. Historical maps can be accessed through The Moray Council Archivist,
3. Waste disposal activities, details of any landfill sites whether licensed or otherwise within the vicinity of the site,
4. Geological information to identify the solid and drift geology of the site and surrounding area,
5. Hydrogeological information including the groundwater vulnerability and depth/direction if known,
6. Conceptual Model detailing the potential sources, pathways and receptors, i.e. the potential pollutant linkages. A conceptual model can be either a textual or diagrammatic format, but preferably includes a combination of the two. The conceptual model is updated throughout the phases of the investigation.



a) Sources

Potential sources can be identified through analysis of maps and trade records, etc. and the potential contaminants of concern can be found by consulting Department of the Environment Industry Profiles⁴², etc. The DoE profiles detail the most likely contaminants to be found with various industries. There are 47 profiles which are available on pdf format on the Environment Agency website.

b) Pathways

Pathways are the routes by which a contaminant can reach a receptor, e.g. contaminants in the soil can be uptaken by plants, which can then be consumed by humans.

Potential pathways are outlined in CLR 7¹⁴ and 10¹⁷ and an assessment of the ground and the surrounding area should identify which pathways are potentially available.

c) Receptors

Consideration is required for all statutory receptors, namely human beings, the water environment, ecological systems, property in the form of crops and livestock and property in the form of buildings.

7. Any pertinent information from local authority records, information on licences from SEPA, etc. This could include, for example, any discharge consents, waste disposal activities, etc.
8. Anecdotal information including the information obtained from the site history. Information obtained from previous residents, workers etc.
9. Information on any previous investigations. Details of the purpose of any investigations undertaken and the conclusions and recommendations made.
10. Information from the site walkover.

This should be undertaken after the rest of the information has been collated so that it can be used to confirm the findings of the research. Also the site walkover enables any additional information about the site, such as features not shown on Ordnance Survey maps, to be identified. A check can be made for any visual or olfactory signs of contamination, e.g. staining of the ground, disturbed areas, vegetation dieback, unusual odours etc. There may also be aspects concerning the site that were not obvious from the research but visible when on site, photographs of the site are often useful too. It is helpful, where possible, to have someone who is familiar with the site present.

The walkover can also aid in designing the Phase II investigation, e.g. identify any access constraints, overhead power cables etc.

The report should include the conclusions and recommendations from the investigation. It should clearly state whether any further investigation is required and may include the proposals for the next stage of the investigation.



The report should be submitted to the Environmental Health (Contaminated Land) Section. The report will be reviewed within 10 working days from receipt. It is possible that the Council will have some comments and queries on the report and these will be detailed in a letter to the agent/applicant, copied to the consultant if requested by the agent/applicant.

Any queries with the report will need to be addressed to the satisfaction of the Environmental Health (Contaminated Land) Section before any further work is undertaken or the appropriateness and approval of further work may be prejudiced.

Once the Council has agreed the report and where no further investigation work is required, recommendations, including any appropriate conditions, for approval of the application will be made to the Planning Officer.

If the report recommends that further work is required, the proposals for such work can be submitted to the Council prior to any further work being undertaken. The Environmental Health (Contaminated Land) Section will review the proposals and make any comments to the consultant with a copy sent to the agent/applicant. It is not compulsory to submit the proposals however it is strongly advisable so that any problems can be addressed before the investigation commences.

Any intrusive investigation work must be carried out prior to the determination of the planning application to ensure the site is suitable for its intended use. However if the site has been totally developed access may not be achievable until post demolition. In these cases intrusive works can be done post consent as part of the planning consent conditions. Further details on these situations can be found in Appendix 3. Any areas of a site where work can be undertaken without prohibitive constraints must be investigated before the application determined.

Further information on the details that should be included in any proposal documents for Phase II investigations is included in Appendix 3 – Phase II.



Appendix 3



Appendix 3

Phase II Investigation

A Phase II investigation, also known as an intrusive investigation, incorporates sampling and analysis of soils and waters as well as monitoring of ground gases. The Phase II design is facilitated by the Phase I investigation to allow the works to be as cost effective as possible.

The purpose of a Phase II investigation is to quantify the nature and extent of contamination on the site and allow a risk assessment to be undertaken to determine which *potential* pollutant linkages are in fact *significant* pollutant linkages, i.e. those requiring to be addressed by remediation works.

