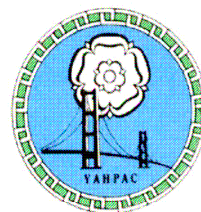


# Development on Land Affected by Contamination

## Technical Guidance for Developers, Landowners and Consultants



Yorkshire and Humberside  
Pollution Advisory Council

Version 1.2 – March 2009

Yorkshire and Humberside Pollution Advisory Council (YAHPAC) is made up of a group of Local Authority Officers who work together to deal with pollution issues within the region. YAHPAC aims to achieve consistency and promote good practice with regard to environmental pollution and control.

Please find below a list of the Local Authorities who have adopted this guidance:



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#### Disclaimer

This guidance is intended to serve as an informative and helpful source of advice. It is intended to review this guidance annually, but readers must note that legislation, guidance and practical methods are inevitably subject to change and therefore should be aware of current UK policy and best practice. This note should 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 land contamination to apply up-to-date working practices to determine the contamination status of a site and the remediation and verification requirements.

#### Acknowledgments

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## Introduction

Land may be affected by contamination if substances are present in, on or under the land, which are actually or potentially hazardous to health or the environment. Much of today's land contamination originates from polluting industrial processes from the 19<sup>th</sup> and 20<sup>th</sup> centuries, but the problem it creates has only recently been appreciated.

The purpose of this guidance is to assist developers, landowners and consultants who wish to re-develop or significantly change the use of land or buildings which could potentially be contaminated, or introduce a vulnerable end use (see Appendix 1A).

The guidance specifies what information should be submitted to the Local Planning Authority. All aspects of investigations into possible land contamination should follow the guidelines within CLR11 Model Procedures for the Management of Land Contamination, in line with current best practice.

**Failure to comply with this guidance is likely to result in delays in your planning application being processed or in your planning application being refused.**

### **Why Bother with Contamination?**

Certain types of contamination are known to be hazardous to human health and the environment. The Government has decided that it is no longer acceptable to redevelop contaminated sites without, at the same time, minimising the risks that the contamination creates, to make the site suitable for its new use and to ensure that it does not cause pollution of the wider environment.

The presence of contamination does not necessarily present an unacceptable risk. Risk exists when a source (a contaminant) and a vulnerable receptor (e.g. humans, controlled waters or the wider environment) both exist at a site with a pathway linking the two. This is known as a pollutant linkage. For example, humans can be affected by contaminants in soil by ingesting vegetables grown in the soil. The contaminant may be present in various forms, for example, chemical, biological or radioactive. Development can create risk by introducing new pathways and also by introducing new receptors e.g. by introducing residents to a site affected by contamination.

Where a proposed development introduces a vulnerable end use and/or the development site could have been affected by a former potentially contaminative land use (see Appendix 1B), the possibility of land contamination should always be considered.

### **The Council's Responsibility**

The Council's responsibility with respect to land contamination lies through both the planning process and Part 2A of the Environmental Protection Act 1990.

### **Part 2A**

Land contamination issues that are not dealt with through the planning process are dealt with through Part 2A of the Environmental Protection Act 1990. This legislation places a duty on Councils to investigate all potentially contaminated sites within their

districts and to secure clean-up if the contamination is deemed to be causing unacceptable risk to people, property, or the environment.

### **Planning**

The role of the planning process is to ensure that land is made suitable for its proposed future use.

All planning applications have to be considered for potential contamination issues to ensure compliance with the Town and Country Planning Act 1990 and with Planning Policy Statement (PPS23) which states that *'Where any contamination is known or suspected or the proposed use would be particularly vulnerable (such as housing with gardens.....) the Local Planning Authority should require the applicant to provide with the application such information as is necessary to determine whether the proposed development can proceed.'*

On any site where there is the potential for contamination to influence the site, or where the proposed development is vulnerable, the Planning Officer will consult with the Council's Contaminated Land Officer. The Officer will then assess the application and may recommend that further information be submitted, or planning conditions be imposed upon the development to ensure that the site will be suitable and safe for the end users, the environment and the public.

### **Submitting a Planning Application - The Applicant / Developer's Responsibility**

Where a development is proposed, it is the responsibility of the developer to ensure that issues of land contamination are appropriately considered, that remediation (where necessary) takes place and that the land is safe and 'suitable for use' i.e. the site is cleaned up to a level which is appropriate for the proposed end use.

Some of the national planning application forms (1APP) include a section on land contamination. The Existing Use section is either Question 15, 16, or 19, depending on the relevant 1APP form used. This section requires the applicant to identify if there is a potential for land contamination at the site or if a vulnerable use is being introduced. Applicants must address the questions in the Existing Use section (shown overleaf) when preparing a planning application:



**Example of the Existing Use Section from the Standard 1APP Form**

**15. 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:

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

If you have answered Yes to any of the above, you will need to submit an appropriate contamination assessment.

