

Contaminated Land & Planning



IPSWICH
BOROUGH COUNCIL

Environmental Protection
Ipswich Borough Council
3/6/2020

Aim

This guidance note is to assist developers, agents, consultants and those served notice in relation to land at which contamination has been confirmed or that contaminated land is a consideration.

The note will be split into two sections:

Section 1 – the Environmental Protection Act 1990 Part IIA: Contaminated Land Regime & Apportioning Liability

Section 1 of this guidance note contains an overview of contaminated land, the Environmental Protection Act 1990 Part IIA, contaminated land regime, apportioning liability for contaminated land and information on Remediation Notices.

Section 2 – Guidance for Planning Applications

Section 2 of this guidance note contains information which will be of use to those wishing to submit planning applications or to those who have been issued with comments relating contaminated land by IBC's Environmental Health Department.

Section 1

*The Environmental Protection Act 1990 Part IIA:
Contaminated Land Regime & Apportioning Liability*

Environmental Protection Act 1990 Part IIA: Contaminated Land Regime

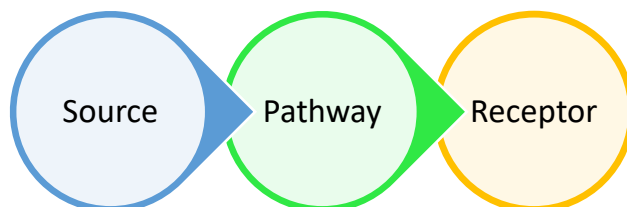
Introduction

The Environment Act 1995 has established a regime for the identification and remediation of Contaminated Land. The provisions are set out in Section 57 of that Act, which inserts Part IIA into the Environmental Protection Act 1990. In addition to these requirements the operation of the regime is subject to regulation and statutory guidance. These provisions came into force on 1st April 2000. Further to this, in August 2006 the regime was extended by new regulations to include land that is Contaminated Land by virtue of radioactivity.

When is Land Contaminated Land?

The intended function of the legislation is to enable the identification and remediation of land on which contamination is causing unacceptable risks to human health or the wider environment. It does not necessarily include all land where contamination is present, but very much depends on the use to which it is put. This 'suitable for use' standard for remediation takes account of the actual or lawful use of the site. Total restoration of the Contaminated Land to an 'unpolluted stat' is rarely achievable and is, in most cases, unnecessary. Instead, a remedial approach tailored to the intensity and the extent of the contamination found and the end use of the site is adopted.

To determine that a site is contaminated, the Local Authority must establish that there is a significant pollutant linkage. A pollutant linkage consists of three elements, all of which must be present before land can be considered as being contaminated, these are:



Source – The contaminating substance or pollutant.

Pathway – A means for the source to reach a receptor

Receptor – Something that can be harmed by the source

Section 78A(2) of the Act defines 'Contaminated Land' 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) Pollution or controlled water is being, or is likely to be, caused"

Statutory guidance provides a description of 'significant harm' applicable to each of the main receptors (human beings, living organisms, ecological systems, and property) and what harm should be regarded as significant.

The definitions of 'controlled waters' and what constitutes 'pollution' of such waters is defined in section 78A(9) of the Act and is based on those used in Part III of the Water Resources Act 1991. In simple terms, controlled waters (includes groundwater), coastal water, and water in surface water courses, rivers, lakes etc.

Radioactivity

In August 2006 the Part IIA regime was extended by new regulation to include land that is Contaminated Land by virtue of radioactivity. Where harm is attributed to radioactivity, the definition of 'Contaminated Land' has been modified under the regulations as:

- a) "harm being caused, or
- b) there is a significant possibility of such harm being caused"

The definition of 'harm' attributed to radioactivity in respect of human beings is based upon the wording of the Directive, and harm is defined as "lasting exposure to any person resulting from the after-effects of a radiological emergency, past practice or past work activity".

How is Contaminated Land identified?

The Local Authority may identify a particular area of land where it is possible that a pollutant linkage exists. The Authority may need to carry out a detailed site inspection to establish whether there is a significant pollutant linkage and hence Contaminated Land under the Act.

In cases of potential Special Sites (see below), the inspection may be carried out by the Environment Agency. In either case, the appropriate enforcing authority will give those with an interest in the land advance notice of the inspection unless urgent reasons to carry out the inspection prevent them giving adequate notice. Such reasons would include an immediate risk of serious pollution of the environment or serious harm to human health or where life or health is in danger.

In any case, the Local Authority will consider any claims for compensation for disturbance caused by an inspection using its statutory powers of entry. Having decided that land is Contaminated Land, the Local Authority will prepare a written record of its determination. This will include a description of the pollutant linkage and the summary of the evidence on which the determination is made.

