

LOCAL REVIEW BODY REFERENCE: 24/0003/LRB	PLANNING APPLICATION REFERENCE: 22/00221/PP ANDREWS GARAGE, TIGHNABRUAICH, PA21 2DS
Consultee statement	Anthony Carson Environmental Health Officer Regulatory Services Argyll and Bute Council
Date	13 March 2023

## Introduction

I am the lead officer for Environmental Protection within Regulatory Services. This role includes the delivery of the Service's Land Contamination responsibilities, and providing recommendations on potential land contamination issues within Development Control. In this regard I advise on the sufficiency of reports submitted to support individual planning applications where potential land contamination constraints have been identified.

In my statement I have provided some background to contamination from garages and outlined the consultation and review process undertaken over the last year.

The applicants' statement details a number of opinions in relation to potential land contamination on site, its investigation and assessment. I have made some notes at the end of my statement on some of these.

I have also provided a comment on the supplementary information to Supporting Documentation, provided by Crossfield Consulting.

## Background

It is important to note that both the garage building and land, which constitute the site, have been part of a vehicle repair business for decades. The sales particulars (Appendix 1.) indicate that Andrews Garage had been operated by the previous owner alone for nearly 50 years.

In this regard concerns that activities associated with the vehicle repair business could have contaminated soils within the site are entirely reasonable.

The Department of the Environment published a series of Industry Profiles to provide authoritative and researched information on processes, materials and wastes associated with individual industries. This series considered the most contaminative of industries and included vehicle repair in its "Road vehicle fuelling, service and repair *garages and filling stations*" publication.

Helpfully as well as detailing potential contaminants and contaminative activities within garages, this publication also describes activities which lead to contamination of soils on land associated with and adjacent to garages.

In regard to factors affecting contamination from repair garages it details; "... waste oils and other fluids are likely to have been disposed of down nearby drains or thrown onto open ground. Combustible materials may have been burned on-site along with some of the waste oils. Used tyres and parts often presented a disposal problem and may have been left lying on site"

It is of note that the Crossfield Consulting Phase 1 & 2 Environmental Assessment Report (2023) references this Industry Profile and use its guidance to identify some of the contaminants it considers relevant to its investigation.

Street view screenshots of the site prior to demolition are provided in Appendix 9. These show areas of trafficking, storage of vehicles, storage of garage wastes/ parts, and, oil tank location.

### **Outline of Consultation and Review process**

The Crossfield Consulting Phase 1 & 2 Environmental Assessment Report (2023) was received in support of planning application 22/00221/PP on 23 January 2023. On first reading of the report, prior to detailed review, it was clear that a number of aspects of the report were absent or insufficient. I advised Planning case Officer of this (10 March 2023 Appendix 2.) detailing these matters, requesting that they be amended or provided within the report.

On 5 April 2023 (Appendix 3.) I received a note of the Crossfield Consulting responses to my request. The responses essentially refuted these matters and disregarded my request. An amended or revised report was not submitted.

A detailed review of the original report (absent amendment or revision), was then undertaken. The review found the Crossfield Consulting Phase 1 & 2 Environmental Assessment Report (2023) insufficient to address potential land contamination issues. A summary of the review findings and the review notes were provided to Planning case officer on the 29 May 2023 (Appendix 4.).

On the 10 July 2023 a response to my review of the Crossfield Consulting Phase 1 & 2 Environmental Assessment Report (2023) was received (Appendix 5.). These comments were reviewed and whilst some were helpful, the substantive issues with the Report remained outstanding.

I provided a response to these comments in a reply to Planning case officer on the 11 September 2023 (Appendix 6.). In it I confirmed that matters highlighted in the initial review (25 May 2023) remained outstanding, I provided a summary of the relevant review conclusions and a more detailed explanation of four specific aspects of the report which did not appear to have been fully appreciated by the authors.

In addition, given comments made by Crossfield Consulting (10 July 2023), it was felt necessary to provide further notes on the requirements of authoritative guidance and practice.

The detailed explanations and additional comments gave further context to my original review comments (25 May 2023).

This additional clarification was provided (to be read in the context of my initial review comments) to assist the applicants and their consultants in the review and revision of the January 2023 Report, and a recommendation was given that this should be done initially through their reconsideration of the conceptual site model and development of a preliminary risk assessment.

I added that I would be happy to provide comment at this stage of review/ revision.

To date a revised Report has not been submitted.

## Notes on specific comments in the Raeburn Supporting Document

### 1. Redevelopment of filling station comment

As noted in the correspondence provided by Mr and Mrs Raeburn, this email exchange arose from the investigation of complaints of burning on the site of the garage before the planning application was made. Clarification provided by Mrs Raeburn was noted and all further correspondence regarding the planning application has considered the site's association with the vehicle repair business and associated garage activities.

It is worth noting that in correspondence associated with the burning complaints Mr Raeburn advised (8 November 2021 Appendix 8.): "...had commented that the previous proprietor, Andrew Sim, had blighted the environment for years by regularly burning oily waste and tyres..."

### 2. Opinion that the site had been a vehicle repair workshop for only 4 years between 1979 and 1983.

This appears to arise from a misconception that vehicle repair activities commenced when the garage was detailed on the 1979 map, and an assumption that such activities ceased when a proposal was made to expand the business premises in 1983.

Simply because the use of a building is marked on a map does not preclude its use for that purpose prior to the map edition. There has been a building in this location since at least 1895. The Structural Partnership Report (June 2022) notes the building on site was thought to become a garage in the 1950's. Crossfield Consulting Report (2023) states that the site was occupied with a former vehicle maintenance garage which was present during the 1970s and possibly earlier. Both of these statements are provided in documents submitted by the applicant.

### 3. Document 18 – supplementary information to Supporting Documentation (Crossfield Consulting)

This document provides comment on two issues of note in regard to land contamination investigation and assessment, within the consultation and review process detailed above: **sensitive water environment receptors**, and **outstanding matters** with the reporting.