**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.

**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 potentially contaminative use. Further information on potential contaminative activities can be found in Appendix 1.

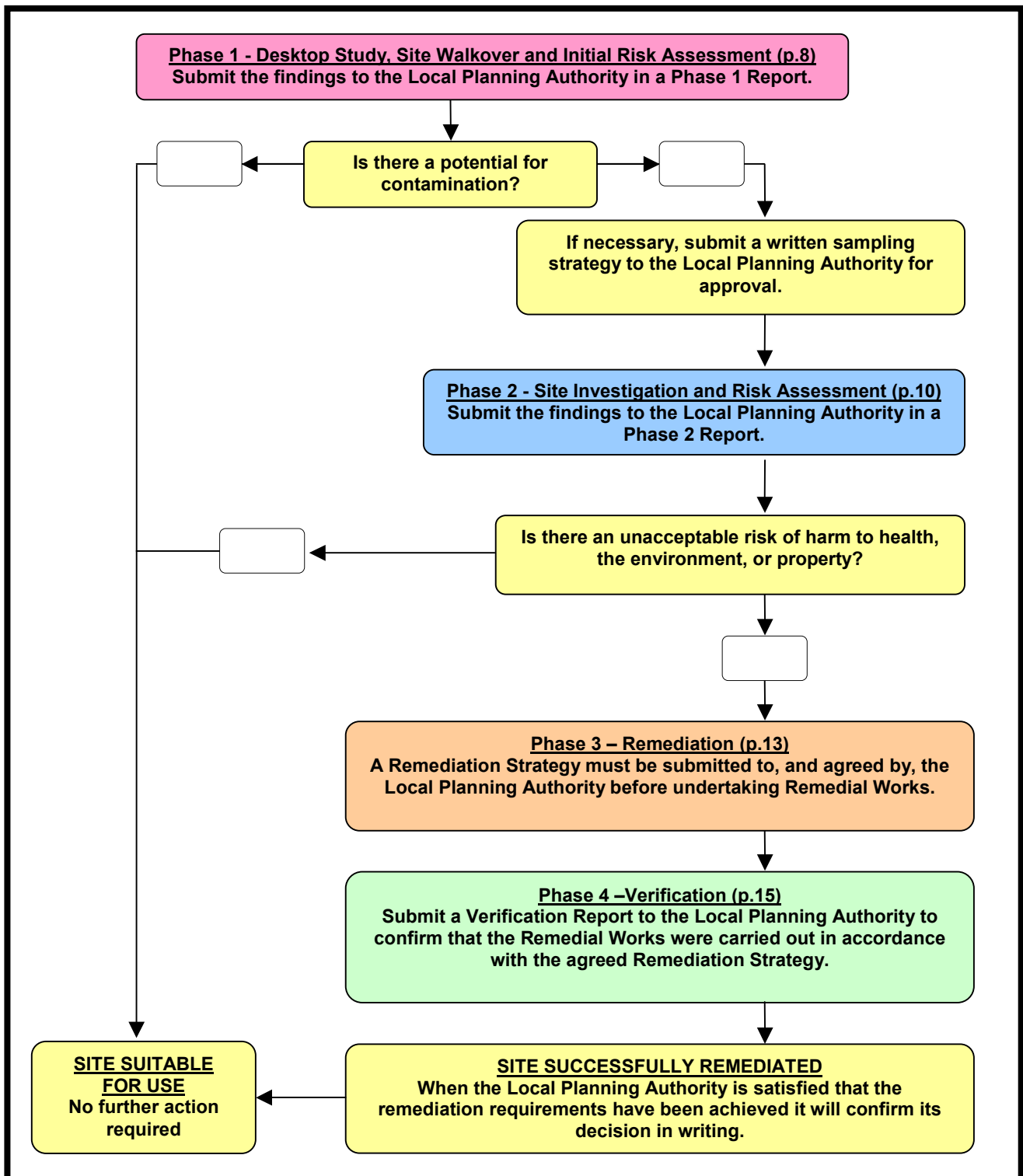
**A proposed use that would be vulnerable (see appendix 1A) to the presence of contamination**  
For residential buildings, this will include any development of one or more dwellings. It should be noted that contamination is not restricted to land with previous industrial use; it can occur on greenfield sites as well as previously developed land.

**If the answer to any of the questions in the Existing Use Section is ‘yes’, then an appropriate contamination assessment must be submitted with the planning application.** As a minimum, a contamination assessment must include a Phase 1 investigation (which consists of a desktop study, a site walkover and an initial risk assessment). Phase 1 investigations are discussed in further detail on page 8.

If you are developing an **individual residential property** (i.e one house in a garden site), the screening assessment form in Appendix 2 can be used as a basic contamination assessment. The form guides you through the development proposal and previous uses of the site to aid in the decision as to whether land contamination is an issue. If no potential sources of contamination are identified, then no further work is required (dependant on review and agreement by the Council’s Contaminated Land Officer). If potential sources of contamination are identified, then further investigation will be required and you should contact the Council’s Contaminated Land Officer for advice. Please ensure that the screening assessment form is submitted with your planning application.

