



Assessing application site condition reports and surrender site condition reports submitted under the Environmental Permitting regime (non-landfill)

Operational instruction 233_06

Issued 10/08/2011

This document is for staff at level 3 capability Issuing and Maintaining Permits in the Groundwater and Contaminated Land technical development framework, NPS and EM/PPC officers.



Document details

What's it about?

This document provides a framework for officers to assess application site condition reports and surrender site condition reports.

It should be read in conjunction with regulatory guidance series Note 9 on site condition records, H1 Core guidance and H5: Site condition report – guidance and templates.

The site condition report (SCR) is a live document that should be updated/ reviewed at three stages;

- at application;
- during the lifetime of the permit;
- at surrender.

The Environmental Permitting regime is designed to ensure that land and water are protected from the permitted activity. Operators must ensure that there is no deterioration in the quality of land and water during the lifetime of the permit and should maintain appropriate records to demonstrate that this is the case. The SCR provides a means of recording that protection measures required by the permit are effective and enables the operator to demonstrate at surrender that the site is in a satisfactory state.



Related documents



Feedback

Contact for queries

Mike Harget

Which sites does it apply to?

This document applies to installations and non-landfill waste facilities, as specified in Regulatory Guidance Note 9.

What do we need to do?

SCR evaluation templates are provided for you to assess whether the land and waters are being protected at the application, operational and surrender stages. The templates prompt you to consider whether the information supplied is sufficient, identify what further information is needed and determine whether there is reasonable possibility that pollution of the land from the activities has been prevented.

You should review the information contained in the SCR that you are assessing, complete the appropriate template and advise NPS of your decision. The decision will be site-specific and based upon the information provided, the type of activity undertaken, the setting of the site and in some cases the proposed use of the site. Further information is provided in Regulatory Guidance Note 9, H1 and H5.

The operator's H1 environmental risk assessment should describe potential sources of pollution (activities and substances), potential pathways (e.g. drainage, groundwater) and receptors (site setting). You should consider this information alongside the application SCR to determine if pollution prevention measures at the site are likely to be appropriate and effective. Any missing information that is not contained in another part of the application should be requested from the operator by the permitting team.

The operational phase of the SCR evaluation template may be completed annually. Information submitted during the operational phase should be considered alongside our own records and information provided through our compliance checks.

The surrender SCR evaluation template must be completed and returned to the permitting team when the permitted activities have ceased and decommissioning works have been completed. We should not accept an application to surrender an environmental permit until the operator has shown that pollution risk has been removed and the site is in a satisfactory state.

We can't require baseline data to be collected through specific permit conditions but we can recommend that in certain cases it is in the operator's best interests to collect background data so they can demonstrate no deterioration at surrender.

**What is
satisfactory
state?**

Operators should aim to restore the land and waters to the state they were in prior to any operation starting. Operators must demonstrate that the land and waters are in a satisfactory state at surrender either by using records collected throughout the life of the permit or by comparison between data gathered at the application and surrender stages. They are responsible for identifying what information they will need at surrender and for collecting this information throughout the lifetime of the permit. To show that the condition of the land and waters are in a satisfactory state, these records must show that:

- measures taken to protect land have been effective, and
- pollution incidents that may have impacted on land have been investigated and remediated, and
- soil gas and/or water quality monitoring (if undertaken) shows no deterioration in the condition of the site or where deterioration has occurred this has been investigated and remediated, and
- decommissioning works and works to remove pollution risk have not caused any deterioration in the condition of the land or waters, or where this is not the case, that this has been investigated and remediated.

If operators are not able to show that the land and waters are in a satisfactory state using this information (because records are not available, are incomplete or because they do not show that no deterioration has occurred) the surrender application will not be accepted and they are likely to need surrender reference data. If the surrender data shows an impact remedial works are likely to be required.

Application SCR evaluation template

(To be completed by NPS, GWCL and EM/PPC officers).

Name of activity, address and NGR	Brintons Carpets Ltd, Stourport Road, Kiddminster, Worcestershire, DY11 7P2 SO 81802 73968 X Eastings 381802,Y Northings 273968
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Document reference of application SCR	EA/EPR/DP3936FJ/S004
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Date and version of application SCR	Application Surrender 27082021-S004-BCPS SCRT SA 08.21
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1.0 Site details To be completed by NPS (Source)	
Has the applicant provided the following information as required by the application SCR template?	Response (Specify what information is needed from the applicant, if any)
Site plans showing site layout, drainage, surfacing, receptors, sources of emissions/releases and monitoring points	Check plans provided by the applicant (see also Part A of the application form). If information is missing then request further dated plans be supplied.

