

**Remediation Statement
Zone A - Rear Garden, Boxwood
Shore Road, Tain**

Our Reference: RC-GSW-1002
National Grid Reference: 277855, 882443
Part IIA of the Environmental Protection Act 1990



July 2020

Disclaimer

Information contained within this report has been prepared for The Highland Council for the purposes of recording the agreed Remediation Scheme as part of its statutory duties under Part IIA of the Environmental Protection Act 1990. The use of this report by third parties is prohibited unless written consent is given by Highland Council. This report is based on desk study, site investigation information, and remediation evidence, the assessment being carried out from 2005 to 2018, and remediation completed in 2019. It is possible that future advances in investigation technologies, toxicological information or government guidance could provide further information which would have an impact on the decision to determine the site as Contaminated Land. Therefore, this report should be read in the context in which it was written and reliance on this report in future years should be treated with caution. It should be noted that although our records are considered comprehensive, The Council cannot be held liable for any error or omission contained within this report. This report should not be used for any purpose other than the above.

For further information or advice concerning this report, please contact:

The Environmental Health Manager
Community Services
The Highland Council
38 Harbour Road
Inverness IV1 1UF

E-mail: land.contamination@highland.gov.uk

Report preparation information	Name	Signed	Date
Record Prepared By	Esther MacRae Scientific Officer		09/12/19
Record Approved By	John Murray Senior Environmental Health Officer		
Date of Notice to SEPA and Appropriate Person			

Contents

1.	INTRODUCTION	4
2.	THE SITE	5
3.	DESCRIPTION OF SIGNIFICANT POLLUTANT LINKAGE	6
4.	NAME AND ADDRESS OF REMEDIATION CONTRACTORS	7
5.	REMEDIATION ACTION SUMMARY	8
6.	MONITORING ACTION	9
7.	CONCLUSION AND RECOMMENDATIONS	9
	REFERENCES.....	10
	Appendix 1.....	11
	Appendix 2.....	14

1. INTRODUCTION

A site investigation of a former gasworks at Shore Road Tain has been carried and determined that land at Zone A - Rear Garden, Boxwood, Shore Road, Tain, NGR: 277855, 882443 is Contaminated Land. This Report sets out the agreed Remediation Scheme to break the significant pollutant linkages.

Powers and duties with respect to land contamination were conferred on Local Authorities when the Contaminated Land Regime came into force with The Contaminated Land (Scotland) Regulations 2000. The legislative basis for the regime is contained in Part IIA of the Environmental Protection Act 1990 (inserted by section 57 of the Environment Act 1995). The Regulations were accompanied by a Scottish Executive Circular, 1/2000, which contained statutory guidance on the implementation of the Regime. The Regime has since been updated by The Contaminated Land (Scotland) Regulations 2005 (Scottish Statutory Instrument 2005 No.658) and publication of Statutory Guidance Edition 2 (paper SE/2006/44).

The above legislation provides the following definition of contaminated land:

“Contaminated land” is 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) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.

The Highland Council has determined that the residential rear garden of Boxwood, Shore Road, Tain is Contaminated Land.

This Remediation Statement has been prepared pursuant to section 78H (7) of the Environmental Protection Act 1990 and Section 14 Schedule 4 of the Contaminated Land (Scotland) Regulations 2000. The Remediation Statement contains:

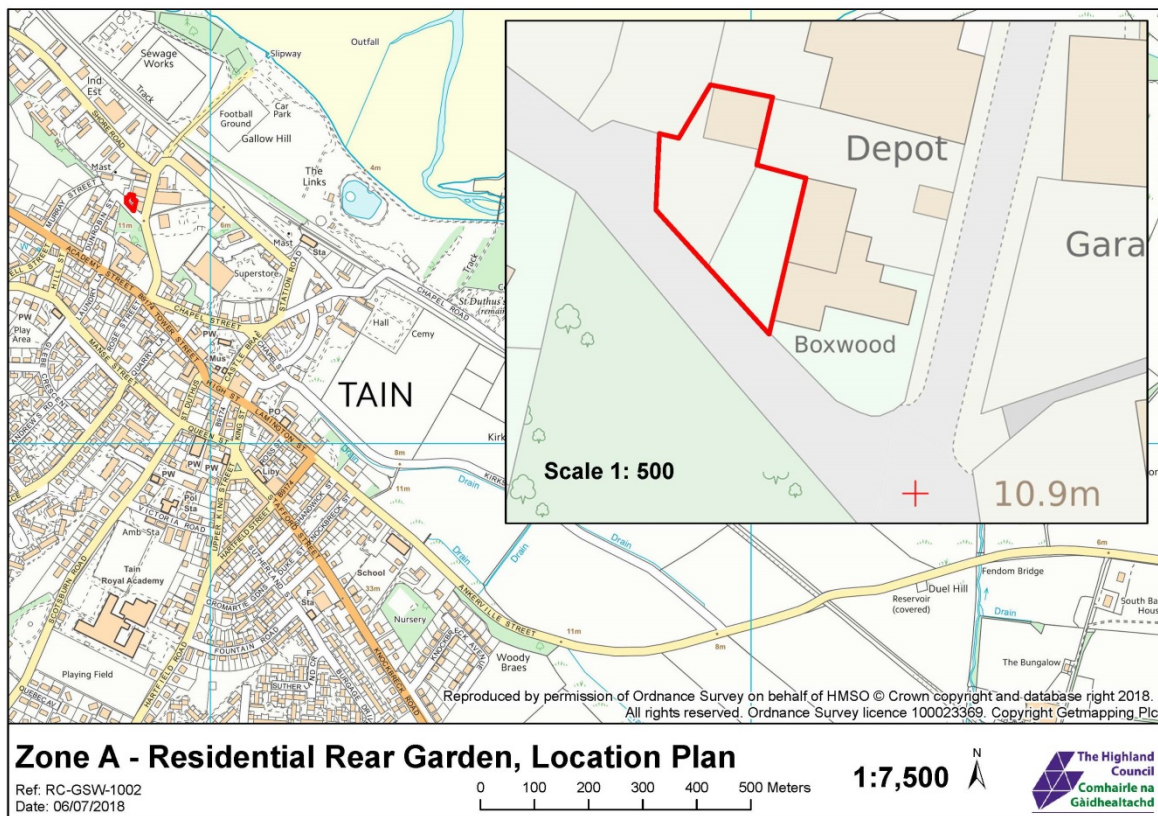
- the location and extent of the land sufficient to enable it to be identified;
- the significant harm by reason of which the land is contaminated land;
- the substances by reason of which the land is contaminated land
- the current use of the contaminated land in question;
- the name and address of the person who has done each of the things by way of remediation;
- a description of the Remediation Action; and
- the period within which the remediation action was carried out.

2. THE SITE

The site is located at Shore Road, Tain, within Highland Council Ward No. 8: Tain and Easter Ross. The site is currently occupied by the residential rear garden of one private property known as Boxwood.

Site Address: Rear garden, Boxwood, Shore Road, Tain, IV19 1EH
Area: approximately 320m²
NGR: 277855:882443
Current Use: Residential rear garden, driveway, and garage/outbuilding

The site was previously used as part of the operational gas works, and a site location plan is provided below:



NOTE: The residential front garden and house known as Boxwood are NOT considered to be contaminated land.

3. DESCRIPTION OF SIGNIFICANT POLLUTANT LINKAGE

A pollutant linkage is defined in the Statutory Guidance as a linkage between a Contaminant and a Receptor, by means of a Pathway. All types of receptors detailed in Table A of the Statutory Guidance, and the Water Environment were considered in conceptualising the site. The following significant pollutant linkages were present at the site:

Source	Pathway		Receptor
Benzo(a)pyrene in soil	Inhalation	Inhalation of outdoor and indoor dust	Current and Future Residents
Benzo(a)pyrene in soil	Oral	Ingestion of outdoor soils or indoor dust Ingestion of home-grown produce*	Current and Future Residents

- Note that home-grown produce was not being produced on the site at the time of the assessment but has been included within assessment of the oral exposure pathway

Based on the above significant pollutant linkages, the site was identified as Contaminated Land due to significant possibility of significant harm to human health. Pursuant to Section 78B (3) of the Environmental Protection Act 1990 (as amended), Notice of identification of contaminated land was given on x December 2019 to SEPA and the appropriate person. A “Record of determination of Contaminated Land” document was prepared in accordance with paragraph B53 of the Statutory Guidance, summarising the pollutant linkage, the evidence on which the determination is based, and the relevant assessment of the evidence. This document is on The Highland Council’s public register of contaminated land.