- i) **Sensitive water environment receptors.** Crossfield Consulting indicate that the water environment within the area of the redevelopment is not considered sensitive. This is not the case. For groundwater the relevant policy is detailed in SEPA position statement WAT-PS-10-01 Assigning Groundwater Assessment Criteria for Pollutant Inputs. The consideration and assessment of groundwater requires to align with WAT-PS-10-01. This was detailed in my correspondence with the Planning case officer on 11 September 2023 (Appendix 6.).
- ii) **Outstanding matters.** Crossfield Consulting state they are not aware of outstanding matters subsequent to their correspondence of 7 July 2023. Outstanding matters were reiterated and further detailed in correspondence of 11 September 2023 with the

Planning case officer. Confirmation that this correspondence was passed to the applicant was acknowledged on 31 October 2023 (Appendix 7.).

## Appendices

### 1. Sales Particulars





## Village Brae

Argyll and Bute, Tighnabruaich, PA21 2DS

The sale of Andrew's garage provides an excellent lifestyle business opportunity for a truly stunning area of Argyll and Bute. Similarly existing garages looking to expand their recovery services to incorporate a greater geographical area may also be interested.

Andrew's Garage occupies an elevated position within the picturesque village of Tighnabruaich. The two commercial units are situated on the corner of a residential street which climbs away from the shoreline and circles back round to the main coastal road. The stunning village is located on the south west coast of Loch Riddon as it stretches into the Nylas of Bute and as such provides panoramic views. The village features provides a post office, bank, grocery store in addition to a number of independent shops, cafes and restaurants. The village is a popular place to visit and boasts a golf course and tennis court. There is also a children's play area and a popular sailing club, the popular Portavadie marina is also nearby.



### The Business

Andrew's Garage has been operated by the current owner for almost 50 years and the garage predominately operates as a break down and recovery business. The coverage of the business includes Bute, Islay and Jura, Lochgilphead to Campbeltown, Dunoon and Inverary and often up to Oban. Contracts are in place with almost every leading UK recovery and breakdown insurance companies including The AA, RAC, LV Britannia rescue and Call Assist to name a few. Trade and contracts would be transferred to new owners. Pricing structures exist within the contracts which are reviewed on a long term basis. General garage work, repairs and MOT preparation are also undertaken. There is also Pass 43 certification in place which is the industry standard in recovery and breakdown services. The sale of the business also includes the recovery fleet which consists of a Land Rover discovery used for road side assistance, a Mitsubishi 7.5 ton crewcab slideback and a DAF 7.5 ton transporter. All vehicles are in good order and fitted with the appropriate fittings to allow ferry travel. Andrew's garage has the ability to deal with motorbikes up to campervans which is ideal given the high number of visitors and tourists to the area. Areas for development do exist including establishing new commercial contracts including the police as well as sourcing work further afield, the opportunity also exists to introduce MOT

testing.

The full trading information will be provided after a formal viewing has taken place.

An inventory will be compiled to detail all items of a personal nature excluded from the sale.

### The Property

The business currently occupies two Nissan huts. The durable structures cover the concrete floors which combined provide 2070 sq. ft. of space. The main workshop situated nearer to the shoreline houses the majority of the garage tools and equipment including the 3 ton lift and office whilst the second building at a slightly higher elevation is currently used as a storage space. The property has strip lighting as well as a number of clear panels to provide natural light. Both buildings benefit from three phase electricity.

### External

Small external area to allow vehicle manoeuvring and a parking area for the recovery vehicles. Small area to the rear creating a decent sized plot.



INDOOR GARAGE, SLIDE DOOR, TO-HANGBACK, ROLL-UP AND SUIT. FLOOR  
 TOTAL OFFICE FLOOR AREA 288 SQ FT (26.7 SQ M)  
 Whenever alterations are made to the structure the structural requirements  
 of steel, masonry, wood and any other materials applicable and to substantially a new or any other  
 material, or replacement. This plan is for illustrative purposes only and does not constitute  
 a professional opinion. The services, specifications and details shown here are not intended to guarantee  
 work that is available in reference to this plan.  
 Made with AutoCAD 2014

