

Cover systems – a local authority perspective

Robert Tyler

Principal Pollution Control Officer - Land Water Air

March 2016

What I will talk about

- Legislation and guidance
- What is contaminated land
- Sites of potential concern

- Key considerations
- A few final points

Legislation and guidance

Part 2A – statutory contaminated land:

"any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that: significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled waters is being, or is likely to be caused."

Statutory guidance (DEFRA Circular 01/2006) also clarifies this definition, identifying the types of harm and pollution that will result in land being identified as contaminated land.

Environmental Damage Regs - environmental damage to land:

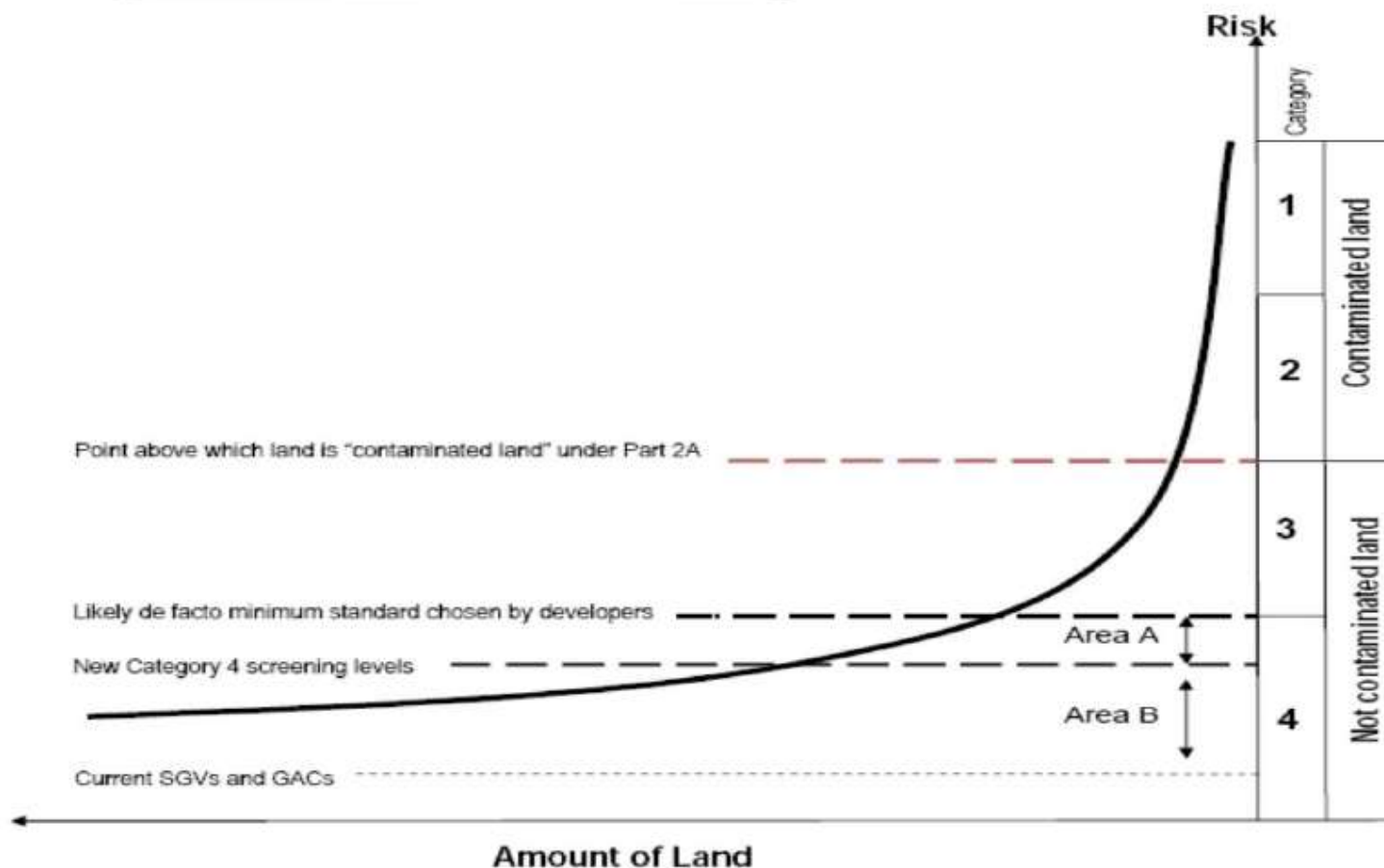
“contamination of land by substances, preparations, organisms or micro-organisms that results in a significant risk of adverse effects on human health.”