This Appendix outlines what should be included as a minimum when undertaking a Phase II investigation. Please note that the information contained in this Appendix gives details of what is expected and required, it is not the intention of the Environmental Health (Contaminated Land) Section to provide a prescriptive methodology for any part of a site investigation undertaken within the planning process. There are a number of references available on undertaking contaminated land site investigations and The Moray Council is committed to providing an advisory service. However, as the role of the Environmental Health (Contaminated Land) Section in this regard is to regulate contaminated land within the planning process it is not possible for it to define the exact investigation. The Council welcomes the opportunity to provide any comments on site investigation proposals prior to work commencing.

Proposals

It is not obligatory to submit the detailed proposals however this can help to address or highlight any concerns before the work is carried out.

The minimum information which should be submitted in a proposals document include the following:

1. The objectives of the investigation,
2. A plan showing the locations of trial pits and/or boreholes with justification for each location, normally comprising a combination of targeted and non-targeted sampling locations,
3. The depths from which sampling is planned and the nature of the samples to be taken, e.g. soil, water,
4. The sampling suite to be used, with justification. Also if not all samples are being analysed for the same contaminants, details of which samples are being tested for which contaminants with justifications for the analytical regime,



5. The sampling methodology including reference to relevant British Standards and other guidance,
6. The screening criteria to be used, with justification,
7. Assurance that appropriate limits of detection will be used to allow comparison with screening criteria, i.e. that limits of detection are below or equal to the screening criteria,
8. Details should also be given of any long term monitoring that is planned, e.g. gas and/or water monitoring.

Any comments or queries on the proposals will be sent to the Consultant with a copy sent to the agent/applicant. Officers from the Environmental Health (Contaminated Land) Section are happy to discuss site investigation proposals by telephone or arrange meetings where required.

Phase II Investigation

A Phase II investigation must be undertaken by a suitably qualified person. The investigation must be undertaken in accordance with British Standards BS: 10175 "Investigation of Potentially Contaminated Sites – Code of Practice³⁵" and BS: 5930 "Code of Practice for Site Investigations³⁶" and other appropriate guidance.

This Appendix sets out the minimum requirements and considerations required for inclusion in a Phase II report, it does not detail other aspects required in the planning and implementation of a contaminated land site investigation such as health and safety, services etc.

When the Phase II investigation has been undertaken a report must be submitted to the Environmental Health (Contaminated Land) Section for agreement.

As a minimum the Phase II report should include the following:

1. A summary of the Phase I report with the conclusions and recommendations and the initial conceptual model.
2. Overall objectives of the investigation
3. Details of the investigation undertaken including
 - a) The depths from which samples were taken including justification and the sample medium. Investigations can comprise of targeted or non-targeted sampling depending on the site. Information on sampling patterns and frequencies can be found in BS: 10175. The sampling strategy should be clearly explained with full justification of the location of trial pits/boreholes, sampling methodology and depths of sampling to demonstrate a representative characterisation of the site.



- b) The sampling suites used, with justification, including an explanation where different analytical suites are used. Various on site analysis is available e.g. on site testing kits, flame ionisation detectors (FIDs) which can be used to provide immediate results whilst on site. These types of equipment can be used for indicative purposes however cannot be accepted in replace of laboratory chemical analysis.
 - c) Sampling methodology used, adherence to BS: 10175 and BS: 5930 and other guidance. The chain of custody documents should also be included within the report as should laboratory accreditation details etc.,
 - d) Any problems or unexpected occurrences whilst undertaking the investigation.
4. The analytical results from the sampling should be clearly detailed within the report. The actual laboratory data sheets should also be included.
 5. An interpretation of the results is required with a comparison of the on site levels of contaminants made against appropriate screening criteria.

a) Soils

The Environment Agency and DEFRA have issued Soil Guideline Values²⁶ (SGVs) for 10 contaminants, as of October 2006. These can be used, where appropriate, as generic screening criteria for the protection of human health. Other generic screening criteria can be used; however full justification for their use must be included, taking account of UK policy and a comparison of conceptual models.

The Environment Agency has developed a site specific risk assessment tool, CLEA UK²⁰. This is still in its trial beta version and therefore if CLEA UK is to be used it must be supported by another risk assessment model, e.g. SNIFFER⁴³, RBCA⁴⁴ (corrected for UK policy). The most conservative value for each contaminant must then be used as the screening criteria.

Site specific criteria can also be generated using various other risk assessment models. Again the justification for the use of a model must be included detailing how the model aligns with UK policy and a comparison of conceptual models. Some models do not take account of all the contaminant pathways identified in the CLR publications and how this has been addressed must be included.

b) Water Environment

Any nearby surface water courses should be considered and sampled if necessary to determine whether any contamination is impacting upon them. The water beneath the site is also part of the water environment. If the source of contamination is on the site, groundwater analysis may also be required. Groundwater samples must be taken from boreholes; analysis taken from water in trial pits will not be accepted as representative of the groundwater conditions. If groundwater sampling is not to be undertaken, leachate analyses should be carried out on a representative number of samples from appropriate depths above the



groundwater table. However dependent on the results of any leachate analyses it may be necessary to return to sample water from boreholes.