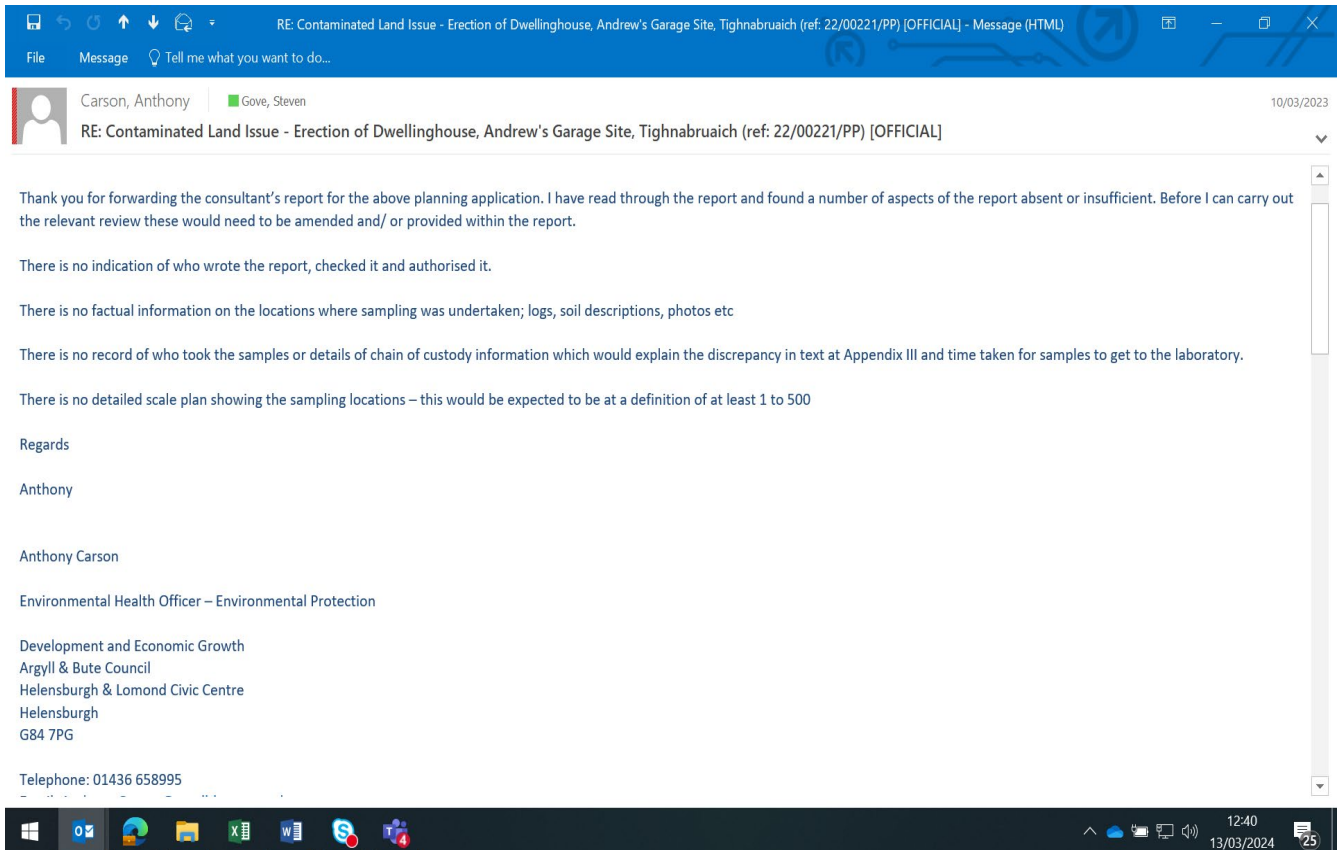
ccl  
 PROPERTY



62 High Street, Elgin  
 Moray  
 IV30 1BU  
 01343 610520  
 info@cclproperty.com



## 2. Email 10 March 2023



RE: Contaminated Land Issue - Erection of Dwellinghouse, Andrew's Garage Site, Tighnabraich (ref: 22/00221/PP) [OFFICIAL] - Message (HTML)

Carson, Anthony | Gove, Steven 10/03/2023

RE: Contaminated Land Issue - Erection of Dwellinghouse, Andrew's Garage Site, Tighnabraich (ref: 22/00221/PP) [OFFICIAL]

Thank you for forwarding the consultant's report for the above planning application. I have read through the report and found a number of aspects of the report absent or insufficient. Before I can carry out the relevant review these would need to be amended and/ or provided within the report.

There is no indication of who wrote the report, checked it and authorised it.

There is no factual information on the locations where sampling was undertaken; logs, soil descriptions, photos etc

There is no record of who took the samples or details of chain of custody information which would explain the discrepancy in text at Appendix III and time taken for samples to get to the laboratory.

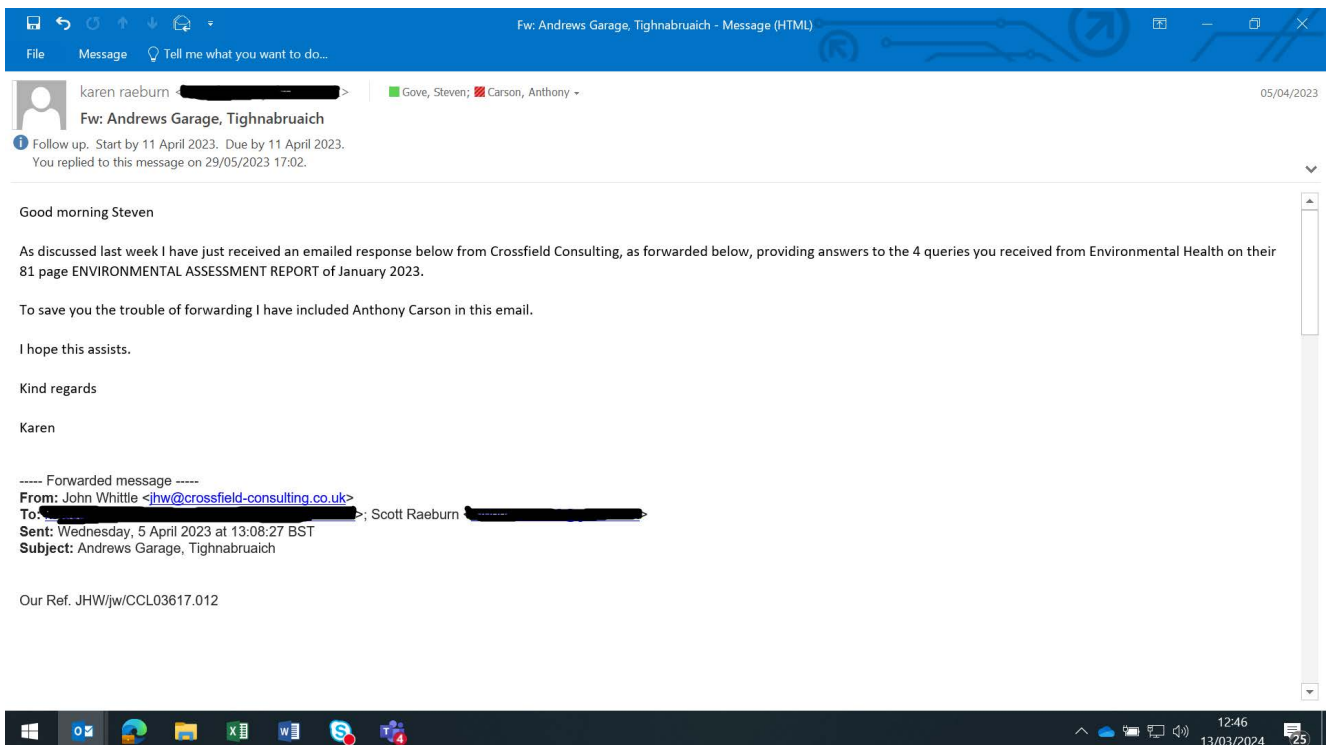
There is no detailed scale plan showing the sampling locations – this would be expected to be at a definition of at least 1 to 500

Regards

Anthony

Anthony Carson  
Environmental Health Officer – Environmental Protection  
Development and Economic Growth  
Argyll & Bute Council  
Helensburgh & Lomond Civic Centre  
Helensburgh  
G84 7PG  
Telephone: 01436 658995

## 3. Email 5 April 2023



Fw: Andrews Garage, Tighnabraich - Message (HTML)

karen.raeburn@argyll.gov.scot | Gove, Steven; Carson, Anthony 05/04/2023

Fw: Andrews Garage, Tighnabraich

Follow up. Start by 11 April 2023. Due by 11 April 2023.  
You replied to this message on 29/05/2023 17:02.