Further, the site may be designated a 'Special Site', depending on whether the land falls into any of three prescribed groups:

- a) Water-pollution cases – there are three types of case where, if the land is Contaminated Land, the Environment Agency is best placed to be the regulator. These are where the controlled waters are used, or intended to be used, for the supply of drinking water; where controlled waters are being affected so that they do not meet relevant surface water quality criteria; and scheduled aquifers affected by List 1 substances.
- b) Industrial cases comprising of activities in respect of waste acid tar lagoons; oil refining; explosives; sites authorized for Integrated Pollution Control (IPC or IPPC); and nuclear sites.
- c) Defence cases – where the land involves the Ministry of Defence estate.

Who cleans up the land?

For each significant pollutant linkage, the Local Authority needs to identify those who are the appropriate persons for any remediation action relating to that pollutant. All those appropriate persons are a liability group, of which there are two levels of liability:

Class A – those who caused or knowingly permitted the contamination;

Class B – the current owner or occupier of the land.

In the first instance Class A persons are the appropriate persons (the polluter-pays principle), but if none can be found then Class B persons are the appropriate persons and are responsible for the remediation. There are a number of tests for excluding persons from liability, and for apportioning liability with others, and these are explained in a separate advice note available from the Council.

What is remediation?

Section 78A(7) defines remediation as:

“(a) the doing of anything for the purpose of assessing the condition of –

- the Contaminated Land in question;
- any controlled waters affected by that land; or
- any land adjoining or adjacent to that land;

(b) the doing of any works, the carrying out of any operations or taking any steps in relation to any such land or waters for the purpose –

- of preventing or minimising, or remedying or mitigating the effects of, any significant harm, or any pollution of controlled waters, by reason of which the Contaminated Land is such land; or
- of restoring the land or waters to their former state; or

(c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.”

This definition has a wider meaning than it has under its common usage and includes obtaining information on the condition of the land or waters in order to characterize in detail the pollutant linkage and establishing the technical specification or design or any particular remedial treatment.

Voluntary remediation

The regime encourages voluntary remediation, which is preferable not only from the regulator’s point of view, but also that of the appropriate persons, who may prefer to undertake remediation on their own terms. Where the appropriate persons are to undertake voluntary remediation, the Local Authority need not serve a remediation notice, provided it is satisfied that the proposed remediation meets the required standard.

However, those persons undertaking the remediation must prepare a ‘remediation statement’. Where the appropriate persons do not do so, the Local Authority may prepare the statement itself and recover the costs that it incurs in its preparation.

The ‘remediation statement’ must include the following information:

- a) the things which are being, have been or are expected to be, done by way of remediation in the particular case;
- b) the name and address of the person who is doing, has done, or is expected to do, each of those things; and
- c) the periods within which each of those things is being, or is expected to be, done.

The enforcing authority has the duty to require appropriate remediation.

What happens if the land is not remediated voluntarily?

Before the enforcing authority takes any enforcement action they must consult with those persons who were notified that the land is contaminated. The aim of this consultation is twofold:

- 1) to encourage voluntary remediation; and
- 2) by gathering information, and providing the interested parties with information, to reduce the possibility that there will be an appeal against a remediation notice.

Where it appears that remediation is not being carried out voluntarily, the Local Authority will serve a remediation notice on all the appropriate persons. The notice will specify the necessary works to be undertaken and the time limits for their completion.

Any person served with a notice has a right of appeal to the Secretary of State.

Where remediation has not taken place within the time specified in the remediation notice, the enforcing authority may prosecute those served with the notice. Before bringing a prosecution, the enforcing authority will notify the appropriate person that it intends to take such action and give the person the opportunity to avoid prosecution by carrying out actions to meet the notice.

Those found guilty of this offence are liable to a fine of up to £5000, plus an additional fine of £500 for each day after conviction that the action is not carried out and before the Local Authority starts to carry out remediation itself. The level of fine increases to £20,000 and £2,000 per day where the site is an industrial, trade or business premises. The enforcing authority also has the power to undertake the works specified in the remediation notice itself and recover the costs from the appropriate person.

Environmental Protection Act 1990 Part IIA: Apportioning Liability for Contaminated Land

Introduction

Having established land as being “Contaminated Land”, the Local Authority must determine who is liable for its remediation, and where there is more than one liable person, what proportion each must contribute. The Department for Environment, Food and Rural Affairs (DEFRA) statutory guidance, Circular 01/2006 (DEFRA, 2006) sets out a complicated structure for allocating liability and it will not be possible to provide the full details in this note. For each significant pollutant linkage the Local Authority needs to identify those who are the appropriate persons for any remediation action relating to that pollutant. All those appropriate persons are a “liability group”.