## Flow Chart for the Phased Investigation of Land Affected by Contamination

The investigation, assessment and clean up (remediation) of land contamination can be split into a series of four phases, which are presented in the flow chart below. These phases should be followed in order to identify contamination and provide a basis for deciding what actions need to be taken to make a site “suitable for use”. **Please note that not every site will require every phase to be carried out.**



## Phase 1 – Desktop Study, Site Walkover and Initial Risk Assessment

The purpose of a Phase 1 assessment is to obtain a good understanding of a site's history, its setting and its potential to cause contamination. Failure to demonstrate this may result in the Local Planning Authority refusing a planning application, as important information could be missed.

Phase 1, which is sometimes referred to as a contamination assessment, consists of a desktop study, a site walkover and an initial risk assessment with the findings compiled in a Phase 1 report. The results of a Phase 1 assessment will determine if further investigation is required.

### Desktop Study

A desktop study is a detailed search of available historical and current records and maps to identify potential on-site and off-site sources of contamination. It should include information on:

- Site location and setting (including a site plan).
- Current land use on, and in the vicinity of the site.
- Historical land use on, and in the vicinity of the site obtained from various sources including historical maps and directories.
- Mining or quarrying activities.
- Types of contamination that may be present.
- Details of spillages or pollution incidents.
- Soils and underlying geology.
- Ecology and archaeology.
- Groundwater and surface water.
- Location of permitted, unpermitted and exempt waste sites.
- Abstraction and discharge licences.

### Site Walkover

A site walkover survey should be undertaken to confirm the information gathered by the desktop study. Observations should be made relating to:

- The site's layout, nature and setting (including information on the presence and condition of above-ground fuel tanks and manholes, deposits of waste material and the storage of hazardous chemicals).
- The condition of the site and structures.
- Visual or odorous evidence of contamination
- Signs of vegetation distress.

### Initial Risk Assessment / Conceptual Site Model

After carrying out a detailed desktop study and site walkover survey, an initial conceptual site model should be developed. A conceptual site model is usually a diagram or table that illustrates the potential pollutant linkages at a site. It should include the following:

- **Sources** of any potentially significant contamination e.g. tanks or nearby landfill sites.
- **Pathways** through which contaminants can travel e.g. direct contact or vapours.



- **Receptors** that ultimately can be affected by the contamination e.g. residents or groundwater.

Please note that not every source will be linked to every receptor through every pathway.

**The conceptual site model will enable an initial risk assessment to be made, which will indicate whether a Phase 2 investigation is required. The conceptual model should be reviewed and revised through the Phases as more information is gathered.**

**A Phase 1 report containing the information listed in the checklist below must be submitted to, and approved by, the Local Planning Authority BEFORE proceeding to the next phase.**

### **Checklist for a Phase 1 Report**

	<b>Desktop Study, Site Walkover and Initial Risk Assessment</b>	<b>Included?</b>
1	Purpose and aims of study	
2	Site location and layout plans	
3	Appraisal of site history and previous surrounding land uses for at least the last 150 years, where possible (to include copies of historic plans where possible). Note: The availability of maps may differ in different Local Authority areas.	
4	Assessment of the environmental setting, including: <ul style="list-style-type: none"> <li>- Geology, hydrogeology, hydrology</li> <li>- Information on coal workings and other mining or quarrying activities</li> <li>- Information from the Environment Agency on water abstractions, pollution incidents and landfill sites etc</li> <li>- Information from the Council on former landfill sites, private water supplies and land contamination etc</li> </ul>	
5	Assessment of the current and proposed site uses, and surrounding land uses	
6	Assessment of any previous land contamination reports (desk-based or intrusive) or remedial works	
7	Risk assessment based on proposed development, including: <ul style="list-style-type: none"> <li>- An appraisal of actual and/or potential contaminant sources, pathways and receptors</li> <li>- Conceptual site model (visual/tabular and written)</li> </ul>	
8	Recommendations for intrusive investigation works if necessary, detailing rationale behind the proposed design of the investigation.	

## Phase 2 – Site Investigation and Risk Assessment

If Phase 1 indicates that there is a potential for contamination, a Phase 2 investigation will be required. Phase 2 comprises site investigation and risk assessment, to determine whether there are any unacceptable risks to people, property or the environment.

### Site Investigation

A site investigation should be designed to determine the nature and extent of contamination where it is present and also areas where it is absent. It is important to refer to the conceptual site model completed in Phase 1, as this will ensure that all possible pollutant linkages are investigated. Investigations should be carried out in accordance with BS10175, BS5930, relevant Euro codes and CLR11.