Good morning Steven

As discussed last week I have just received an emailed response below from Crossfield Consulting, as forwarded below, providing answers to the 4 queries you received from Environmental Health on their 81 page ENVIRONMENTAL ASSESSMENT REPORT of January 2023.

To save you the trouble of forwarding I have included Anthony Carson in this email.

I hope this assists.

Kind regards

Karen

----- Forwarded message -----  
From: John Whittle <jhw@crossfield-consulting.co.uk>  
To: karen.raeburn@argyll.gov.scot; Scott Raeburn <scott.raeburn@argyll.gov.scot>  
Sent: Wednesday, 5 April 2023 at 13:08:27 BST  
Subject: Andrews Garage, Tighnabraich

Our Ref. JHW/jw/CCL03617.012



karen raeburn [redacted] Gove, Steven; Carson, Anthony -

05/04/2023

**Fw: Andrews Garage, Tighnabruaich**

Follow up. Start by 11 April 2023. Due by 11 April 2023.  
You replied to this message on 29/05/2023 17:02.

Dear Scott/Karen,

**Andrews Garage, Tighnabruaich**

We understand that the following numbered comments have been provided by the local authority Environmental Health Officer (EHO) and we clarify the matters raised as follows:

1. *There is no indication of who wrote the report, checked it and authorised it*

As stated in Section 1 of the report, the report was prepared under the direction and supervision of a Civil Engineer and Registered SiLC, which complies with published guidance regarding the competence of the report authors. It is our company policy that individuals are not named on Reports. However, I can confirm that this report was written by Max Bowden, BSc FGS, a graduate geoenvironmental engineer under the direction and checking of myself, John Whittle, a Chartered Civil Engineer and Registered Specialist in Land Condition (SiLC) with over 35 years contaminated land experience.

2. *There is no factual information on the locations where sampling was undertaken; logs; soil descriptions; photos; etc.*

As outlined in Section 5 of the report, soil samples were recovered from the area of the proposed small private garden. All soil samples comprised: dark brown organic sandy clay with occasional fine roots (ie. natural soils as had been disturbed by some earth-moving on site). With reference to the inspections undertaken and photographs provided, this material is considered to be representative of the soil remaining in the area of the proposed garden. No evidence of stained materials, demolition rubble or other potential sources of contamination is indicated in the soils.

karen raeburn [redacted] Gove, Steven; Carson, Anthony -

05/04/2023

**Fw: Andrews Garage, Tighnabruaich**

Follow up. Start by 11 April 2023. Due by 11 April 2023.  
You replied to this message on 29/05/2023 17:02.

It is noted that the proposed private garden area comprises an area of only 7 m x 5 m (35 m<sup>2</sup> approximately). At the time of the soil sampling, over 75% of this area had been excavated well into the underlying rock strata; the soil samples were recovered from the remaining margins of the site where soil materials were still present.

3. *There is no record of who took the samples or details of chain of custody information which would explain the discrepancy in text at Appendix III and time taken for samples to get to the laboratory*

The laboratory report included in Appendix III provides confirmation (on page 6) that the sample containers used were appropriate and that sample holding times (from sample recovery on site to testing) were not exceeded and complied with laboratory testing procedures. We trust this clarifies. The reference to *discrepancy* in our report is not understood. It is not our usual policy to issue Chain of Custody sheets, as these do not provide any additional information relevant to the data or assessment.

4. *There is no detailed scale plan showing the sampling locations – this would be expected to be at a definition of at least 1 to 500"*

There is a detailed 1 to 200 scale plan (Figure III-1) showing the sampling locations, as presented within Appendix III of the report.

If you wish to discuss any matters further, please do not hesitate to contact me. In the meantime, please forward this email to the local authority, as appropriate.

Yours sincerely,

**John H Whittle BSc MSc FGS MICE CEng SiLC**

## 4. Email 29 May 2023

The screenshot shows an email client window with the following details:

- Subject:** 22/00221/PP Andrews Garage, Tighnabruaich [OFFICIAL]
- Sender:** Carson, Anthony
- Recipient:** Gove, Steven
- Date:** 29/05/2023
- Attachments:** Consultants report review.docx (.docx File)

**Classification: OFFICIAL**

Good afternoon Steven

Apologies for the delay in getting back to you on this.

I have reviewed the report submitted by the applicant and can confirm it is insufficient to address potential land contamination issues.

In summary the desk study

- has not utilised available information which would assist in describing potential pollutant linkages
- has relied on 3<sup>rd</sup> party reconnaissance without demonstrating appropriateness or competency in its provision
- has not developed a conceptual site model which considers relevant pollutant linkages
- has not provided transparency in the preliminary risk assessment, in line with cited guidance
- has not developed an investigation strategy consistent with the code of practice/ relevant pollutant linkages
- has progressed a site investigation on the basis of inaccurate information
- reports on an investigation without necessary factual information (including sample chain of custody) being provided

I have attached my review notes for information.

Please let me know if you want to discuss.

Regards

Anthony

The screenshot also shows the Windows taskbar at the bottom with the date 13/03/2024 and time 12:53.

## 5. Email 10 July 2023

The screenshot shows an email client window with the following details:

- Subject:** Planning Ref: 22/00221/PP - former Andrews Garage, Tighnabruaich PA21 2DS - Message (HTML)
- Sender:** John Whittle <jhw@crossfield-consulting.co.uk>
- Recipients:** Gove, Steven; Carson, Anthony; Simon@highstreetarchitects.co.uk; karen raeburn; Scott Raeburn; Iain Donnachie
- Date:** 10/07/2023
- Attachments:** L03617 EHO Issues - 1-00221 Tighnabruaich.pdf (.pdf File)

**Planning Ref: 22/00221/PP - former Andrews Garage, Tighnabruaich PA21 2DS**

Follow up. Start by 17 July 2023. Due by 17 July 2023.  
If there are problems with how this message is displayed, click here to view it in a web browser.