Initial screening criteria for water analysis should be the most conservative of the Environmental Quality Standards²⁷ (EQS) and Drinking Water Standard³⁷ (DWS) as advised in the SEPA booklet "Water Pollution Arising From Land Containing Chemical Contaminants²⁹", Dec 2001.

The compliance point for groundwater contamination should be the site boundary. This is to ensure that no contaminated groundwater leaves the site. Therefore if groundwater has been impacted samples should be taken or modelling carried out to demonstrate whether the groundwater leaving the site is at levels above the relevant EQS/DWS. If groundwater off site is being affected remediation may be required. More details are given regarding the agreement of compliance criteria in Appendix 4.

c) Leachate

If boreholes are not to be installed, leachate analysis must be undertaken to determine if any contamination present has the ability to migrate to the groundwater. Leachate analysis should be taken from a point at appropriate depth within the unsaturated layer of ground.

As above the screening criteria should be the most conservative of the EQS or DWS for each contaminant.

Risk assessment models are available to assess the impact upon the water environment, e.g. the Environment Agency's R&D P20 model²⁸, ConSim⁴⁵. All worksheets including input parameter justification should be included within the report to enable review.

6. Updated conceptual model

7. After all the results and risk assessments have been presented and discussed, conclusions and recommendations should be given to determine whether any further investigation and/or remediation works are required or whether there are no pollutant linkages present and no further work is necessary to ensure the site is suitable for use.

The Environmental Health (Contaminated Land) Section will review the report within 20 working days from its submission. Any comments or queries will be sent to the agent/applicant with copies sent to the consultant if requested by the agent/applicant. All points must be addressed satisfactorily before any comment can be made to the Development Control Officer.

In some cases further investigation is required to delineate the contamination present. If this is the recommendation of the report, the proposals for such further work can be submitted to the Council for comment.

Where further investigation is required but cannot be undertaken due to the presence of buildings on site, this work would need to be carried out post demolition and



therefore post consent. Alternatively there may have been a full investigation undertaken on the site and the next stage requires remediation.

In these instances a Further Investigation/Remediation Strategy or a Remediation Strategy requires to be submitted. This strategy details what will be carried out on site and becomes a legally binding document, as part of the planning conditions should consent be granted. - 4 gives further details regarding the information required in these strategy reports.



Appendix 4



Appendix 4

Phase III Remediation

Phase III works, also known as remediation or risk management, involves the breaking of significant pollutant linkages to ensure that the development can proceed without detrimental impact to any receptors. Remediation can take many forms, e.g. removal of source of contamination, breaking a pathway by inserting a barrier etc and is entirely site specific.

This Appendix outlines what is required as a minimum at Phase III of the process. Please note that the information contained in this Appendix gives details of what is expected and required, it is not the intention of the Environmental Health (Contaminated Land) Section to provide a prescriptive methodology for any part of a site investigation undertaken within the planning process. There are a number of references available on undertaking contaminated land site investigations and The Moray Council is committed to providing an advisory service. However, as the role of the Environmental Health (Contaminated Land) Section in this regard is to regulate contaminated land within the planning process it is not possible for it to define the exact investigation. The Council welcomes the opportunity to provide any comments on site investigation proposals prior to work commencing.

As stated in Appendix 3 there may be situations, e.g. due to limitations of access, presence of buildings on site etc., where the full extent of the site cannot be investigated before the planning application is determined. In such cases where all the investigation that can be done has been undertaken, the remaining areas where access was not possible can be investigated as part of the conditions of planning consent, if granted.

Further Investigation/Remediation Strategy

In order to secure a condition relating to further investigation and remediation, a "Further Investigation/Remediation Strategy" requires to be submitted for approval by with the Environmental Health (Contaminated Land) Section. This document must clearly state what work is going to be undertaken on the site to ensure all areas have been fully investigated for contamination. Proposals within this document are insufficient, as the document legally binding within the planning consent and as such must contain clear undertakings rather than proposals.

As a minimum the document must include the following:

1. The objectives of the additional investigation,
2. Details of the further site investigation, including locations of trial pits and/or boreholes with justification for the locations,
3. The depths from which sampling is planned and the nature of the samples to be taken, e.g. soil, water.