Analysis of samples of soil, water and/or ground gases may be required to assess the contamination at a site. Please note that there are numerous sources of ground gases derived from both natural and human activities. Buried organic matter is of particular concern, as it has the potential to generate methane and carbon dioxide, so sites located in the vicinity of refuse tips may be at risk from ground gases. Further information is available in BS8485, CIRIA C665 and the Chartered Institute of Environmental Health (CIEH) Gas Handbook

The proposed site investigation works should be recorded in a sampling strategy and submitted to the Local Planning Authority for approval. The sampling strategy should include the following information:

- The purpose and objectives of the investigation formulated on the basis of the conceptual site model and the information gaps highlighted during Phase 1.
- Overview of the intended sampling – including information and justification of sample locations, depths, patterns and numbers and the frequency and duration of sampling or monitoring to be undertaken.
- Sampling and/or monitoring methods to be used.
- The contaminants and parameters that will be assessed.
- The likely number of samples (soil, water and/or ground gas) that will be taken for subsequent laboratory analysis.
- The laboratory methods that will be used. Please note that independently accredited laboratories and analytical methods should be used (e.g. UKAS, MCERTS).

**In some cases a written sampling strategy (scope of works) will need to be submitted to, and agreed by, the Local Planning Authority before the commencement of site investigation works. This is most relevant for large or complex sites with serious contamination issues. Please contact your Local Planning Authority to discuss their requirements.**

### Risk Assessment

After approval of the Sampling Strategy, if necessary, and completion of the site investigation works, the conceptual site model developed in Phase 1 should be reviewed and updated. It is important to consider each potential pollutant linkage during

◆ Development on Land Affected by Contamination: ◆

the risk assessment and decide whether it is active at the site and whether it has the potential to harm the receptor.

### **Assessing Risk to Human Health**

A tiered approach to estimating risk should be followed involving the direct comparison between observed levels of contamination and firstly Generic Assessment Criteria (GAC) followed by Site Specific Assessment Criteria (SSAC), if deemed necessary.

GAC must be derived from authoritative published sources. If values from other countries are used, they must be adapted to ensure that they are relevant to UK policy and environment. Justification of their use must also be provided.

If the observed levels of contamination exceed the GAC, then a more detailed site-specific risk assessment is required. This involves the formulation of SSAC using risk-modelling. The Contaminated Land Exposure Assessment (CLEA) methodology is a government supported methodology that can be used to estimate the risks to people from contaminants in soil. A number of alternative risk assessment models are available including RISC and RBCA. Please ensure that all models are in line with UK policy and include all site specific pollutant linkages. All risk-modeling assumptions and uncertainties must also be presented and referenced.

### **Assessing Risk to Controlled Waters**

Controlled waters include, but are not limited to, groundwater, rivers, streams and estuaries. In relation to land contamination and the planning regime, the Environment Agency may be asked by the Local Planning Authority to act as a consultee and provide advice on risks to controlled waters. The Environment Agency's main aim is to protect and improve controlled waters.

The developer/applicant should provide sufficient information to assess the risks to controlled waters. As part of the site investigation the observed levels of contaminants should be compared to water quality standards, for example environmental quality standards (EQS), drinking water standards (DWS) and further risk assessment or remediation may be required.

Further advice and documents are available on the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

### **Assessing Risk to Other Receptors**

These may include risks to buildings, structures, crops, livestock or ecological systems. In situations where such receptors have been identified in pollutant linkages, early consultation with the appropriate authoritative body (e.g. English Nature, English Heritage) is advised.

In September 2008 the Environment Agency launched its Ecological Risk Assessment Framework. This framework provides a tiered approach to assessing the risks from land contamination to organisms, animals or whole ecosystems. Further information is available on the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

On completion of the risk assessment process, a recommendation should be made as to whether Phase 3 works will be required to make the site "suitable for use".

**A Phase 2 report containing the information listed in the checklist below must be submitted to, and approved by, the Local Planning Authority BEFORE proceeding to the next phase.**

**Checklist for a Phase 2 Report**

	<b>Site Investigation and Risk Assessment</b>	<b>Included?</b>
1	Review of any previous land contamination reports or remedial works	
2	Site investigation methodology, including: <ul style="list-style-type: none"> <li>- Methods of investigation and justification</li> <li>- Plan showing sampling locations and justification of locations</li> <li>- Sampling and analytical strategies</li> </ul>	
3	Results and findings of the investigation, including: <ul style="list-style-type: none"> <li>- Ground conditions (soil, gas and water regimes, inc made ground)</li> <li>- Borehole/trial pit logs</li> <li>- Discussion of soil/gas/water contamination (inc visual, olfactory, analytical and monitoring data)</li> </ul>	
4	Updated conceptual site model, including comments on the revisions from Phase 1	
5	Risk assessment based on contaminant-pathway-receptor model. Should take account of severity of consequences and likelihood of occurrence. Justification of any risk assessment models used. A detailed quantitative risk assessment may be required	
6	Recommendations for remediation – justification should relate to proposed site end use, risk assessment findings, technical and financial appraisal, and long term monitoring requirements	
7	Recommendations for further investigation, if necessary	

## Phase 3 – Remediation

Phase 3 works, known as remediation, involves the 'clean up' of the site to ensure that the finished development is suitable for use. Remediation can take many forms, e.g. removal of the source of contamination, breaking a pathway by inserting a barrier etc, and is entirely site specific.