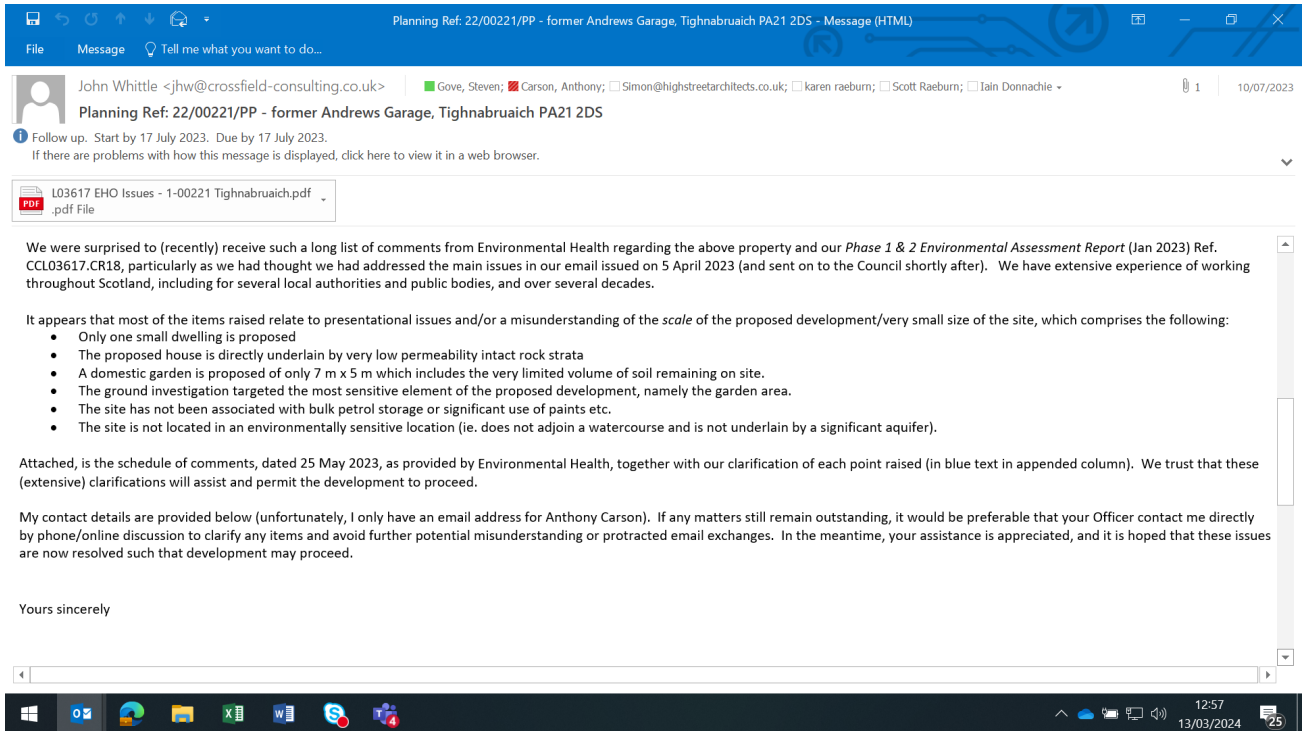
FAO Steven Gove, Planning Officer – Argyl & Bute Council/Comhairle Earra Ghàidheal agus Bhòid

cc: Anthony Carson, Environmental Health Officer, Argyl & Bute Council  
Iain Donnachie – The Structural Partnership  
Simon Ash – High Street Architects  
Karen & Scott Raeburn