There are two levels of liability:

Class A – Persons who caused or knowingly permitted the contamination.

Class B – The current owner or occupier.

Having identified the liability groups, the Local Authority should first have regard to any agreements that may exist on liabilities between parties. If there are no agreements, then regard must be had to the remainder of the guidance to determine whether any persons can be regarded as exempt persons, whether any Class A or B person can be excluded and then, finally, to apportion the costs of remediation between those remaining.

Exempt Persons:

A person is ‘exempt’ if:

- (i) they are a Class B person and the contamination is water pollution;
- (ii) they permit water from an abandoned mine before 31 December 1999 to cause water pollution;
- (iii) contamination which they did not cause, or knowingly permit, has escaped from his land to other land;
- (iv) they are acting in a "relevant capacity", e.g. receivers.

Excluding Polluters

There are six tests applied when considering whether a Class A person should be excluded:

- (i) Is it a benign activity which has not contributed significantly to the contamination?
- (ii) Have they already paid another member of the liability group to carry out adequate remediation?
- (iii) Have they provided proper information to a purchaser about the contamination on the site?
- (iv) Are they responsible for a contaminative substance which only caused harm or pollution because another substance was later introduced?
- (v) Would there have been a need for remediation were it not for another "appropriate person" causing or permitting the escape of contaminative substances from other land?
- (vi) Have others introduced relevant pathways or receptors so as to create a pollutant linkage?

Excluding Owners and Occupiers

Where there is no Class A person for a significant pollutant linkage, liability switches to Class B persons who (where there is more than one) form a Class B liability group. For the Class B group there is only one test which excludes any Class B member who does not have an interest in the capital value of the land.

Apportioning Liability

Once all appropriate exclusions have taken place, the Local Authority has to apportion liability between the remaining members of that group. For Class A liability groups, the general principle is that liability should be apportioned to reflect the relative responsibility of each of those members for creating or continuing the risk now being caused by the significant pollutant linkage in question.

A number of factors are considered, including the nature of the pollutant, and his/her ability and opportunity to prevent or remove the pollutant. If appropriate information is not available to enable some other apportionment to be made, then liability has to be apportioned in equal shares. Apportionment with Class B liability groups is less complex and based on capital values of land.

There are also rules for allocating liability between separate liability groups which depend upon the nature of remediation required. Inevitably, it is not possible to describe the procedure for allocation liability and the tests for exclusion and apportionment in detail. For this, you should refer to the Annex 3 of DEFRA Circular 01/2006 (DEFRA 2006).

Contacts (Local Authorities)

Babergh District Council – 01473 822 801 contaminated.land@babergh.gov.uk

Forest Heath District Council – 01608 719 000 envhealth@forest-heath.gov.uk

Ipswich Borough Council – 01473 433 000 environmental.health@ipswich.gov.uk

Mid-Suffolk District Council – 01449 720 711 envcontrol@midsuffolk.gov.uk

St Edmundsbury B.C – 01284 763 233 env.health@stedsbc.gov.uk

Suffolk Coastal D.C – 01394 383 789 environmental.protection@suffolkcoastal.gov.uk

Waveney District Council – 01502 562 11 environment@waveney.gov.uk

Environment Agency Eastern Area – 08708 506506 enquiries@environment-agency.gov.uk

References and Further Reading:

A list of reference material and further reading is presented below. Parties involved in site investigation and remediation are encouraged to have regards to their contents and make use of the sources of information during their work. The list is not exhaustive and is current at the time of publishing this document. Further advice is available from the contacts listed above. • DEFRA (2006). Circular 01/2006. Environmental Protection Act 1990: Part 2A. DEFRA, London. Internet site: www.defra.gov.uk

Acknowledgements The authors would also like to acknowledge the assistance provided by the following organisations: Members of the Suffolk Environmental Protection Group - Contaminated Land Sub Group (SEPG-CL).

Disclaimer:

This Note is intended to serve as an informative and helpful source of advice. However, readers must note that legislation, guidance and practical methods are inevitably subject to change. This note should therefore be read in conjunction with prevailing legislation and guidance, as amended, whether mentioned here or not. Where legislation and documents are summarised this is for general advice and convenience, and must not be relied upon as a comprehensive or authoritative interpretation. Ultimately it is the responsibility of the person/company involved in the development or assessment of potentially contaminated land to apply up to date working practices to determine the contamination status of a site and the remediation requirements.

Section 2

Guidance for Planning Applications

Guidance for Planning Applications: Process Overview

Introduction

The purpose of this guidance is to assist developers, agents and consultants involved with preparing planning applications or prior notifications for land which is potentially contaminated or where the proposed end use is sensitive or vulnerable to land contamination.

