



# **Investigation, Risk Assessment and Remediation: Environment Agency Involvement**

# Part 1: Planning

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# Part 2: Permitting

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# Planning

- ⇒ When we get involved
- ⇒ What we comment on
- ⇒ What we expect to see
- ⇒ What will be changing

# When we get involved

- ➔ We are a non-statutory consultee for land contamination in the planning process
  - Voluntary
  - Balance between risk and resources
  - Each area has a risk based tool to identify sites that are a priority for involvement
  - Yorkshire area:
    - Brownfield sites in Source Protection Zones 1, 2 and 3
    - Brownfield sites within 50m of a surface watercourse not meeting 'good' WFD status.
  - Pre-application advice (chargeable) – again, prioritised

# What (else) we get involved with!

Proposed Use	SPZ1 or 2	SPZ3	Principal Aquifer	Within 250m of surface water abstraction for human consumption	Within 50m of a surface water course not reaching 'good' WFD status	None of these Constraints
Cemetery	GWCL	GWCL	Informative	Informative	GWCL	Informative
Underground Storage (Including fuel filling station)	GWCL	GWCL	GWCL	Informative	GWCL	Informative
Fish Farm	other team comment	other team comment	other team comment	other team comment	other team comment	other team comment
Mining & Mineral Operations	GWCL	GWCL	GWCL	other team comment	other team comment	other team comment
Intensive Agriculture	GWCL	other team comment	other team comment	other team comment	other team comment	other team comment
Waste Site (EM-regulated)	GWCL	other team comment	other team comment	other team comment	other team comment	other team comment
Waste Site (PPC-regulated) (e.g. energy from waste facilities, landfills)	GWCL	GWCL	GWCL	other team comment	other team comment	other team comment
Car Garage (service/repair)	GWCL	Informative	Informative	Informative	Informative	Informative
General Industry (B2)	GWCL	Informative	Informative	Informative	Informative	Informative
Storage & Distribution (B8)	GWCL	Informative	Informative	Informative	Informative	Informative
Offices or Light Industry (B1)	GWCL	Informative	Informative	Informative	Informative	Informative
Development involving 10 or more dedicated parking spaces	Informative	Informative	Informative	Informative	Informative	Informative

# What we comment on

- ➔ Only provide comments on the potential risks to controlled waters receptors
  - Surface water courses, groundwater and associated receptors such as groundwater abstractions.
- ➔ Unable to comment on 'quality' or 'peer review' reports
- ➔ Comment at application stage
  - Outside prioritisation tool – refer to tools and guidance
  - Low risk - informative
  - High risk – recommend appropriate conditions
- ➔ Pre-application advice – can offer more detailed advice

# What do we expect to see

- ➔ Desk study, site investigation, risk assessment and remediation strategy submitted with planning application.
- ➔ As a very minimum – Desk Study and Site investigation.
- ➔ Guiding Principles
  - <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>
- ➔ Don't forget drainage! Risk assessment needed for SuDS on brownfield land.

# What will be changing? (1)

- ➔ The risk based tool that we use to identify sites for our involvement is being reviewed
  - Brownfield sites in Source Protection Zones 1, 2 and 3
  - ~~Brownfield sites within 50m of a surface watercourse not meeting 'good' WFD status.~~
- ➔ Responsibility for assessing risks to controlled waters and implementing remediation to reduce risks will remain with the developer.
- ➔ Important that controlled water risks assessment is completed
  - Remediation activity permitting applications and deployment forms



## What will be changing? (2)

➔ We will be working closely with our Sustainable Places team to ensure that local planning policies support protection of groundwater and remediation of brownfield land posing a risk to controlled waters.

➔ Scarborough Borough Draft Local Plan

<http://scarborough.objective.co.uk/portal/planning/lp/dlp2014?pointId=2558417>

# Permitting

- ➔ The legal requirements
- ➔ What is needed
- ➔ Deployment Form contents
- ➔ WM 3 – Waste classification
- ➔ Additional information

# The legal requirements

- ➔ The treatment of contaminated land requires an environmental permit.
  - ➔ Environmental Permitting (England and Wales) Regulations 2010
- ➔ Mobile Plant Permit authorises the remediation activity
  - ➔ Solidification / Stabilisation / Thermal Desorption etc
- ➔ EA look at pollution, not nuisance
  - ➔ Water, air, and land

**An environmental permit is required for all remedial projects which involve the treatment of waste. However, applying our commitment to proportionate regulation we will not enforce the requirement for such a permit for use in small scale remediation schemes or site specific pilot trials of existing techniques provided that:**

- the total quantity of contaminated materials being treated doesn't exceed 1000 cubic metres;
- the following information is supplied to the Environment Agency Area office at least five working days before the project begins:
- site address and contact details of any landowner, developer or contractor involved in the remediation project;
- expected duration of the activity;
- details of the specific measures to be employed so as to prevent pollution of the environment, harm to health or serious detriment to amenities of the locality; and
- we have no subsequent objection to the treatment operation in question for example, on the grounds we consider the proposed treatment operation to pose an unacceptable risk to the environment.
- 1000m<sup>3</sup> is defined for in-situ treatment as the pre-excavated volume of the impacted site to be remediated. For example 10m x 10m x 10m. For ex-situ treatment it refers to the volume of material excavated or pumped.