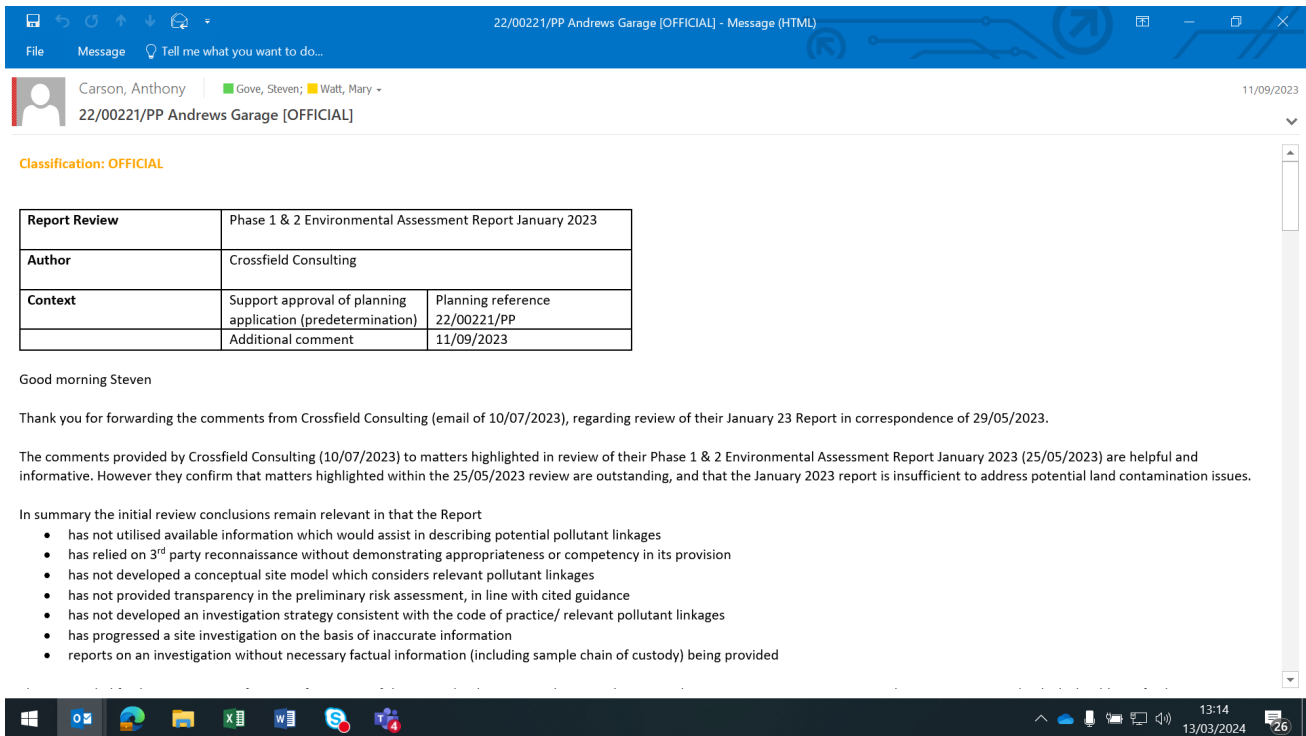
Our Ref. JHW/jw/CCL03617.015

Dear Steven Gove,

The screenshot also shows the Windows taskbar at the bottom with the date 13/03/2024 and time 12:56.



## 6. Email 11 September 2023





Carson, Anthony | Gove, Steven; Watt, Mary -  
22/00221/PP Andrews Garage [OFFICIAL]

11/09/2023

I have provided further comment on four specific aspects of the report (authoritative guidance, preliminary risk assessment, site investigation and water environment), which should give further context to my original review comments (25/05/2023).

In addition, in regard to a number of matters apparent in Crossfield Consulting comments of (10/07/2023) I have provided a series of additional notes.

This additional clarification has been provided (with my initial review comments) to assist the applicants and their consultants in the review and revision of the January 2023 Report. I would recommend that this is done initially through their reconsideration of the conceptual site model and development of a preliminary risk assessment. I would be happy to provide comment at this stage of the review/ revision (in line with LCRM).

The following text and notes should be read in the context of my 25/05/23 review of the January 2023 Report.

### I Authoritative guidance

Although clarity on the specific guidance used in completing the report was raised, the Crossfield Consulting response gave reference to a broad selection of documents in what appears to be a generic statement in section 7.1 of the January 2023 report, and an additional range of documents in its bibliography (References list). In terms of the methodology used in approaching the site investigation and completing the report, the key (and most recent) documents referenced would appear to be PAN 33 (2017), BS 10175:2011+A2:2017 and LCRM 2020.

It should be noted that the LCRM publication "Land Contamination Risk Management" published by the Environment Agency has not been produced for use in Scotland ("Applies to England, Northern Ireland and Wales"). However the document is often referenced as authoritative guidance by consultancies based outwith Scotland. In this regard it has been considered relevant to use as a reference methodology for the approach assumed (given reference to section 7.1) to have been utilised by Crossfield Consulting, in addition to BS10175, in completing the January 2023 report.

### II Preliminary risk assessment

LCRM details a technical approach to risk assessment through a tiered process. This tiered process starts with a Tier 1: Preliminary Risk Assessment.



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22/00221/PP Andrews Garage [OFFICIAL]

11/09/2023

### II Preliminary risk assessment

LCRM details a technical approach to risk assessment through a tiered process. This tiered process starts with a Tier 1: Preliminary Risk Assessment.

LCRM confirms that this "must" be undertaken, it identifies the use of qualitative risk assessment (providing an example of a risk classification matrix), and importantly details decisions that must be taken in concluding the preliminary risk assessment. It requires the production of a preliminary risk assessment report which sets out the findings of this Tier 1 process.

Whilst Crossfield Consulting have provided some aspects of the Tier 1 process in the report it is incomplete, there is no qualitative risk assessment of potential pollutant linkages and no aspect of the report which could reasonably be considered a conclusion and/ or preliminary risk assessment report.

Section 7.3 references a risk assessment document (C552) which provides a relevant methodology, which had it been applied would have assisted in demonstrating preliminary risk assessment. However section 7.3 fails to provide the relevant information describing the use of C552 methodology or detail the application of the C552 matrix.

When the apparent lack of preliminary risk assessment was raised in the 25/05/2023 review

- in the description of assessment in the 4<sup>th</sup> column of Table 1 (Receptors and Assessed Contaminant Linkage), and
- in concerns raised regarding insufficient site investigation arising from lack of preliminary risk assessment,

Crossfield Consulting advised that C552 descriptions of probability and consequence were addressed in Table 3.

However Table 3 details probability, consequence and risk rating as "n/a" for each contaminant linkage. It is of note that the assessment in Table 3 is predicated on the outcome of ground investigation. As such this Table is not part of the Preliminary Risk Assessment and its content is not relevant to the Tier 1 process.

In effect there is no provision within the report for the qualitative assessment of potential pollutant linkages on the basis of an authoritative methodology or matrix (preliminary risk assessment), and no representation of such a process which would give confidence in its outcome or conclusion.

### III Detailed or main site investigation

The lack of a preliminary risk assessment (aligned with LCRM requirements) has consequences as it reduces confidence in the understanding of pollutant linkages requiring further risk management action,

Carson, Anthony | Gove, Steven; Watt, Mary - 11/09/2023  
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### III Detailed or main site investigation

The lack of a preliminary risk assessment (aligned with LCRM requirements) has consequences as it reduces confidence in the understanding of pollutant linkages requiring further risk management action, such as detailed/ main site investigation. These consequences extend to the development of an investigation strategy (BS10175) where pollutant linkages are excluded without appropriate preliminary risk assessment.

In regard to intrusive site investigation LCRM defers to a range of guidance on designing and undertaking investigations, including BS10175 (as referenced in the January 2023 Report).

BS10175 details that sampling strategies should take account of a number of factors, including findings of the risk assessment to date (preliminary risk assessment), and that locations for soil sampling should be based on targeted (judgemental) sampling of known or suspected point source areas of contamination, or non-targeted sampling within a defined area or volume of a site, or both.

In the January 2023 report there isn't a discussion on the development or presentation of an investigation strategy.