Failure to comply with this guidance is likely to result in a planning application failing local validation requirements or being refused.

The National Planning Policy Framework (NPPF)

National planning policy is set out within the NPPF and requires planning decisions to ensure that new development is suitable for its location, having regards to the effects of pollution, and taking account the potential sensitivity of the area or proposed development to adverse effects from pollution. The NPPF requires applications to be supported by adequate site investigation information.

Submitting a Planning Application

The requirements of NPPF are addressed through the following questions on the application form for a full planning application and should also be considered on other relevant applications such as prior notifications:

Does the proposal involve any of the following?

1. Land which is known to be contaminated?

This would include a development on land which has known contamination or on land which is known to be affected by contamination. This could include, but is not limited to, the following examples:

- Former Gas Works
- Heavy industrial sites
- Petrol Stations with known fuel leakages
- Landfill sites

2. Land where contamination is suspected for all or part of the site?

This would include a development on or near land which has had a previous potentially contaminative use, but there is no actual knowledge of land contamination issues. This can include numerous former land uses, but some examples include:

- Petrol stations / garages (fuel storage)
- Agricultural barns or farm yards (fuel, chemical or pesticide storage, vehicle storage or maintenance)
- Historic forges or smithies (use of heavy metals)
- Animal processing works, including fur manufacturers and tanners (use of chemicals such as Mercury)
- Unspecified engineering or chemical works (fuel storage, use of heavy metals or other chemicals)
- Landfill sites / infilled land or suspected raised ground (uncontrolled fill materials)

- Timber treatment works (chemical use)
- Railway land
- Airports or former Military air bases
- Locations of historic pollution incidents

3. A proposed use that would be particularly vulnerable to the presence of contamination?

This would include:

- Any new residential building
- Schools, nurseries and playgrounds
- Allotments

If the answer to **ANY** of the above questions is **‘YES’** then an appropriate **Contamination Assessment** must be submitted with the planning application.

Contamination Assessments

It may be possible to submit a basic environmental search accompanied by Ipswich Borough Council’s Contaminated Land Questionnaire, which is located at <https://www.ipswich.gov.uk/content/contaminated-land> or at the end of this document.

The purpose of the questionnaire is to screen out very small, low risk sites where the requirements of the NPPF would not be considered proportionate.

Where submitted for sites that are not greenfield or existing residential, or developments that comprise more than two dwellings, this will result in an objection from the Environmental Protection Team.

To avoid delays or requests for further information, all questions should be thoroughly completed with as much relevant information as possible.

It should also be noted that the results of the questionnaire or simple screening report may highlight a risk that requires a full Phase 1 study. This being the case, the Phase 1 study would be required before determination of the application.

However, in most instances a Phase I Study must accompany the planning application. A Phase I Study consists of a desktop study, site walkover and initial risk assessment. The Study must be carried out by a competent person, which is defined in Annex 2 of the NPPF.

The diagram (Figure 1) on page 12 highlights how to determine whether the application in the first instance will need a Phase I Study or whether the Contaminated Land Questionnaire + Basic Environmental Search will suffice.