National Planning Policy Framework:

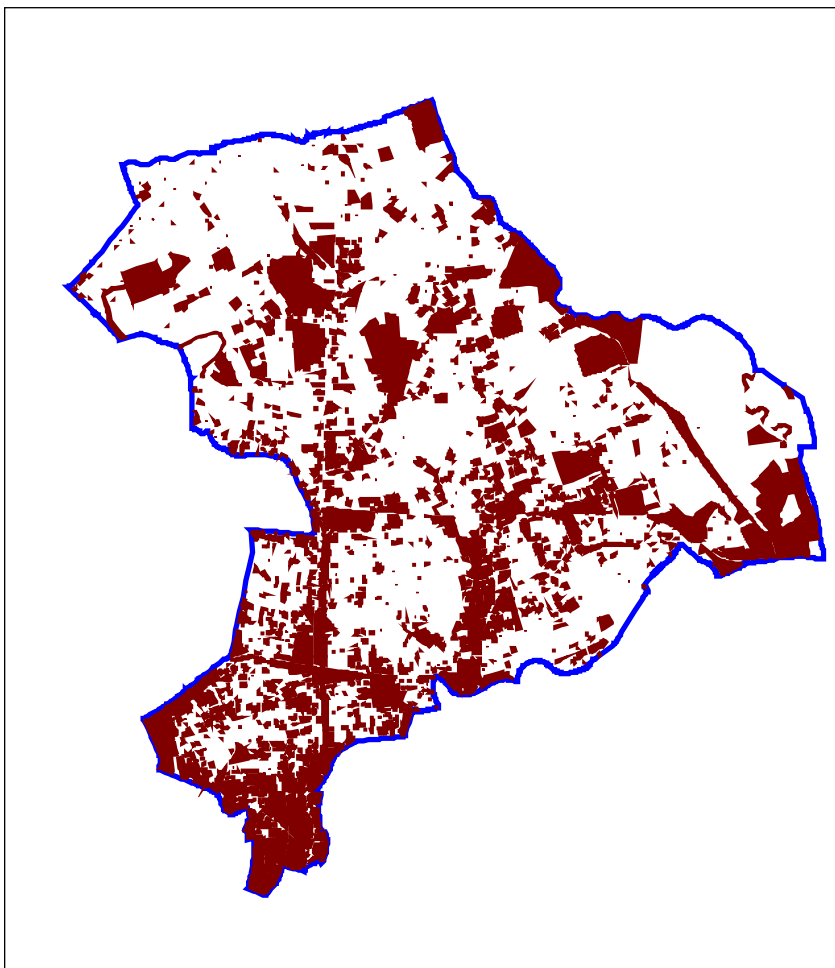
121. Planning policies and decisions should also ensure that:

- **The site is suitable for its new use** taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, **land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;**
- **Adequate site investigation information**, prepared by a competent person, is presented.

So what is contaminated land?



Sites of potential concern



- Most urban boroughs have many sites of potential concern.
- Other areas may also be contaminated land

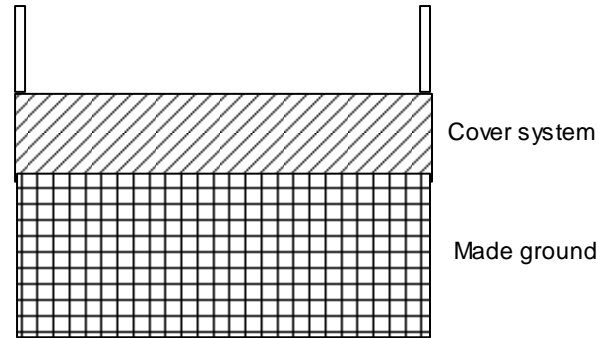
What a cover system has to withstand?



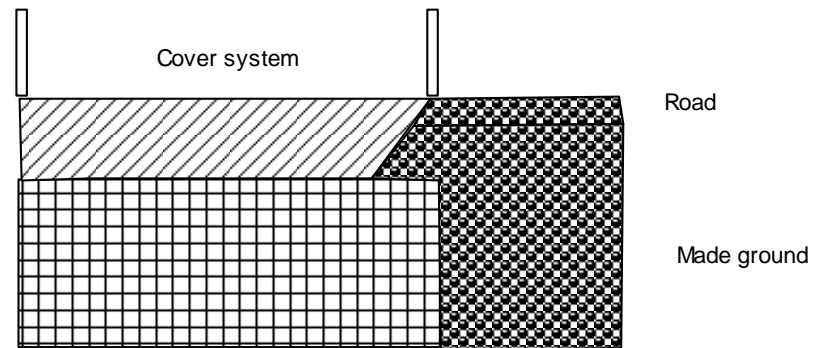
How deep should a cover system be?