There is however a Rationale for the design of the ground investigation in Appendix III which although mentioning the use of ground conditions, CSM and potential contaminant linkages, doesn't reference or discuss any of this site specific information. This means the approach detailed is unsupported. Importantly the Rationale doesn't take account of the "findings of the risk assessment to date" as, detailed above, there is no preliminary risk assessment aligned with LCRM within the January 2023 Report.

The Rationale indicates all samples were targeted at the garden area (this does not meet the BS10175 definition of targeted (or judgemental) sampling), and samples would be recovered from near surface soils, although sampling depth was described as "Surface" (Table III-1).

Description of sampling depth as "Surface" is unhelpful, it is unclear whether this is a literal description of sampling at surface, or whether this is a generalisation of sampling within the surface layer (BS10175).

BS10175 requires that a description of field work is reported, and details the information required in the sampling report including description of ground strata and sampling depth. This information is absent from the report, however it is noted that Crossfield Consulting indicate additional sampling information can be provided. Sufficient sampling information (as a minimum to the requirements of BS10175) should have been included in the report.

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Ground conditions are described in the The Structural Partnership Report June 2022 (the report utilised in the desk study (January 2023 Report) in lieu of a reconnaissance visit or walkover). Descriptions of ground conditions differed in the report;

- section 3.4 described "reworked CLAY soil which varied in thickness from 0.4m" (*Note - text in report appears incomplete*) and,
- section 6.1 concluded "The site is a Brownfield site with thin superficial deposits consisting of a reworked boulder CLAY to a depth of 0.2m to 1.5m".

Given their limitations, these descriptions of anthropogenic soils on site (which with potentially contaminating activities associated with the garage operation and proposed change of land use to residential), provide sufficient information to cast doubt that a single sample at each location would be sufficient for an investigation strategy to align with BS10175.

For reference BS 10175 details in regard to sampling depths, the sampling strategy should include

- samples from the surface layer (this may vary between surface and a depth of 0.5m and could require sampling at more than one depth)
- samples within anthropogenic ground at fixed depth intervals (0.5m) and at identifiable changes in appearance, and
- samples of natural ground beneath anthropogenic ground (close to boundary; 0.25-0.5m into natural ground).

The Rationale within Appendix III does not describe an approach consistent with this Standard.

Within Table III-1 the reason for selecting the location of soil sample S1 is described as "near to the indicated location of a former above ground tank." The former oil tank location is clearly in the south west corner of the site. There is ample historic and recent photographic evidence available which shows this. The location of S1 to the north west of the site is inconsistent with being near to "the location of a former above ground tank".

### IV Water Environment

Consideration of water environment receptors does not take into account SEPA guidance. Crossfield Consulting do not appear to be aware of authoritative guidance provided by SEPA, particularly in regard to resource protection for groundwater. Although reference in the report is made to SEPA (2018) no SEPA documents are listed in the bibliography. In considering the SEPA position on ground water, the position statement WAT-PS-10-01 should be utilised and risk assessment aligned with its methodology.

### Notes





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11/09/2023

#### Notes

- A number of statements are made on site use, site history, predevelopment activities and condition of structures. Should such statements be considered anything other than notionally anecdotal they require be supported with clearly referenced evidence. This would allow a level of confidence in such statements to be determined. BS ISO 18400-202:2018 details how to record such information within the report of the preliminary investigation.
- In a preliminary risk assessment the data and basis for classification of probability, consequence and risk should be clearly presented (C552 6.3.3).
- BS10175 details QA/QC procedures should be applied at all stages of investigation and should take into account "chain of custody procedures and sample handling, transport and storage". Such procedures should be capable of confirming the reliability and robustness of the investigation and it is expected that they be provided in the report.
- BS5930 is a normative reference document for BS10175. It provides definitions of soil descriptions used in BS10175 and its update in accordance with BS EN ISO14688, referenced by BS10175 for recording strata during the formation of trial pits etc., provides additional endorsement of its relevance. In addition LCRM details BS5930 as a relevant general investigation standard and specifies that field reporting includes "descriptions of soils and rocks to BS5930". The January 2023 Report references BS5930 in its bibliography.
- DoE Industry Profile (referenced in the January 2023 Report) details in regard to repair garages that, ".....waste oils and other fluids are likely to have been disposed of down nearby drains or thrown onto open ground. Combustible materials may have been burned on-site along with some of the waste oils....."
- DoE Industry Profile (referenced in the January 2023 Report) details 5 specific heavy metals considered as contaminants in vehicle repair. Only 4 of these are included in Appendix III and the laboratory analysis.
- Point 20. within the Crossfield Consulting Clarification document 10/07/2023 appears to have combined and confused two points from the 25/05/2023 review, and then not understood the "comment". The text in the original review should be viewed to provide any clarity needed.
- Regulatory consultation



Carson, Anthony | Gove, Steven; Watt, Mary -  
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11/09/2023

- Regulatory consultation
  - BS10175 details the relevance of regulatory consultation;
    - normally undertaken in parallel with documentary research
    - provision of information for CSM
    - early consultation to ensure investigation meets regulatory needs
    - benefit in the early part of an investigation cannot be overstated
    - to include regulators in development of the investigation strategy (noted as extremely helpful especially in context of the planning process)
  - BS ISO 18400-202:2018 details that relevant parties should be consulted in the preliminary investigation and provides a list of relevant regulatory functions which could be considered appropriate
  - In addition LCRM details the relevance of regulatory consultation in
    - the approach to risk classification in preliminary risk assessment
    - conclusion of preliminary risk assessment
    - checking the use of generic assessment criteria
- PAN 33 details that the desk study should be followed by a walkover. LCRM details that the walkover should confirm details of the desk study. Utilising other sources of reconnaissance information (geoenvironmental inspection and assessment carried out to "determine existing ground conditions relative to foundation design" carried out in January 2022 prior to the desk study) has limitations which should be recognised and understood.
- 3<sup>rd</sup> party information utilised in the report (such as historic maps) should be provided in full

I trust this information is helpful

Regards

## 7. Email 31 October 2023

RE: 22/00221/PP Andrews Garage [OFFICIAL] - Message (HTML)

File Message Tell me what you want to do...