2.0 Condition of the land at permit issue To be completed by GWCL officers (Receptor)	
Has the applicant provided the following information as required by the application SCR template?	Response (Specify what information is needed from the applicant, if any)
<ul style="list-style-type: none"> a) Environmental setting including geology, hydrogeology and surface waters b) Pollution history including: <ul style="list-style-type: none"> • pollution incidents that may have affected land • historical land-uses and associated contaminants • visual/olfactory evidence of existing contamination • evidence of damage to existing pollution prevention measures c) Evidence of historic contamination (i.e. historical site investigation, assessment, remediation and verification reports (where available) d) Has the applicant chosen to collect baseline reference data? 	Applicants are not necessarily required to collect baseline reference data as part of the application. However, at sites where historic contamination may be an issue, they may choose to establish baseline conditions that can be referred to at surrender. Without this it may be difficult for them to prove that they have not caused the contamination.

3.0 Permitted activities To be completed by NPS officers (Source)	
Has the applicant provided the following information as required by the application SCR template?	Response (Specify what information is needed from the applicant, if any)
<ul style="list-style-type: none"> a) Permitted activities b) Non-permitted activities undertaken at the site 	Review summary provided by the applicant and confirm it does give a brief outline of the permitted activities, drawn from other parts of the application and cross-referenced to site plans.

3.0(a) Environmental Risk Assessment To be completed by NPS officers (Source)	
The H1 environmental risk assessment should identify elements that could impact on land and waters, cross-referenced back to documents and plans provided as part of the wider permit application.	Review summary provided by the applicant under H1 and confirm if it is an appropriate environmental risk assessment for the site. Specify what information is needed from the applicant, if any

3.0(b) Will the pollution prevention measures protect land and groundwater? To be completed by EM/PPC officers (Conceptual model)	
Are the activities likely to result in pollution of land? (Information on pollution prevention measures will be in another part of the application – Part B)	If Yes, specify what additional controls/checks may be necessary
For dangerous and/or hazardous substances only, are the pollution prevention measures for the relevant activities to a standard that is likely to prevent pollution of land? (If the answer is no, briefly explain how you arrive at your conclusion)	(This may consist of improved infrastructure, targeted surveillance monitoring by the operator and/or inspections by compliance teams)

Application SCR decision summary To be completed by GWCL officer and returned to NPS	Tick relevant decision
Sufficient information has been supplied to describe the condition of the site at permit issue; or	
Information is missing- the following information must be obtained from the applicant. (Advise the permitting team on what additional information is needed)	
Pollution of land and water is unlikely; or (Pollution prevention measures just need to be reviewed during operation of the site)	
Pollution of land and water is likely (Advise the permitting team on what additional controls/checks may be necessary)	
Historical contamination is present- advise operator that collection of background data may be appropriate	
Date and name of reviewer	

Operational phase SCR evaluation template

(To be completed by EM/PPC and GWCL officers).

Sections 4.0. to 7.0 may be completed annually in line with normal record checks.

4.0 Changes to the activities To be completed by EM/PPC officers (Source)	
Have there been any changes to the following during the operation of the site?	Response (Specify what information is needed from the applicant, if any)
a) Activity boundaries b) Permitted activities c) "Dangerous substances" used or produced	This information will be needed to surrender the permit and should therefore cover all of the land on which any of the activities covered by the permit may take place.

5.0 Measures taken to protect land To be completed by EM/PPC officers (Pathway)	
Has the applicant provided evidence from records collated during the lifetime of the permit, to show that the pollution prevention measures have worked?	If no, specify why

6.0 Pollution incidents that may have impacted on land and their remediation To be completed by EM/PPC officers (Sources)	
Has the applicant provided evidence to show that any pollution incidents which have taken place during the life of the permit and which may have impacted on land or water have been investigated and remediated (where necessary)?	Have all pollution sources associated with the incident been investigated and remediated such that they will not lead to pollution after permit surrender e.g. pipe work containing raw materials?

