

BACKGROUND

Planning Services are receiving an increasing number of planning applications for developments on or adjacent to previously used land, often referred to as 'brownfield' sites. In many cases these sites are affected by the presence of contamination due to historic land use.

Government guidance (Planning Policy Statement 23) advises that potential contamination is a material planning consideration. Where contamination is known or suspected the developer should provide sufficient information to enable the Local Authority to determine whether the proposed development can proceed.

HOW CAN I TELL A SITE IS CONTAMINATED BEFORE I BUY?

Land search Agencies can provide reports on known information about sites and the locality. However unrecorded contamination due to past site uses may be present and further investigation may be required.

Environmental Health can also provide data on potential sources of contamination that may affect a specific site, refer to:

<http://www.iwight.com/living%5Fhere/environment/environmental%5Fhealth/Environmental%5FProtection/Contaminated%5FLand/>

WHY WAS A CONTAMINATED LAND CONDITION PLACED ON MY CONSENT?

Contaminated Land Conditions are placed on developments where sites or adjacent land have a historical use that may have contaminated the land.

DOES THIS MEAN MY SITE IS CONTAMINATED?

No, however available information held by the council's statutory consultees suggest there is a reasonable likelihood of contamination that can affect the proposed use and therefore there is a duty to undertake further investigation to prevent harm to human health or the environment.

HOW CAN I COMPLY?

Appoint an appropriately qualified contaminated land consultant to satisfy the requirements of the Local Planning Authorities' statutory consultees; Environmental Health, whose duty is to protect human health, and the Environment Agency, whose duty is to prevent contamination of controlled waters. The ultimate responsibility though will remain with the Developer.

HOW LONG DOES IT TAKE TO OBTAIN APPROVAL?

If a competent consultant is appointed, typical times to taken for them to investigate, submit a report and obtain approval is 1-4 weeks for a desktop study; 1-3 months if a site investigation is subsequently required and a further month to prepare a remediation scheme.

WHAT DO THE CONDITIONS REQUIRE?

Conditions and the investigation of contaminated land to which they relate are divided in to three stages:

- Desktop Study and Site Walkover
- Intrusive Site Investigation and Risk Assessment
- Remediation Strategy

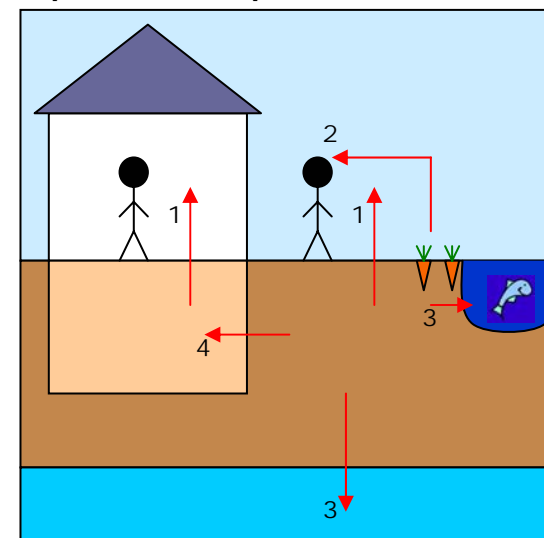
Not all sites will require all three stages to be carried out. It is therefore imperative that the

developer consults the Local Authority at each stage to ensure each stage is satisfied and avoid the additional costs and delays that occur from not getting it right first time.

WHAT DOES THE INVESTIGATION AND REMEDIATION SCHEME ACHIEVE?

Investigation seeks to identify all contaminants on the site so that remediation works can be undertaken to make the site safe for the proposed use. To prevent contamination affecting the end user the aim is to break the pollutant linkage between the source of contamination and the receptor (occupants, ground water etc) see below:

Example of a Conceptual Model



See below factors to include in model (this is not an exhaustive list).

- 1 Ingestion/inhalation of dust and vapours
- 2 Ingestion of food
- 3 Migration of contamination to surface/groundwater
- 4 Migration of contamination to buildings

WHAT LEVEL OF INFORMATION IS REQUIRED TO AVOID A DELAY?

- A desktop study for the site.
- A conceptual model of the sources, pathways and receptors present.
- Investigation to establish the extent of any contamination encountered, both laterally and vertically
- Justification for the range of contaminants considered
- Presentation of all the results including units
- Interpretation of the results obtained
- Justification as to why a proposed remediation scheme will prevent hazards to human health or the environment, (including controlled water) occurring or to why a report concludes there are no hazards.
- All references to be made to recognised UK guidelines. Where these do not exist calculations based upon the site specific parameters will need to be carried out that are capable of robust scrutiny and defence.

WHAT HAPPENS IF A DEVELOPER FAILS TO COMPLY WITH THE CONDITION?

The planning consent can be invalidated rendering the development without the benefit of consent.

A stop notice can be served requiring all works to cease on site until any potential contamination has been investigated to the satisfaction of the Local Planning Authority. Action can be taken under the Environmental Protection Act 1990 Part IIA.

All the above actions are recorded in a local search and will affect the ability to raise funds against the land or sale of the development upon completion until resolved.

KEY PUBLICATIONS

EA Guidance Document CLR11: Model Procedures for the Management of Land Contamination

www.environment-agency.gov.uk/subjects/landquality/113813

EH Guidance Document: Development on Potentially Contaminated Land.

http://www.iow.gov.uk/living_here/environment/environmental_health/images/Contam_Land_Leaflet.pdf

Building Regulation Document C: A Site preparation and resistance to contaminants and moisture

http://www.odpm.gov.uk/stellent/groups/odpm_buidreg/documents/downloadable/odpm_breg_029384.pdf

Health and Safety Executive Web links:

<http://www.hse.gov.uk/pubns/asbindex.htm>

<http://www.hse.gov.uk/contact/faqs/cement.htm>

HSE Guide:

Protection of workers and the general public during the development of contaminated land. (HSG 66)

CIRIA Guide:

http://www.ciria.org/complianceplus/4_guidance2.htm?g_id=b

USEFUL CONTACTS

Environmental Health:

Contaminated Land Officer

T. 01983 823000

Environment Agency:

Groundwater and Contaminated Land Team

T. 0870 8506506

Health and Safety Executive:

Asbestos

T. 01256 404000

Specialists in Land Condition

<http://www.silc.org.uk/>

DEVELOPMENT CONTROL

ADVISORY NOTE DC10

A GUIDE FOR DEVELOPERS OF BROWNFIELD SITES



PLANNING SERVICES

September 2005