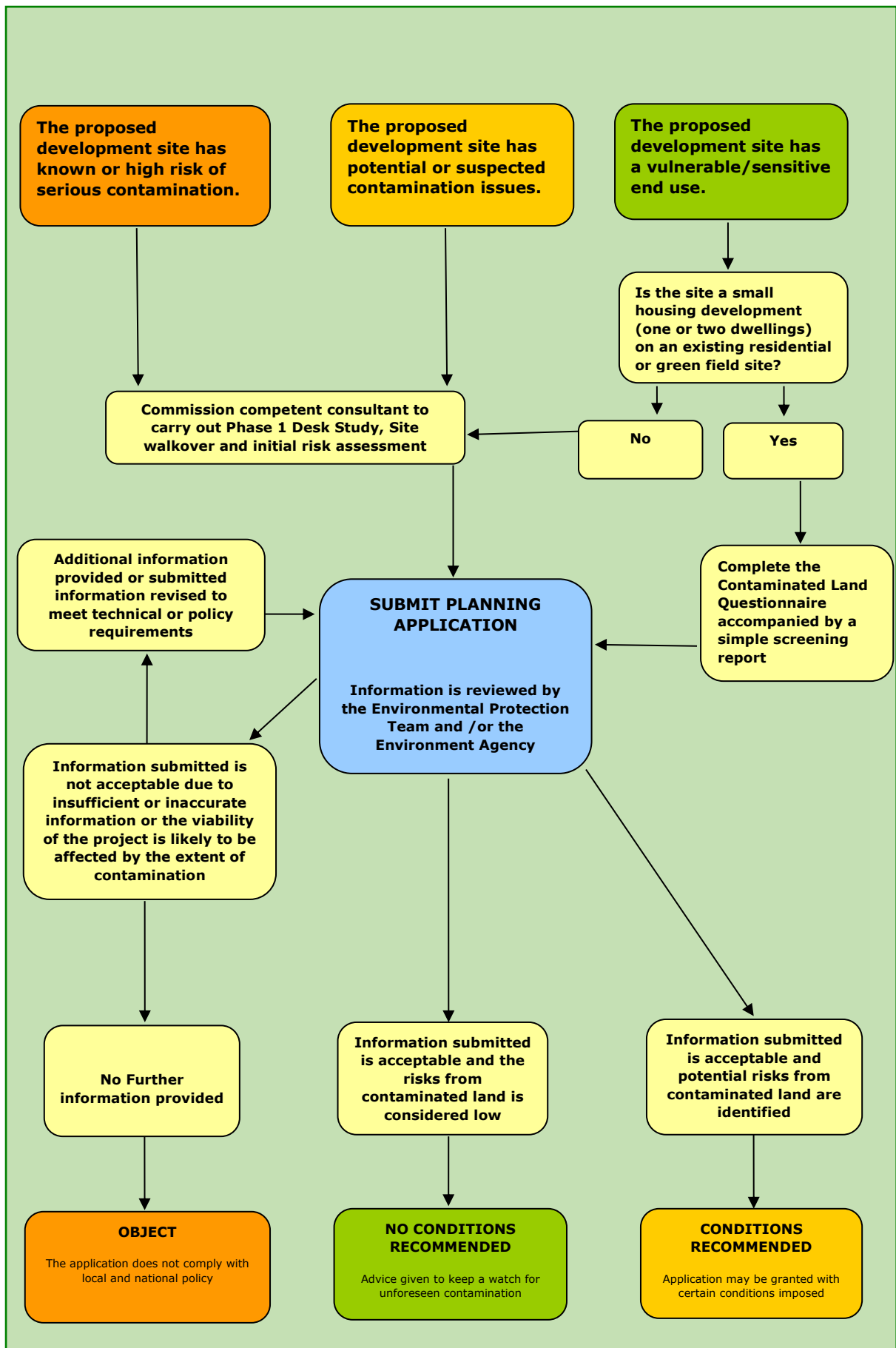


Figure 1: Phase I or Contaminated Land Questionnaire Flow

Contamination Assessment Phases: Brief Overview

Introduction

This guidance note is provided to landowners, developers, agents and consultants in order to encourage a consistent approach in the investigation, assessment and remediation (clean-up) of land contamination.

Land may be contaminated as a result of current or past uses and activities, including quarrying, industry and the deposit of waste. However, not all contamination poses problems, and some may only be of concern if the land is used for a particular purpose (e.g. housing).

Land contamination is principally investigated and remediated through either the planning process or Part IIA of the Environmental Protection Act 1990. This guidance concentrates on the planning process and Part IIA.

Planning

The role of the planning process is to ensure that land is made suitable for its proposed future use. Planning Policy Statement 23 (PPS23) puts the responsibility on the developer to make sure that a development is safe and suitable for use. If contamination is known or suspected, the Local Planning Authority is likely to require further assessments (such as Phase 2 and Phase 3) to be completed before planning permission is granted or as conditions on any planning permission granted for the site.

Part IIA

For sites not dealt with through the planning process, Part IIA of the Environmental Protection Act 1990 is used. This legislation places a duty on the Local Authority (LA) to investigate all potentially Contaminated Land within its area, and to secure clean-up if the contamination is deemed to present an unacceptable risk to people, property or the environment.

The Investigation, Assessment and Remediation of Land Contamination

The investigation, assessment and remediation of land contamination can be split into a series of four phases, which are detailed below and presented in the flow chart on page 20 (Figure 2). These phases should be followed in order to identify contamination and provide a basis for deciding what actions need to be taken to make a site “suitable for use”.

Please note that not every site will require every phase to be carried out.

It is advisable to contact the Council’s Environmental Health Department and the Environment Agency (EA) before conducting any site investigation or remedial works. Technical advice and information regarding regulatory requirements will be given and this early liaison should prevent delays and misunderstandings at a later stage.

Phase I – Desktop Study, Site Walkover & Initial Risk Assessment

Introduction

A Phase I Study consists of a desktop study, site walkover and initial risk assessment. The Study must be carried out by a competent person, which is defined in Annex 2 of the NPPF.

