

Contaminated Land Advice Note 1 – Guidance notes for developments on land which is potentially contaminated or where the proposed end use is sensitive.

Introduction

The purpose of this guidance is to assist developers, agents and consultants involved with preparing a planning application for land which is potentially contaminated or where the proposed end use is sensitive or vulnerable to land contamination, e.g. residential.

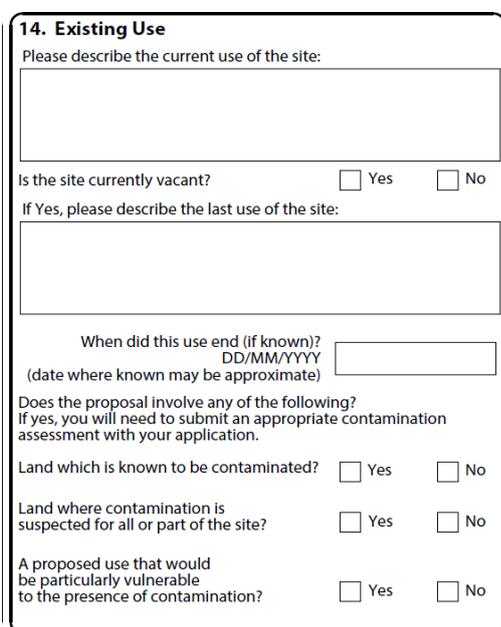
In addition this guidance note is equally applicable to prior notifications which also need to consider land contamination. Failure to comply with this guidance is likely to result in a planning application being refused.

The National Planning Policy Framework (NPPF)

National planning policy is set out within the NPPF and requires planning decisions to ensure that new development is appropriate for its location, having regard to the effects of pollution, and taking account the potential sensitivity of the area or proposed development to adverse effects from pollution. Both Waveney District Council and Suffolk Coastal District Council have followed the precautionary approach and will require developers to submit appropriate site investigations and studies together with proposals for mitigation measures and implementation schedules.

Submitting a Planning Application (1App)

Planning applications must use the national planning application form (1App) which is available on the Council website. Section 14 (Existing Use) of the form highlights the requirements of NPPF and as shown in Figure 1.



14. Existing Use
Please describe the current use of the site:

Is the site currently vacant? Yes No
If Yes, please describe the last use of the site:

When did this use end (if known)?
DD/MM/YYYY
(date where known may be approximate)

Does the proposal involve any of the following?
If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of contamination? Yes No

Figure 1. Section 14 of the 1App planning application form

When preparing a planning application the following questions must therefore be addressed:

Does the proposal involve any of the following?

1. Land which is known to be contaminated?

This would include a development on land which has known contamination or on land which is known to be affected by contamination.

2. Land where contamination is suspected for all or part of the site?

This would include a development on or near land which has had a previous potentially contaminative use, but there is no actual knowledge of land contamination issues. Further information on potential contaminative activities can be found in the *Department of Environment Industry Profiles*. (DoE, 1995)

3. A proposed use that would be particularly vulnerable to the presence of contamination?

A proposed use that will be particularly vulnerable or sensitive to the presence of contamination would include any residential building, schools, nurseries and allotments. For residential buildings, this will include any development of one dwelling or more, while extensions or conservatories will be excluded, unless there is a specific known land contamination issue. It should be noted that contamination is not just restricted to land with previous industrial use; it can occur on green field sites as well as previously developed land.

If the answer to any of the above questions is 'Yes', then an appropriate **Contaminated Land Assessment** must be submitted with the planning application (Figure 2 summarises the procedure). Contamination Assessments are usually divided into Phases. As a minimum, a **Phase 1** Study will be required, unless the development is only 1-2 dwellings on existing residential or greenfield site when a **Land Contamination Questionnaire and Environmental Search** can be completed.

Contaminated Land Assessments – Phase 1

A Phase 1 Study, which must accompany the planning application, consists of a desktop study, site walkover and initial risk assessment. The Study must be carried out by a competent and appropriately qualified person.

Desktop Study

This comprises a detailed search of available historical and current records and maps to identify potential on-site and off-site sources, pathways and receptors of contamination.

Site walkover

A site walkover is a survey to confirm the information gathered for the desktop study and to reveal any features such as structures, tanks and pipe work which may suggest possible sources of contamination.

Initial Risk Assessment

A preliminary risk assessment should be carried out using the information from the desktop study and site walkover to identify possible pollutant linkages and enable a conceptual model of the site to be developed.

A conceptual model of the site should identify:

- Potential sources of contamination e.g. tanks, nearby landfills.
- Potential receptors that may be harmed e.g. future residents.
- Potential pathways linking the two e.g. direct contact.

If a Phase 1 Study indicates that there could be a significant risk of harm, then you should be prepared to provide detailed information about the nature of those risks and how you propose to mitigate them. This will usually require further expert advice, available from a variety of sources, including independent specialist consultants and the Local Authority and which may be subject to charges. It is likely that further Phase 2 or 3 assessments will be required, but these can usually be conditioned as part of the planning approval.

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If the appropriate assessments are not submitted, your planning application may not be registered.