# What you need

- ➔ An agreed deployment form
- ➔ Knowledge of the site and local area
  - ➔ The activity / receptors / area
- ➔ Demonstrate that understanding in the Deployment form
  - ➔ Treatment methods to be used
  - ➔ Conceptual site model
  - ➔ Management of activities
  - ➔ Pollution prevention

The image shows a screenshot of the 'Deployment form for land and groundwater remediation' from the Environment Agency. The form is titled 'Form MP92, Deployment form' and is under the 'Environment Agency' logo. It references 'The Environmental Permitting (England and Wales) Regulations 2010'. A box contains instructions: 'Please read through this form and the MP92 guidance notes that came with it before you filling this form in.' Below this, it states: 'This form may only be used for deployments for land and/or groundwater remediation activities where the operator holds a permit referring to: SR2008\_27 Mobile plant for the treatment of waste soils and contaminated material, substances or products' and 'Bespoke permits for land and groundwater remediation.' A 'Contents' table lists sections A through E. Section A is 'Your organisation', B is 'Deployment details', C is 'Confidentiality and national security', D is 'Declaration', and E is 'How to contact us'. The 'Section A: Your organisation' section is highlighted in black. Under 'A1 Contact details', there is a field for 'A1.1 Your customer number, if applicable (see guidance)' with a sub-field for 'Customer number:'. Below that is a field for 'A1.2 Discussions before your deployment application' with a note: 'If you have had discussions with us before your deployment application please give the case reference or details on a separate sheet. Tell us the reference you have given this extra sheet.' and a 'Pre-application reference:' field. At the bottom, it says 'A1.3 Contact details for this deployment application'.

# Deployment form contents

- ➔ Conceptual Site Model – site specific
  - ➔ Source - pathway - receptor
  - ➔ Outlines likely impacts
  
- ➔ Odour Management Plan
  - ➔ Odour – Large open excavations
- ➔ Air Quality Management Plan

Requirement to take ‘all appropriate measures’

# Deployment form contents (2)

## ➔ Dust Management Plan

- ➔ Large clouds of dust - dry conditions / heavy plant

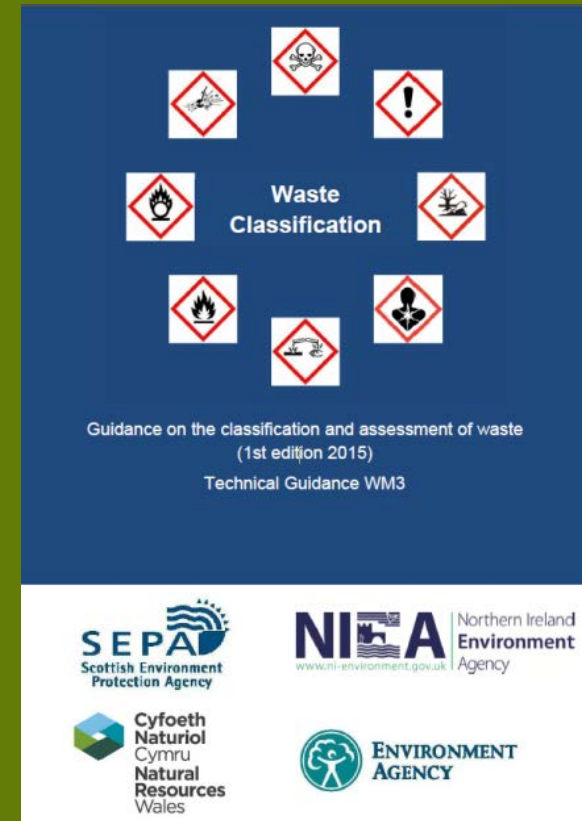
## ➔ Drainage Plan / Water Management Plan

- ➔ Existing drainage
- ➔ Temporary surface water management
- ➔ Consider future drainage

## ➔ Communication

# WM 3: Technical Guidance Waste classification

- ➔ The rules on waste classification are changing
- ➔ WM3 must now be used
- ➔ If you are handling waste soils make sure your assessments are up to date





# Additional information

## ➔ EA website:

➔ [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

## ➔ MPP2 Deployment form and guidance document

## ➔ Contact your local team:

➔ Groundwater and Contaminated Land team

➔ Environment Management team

## ➔ Notify EA when operations begin