Once all investigation and risk assessment work has been completed, if recommended in Phase 2, a remediation strategy is required to be submitted to the Local Planning Authority for approval, prior to remediation work commencing. The strategy must clearly state what is going to happen on site to address the contamination issues with definite undertakings as opposed to option proposals. It must also identify how the works will be verified to demonstrate how each pollutant linkage has been broken or controlled. Remediation proposals must take account of any Local Authority policies relating to remediation and/or verification.

### **Objectives**

The remediation strategy should clearly state the objectives of the works to be carried out including a brief justification as to why that particular method has been chosen. A summary of the site investigation/s should be included detailing the nature and extent of the contamination found which is to be addressed through the remedial works.

### **Works**

A detailed explanation of the exact works to be undertaken must be given along with the full methodology of the processes to be used. This should include site plans and drawings to indicate the areas to be remediated. Details of the depths and volumes of the material involved, source of any imported material, volume of remediated material to be re-used on site and waste disposal location must also be given. Any materials to be used within the remediation must also be detailed along with manufacturers specifications e.g. gas membranes, geo-textile barriers. Due regard must also be paid to health and safety requirements. The details of the responsible persons who will be undertaking and supervising the work must be provided.

### **Verification**

Details must be included on how remediation works will be verified to demonstrate that the remediation has been successful. Remedial target criteria are required to state what levels of individual contaminants can remain on site without posing an unacceptable risk to any receptors. The risk assessment package used to derive these criteria must be detailed, including the input and output data sheets. There are a variety of risk assessment tools available, however please ensure that all models are aligned to UK policy and are appropriate for the site. The conceptual model should be revised to demonstrate how all the pollutant linkages present will be addressed.

Where soil verification samples are to be taken, the location of these samples should be identified and included within the remediation strategy. Where ground or surface waters are to be monitored, the locations of sampling points must be clearly stated. The Environment Agency will be involved when agreeing compliance and assessment points.

Some sites may require long term verification monitoring. The exact timescales for achieving the remediation criteria must be clearly stated in the remediation strategy. It would be unreasonable to allow verification to continue for a lengthy period of time without an assessment of the progress. If long term groundwater, surface water or gas monitoring is required, details and timescales of interim reports will also be required including interim verification criteria.

**Mitigation**

Measures may also have to be incorporated within the development itself to protect future users from any potential contamination, e.g. low permeability gas membranes, capillary break layers, capping systems, specific types of drinking water pipes etc. All such requirements should be clearly detailed in the remediation strategy.

**Licences**

Details of the consents and licences required for the remediation should be included in the remediation strategy e.g. waste management, abstraction/discharge licences. Consideration should also be given to dust, noise and odour controls and the control of any surface run-off from wheel washes, stockpiles etc.

**Contingency Measures**

Should the remediation be unsuccessful or unanticipated contamination be found during the works, there may be a requirement for contingency measures. The remediation strategy should include an undertaking detailing that if such circumstances arise details of the further works required will be submitted to the Local Planning Authority for approval as Planning Authority. A timescale should also be included to state when the contingency details will be submitted.

**Remediation works can only commence once the Remediation Strategy has been submitted to and agreed by the Local Planning Authority. The Remediation Strategy should include the information listed in the checklist below.**

**Checklist for a Phase 3 Report**

	<b>Remediation Strategy</b>	<b>Included?</b>
1.	Objectives of the remediation works	
2.	Detailed outline of works to be carried out <ul style="list-style-type: none"> <li>• Description of ground conditions (soil, gas, water)</li> <li>• Type, form and scale of contamination to be remediated</li> <li>• Remediation methodology, including remedial, protective or other works</li> <li>• Site plans/drawings</li> <li>• Phasing of works including approximate timescales</li> </ul>	
3.	Consents, agreements, permits and licences (discharge consents, waste management licences etc.)	
4.	Site management procedures to protect site neighbours, environment and amenity during works, where appropriate <ul style="list-style-type: none"> <li>• Health and safety</li> <li>• Dust, noise and odour controls</li> <li>• Control of surface run-off</li> </ul>	
5.	Verification details <ul style="list-style-type: none"> <li>• Sampling strategy</li> <li>• Chemical analysis/monitoring data</li> <li>• Proposed remediation target criteria</li> <li>• Any phased timescales for verification, if appropriate</li> </ul>	



## Phase 4 – Verification

Phase 4 works, also known as verification, are undertaken following remediation. The purpose is to identify the success or otherwise of these works and to identify whether any further remediation or risk management measures are necessary to ensure the site is suitable for its intended use.

