

Introduction

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

Failure to comply with this guidance is likely to result in a planning application failing local validation requirements or being refused.

The National Planning Policy Framework (NPPF) & Joint Development Management Policy (JDMP) Policy DM14

National planning policy is set out within the NPPF and local policy is set out in the JDMP. Both require planning decisions to ensure that new development is suitable for its location, having regards to the effects of pollution, and taking account the potential sensitivity of the area or proposed development to adverse effects from pollution. Both the NPPF and the JDMP require applications to be supported by adequate site investigation information.

Submitting a Planning Application

The requirements of NPPF and Policy DM14 of the JDMP are addressed through the following questions on the application form for a full planning application and should also be considered on other relevant applications such as prior notifications:

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. This could include, but is not limited to, the following examples:

- Former Gas Works
- Heavy industrial sites
- Petrol Stations with known fuel leakages
- Landfill sites

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. This can include numerous former land uses, but some examples include:

- Petrol stations / garages (fuel storage)
- Agricultural barns or farm yards (fuel, chemical or pesticide storage, vehicle storage or maintenance)
- Historic forges or smithies (use of heavy metals)
- Animal processing works, including Fur manufacturers and tanners (use of chemicals such as Mercury)
- Unspecified Engineering or chemical works (fuel storage, use of heavy metals or other chemicals)
- Landfill sites / infilled land or suspected raised ground (uncontrolled fill materials)
- Timber treatment works (chemical use)
- Railway land
- Airports or former Military air bases
- Locations of historic pollution incidents

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 new residential building
- Schools, nurseries and playgrounds
- Allotments

If the answer to **ANY** of the above questions is 'Yes', then an appropriate **Contamination 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 one or two dwellings on existing residential or greenfield sites, when a West Suffolk **Land Contamination Questionnaire** accompanied by a simple screening report can be completed. Further phases, if required, can usually be conditioned as part of the planning consent, if granted.

West Suffolk Land Contamination Questionnaire

- The purpose of the questionnaire is to screen out very small, low risk sites where the requirements of the NPPF would not be considered proportionate.
- Where submitted for sites that are not greenfield or existing residential, or developments that comprise more than two dwellings, this will result in an objection from the West Suffolk Environment Team.
- To avoid delays or requests for further information, all questions should be thoroughly completed with as much relevant information as possible.
- It should also be noted that the results of the questionnaire or simple screening report may highlight a risk that requires a full Phase 1 study. This being the case, the Phase 1 study would be required before determination of the application.

Contamination 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 person, which is defined in Annex 2 of the NPPF.

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.

Figures 1 & 2: Examples of historic features that may no longer be apparent from current maps or site walkovers:

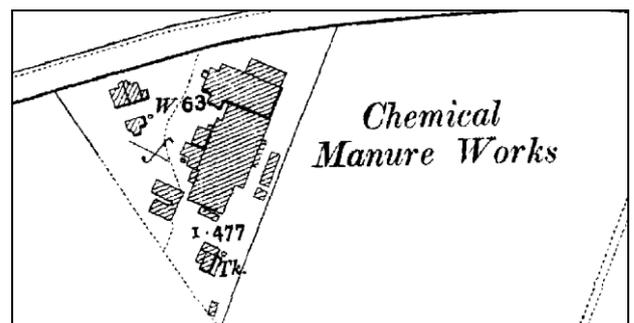
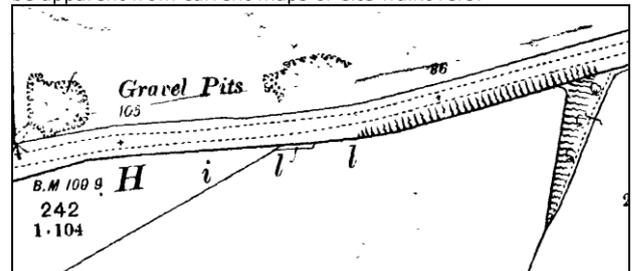


Figure 3: Examples of on site conditions not apparent from desk study. E.g. rusted fuel tank, site detritus including possible asbestos materials and possible chemical storage/use



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, pipe work which may suggest possible sources of contamination.

Initial Risk Assessment

An initial risk assessment should be carried out using the information from the desktop study and site walkover to identify possible pollutant linkages using the Source – Pathway – Receptor principles. If a Phase 1 Study indicates that there could be a risk of harm, then it is likely that further, intrusive, assessments will be required, but these can usually be condition as part of the planning approval. Further information on all phases of contamination assessments can be found in Advice Note 2.