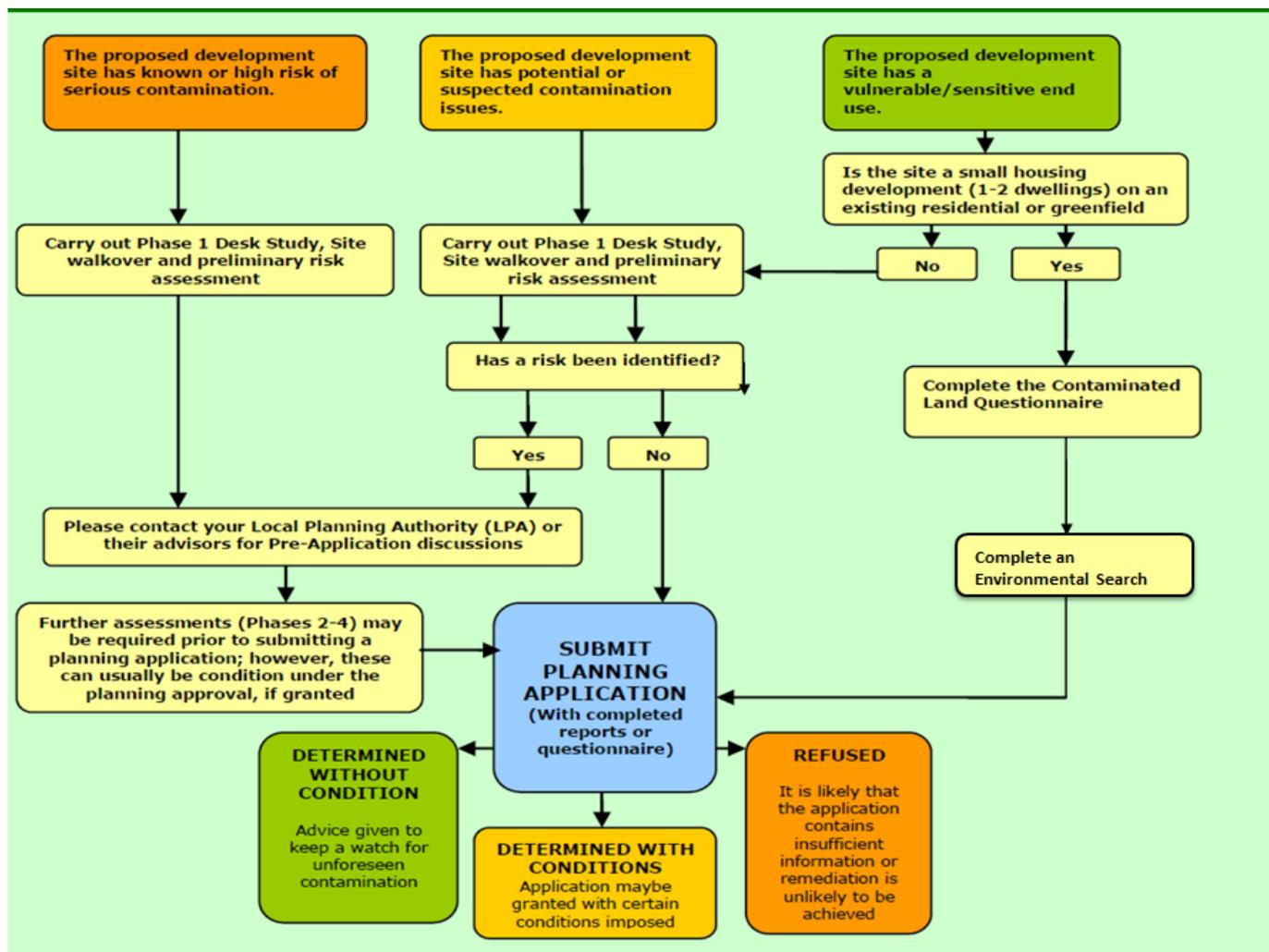


Figure 2 The Planning Application Process

Guidance and References

A list of guidance and reference material is presented below. Parties involved in site investigation are encouraged to have regard to their contents and make use of the sources of information during their work. The list is not exhaustive and is current at the time of publishing this document. British Standards Institution (2011). BS10175:2011: Investigation of Potentially Contaminated Sites +A1 2013

- British Standards Institution (2015). BS5930:2015: Code of Practice for Site Investigations. BSI, London.
- The National Planning Policy Framework (NPPF) (2012) Department for Communities and Local Government
- Planning Practice Guidance (2014) Department for Communities and Local Government
- Department of the Environment (1995) DoE Industry Profiles
- DEFRA/EA (2004) CLR11: Model Procedures for the Management of Land Contamination. EA, Bristol

Contact: Environment@eastssuffolk.gov.uk or tel: 01394 383789 or 01502 525111

Disclaimer

This Note is intended to serve as an informative and helpful source of advice. However, readers must note that legislation, guidance and practical methods are inevitably subject to change. This note should therefore be read in conjunction with prevailing legislation and guidance, as amended, whether mentioned here or not. Where legislation and documents are summarised this is for general advice and convenience, and must not be relied upon as a comprehensive or authoritative interpretation. Ultimately it is the responsibility of the person/company involved in the development or assessment of potentially contaminated land to apply up to date working practices to determine the contamination status of a site and the remediation requirements.