On completion of the remediation works a verification report is required to be submitted to the Local Planning Authority. This will detail the remediation and verification carried out which will have already been agreed with the Local Planning Authority and the results to determine whether the remediation criteria have been achieved. Where longer term monitoring is required, e.g. groundwater or gas monitoring, an interim report should be submitted detailing all the verification work undertaken to date. Where the site's remediation criteria have not been met, the details of the contingency works must be included, this could comprise of further detailed quantitative risk assessment, physical remediation works or mitigation measures for example.

### **Objectives**

The verification report should include the details and objectives of the remediation works undertaken on site.

### **Works**

A detailed description of all remediation works carried out on site must be included along with any plans, drawings etc to show the areas remediated. The total volume of material affected should be included along with the volume of any imported material. Volumes of any materials which have been sorted or treated on site to allow some re-use on site should also be detailed. Full details of the locations from where verification samples were taken are required, including depths and volumes etc.

### **Verification Results**

Results of the analysis of all the verification samples should be included within the report with a detailed comparison and interpretation against the remediation criteria, which were agreed in the remediation strategy.

If the remediation criteria have not been met, further work is required to ensure the site is suitable for its intended use. This may involve undertaking further detailed risk assessment, returning to undertake further remediation at the site or installing some form of mitigation method, e.g. a barrier to prevent users being impacted by the contamination. Discussions should be held with the Council as soon as possible once it is known that the remediation works have not met the targets, as to the extent of work required to ensure the site is suitable for its intended use.

### **Interim Verification**

In some cases longer term monitoring will be required on the site to provide verification to remediation works. Where this is required, timescales should have been set when agreeing the remediation strategy as to when interim reports would be submitted to the Local Planning Authority, including any interim remediation criteria. The details similar to those given above should be included in interim verification reports.

## **Conclusions**

The report should detail whether all pollutant linkages have been broken or effectively controlled and whether the site is suitable for its intended use. An updated conceptual model should also be included.

**On completion of Remediation and Verification works, a Verification Report should be submitted to the Local Planning Authority for approval. The Verification Report should include the information listed in the checklist below.**

## **Checklist for a Phase 4 Report**

	<b>Verification Report</b>	<b>Included?</b>
1.	Objectives for verification	
2.	Detailed outline of remediation works <ul style="list-style-type: none"><li>• Method of remediation</li><li>• Extent of remediation</li><li>• Site plans/drawings</li><li>• Phasing of works, where appropriate</li><li>• Photographs demonstrating that remediation measures have been undertaken.</li></ul>	
3.	Details of who carried out the work	
4.	Details and justifications of any changes to the agreed remediation strategy	
5.	Verification data including where appropriate <ul style="list-style-type: none"><li>• Laboratory and in situ test results including original lab data sheets and chain of custody documents</li><li>• Monitoring results for groundwater and gases</li><li>• Comparison and interpretation with remediation criteria</li><li>• Plans showing treatment areas and details of any differences from agreed remediation strategy</li></ul>	
6.	Details and verification of mitigation measures including where appropriate <ul style="list-style-type: none"><li>• Details of capping material and test results</li><li>• Details of membranes, geo-membranes etc</li><li>• Specification of drinking water pipes</li><li>• Capillary break layer</li></ul>	
7.	Consents, agreements and licences	
8.	Details on any ongoing verification or long term management requirements	
9.	Confirmation that remediation objectives have been met and the site is suitable for use.	

## **Discharge of Planning Conditions**

**To discharge land contamination conditions, the Local Planning Authority, must be satisfied that at all the relevant stages satisfactory reports have been submitted to demonstrate that the development is suitable for use.**

## Useful Documents

Please note that the list below is not exclusive or exhaustive:

- British Standards Institution (2007). **BS 8485:2007: Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments.** BSI, London.
- British Standards Institution (2001). **BS 10175:2001: Investigation of Potentially Contaminated Sites - Code of Practice.** BSI, London.
- British Standards Institution (1999). **BS 5930:1999: Code of Practice for Site Investigations.** BSI, London.
- Building Research Establishment (2001). **BRE Report 414: Protective Measures for Housing on Gas Contaminated Land.** BRE, London.
- Chartered Institute of Environmental Health and CL:AIRE (2008). **Guidance on Comparing Soil Contamination Data with a Critical Concentration.** CIEH and CL:AIRE, London (available from: [www.cieh.org.uk](http://www.cieh.org.uk)).
- Construction Industry Research and Information Association (2007). **CIRIA C665: Assessing Risks Posed by Hazardous Ground Gases to Buildings.** CIRIA, London.
- Department of the Environment (1995). **Industry Profiles (various titles).** DoE, London (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Department for Environment, Food and Rural Affairs (2006). **Circular 01/2006: Environmental Protection Act 1990 – Part 2A.** DEFRA, London (available from: <http://www.defra.gov.uk>).
- Environment Agency (2006). **Remedial Targets Methodology – Hydrogeological Risk Assessment for Land Contamination.** Environment Agency, Bristol (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Environment Agency (2005). **Science Report P5-080/TR3: UK Approach to Evaluating Human Health Risk from Petroleum Hydrocarbons in Soil.** Environment Agency, Bristol (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Environment Agency (2004). **CLR11: Model Procedures for the Management of Land Contamination.** Environment Agency, Bristol (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Environment Agency (2000). **R & D Technical Report P5-065/TR: Technical Aspects of Site Investigation.** Environment Agency, Bristol (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Environment Agency (2000). **R & D Technical Report P5-066/TR: Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination.** Environment Agency, Bristol (available from: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
- Health & Safety Executive (1991). **Protection of Workers and the General Public during the Development of Contaminated Land.** HSE, London.
- National House Building Council, Environment Agency & CIEH (2008). **R & D Publication 66: Guidance for the Safe Development of Housing on Land Affected by Contamination.** NHBC & Environment Agency, London (available from: [www.nhbcbuilder.co.uk](http://www.nhbcbuilder.co.uk)).
- Office of the Deputy Prime Minister (2004). **Planning Policy Statement 23: Planning and Pollution Control. Annex 2: Development on Land Affected by Contamination.** ODPM, London (available from: [www.communities.gov.uk](http://www.communities.gov.uk)).
- Office of the Deputy Prime Minister (2004). **The Building Regulations 2000: Approved Document C – Site Preparation and Resistance to Moisture.** ODPM, London.

## Appendix 1 – Examples of Vulnerable End Uses and Potentially Contaminating Land Uses

**A.** This is a list of **vulnerable end uses**. If you are in doubt about the vulnerability of an end use please consult the Council's Contaminated Land Officer:

- All residential developments (houses, flats, nursing homes)
- Allotments
- Schools
- Nurseries and crèches
- Children's playing areas and playing fields
- Mixed use developments including vulnerable proposals

**B.** This is a list of **potentially contaminating land uses**, which is derived from Annex 2 of Planning Policy Statement 23: Planning and Pollution Control (2004). Further details are available in the Department of the Environment Industry Profiles, which are available to download free of charge from the Environment Agency website.

- Smelters, foundries, steel works, metal processing & finishing works
- Coal & mineral mining & processing, both deep mines and opencast
- Heavy engineering & engineering works, e.g. car manufacture, shipbuilding
- Military/defence related activities
- Electrical & electronic equipment manufacture & repair
- Gasworks, coal carbonisation plants, power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture & use of asbestos, cement, lime & gypsum
- Manufacture of organic & inorganic chemicals, including pesticides, acids/alkalis, pharmaceuticals, solvents, paints, detergents and cosmetics
- Rubber industry, including tyre manufacture
- Munitions & explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper & pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards (including filled dock basins), garages, road haulage depots, airports
- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Abattoirs, animal waste processing & burial of diseased livestock
- Scrap yards
- Dry cleaning premises
- All types of laboratories

**Other uses and types of land that might be contaminated include:**

- Radioactive substances used in industrial activities not mentioned above - e.g. gas mantle production, luminising works
- Burial sites & graveyards
- Agriculture - excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Naturally-occurring radioactivity, including radon
- Naturally-occurring elevated concentrations of metals and other substances
- Methane & carbon dioxide production & emissions in coal mining areas, wetlands, peat moors or former wetlands

## Appendix 2 – Screening Assessment of Land Contamination

**This form is suitable for the development of land for use for individual residential properties such as the construction of a new house in an existing garden area.** It is not suitable for the development of land for larger housing developments, allotments, schools, nurseries, children's play areas, playing fields, or where there has been a past industrial use on or adjacent to the land, as these applications will require as a minimum, the submission of a Phase 1 Report and if appropriate, subsequent Phase 2 (Site Investigation and Risk Assessment), Phase 3 (Remediation Strategy) and Phase 4 (Verification) Reports.

Please complete in BLOCK LETTERS and submit with your completed Planning Application and plans.

### **Development of Land Affected by Contamination**

Land contamination is land where substances are present in, on or under the land which are actually or potentially hazardous to health or the environment. Some of these substances can be naturally occurring, although in the majority of cases are present because of some previous human activity such as mining, industry and waste disposal.

In accordance with Government policy and the Council's Contaminated Land Inspection Strategy, the Council wants to encourage the redevelopment of previously used land (brownfield land). However, because of the potential risk of contamination associated with such land there are a number of requirements that must be fulfilled by the developer to ensure that there is no danger to human health or the environment. Put simply, the land must be suitable for use.

