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Forest of Dean
— DISTRICT COUNCIL —



Development of Potentially Contaminated Land

**Guidance Note for Developers, Agents
and Consultants**



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Visit the council website at www.fdean.gov.uk
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Introduction

This guidance note is issued to assist developers, agents and consultants involved in the development of land that may be contaminated as a result of historical land use. Previously developed land is often termed a 'brownfield' site.

Government Policy is to develop land on a "suitable for use" basis, and local planning authorities will attach conditions to planning permissions to address the following contaminated land policy aims:

- to deal with actual or perceived threats to health, safety or the environment
- to keep or bring back such land into beneficial use
- to minimise avoidable pressures on greenfield sites



Under the Town and Country planning system the responsibility for providing information on whether a site is contaminated rests primarily with the developer. You should also be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

One copy of the Certificate to be returned to each of the following:

Mr. Clive Reynolds,
Forest of Dean District Council,
Department of Planning, Council Offices,
High Street, Coleford, Glos. GL16 8HG.

Karen Toomer,
Contaminated Land Officer,
Department of Health and Environmental Services,
Council Offices,
High Street, Coleford, Glos. GL16 8HG.



Certificate of Remediation

(This is to certify that the scheme of decontamination and reclamation at the site known as
.....
(grid reference)
in relation to planning application
was carried out between the dates ofandand
was completed in accordance with the specification detailed in the document reference
entitled(Completion Report)
....., and plan numbers
.....which were designed to afford
protection from contamination* on the site to all known receptors*

Signed: Date:
The Developer of the Site
(typed name, company address and position)

* 'Contamination' and 'receptor' to have the same definition as In Part IIA of the Environmental Protection Act 1990.

This guidance note has been produced by the Bristol, Gloucestershire and Somerset Environmental Committee (comprised of representatives from Local Authorities in that geographical region) with the aim to encourage a consistent approach to the presentation of, and information content of contaminated land reports provided to local planning authorities within the area.

Investigation and remediation of contaminated land – background

There are three phases of contaminated land investigation and management that may be undertaken dependent upon the condition of the site, these are:

- **Phase I**, Desk study, site walkover and human health & environmental risk assessment.
- **Phase II**, Intrusive investigation and further human health & environmental risk assessment.
- **Phase III**, Remediation and/or risk management

In the sections overleaf guidance is given to indicate the objectives and work to be undertaken in each phase, and the required output. The information listed in each section provides a guide to what is required by the local planning authority, and when the submission should be made. Reports submitted at each stage should be fully referenced and signed by a suitably qualified person.

The information listed is not intended to be comprehensive or exhaustive in content. In each phase the greater the information provided, and the earlier this is made available to the local planning authority, the sooner the scope and cost of any further investigation or remediation that may be required can be established. If at any point in the process the identified risks are shown to be acceptable, then the condition attached to the planning permission may be discharged.

Phase I – Desk Study, site walkover and risk assessment

Objective - To obtain a good understanding of site history, setting, current and proposed use. Draw up a conceptual model to establish any significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment. Identify if further investigation or remediation is required.

Work to be undertaken

- **Desk Study** - To establish/detail the site location and setting, historical land use, from maps, directories, types of contaminant that may be present, consultation with regulators and other sources. Soils and underlying geology, groundwater, surface water, location of waste sites, abstraction and discharge licences. Review previous reports, contact statutory undertakers and regulatory bodies. Outline proposed development.

Contacts

- **Local Authority**
Contaminated Land Officer 01594 812409
Planning Department 01594 812312
- **Environment Agency -**
www.environment-agency.gov.uk 08708 506506
- **DEFRA**
www.defra.gov.uk 08459 335577

- **British Standards. 10175:2001 Investigation of potentially contaminated sites - Code of practice.**
- **Environment Agency and National House Building Council (NHBC), 2000. R & D Publication 66. Guidance for the Safe Development of Housing on Land Affected by Contamination.**
- **CIRIA. Remediation Treatment of Contaminated Land, 12 Volumes, SP101-112. Comprehensive guidance on all aspect of managing contaminated land.**
- **Department of the Environment. Industry Profiles. (Wide range of industrial activities and potential contaminants listed.)**
- **Planning Policy statement 23 – policy guidance on developing contaminated land – www.defra.gov.uk**

N.B. This guidance note is for information purposes only and does not form a specification or part of the Local Authority planning process.



- **Validation** - A completion report will be provided to the local planning authority for approval upon completion of the works. This will reference the earlier reports and contain a summary of the risks that are being managed. The remediation statement will be included, all details of the remediation exercise, management documentation, and any variation in conditions encountered on site. Details of work, and approvals that may not have been included in the original remediation statement should also be presented in the report.

Required output - Completion report and a Certificate **signed by the developer** to confirm that the work has been undertaken in accordance with the remediation statement and completion report. An example certificate is included on page 9.

- **Walkover** - View condition of site, soils and vegetation. Condition of structures and compliance with regulation, for example fuel storage. Consult current owner/occupier and also consider the design of the intrusive investigation if necessary. Undertake surface sampling of soil and water if appropriate.
- **Environmental and Human Health Risk Assessment** - Consider all possible sources of contamination, the 'receptors' on site, and brought to site as a consequence of development, and the pathways that exist and may be created. Produce a conceptual model to confirm if further investigation or remediation is required. Detail proposed further work.

Required output - Presentation of Phase I report to local planning authority for approval presenting the information gathered and conclusions drawn from the above listed exercises.

Phase II Intrusive Investigation and risk assessment

Objective - To provide detailed site-specific information on substances in or on the ground, geology and groundwater, and investigate more fully/confirm any possible source-pathway-receptor significant pollutant linkages identified in Phase I.



Work to be undertaken

- **Design of Investigation** - By a suitably qualified person to referenced guidance, accounting for any risks created by the investigation activities and approved by the local planning authority. Basis of sampling strategy and range on contaminants tested. Reference back to Phase I, specifically addressing the risks identified.
- **Intrusive Investigation** - Appropriate supervision, measures to prevent cross contamination, adequate sampling and testing, chain of custody and accreditation for sample testing, trial pit logs and photos, groundwater observations and sample point location and levels. Confirmation the site has been left in a safe and secure state.
- **Environmental and Human Health Risk Assessment** - Re-examine the risk assessment performed in Phase I, utilising new information to refine the conceptual model.

Required outputs - Phase II report, including all information from the Phase II exercise, and recommendations relating to the actions required on site to make "suitable for use" derived from the environmental and human health risk assessment.



Phase III Remediation and/or risk management

Objective - To reduce the unacceptable environmental and human health risks identified in Phase I and Phase II to an acceptable level, in a managed and documented manner to best practice and current technical guidance.

Work to be undertaken

- **Remediation statement** - a document prepared by a suitably qualified person and approved by the local planning authority before work commences. This will present details of how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated.
- **Remediation** - Physical works undertaken on site to be confirmed by management records and all certificates and correspondence with local planning authority and other regulators. Supervision and reporting by suitably qualified persons, notification of conditions and actions that were not documented in Remediation Statement. Approval must be sought from the local planning authority in such circumstances before these works are undertaken. Details of materials taken from, and brought to the site (fill & topsoil), including waste classifications and transfer notes.