7.0 Soil gas and water quality monitoring (where relevant) To be completed by GWCL officers	
Where soil gas and/or water quality monitoring has been undertaken, does this demonstrate that there has been no change in the condition of the land? Has any change that has occurred been investigated and remediated?	If no, specify why

Surrender SCR Evaluation Template

If you haven't already completed previous sections 4.0 to 7.0, do so now before assessing the surrender.

8.0 Decommissioning and removal of pollution risk	
To be completed by EM/PPC officers	
Has the applicant demonstrated that decommissioning works have been undertaken and that all pollution risks associated with the site have been removed? Has any contamination of land that has occurred during these activities been investigated and remediated?	All permitted activities should have ceased and all sources of pollution risk should be removed before the Surrender SCR is produced.

10.0 Statement of site condition	
To be completed by EM/PPC officers	
Has the applicant provided a statement, backed up with evidence, confirming that the permitted activities have ceased, decommissioning works are complete and that pollution risk has been removed and that the land and waters at the site are in a satisfactory state?	This section should be used if the operator is relying solely on records obtained during the operational phase of the activity. If no, specify why

9.0 Reference data and remediation (where relevant)	
To be completed by GWCL officers	
Has the applicant provided details of any surrender reference data that they have collected and any remediation that they have undertaken? (Reference data for soils must meet the requirements of policy 307_03 Chemical test data on contaminated soils – quantification requirements). If the surrender reference data shows that the condition of the land has changed as a result of the permitted activities, the applicant will need to undertake remediation to return the condition of the land back to that at permit issue. You should not require remediation of historic contamination or contamination arising from non-permitted activities as part of the permit surrender.	Yes, the applicant has provided surrender reference data. An intrusive site investigation was carried out in July 2021. The applicant collected both soils samples and a groundwater sample within the permitted area that is now being surrendered. Window sampling was undertaken at ten locations and a groundwater sample taken at a pre-existing monitoring borehole (the borehole was sampled on a six-monthly basis while the site was operational) The 2021 investigation involved an extensive suite of analytes relating to the contaminants of concern at the site as well as the determinands analysed for in the original site conditioning investigation undertaken prior to the permit been issued in 2013. Background/baseline conditions were established prior to the permit been issued in May 2013. Probe hole drilling was carried out at six locations around the site for soil sampling purposes within the areas of the site to be permitted.

10.0 Statement of site condition

To be completed by GWCL officers

Has the applicant provided a statement, backed up with evidence, confirming that the permitted activities have ceased, decommissioning works are complete and that pollution risk has been removed and that the land and waters at the site are in a satisfactory state?

Yes.

Evidence has been provided both in the form of intrusive site investigation work undertaken at the site and photographic evidence.

The surrender application is reasonably comprehensive in that the applicant has taken samples of soils and groundwater to allow a quantified comparison between the baseline state and the state of the site at permit surrender. Based on the information submitted as part of the surrender process, it appears that the site has been decommissioned, and the sources of potential pollution risk have also been removed.

Based on both the soil and groundwater chemical analysis, it would not appear that the site condition has significantly deteriorated during the lifetime of the permit. The levels of metals reported in soils samples would not be considered to be significantly elevated and are predominantly within the same order of magnitude as baseline conditions. Given that Sulphide was reported at less than 1mg/kg at all locations in the investigation in 2021, this would not appear to represent a significant ongoing risk to controlled waters.

We would probably be able to accept this surrender on the basis that the site conditions haven't changed during the lifetime of the permit and remediation does not appear warranted.

Surrender SCR decision summary

To be completed by GWCL officers and returned to NPS

**Tick
relevant
decision**

Sufficient information has been supplied to show that pollution risk has been removed and that the site is in a satisfactory state – accept the application to surrender the permit; or

Yes

Insufficient information has been supplied to show that pollution risk has been removed or that the site is in a satisfactory state – do not accept the application to surrender the permit. The following information must be obtained from the applicant before the permit is determined:

Date and name of reviewer

Nicola Carter
23/03/2022

Related documents

Links

- [676_06 Environmental Permitting Regulations: Site condition reports](#)
 - [H1 Environmental risk assessment for permits](#)
 - [H5 Guidance](#)
 - [H5 Site condition report template](#)
 - [Regulatory guidance note 9 : Demonstrating land and groundwater are protected to assist the surrender of an environmental permit](#)
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