The purpose of Phase I is to obtain a good understanding of the site history, setting, current and proposed use. This phase will be used to scope the next phase, the site investigation, and if done effectively will ensure that additional effort and expense is not incurred.

A Phase 1 consists of a desktop study, a site walkover and an initial risk assessment. Competent and qualified persons should carry out all aspects of the works.

Desktop Study

A desktop study is a detailed search of available historical and current records and maps to identify potential on-site and offsite sources of contamination. It should include information on:

- Site location and setting
- Current land use on and in the vicinity of the site
- Historical land use on and in the vicinity of the site, obtained from various sources including historical maps and directories
- Types of contamination that may be present
- Soils and underlying geology
- Ecology and archaeology
- Groundwater and surface water
- Location of licensed and unlicensed waste sites.
- Abstraction and discharge licenses

Site Walkover

A site walkover survey should be undertaken to confirm the information gathered by the desktop study. Observations should be made relating to:

- The site layout, nature and setting (including information on the presence and condition of above-ground fuel tanks, deposits of waste material and the storage of hazardous chemicals)
- The condition of the site and structures
- Soils and vegetation, in order to identify any potential or actual sources of contamination

Initial Risk Assessment

After carrying out a detailed desktop study and site walkover survey, a conceptual site model should be developed to establish the likely pathways and receptors that could be affected by potential contamination.

A conceptual model comprises three elements:

- 1) Potential sources of contamination e.g. tanks and nearby landfill sites.
- 2) Potential receptors that may be harmed e.g. residents and ground waters.
- 3) Potential pathways linking the two e.g. direct contact and vapour.

The outcome of Phase 1 should be a report setting out the initial conceptual site model, a technical interpretation of the data that has been gathered with a preliminary risk assessment and recommendations for further site investigation work. This report must be submitted to the Local Authority for approval BEFORE proceeding to the next phase.

Phase II – Site Investigation & Risk Assessment

Introduction

The purpose of Phase 2 is to obtain all the information necessary for the assessment of risks to people, property and the environment. Competent and qualified persons should carry out all aspects of the works.

The outcome of Phase 2 should be a report setting out the work, findings (including laboratory analysis results and risk assessment worksheets) and recommendation as to whether remediation is required to make the site 'suitable for use'. This report must be submitted to the Local Authority for approval BEFORE proceeding to the next stage.

Site Investigation

BEFORE the commencement of the site investigation works, a written sampling strategy should be submitted to the Local Authority for approval.

The site investigation should be designed to characterize the nature and extent of contamination where it is present and areas where it is absent. The proposed site investigation works should be recorded in a Sampling Strategy, which should include the following information:

- The purpose and objectives of the investigation formulated on the basis of the conceptual site model and the information gaps highlighted during Phase 1.
- Overview of the intended sampling – including information on locations, depths, patterns and numbers of sampling points and the frequency and duration of sampling or monitoring to be undertaken.
- Sampling and/or monitoring methods to be used.
- The contaminants and parameters that will be assessed.
- The likely number of samples (soil, water or soil gas) that will be taken for subsequent laboratory analysis.
- The laboratory methods that will be used.

Please note that independently accredited laboratories and analytical methods should be used (e.g. UKAS or Mcerts).

Ground Gases

There are numerous sources of ground gases derived from both natural and human activities. The most commonly recognised hazards and effects of ground gases are; flammability/risk of explosion, risk to health, odour and effects on vegetation. Buried organic matter is of particular concern as it has the potential to generate methane and carbon dioxide, which are explosive above certain concentrations. Therefore, any site located near a landfill site may be at risk from ground gases. For that reason, gas monitoring is required to assess the risk - further information is available in CIRIA C665.

Risk Assessment

After approval of the sampling strategy and completion of the works, the conceptual site model developed in Phase 1 should be refined and each significant pollutant linkage should be considered during the risk assessment.

Assessing Risk to Human Health

A tiered approach to estimating risk should be followed involving direct comparison between observed levels of contamination and first Generic Assessment Criteria (GAC) and subsequently Site Specific Assessment Criteria (SSAC).

The CLEA methodology is the authoritative standard for assessing the risk to human health arising from contamination in the UK. The CLEA methodology is supported by a series of Soil Guideline Values (SGVs), which are intended for use as GAC. In the absence of specific SGVs, the risk assessor may use GAC derived from other authoritative, published sources e.g. the Dutch Ministry of Housing and Spatial Planning.

However, caution must be exercised when using values derived from other sources and justification of their use must be provided. If contaminant concentrations exceed the SGVs or other GAC, then a more detailed site-specific risk assessment is required. This involves the formulation of SSAC using risk-modelling techniques such as CLEA UK.

Please note that all risk-modeling assumptions and uncertainties should be presented and referenced.