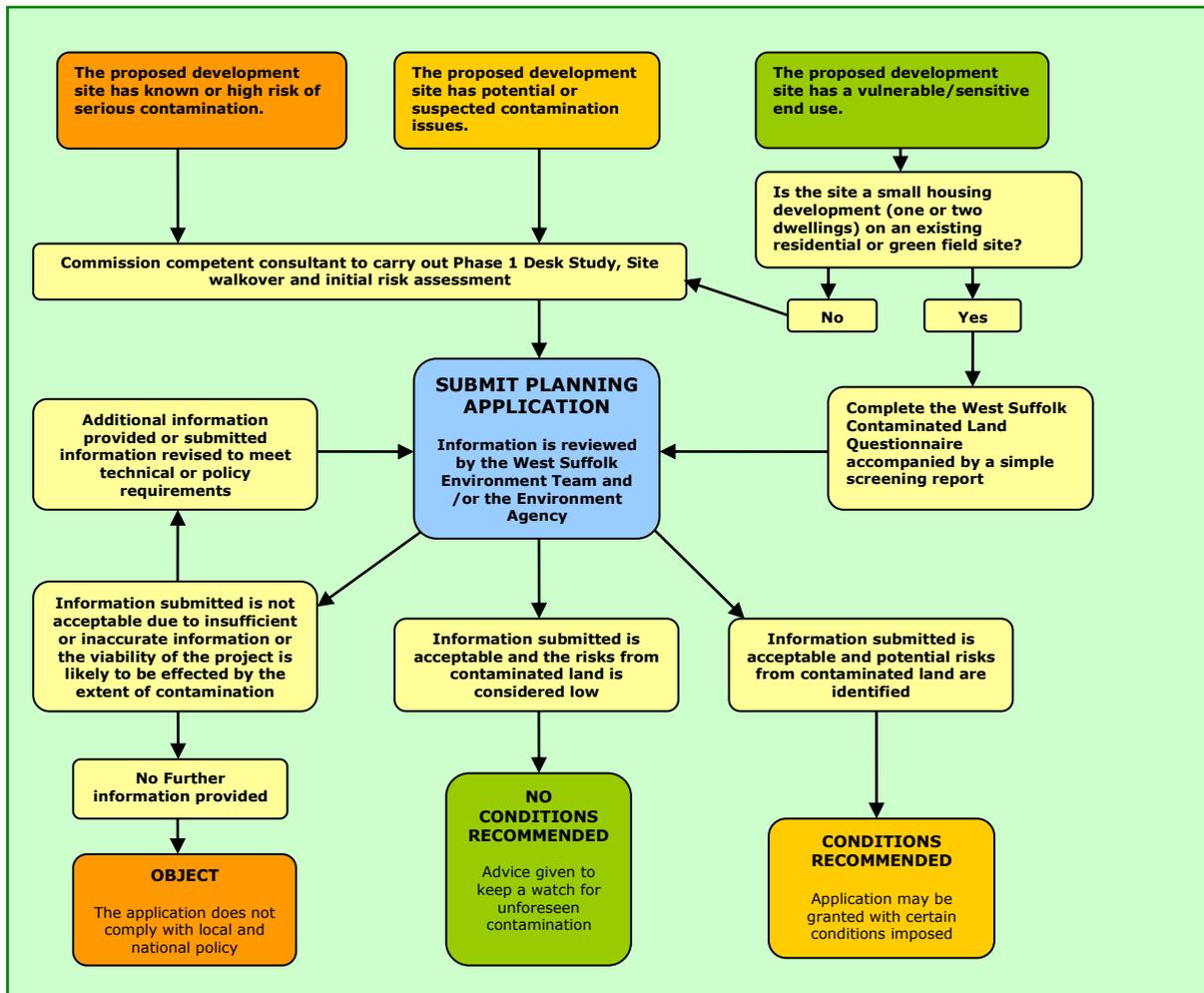


Figure 4. The Planning Application Process - Please note that this flow chart refers only to the protection of human health from contaminated land issues, the application may be refused on other issues not associated with contaminated land

Contacts

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Guidance and References

Further guidance and technical information can be obtained from <https://www.gov.uk/guidance/land-affected-by-contamination> and <https://www.gov.uk/government/collections/land-contamination-technical-guidance>

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.