In order to assess whether a development is suitable for use, the Local Planning Authority must be satisfied that there is no unacceptable risk from contamination. The information you provide will allow a fair and reasoned judgement to be made and may dispense with the need for land contamination conditions to be attached to any planning consent.

#### **NOTE:**

**Failure to provide the required information at this stage may result in a delay in the application process and the imposition of land contamination conditions. In completing this Screening Assessment the information you obtain should also assist you in deciding what information to include in Section 15 of the 1APP planning application form.**

If at any point when completing the form you suspect there is a likelihood that contamination may exist on the site (or on an adjacent site) which could affect the proposed use, it is strongly advised that you contact the Council's Contaminated Land Officer before proceeding, as your findings may necessitate the submission of a more detailed Phase 1 Report.

Contaminated Land Officers are responsible for assessing the suitability of land for its current use. They also provide advice to Planning Officers on the suitability of land for proposed developments. The Officer will therefore be able to advise you on how best to proceed.

## APPLICANT / AGENT DETAILS

	Applicant	Agent
Full Name		
Address		
Telephone		
Fax		
Email		

## DEVELOPMENT DETAILS

Site Name:			
Site Address:			
Site Grid Reference	Easting		Northing

### Site History, Land and Building Use

What is the proposed land use? (tick all that apply)	Domestic	Agricultural	Commercial	Industrial	Other (please specify)

What is the current land use? (tick all that apply)	Domestic	Agricultural	Commercial	Industrial	Other (please specify)

What has the land been used for in the past 150 years? (tick all that apply)	Domestic	Agricultural	Commercial	Industrial	Other (please specify)





<b>If the land use has changed, please give date of change(s)</b> (please use category types given above)	From	To	Land Use

<b>Are there any sources of surface water (including drains, ponds, streams, canals, lakes, springs) on site?</b> (If so please provide details)	
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<b>Are there any groundwater or surface water abstractions on site?</b> (If so please provide details)	
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<b>What have the existing buildings on the site been used for?</b> (please state if applicable)	
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<b>Have any fuels or chemicals been stored on the site?</b> (Please circle)	Yes	No
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<b>Have there been any fuel/chemical spills or leaks?</b> (Please circle)	Yes	No
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<b>If 'Yes' to either of the above, please state fuel/chemical, storage method and location, and details of any spillages including quantities and action taken</b>	
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<b>Have there been any waste disposal activities (including the burning of waste) carried out on the site</b> (Please circle) For information on landfill sites please refer to the Environment Agency website.	Yes	No
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<b>Have there been any other pollution incidents, either reported or unreported?</b> (Please circle) For information on pollution incidents please refer to the Environment Agency website.	Reported		Unreported	
	Yes	No	Yes	No



## Adjacent Land Use

<b>What is the current adjacent land use?</b> (tick all that apply)	Domestic	Agricultural	Commercial	Industrial	Other (please specify)

<b>What has the adjacent land been used for in the past 150 years?</b> (tick all that apply)	Domestic	Agricultural	Commercial	Industrial	Other (please specify)

<b>Are there any sources of surface water on adjacent land (including drains, ponds, streams, canals, lakes, springs)?</b> (If so please provide details)	
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<b>Are there any groundwater or surface water abstractions on adjacent land?</b> (If so please provide details)	
--	--

<b>Have there been any waste disposal activities carried out on surrounding land within 250 metres of the site?</b> (Please circle) For information on landfill sites please refer to the Environment Agency website and contact the Council's Contaminated Land Officer.	Yes	No
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## Site Description

**Please provide a detailed written report to describe the land being developed, with plans and photographs where possible, including:**

- Layout
- Ground covering
- Signs of subsidence etc.
- Evidence of past uses i.e. landfill, railway land, engineering works, timber treatment etc
- Current ground conditions i.e. water pooling, vegetation, discolouration etc.
- Flooding

**The written description should also include information on the neighbouring land, including current and previous use (if known).**



**Previous Land Contamination Reports**

If you are in possession of or have access to any Land Contamination Reports, please provided this information in support of the application, along with your interpretation of the Report in relation to the proposed development.

Enclosed

**Imported Top Soil**

Do you intend to import any soil or soil forming materials onto site for use in garden areas, soft landscaping or for filling or level raising?

Yes

No

Note: If yes, documentation/certificates will need to be submitted to the Local Planning Authority to demonstrate its suitability for use. The documentation will need to include the following details:

- the source of the soil;
- the ratio of samples taken per volume of soil in cubic metres;
- the proposed analytical suite of contaminants including metals, total petroleum hydrocarbons (TPH), speciated polyaromatic hydrocarbons (PAH's) and other contaminants deemed necessary
- the assessment criteria against which the analytical results will be compared, to assess the suitability for use.

**Based on the information you have provided in this report please state whether in your opinion, contamination is suspected for all or part of the site.**

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**Please sign below to confirm that all the information given on this form is correct to the best of your knowledge and belief.**

Signed ..... Date .....