4. NAME AND ADDRESS OF REMEDIATION CONTRACTORS

The Highland Council appointed ERS Ltd as the Project Manager. Alron Building Services were appointed as the principle contractor.

ERS Ltd Westerhill Road Bishopbriggs Glasgow G64 2QH	Alron Building Services 9 Knockbreck Avenue Tain IV19 1LY
--	--

The following report has been prepared which gives a full description of the remediation, and can be viewed on request:

- Remediation Validation Report. ERS Ltd. November 2019

5. REMEDIATION ACTION SUMMARY

In accordance with the Statutory Guidance, paragraph C.18 and C.19, the remediation has been achieved by breaking the pathway of the pollutant linkages through completely covering/paving any soil thereby removing the possibility of dust inhalation or oral ingestion of contaminated soil. This was considered by The Highland Council to be reasonable, practicable, effective and durable. The current residents at the site have been informed and involved during all stages of investigation and remediation works, and gave their consent to the remediation prior to undertaking the work.

A full topographic survey of the rear garden was carried out by Cairntech Ltd on 3rd July 2018. From this it was determined that 48m² of the rear garden was uncovered or the existing cover was in poor condition. In addition, exposed soil was present along the unnamed road forming the southern boundary of the rear garden. Drawing 3784 in Appendix 1 provides details of the site as it was on 3rd July 2018, and the remediation proposal for each area.

Contractors were onsite in July 2019. The existing fence between the driveway and the eastern part of the rear garden was removed and replaced. All existing vegetation was stripped and removed. Due to poor performance of the existing soakaway, and an increase in impermeable cover onsite, a new soakaway was installed in Area 3, with excess soils reused beneath hardstanding, or taken offsite.

Due to contouring of the site, concrete was used as cover in most areas which were not already paved.

Raised planters were formed above the concrete in Area 5.

A post remediation topographic survey was carried out by Cairntech Ltd on 10th October 2019 and reproduced as drawing CTCH-J2561-001 in Appendix 1.

The ERS Remediation Verification Report provides further information and photographs of the site before and after the works.

6. MONITORING ACTION

The Highland Council will annually inspect the cover/paving to ensure it remains fit for purpose. Repairs will be carried out as necessary should defects occur. Any defects observed in the cover/paving shall be reported immediately to:

Environmental Health Manager – The Highland Council, 38 Harbour Road, Inverness, IV1 1UF. Tel 01463 644570. Land.contamination@highland.gov.uk

7. CONCLUSION AND RECOMMENDATIONS

The significant pollutant linkages to human health at the site as set out in Section 3 have been broken as there is no pathway for unacceptable risk to occur.

The cover/paving will be inspected as described above.

The cover/paving shall not be lifted/removed or otherwise interfered with unless agreed in advance with The Highland Council. If the cover/paving is to be removed, for instance if another remediation action were to be undertaken, the person intending to carry out the work shall demonstrate that there will be no unacceptable risk to health. If the cover/paving is removed without the prior agreement of The Highland Council, the Council will follow the Statutory Guidance and may issue a Remediation Notice to the appropriate person who will be liable to remediate the site. The Highland Council is unlikely to waive any costs associated with issuing a Remediation Notice.

The current residents have been informed and involved in all stages of the investigation and remediation works. They have signed an “Agreement to Remediation” which briefly explains why the remediation was undertaken, and that the land will be placed on the public Register of Contaminated Land. The residents have agreed not to deliberately damage or remove any of the concrete cover/paving. A copy of this Agreement is included in Appendix 2. Should the site change ownership, The Highland Council shall seek to gain Agreement to Remediation from the new owners.

The residential front garden and building known as Boxwood are NOT considered to be contaminated land, and therefore have no remediation requirements.

REFERENCES

The Contaminated Land (Scotland) Regulations 2000 (Scottish Statutory Instrument 2000 No. 178)

The Contaminated Land (Scotland) Regulations 2005 (Scottish Statutory Instrument 2005 No. 658)

The Environmental Protection Act 1990

Environmental Protection Act 1990: Part IIA Contaminated Land - Statutory Guidance: Edition 2

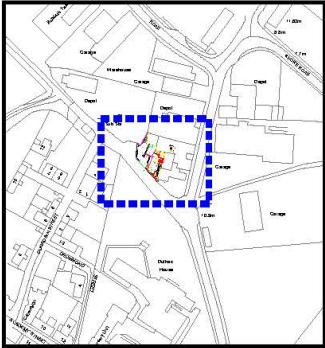
ERS; Remediation Verification Report. November 2019

The Highland Council; Record of determination of Contaminated Land at Zone A – Rear Garden, Boxwood, Shore Road, Tain. December 2019

Appendix 1

Drawing 3784 Topographic Survey of residential rear garden on 3rd July 2018.

