

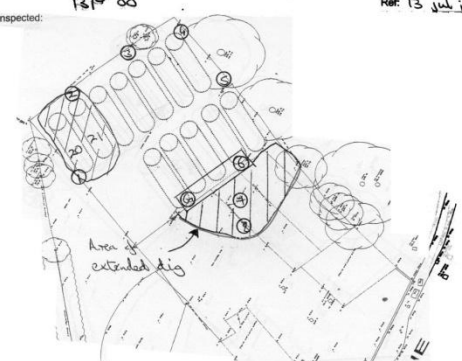
# DoW CoP and The Local Authority

The Definition of Waste:  
Development Industry Code of Practice

Me

**SITE RECORD SHEET**  
Ref: B3 21/1

Area inspected: 13/7/00



**Report**

Tanks 20-21 removed & excavation backfilled

Trial pits excavated along boundaries of remedial dig (see separate sheet)

North/East/West boundaries exposed natural clay & gravel soils - no evidence of contamination

Southern boundary of dig (TP Nos 6, 7, 8) - Evidence of clay granular soils, discernible above & described clay soils.

**PIID**

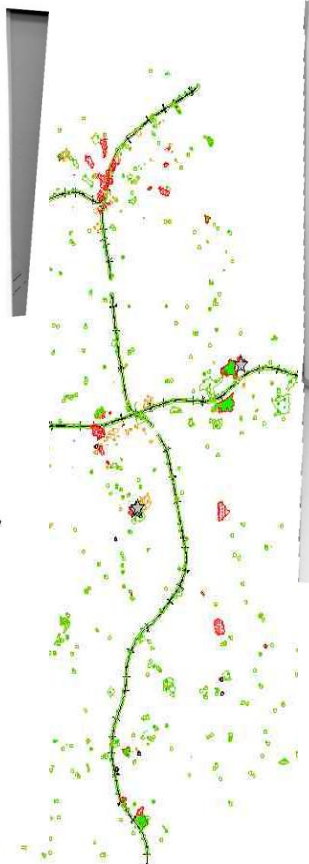
Sample	Depth	Result
1	<10 m	<10 ppm
2	<10 m	<1 ppm
3	<10 m	<1 ppm
4	<10 m	16 ppm
5	<10 m	<1 ppm
6	50 m	790 ppm
7	-	96 ppm
8	-	110 ppm
		500 ppm

**Recommendations:**

No further excavation required along N/E/W boundaries.

Extend remedial dig to S as marked to 8 TP No. 16.

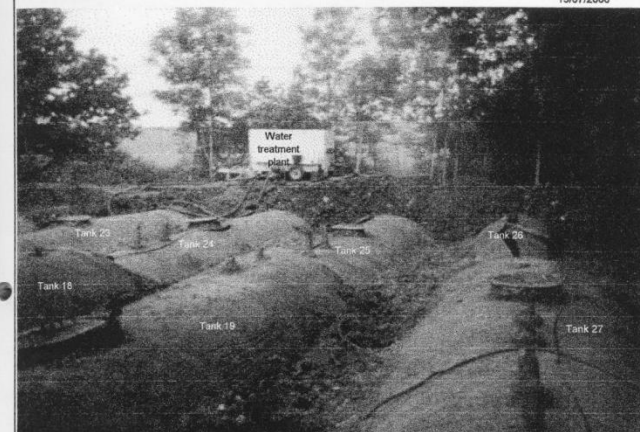
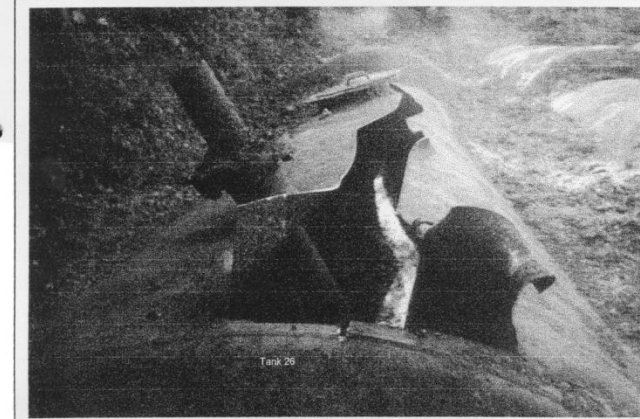
Recommendations carried out  
Signed: [Signature] Date: 3/7/00



1306

**PHOTOGRAPHIC RECORDS**  
13/07/2000

PROJECT: \_\_\_\_\_  
CLIENT: \_\_\_\_\_

Project No. \_\_\_\_\_

13/07/2000

## Initial Apology

I got this on the following Basis

Its not us

We Don't care

We are not the regulator.