Gove, Steven Carson, Anthony; Watt, Mary - 31/10/2023

**RE: 22/00221/PP Andrews Garage [OFFICIAL]**

Follow up. Start by 01 November 2023. Due by 01 November 2023.  
You replied to this message on 01/11/2023 10:15.

**Classification: OFFICIAL**

Hi Anthony,

Many thanks for your e-mail in respect of the above.

I forwarded your comments on to Mrs Raeburn and her response is as follows:

---

It was only the part of the site proposed for the house which was investigated by Crossfield Consulting.

However, I have just realised that the site on Crossfield Consulting's Report has been identified by a red line around the entire site not just that of the actual house site identified on our planning application and this I assume may be causing Mr Carson's confusion.

For clarity, I will request that Crossfield Consulting alter the identification of the site to coincide with the actual site proposed as one residential house identified on our planning application.

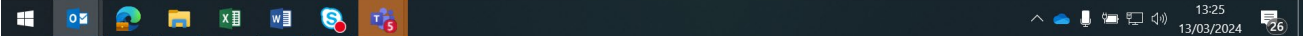
It has already been commented by Crossfield Consulting that the strata immediately below the house is non-permeable rock so would not hold any contaminants. The house would be built directly onto that impermeable strata following roughly the footprint of the garage that was removed.

You do have photographs supplied by us of the puddling by rainfall on the site and in the historical vehicle inspection pit after the superstructure of that upper garage had been removed which all showed there was no iridescence on the surface of any standing water which would have indicated the presence of hydrocarbons.

Further, from Crossfield Consulting's Report the following has been noted:

Page 5

7.3.1 Human Health



RE: 22/00221/PP Andrews Garage [OFFICIAL] - Message (HTML)

File Message Tell me what you want to do...

Gove, Steven Carson, Anthony; Watt, Mary - 31/10/2023

**RE: 22/00221/PP Andrews Garage [OFFICIAL]**

Follow up. Start by 01 November 2023. Due by 01 November 2023.  
You replied to this message on 01/11/2023 10:15.

7.3.2 Garden Areas

*No valid contaminant linkage associated with PAHs, or significant phytotoxic metals was identified with respect to the garden areas at the proposed development.*

7.4 Recommended Remedial Works

*On the basis of the foregoing information and risk assessment, it is evident that there are no valid contaminant linkages such that remediation works should not be necessary for the proposed development.*

I would be grateful if you could pass this information to Mr Carson as perhaps it may help him when the house site is actually correctly identified on Crossfield Consulting's Report.

---

Mrs Raeburn mentions that she will request that Crossfield Consulting alter the identification of the site in their report but I haven't had anything further from her in this regard. I'm not sure how significant this might be (there are a number of plans and aerial images in the report, some of which identify the larger site and others which have the application site outlined) but, if a revised plan would be beneficial, please let me know and I'll contact Mrs Raeburn for this.


Your thoughts in general regarding the above response would be welcome.

Kind regards,

Steven

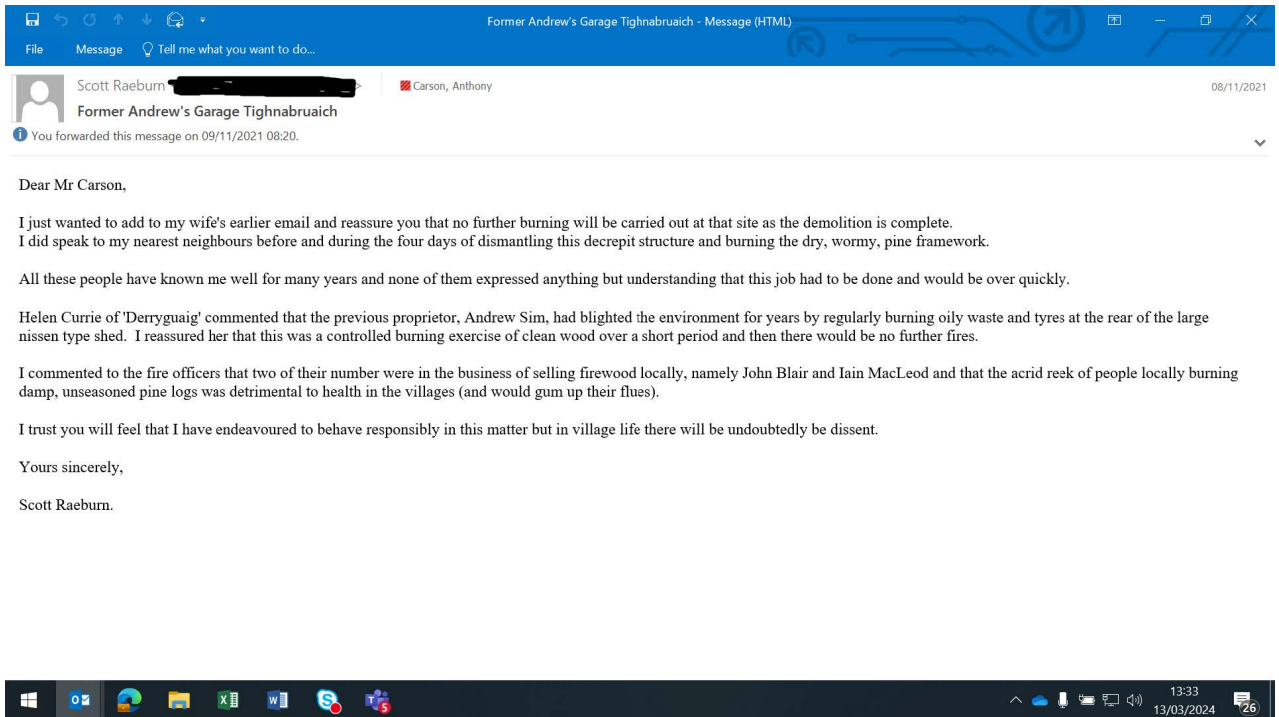
Planning Officer (Bute, Cowal, Helensburgh & Lomond)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

t: 01369 708603





## 8. Email 8 November 2021



## 9. Street view screenshots





10.