Assessing Risk to Controlled Waters

The Environment Agency approach to assessing the risk to controlled waters is set out in R&D Report P20 "Methodology for the Derivation of Remedial Target Values for Soil and Ground Waters". Other methodologies are available, but risk assessors are advised to contact the enforcing authority prior to departing from the P20 methodology. Further advice is available via the Environment Agency website (www.environment-agency.gov.uk).

Assessing Risk to Other Receptors

These may include risks to property (e.g. buildings or structures) or ecosystems. In situations where such receptors have been identified in pollutant linkages, early consultation with the appropriate enforcing authority is advised.

Phase III – Remediation Strategy & Works

Introduction

The purpose of Phase 3 is to manage the risks that have been identified and assessed during Phases 1 and 2. Competent and qualified persons should carry out all aspects of the works.

Remediation is required where unacceptable risks to people, property or the environment have been identified and assessed in relation to the current or intended use of the land and its wider environmental setting. Sufficient information and data should have been collected during the previous phases to enable the necessary remedial action to be properly designed and costed.

Remediation Strategy

A Remediation Strategy should be submitted to the Local Authority for approval BEFORE undertaking and remedial works. Once the appropriate Local Authority has approved the Remediation Strategy remedial works can commence.

The proposed remedial works should be recorded in a Remediation Strategy, which should include the following:

- The objectives of the proposed remediation works.
- Type, form and scale of contamination to be remediated.
- Site plans/drawings.
- Phasing of works and approximate timescales.
- Consents and licenses e.g. abstraction licences, discharge consents and waste management licences.
- Details of how the works will be validated to ensure that the remediation objectives have been met.
- Laboratory or other analysis to be undertaken.
- Proposed clean-up standards to be achieved.

Phase IV – Validation of Remedial Works

Introduction

The purpose of Phase 4 is to provide evidence to show that the remedial works have been carried out in accordance with the agreed Remediation Strategy. This proof may take various forms, for example:

- Results of soil, gas or water sampling.
- Certificates of conformity of installation.
- Duty of Care waste disposal documentation.
- Verification of the installation of gas protection measures into buildings.

The outcome of Phase 4 will be the completed remedial works and a supporting Validation Report, which should be submitted to the Local Authority for approval. When the Local Authority is satisfied that the remediation requirements have been achieved, it will confirm its decision in writing.

Validation Report

Information should be provided on completion of the remedial work, or in stages subject to the nature of the works that are required and the manner by which the works can be validated. The results of the remediation works should be recorded in a Validation Report, which should include the following:

- Reference to the earlier reports and a summary.
- A summary of the risks that have been managed.
- The validation information detailed in the Remediation Strategy.
- Details and justifications of any changes from the original Remediation Strategy.
- Confirmation that the remediation objectives have been met.