I must also apologise to Danny for ranting at him

## Some scene Setting Generally

Most local Authorities are small

Officers have multiple Roles

May not even be have any specialist knowledge

Many authorities in the South East Can't even recruit

£91 a Tonne

But

DoW CoP- clearly has a role with HMRC waste changes

“At sites without a permit, the person disposing of the waste and anyone who knowingly facilitates the disposal may be liable for landfill tax”

HMRC have been given £600,000 to fund additional staff to enforce this change.

## Clients often

Behave Like Badly Behaved Dogs

Local Authorities often don't know the regime

In my part of the world consultants make a point of not committing to involved validation plans

## My personal experience of DoW CoP

It got in the way

It wasn't helpful

I was viewed as being awkward

## Why

The site was a land raise/reclamation and horse training track

In my speak this is an inert  
landfill



Oh and

I am awkward

I questioned the process

And I asked for things

## What did I want

- Details of the originating site (including a summary history)
- Qualitative assessment of the material including COC's that were monitored at source
- Numeric quantifier like number of samples and range of values
- Spot verification visits
- Wanted this summary on the planning record.

What did I get...

A headache and some accommodation

BUT eventually I lost the will to live

Verification not needed on site as all under DoW CoP

## So the other view

This is where Danny and I had an interesting Discussion

And I felt bad...

## Danny's View.

3 stages to a condition

- Investigate
- Remediate
- Validate



Spot on

## In my View

Verification needs to be reasonable

- Sufficient to make a judgment (3-5 samples)
- Top soil what about sub base



Why

Developers not keen on this find it hard to manage  
and gets in the way of sales

So surely DoW CoP solves this

Why does he just not accept it as good news!!!

# National Planning Policy framework- Para 178

## Ground conditions and pollution

178. Planning policies and decisions should ensure that:

- a) a site is **suitable for its proposed use taking account** of ground conditions and any risks arising from land **instability and contamination**. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation.....
- b) 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; and
- c) adequate **site investigation information**, prepared by a competent person, is **available** to inform these assessments.



## Why-In my View

So in recent years  
have encouraged people to go to reputable suppliers  
good conformity

Thus accepting the minimum of validation by hopefully  
reducing variability in the source

## Why- To many bad experiences

Small developments – so we want to reduce risk

Not so much from myself

So tend to encourage clean  
sources

As though awkward I am pragmatic and the test is  
Unacceptable risks so I tend not to like removing imported  
soils

## Big sites this is not really an option

So given my earlier concerns you can see why I am concerned

- To understand where the material comes from
- The MMP and
- Some description of the evidence base for the decision

Big sites this is not really an option

We are back to agreeing reasonable levels of verification

That's where you come in as the information should already be required.....

## CLÉAIRE

- Appropriate site plans;
- Experience and qualifications of the person preparing the report in relation to the specific project;
- Description of the project;
- Description of how the use of materials links with the Remediation Strategy or Design Statement;
- Reference to site investigation data \*;
- Reference to risk assessments (including qualitative risk assessments);
- Reference to the MMP and associated tracking system, including alterations made and why;
- Suitable for use criteria;
- Treatment records \*;
- Laboratory analysis \*;
- Reference to waste transfer documentation, including return loads (this may not be applicable to the use of materials within the Site of Origin scenario);
- Signed delivery tickets (possibly as an annex or alternatively there must be a clear reference out to them – this may not be applicable to the use of materials within the Site of Origin scenario);
- Record of contingency arrangement(s) that had to be implemented;
- Record of quantity of materials used; and
- Copies of signed Declaration(s) by Qualified Person(s).

## Conclusion

We should be able to use the DowCoP report to show:

- The material is of suitable quality
- Both qualitatively
- Quantitatively
  
- And the local authority should not be unpicking the whole thing.....

But bad things happen.....

Ultimately it has to be

Reasonable

Documented

..... Job Done

## Thanks.....

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