4. The sampling suite to be used with justification if different from the original investigation,
5. The sampling methodology including reference to relevant British Standards and other appropriate guidance,
6. The screening criteria to be used, with justification,
7. Assurance that appropriate limits of detection will be used to allow comparison with screening criteria, i.e. that limits of detection are below or equal to screening criteria,
8. Details of any long term monitoring,
9. An undertaking that the "Further Investigation Report" will be submitted to the Environmental Health (Contaminated Land) Section for approval, in writing. A timescale for the submission is also required which generally should be no more than three months after the investigation, e.g. within x weeks from the completion of the investigation. Details of what should be included in a site investigation report can be found in Appendix 3. In addition, the further investigation report should reference and include details of the previous investigation reports in order to provide a holistic view of the site and all works undertaken.
10. An undertaking should also be included to state that if remediation is required a "Remediation Strategy" detailing the exact remediation works will be submitted. The Remediation Strategy requires to be submitted to the Environmental Health (Contaminated Land) Section for approval, in writing, again with a timescale, which should be a minimum of two weeks prior to works commencing or a maximum of three months after the investigation has been completed. Details of the requirements of such a strategy are given below.
11. If it is yet unknown who will carry out the work, an undertaking must be included to state that an appropriately qualified person will undertake the works and their details will be provided to the Council, e.g. x weeks prior to works commencing. At a minimum these details should be provided at least two weeks before work commences.

The Environmental Health (Contaminated Land) Section welcomes draft submissions by post or e-mail to enable comments to be provided.

If any specific details cannot be provided at the time of submission an undertaking must be included to state that the information will be provided to Environmental Health (Contaminated Land) Section in writing and including a timescale for that submission. The final copy of the strategy must be signed and dated by the consultant on behalf of the applicant or by the applicant/agent himself or herself.

Once the Further Investigation/Remediation Strategy has been agreed the Environmental Health (Contaminated Land) Section will then pass its



recommendations to the Development Control Section for the determination of the planning application. The strategy becomes a legally binding document and part of the conditions of consent, if granted.

Remediation Strategy

Where no further investigation works are required before remediation, a "Remediation Strategy" requires to be submitted to the Council for approval in writing before the Environmental Health (Contaminated Land) Section can make any recommendations to the Development Control Section. Alternatively, if further works have been undertaken post consent the planning condition will state that a "Remediation Strategy" will require to be submitted. Detailed below are the minimum requirements to be included within such a strategy.

1. Summary of the findings of the site investigation(s),
2. Details of the remediation to be undertaken and justification for the option chosen. A full methodology can be submitted prior to works commencing however the strategy must include an undertaking to do so with a timescale for the submission,
3. Details of the remediation criteria being applied with justification and references. Details of the risk assessments used should also be included,
4. Methodology for remediation including associated issues, e.g. waste disposal site if required, depths of infill, details of barriers/membranes etc.,
5. Details of the areas to be remediated including the volumes of material to be excavated, imported etc,
6. Source of any imported material and validation methodology if required,
7. Updated conceptual model indicating how all the pollutant linkages will be broken,
8. A timescale for the submission of the remediation completion report to the Council in writing, for approval, e.g. the remediation completion report will be submitted to the Council, as Planning Authority, for approval in writing x weeks after completion of the remediation works. This generally should be no more than three months after the works have been completed,
9. Details of the validation works to be undertaken, areas where samples will be taken from etc. An undertaking must also be given to submit a validation report to the Council in writing for approval, with a timescale, e.g. the validation report will be submitted to the Council, as Planning Authority, for approval in writing x weeks after remediation works have been completed. If the validation period is going to extend beyond the remediation works further details will be required. The timescale by which the validation criteria will be met must be clearly stated. It would be unreasonable to allow validation to continue for a lengthy period of time without an assessment of the progress



and therefore if long term groundwater, surface water or gas monitoring is required details and timescales for the submission of interim reports will also be required including interim validation criteria. Where pollutant linkages will remain for a considerable period, the Council may place the site on its Contaminated Land Public Register, including details of the remediation works.

The remediation strategy should also contain an undertaking that, should interim reports indicate the final validation criteria will not be achieved, contingency measures will be carried out. A timescale must also be included for the submission of the final validation report. Details of the compliance criteria for any groundwater/surface water validation must be included.