- A double dig depth?
- Deep enough for Planning Authority?
- Is complete separation necessary?
- Not just about depth...width and battering!
- In my experience between 0m and 2m+?
- Tip: Get your consultant to justify the cover depth and consider a geotextile barrier

Edges of cover system

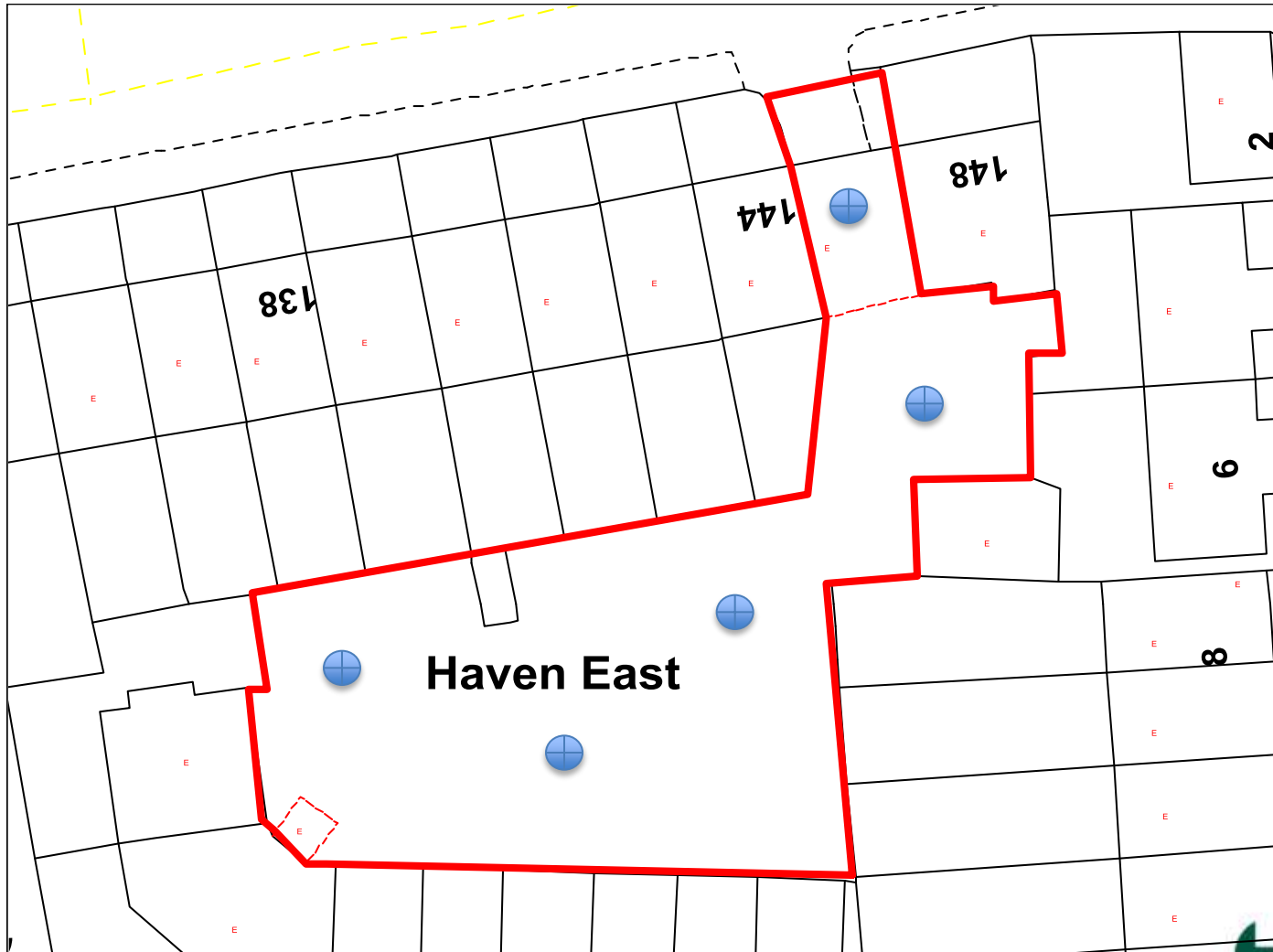


Traditional cross section

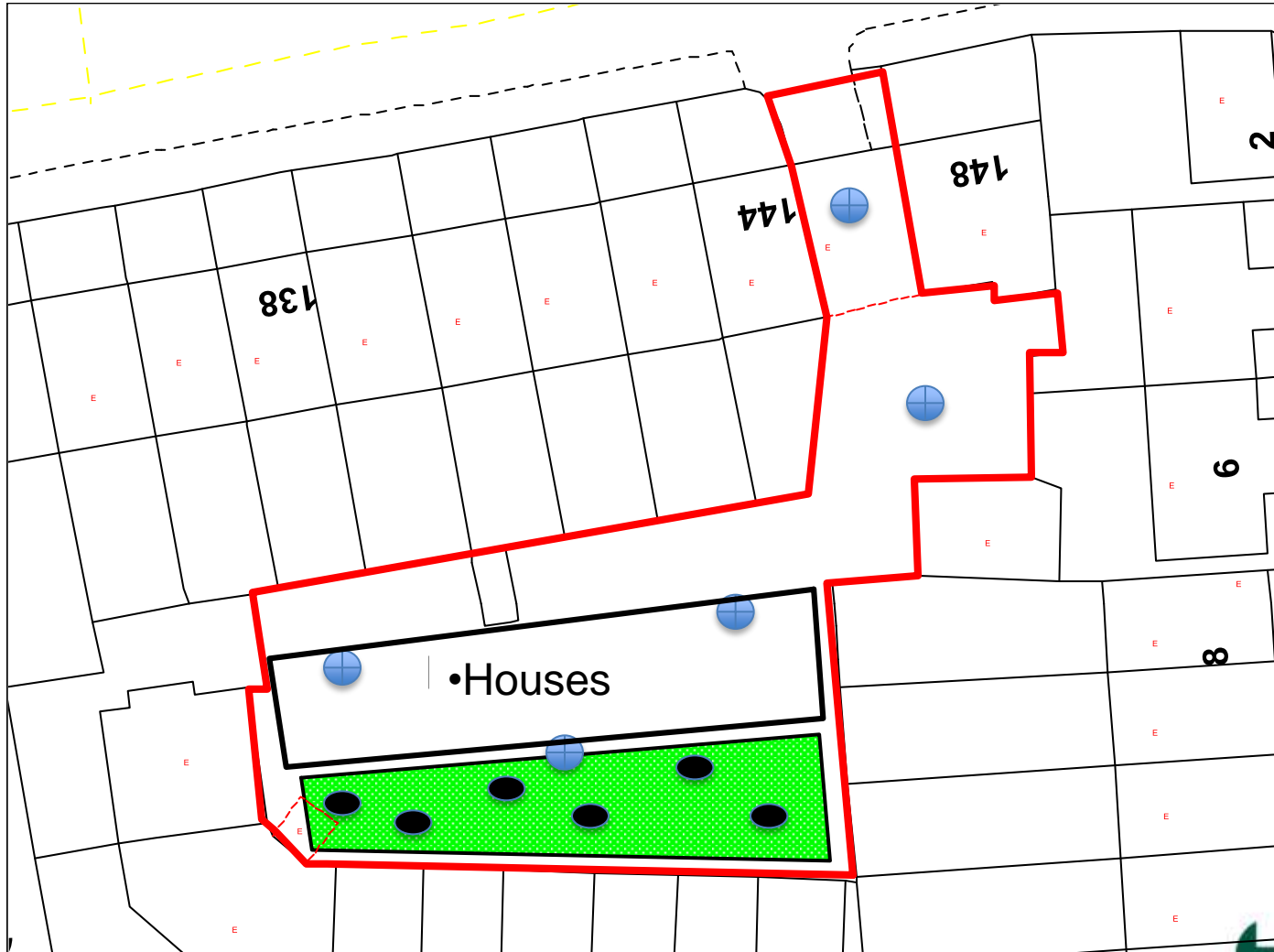


Implemented scheme

Make sure you have enough investigation information?



Make sure you have enough investigation information?



Make sure you have enough investigation information..cont.

- Make sure the most sensitive areas are sufficiently covered by SI
- Undertake further SI within garden and landscaped areas
- Make sure all investigation positions provide coverage (i.e. did they terminate at shallow depth)
- Where ground water is present ensure this is sampled and analysed

Limitations?

- Who reads the limitations of reporting?

“No liability is accepted for ground conditions not identified by the site investigation”

- Used in about 2/3 of reporting I receive
- If cover system failed due to ground conditions not identified by SI, Environmental company not liable.
- Use companies who have reasonable limitations

Other points?

- Local authority requirements will differ.
- A cover system won't always be needed.
- Paved areas should achieve the same depth of cover.
- May be limitations for TPO trees.
- Developments where CoC exceed SSAC but fall below Normal Background
- Conditions/limitations of use of cover system
- Sample rates, minimum sample number per source and no composite samples



Thank you

Please contact me at:

Robert Tyler

Principal Pollution Control Officer – Land Water Air

020 835 64827

robert.tyler@hackney.gov.uk

<http://www.hackney.gov.uk/ee-pollution-contaminated-land-418.htm>