Drawing CTCH-J2561-001 Topographic Survey of residential rear garden on 10th October 2019 following remediation.



Legend

	Concrete
	Slabs
	Slabs or Concrete

REV	DATE	DETAIL

Project Name
Tain Gasworks
 Project#0033-003

Drawing Title
Proposed Works

Drawing Number
3784

Drawn By
MMc

App'd By
AM

Scale
NTS @ A4

Date
18/07/2018

Glasgow Head Office Westhill Road Bishopbriggs Glasgow G84 2QH Tel:0141 772 2789 Fax:0141 762 0212	Inverness Office 23 Henderson Drive Inverness IV1 1TR Tel:01463 241 222 Fax:0141 762 0212
--	--





Survey Legend

- Building
- Concrete
- Paving Slabs
- Tarmac



	Client: ERS, Westerhill Road, Bishopbriggs, Glasgow, G64 2QH	Site Layout: Topographical Survey of Remediation Works at Former Gas Works, Tain	Drawn By: JDS	Checked By: GCN	Surveyed By: JDS	Drawing Scale: 1 : 50 @ A1	 <small>LAND & BUILDING SURVEYING SETTING OUT ENGINEERS CIVIL ENGINEERING DESIGN LASER SCANNING SERVICES</small>	<small>HYDROGRAPHIC SURVEYING VOLUMETRIC SURVEYING DIMENSIONAL CONTROL SURVEYING AUTOCAD DRAUGHTING SERVICES</small>	Drawing Status: <input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS	
			Surveyed Date: 10/10/2019	Drawing No: CTCH-J2561-001	Title: REMEDIATION WORKS AT FORMER GAS WORKS, TAIN	Rev: J2561			<small> ADDITIONAL CONTACT INFO: Email: info@caintech.com Web: www.caintech.com Tel: 01463 811400 Fax: 01463 545506 </small>	<small> Levels are in metres and are to Ordnance Datum. Co-Ordinates are to National Grid (OS Grid Network) </small>
<small>A1 Do Not Scale (if in Doubt Ask)</small>										

Appendix 2

Copy of Agreement to Remediation (redacted)



Agreement to Remediation

We the undersigned, being the owner/occupiers of **Boxwood, Shore Road, Tain, IV19 1EH**, hereby give our agreement to works proposed by The Highland Council to completely pave/cover the rear garden of our property.

We understand that the purpose of the works is to prevent future exposure of soil which contains contaminants that can be detrimental to human health. The paving will remain intact, and any defects reported to The Highland Council for repair at the earliest opportunity.

Identification of Contaminated Land and Public Register

The Highland Council, in carrying out this work, is fulfilling its obligations under Part IIA of the Environmental Protection Act 1990, and will in due course identify the rear garden as Contaminated Land (as defined in the Act); and publish a Remediation Statement on The Highland Council's public Register of Contaminated Land. The Remediation Statement will document the work undertaken to pave/cover the rear garden and will include a topographic survey and photographic record which shall form the basis of an annual inspection programme.

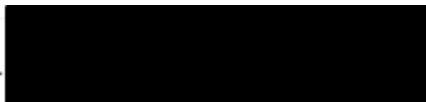
Maintenance of Remediation and deliberate damage

We understand that we shall not, and will not allow any other persons, to damage, remove, or alter any of the paving/cover in the rear garden as set out in the Remediation Statement, unless granted written agreement by The Highland Council. The Highland Council will inspect and repair any defects of the paving/cover on an annual basis. The Highland Council reserves the right to issue a Remediation Notice as set out in 78E of the Environmental Protection Act 1990 should the agreed remediation be damaged due to deliberate action. If a Remediation Notice is served, The Highland Council will seek to recover costs to repair the remediation from the person who caused/knowingly permitted the remediation to be breached.

Sale of Property

The rear garden will be placed on The Highland Council's Contaminated Land Register. The purchasing solicitor shall be informed of The Highland Council's actions to remediate the site. We will inform The Highland Council of any change in ownership of the property.

Signed by ..



Date *13/6/2019*....