As stated in Appendix 3, the assessment and compliance point for groundwater validation is the site boundary. The groundwater leaving the site at the site boundary should meet the most conservative of the EQS/DWS. However, the Environmental Health (Contaminated Land) Section does adopt a pragmatic view and if the most conservative value cannot be met at the site boundary the developer must propose an alternative value to be applied at the site boundary. This must take account of cost benefit, the reasonableness of remediation work, the overall sustainability of the remediation technique and should comprise the most conservative value possible taking account of these parameters. In addition, the developer must demonstrate where the most conservative value of the EQS/DWS can be achieved. Where surface waters are in proximity to the site the remediation must result in the EQS being able to be met at that surface water. Where the surface water is used recreationally or as a drinking water supply the DWS should also be met. The site boundary must always be the principal compliance point for the validation assessment and it will be those figures used as the target criteria. Supplementary validation will be required where surface waters are in proximity to the site,

10. An undertaking to advise the Environmental Health (Contaminated Land) Section of any unsuspected circumstances that arise on site during the works and if any such occurrences, work will stop immediately until the Council have been informed. Works may only be commence once a methodology for the matter to be addressed has been agreed with the Environmental Health (Contaminated Land) Section,
11. A contingency plan should remediation be unsuccessful, with an undertaking for the details of any contingency works required to be submitted to the Council, as Planning Authority, for approval in writing, x weeks after the remediation has shown to be unsuccessful. This timescale generally should be no more than three months,
12. Details of the responsible persons who will be undertaking and supervising the remediation and validation work including confirmation of appropriateness and details of public liability and professional indemnity insurance and duration of the validity of such insurances,



13. Confirmation that 14 days written notice of commencement of remediation will be provided to the Council's Environmental Health (Contaminated Land) Section,
14. The strategy must be signed and dated by the applicant/agent or consultant on behalf of the applicant.

Once this strategy has been approved the Environmental Health (Contaminated Land) Section will make its recommendations to the Development Control Officer if planning consent has not yet been obtained. Where this strategy is submitted post consent, work can commence only once the strategy has been approved.

Remediation Report

Once all remediation work has been completed, a report detailing the site works will need to be submitted to the Environmental Health (Contaminated Land) Section for approval. This should detail all the work that was undertaken on site including any unexpected occurrences.

This report can also form the validation report with full details of all the validation or interim validation work undertaken.

Details of the requirements of a validation report are given in Appendix 5.



Appendix 5



Appendix 5

Phase IV Validation

Phase IV works, also known as validation, is undertaken following Phase III works. Its purpose is to identify the success or otherwise of these works and to identify whether any further remediation or risk management measures are necessary.

This Appendix outlines what should be included as a minimum at the Phase IV Validation stage. Please note that the information contained in this Appendix gives details of what is expected and required, it is not the intention of the Environmental Health (Contaminated Land) Section to provide a prescriptive methodology for any part of a site investigation undertaken within the planning process. There are a number of references available on undertaking contaminated land site investigations and The Moray Council is committed to providing an advisory service. However, as the role of the Environmental Health (Contaminated Land) Section in this regard is to regulate contaminated land within the planning process it is not possible for it to define the exact investigation. The Council welcomes the opportunity to provide any comments on site investigation proposals prior to work commencing.

On completion of the remediation works a validation report requires to be submitted to confirm whether the remediation has been successful or whether there is a requirement for contingency works to be carried out. Where longer term monitoring is required, e.g. groundwater or gas monitoring an interim report should be submitted detailing all the validation work undertaken to date.

As a minimum the following details should be included:

1. Details of the location and depths of validation samples taken, including whether soil, leachate, water or gas readings,
2. Results of the analysis with a comparison against the validation criteria,
3. Interpretation of the results and whether any further work is required,
4. The laboratory analytical sheets,
5. Chain of custody documents and laboratory accreditation details,
6. Updated conceptual model,
7. Conclusions of whether all pollutant linkages have been broken or effectively controlled and the site is suitable for its intended use,
8. If the validation has proven to be unsuccessful, details of the contingency works to be undertaken including timescales for the work and when a further validation report will be submitted. In general, the details of the contingency



works should be submitted within three months from the submission of the validation report,

9. A final copy of the report must be submitted which is signed and dated by the consultant on the applicant's behalf or by the applicant/agent themselves.

If interim validation reports are required before the final report, similar details to those above should be included with an interpretation of the progress of the remediation/validation.

The Environmental Health (Contaminated Land) Section will review the reports and will make any comments or raise any queries to the applicant/agent with copies sent being to the consultant if requested to do so by the applicant/agent. All comments and queries must be satisfactorily addressed before the report can be agreed.

Once there are no outstanding issues relating to the remediation and validation of the site and all work has been completed, the Environmental Health (Contaminated Land) Section can advise to the Development Control Officer that the conditions relating to the remediation of the site can be discharged.



Appendix 6