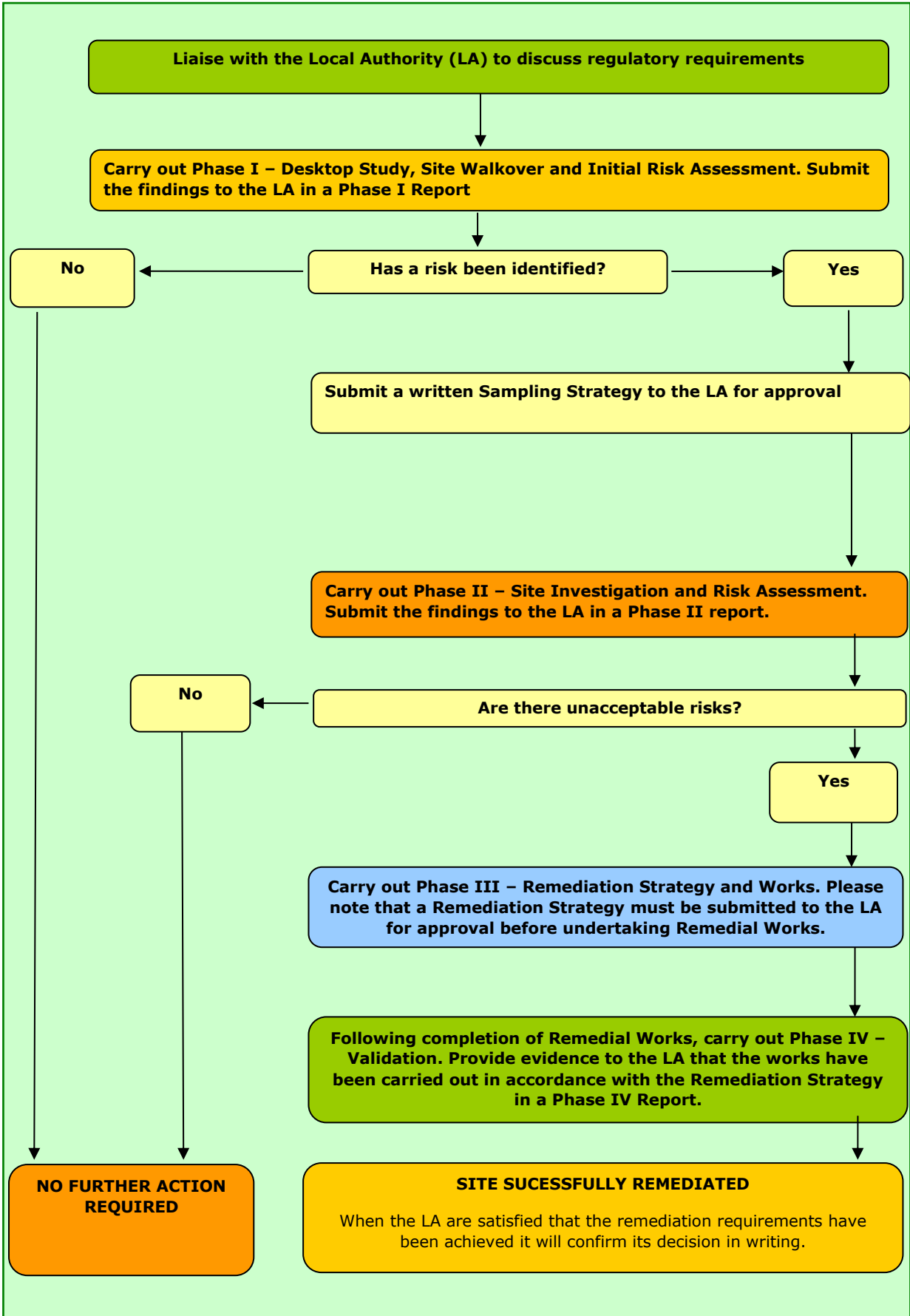


Figure 2: Contaminated Land Study Phase Flow

Contacts

Ipswich Borough Council – 01473 433 000 environmental.health@ipswich.gov.uk

Environment Agency Eastern Area – 08708 506506 enquiries@environment-agency.gov.uk

References and Further Reading:

Further guidance and technical information can be obtained from <https://www.gov.uk/guidance/land-affected-by-contamination> and <https://www.gov.uk/government/collections/land-contamination-technical-guidance>

Disclaimer:

This Note is intended to serve as an informative and helpful source of advice. However, readers must note that legislation, guidance and practical methods are inevitably subject to change. This note should therefore be read in conjunction with prevailing legislation and guidance, as amended, whether mentioned here or not. Where legislation and documents are summarised this is for general advice and convenience, and must not be relied upon as a comprehensive or authoritative interpretation. Ultimately it is the responsibility of the person/company involved in the development or assessment of potentially contaminated land to apply up to date working practices to determine the contamination status of a site and the remediation requirements.

Additional Materials

Please find attached:

Contaminated Land Questionnaire

Land Contamination Questionnaire

For small (1 or 2 dwelling) housing developments on existing residential or greenfield sites.

Site Address:	Proposal:
---------------	-----------

Q1. Please give a brief description of the current state of the site and a description of any existing buildings and their current and former uses.

Q2. Please give a brief description of the proposed layout of the site, including any hard landscaping and garden areas planned for the development (Please provide a plan of the location of these areas)

Q3. Please describe the type of land usage currently surrounding your site.

North:

East:

West:

South:

Q4. Has any of the above surrounding land uses affected the application site?

Yes No

If Yes then please provide further information

Q5. Please provide an independent Environmental Search report for the site. These can be obtained online from several environmental search report companies and should cost no more than £50. Please also provide your own comments about previous land use and previous surrounding land use of the application site

Q6. Are there any fuel storage facilities on the site including underground and above ground petrol, diesel or domestic heating oil tanks?

Yes No

If Yes then please provide further information, including condition and history of leaks?

Q7. Are there any known infilled pits, wells or ponds on the site?

Yes No

If Yes then please provide further information

Q8. Is there any staining, smells or other evidence of spillages or contamination on the site?

Yes No

If Yes then please provide further information

--

Before signing the below, please make sure you have attached the following:

- A plan of the proposed layout including garden and hard landscape areas
- An Environmental Search Report

By signing below you are declaring that to the best of your knowledge, information and belief the information you have given is correct:

<p>Completed by:</p> <p>Print name:</p> <p>Sign:</p> <p>Date:</p>	<p>Address:</p> <p>Email:</p> <p>Telephone No:</p>
---	--