

Contaminated land planning advice note

Introduction

The purpose of this guidance is to assist developers, agents and consultants involved with preparing planning applications or prior approvals 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) paragraph 196 and West Suffolk Local Plan (2024 to 2041) Policy LP7

National and local planning policy require planning decisions to ensure development is suitable for its location, having regards to the effects of contamination, and taking account the potential sensitivity of the area or proposed development. Policy requires applications to be supported by adequate site investigation information.

Submitting a planning application

The requirements of NPPF and local plan 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 approvals:

Does the proposal involve any of the following?

1. Land which is known to be contaminated?

This would include a development on land which is known to be affected by contamination, either through information gathered from previous investigations; due to known fuel leaks or spillages; or because of former or current land uses known to be linked to significant contamination. This could include, but is not limited to, the following examples:

- former gas works
- 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 currently no actual knowledge of land contamination. This can include, but is not necessarily limited to the following examples:

- petrol stations and garages (fuel storage)

- agricultural barns or farmyards (fuel, chemical or pesticide storage, vehicle storage or maintenance, asbestos use, burning) 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 and infilled land or suspected raised ground (uncontrolled fill materials)
- timber treatment works (chemical use)
- railway land (chemical use, fuel use or storage, pesticide use)
- airports or former military air bases (fuel storage and use, use of ordnance, firefighting chemicals).

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 three questions is '**Yes**', then an appropriate **contamination risk assessment** must be submitted with the planning application (Figure 1 summarises the procedure in a flow chart). Contamination risk assessments are usually divided into phases or tiers.

As a minimum, a **Tier 1** preliminary risk assessment will be required, unless the development is only one or two dwellings on existing residential or greenfield sites, when a West Suffolk Council **land contamination questionnaire** accompanied by a simple screening report can be completed. Further tiers of the risk assessment process, 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 a holding objection from the West Suffolk Environmental Protection Team and a requirement for a tier 1 preliminary risk assessment to be completed.
- Where the questionnaire is not accompanied by a simple screening report this will result in a holding objection from the West Suffolk Environmental Protection Team.
- To avoid delays or requests for further information, all questions should be thoroughly completed with as much relevant information as possible. Answers such as 'building plot' for the current state of the site may result in a holding objection from the West Suffolk Environmental Protection Team.
- It should also be noted that the results of the questionnaire or simple screening report may highlight a risk that requires a full Tier 1 preliminary risk assessment. Also, the Environmental Protection Team may be aware of local conditions that require further consideration and this may also trigger the requirement for a Tier 1 preliminary risk assessment.

Tier 1 Preliminary risk assessment

A Tier 1 Preliminary Risk Assessment consists of a desktop study of the history and environmental setting of the site, a site walkover, development of a conceptual site model and an initial risk assessment. This must be carried out by a competent person, which is defined in Annex 2 of the NPPF. This would normally be a specialist consultant who is familiar with guidance and risk assessment process.

More information on the expected contents of a Tier 1 Preliminary Risk Assessment is detailed on: [GOV.UK - Land contamination risk management \(LCRM\)](https://www.gov.uk/land-contamination-risk-management-lcrm).

Tier 2 and 3 risk assessments, options appraisals, remediation and validation

Where the tier 1 preliminary risk assessment identifies the potential for contamination to affect the site, you will be required to undertake further assessments, and potentially remediation. These parts of the process will usually be required through conditions attached to the planning approval, although we recognise that some developers may wish to undertake some of this process prior to submitting an application, in which case conditions will be adjusted to reflect the additional information.

This process will need to be undertaken by a competent person who is familiar with the appropriate guidance. The descriptions below are a very basic guide for those wishing to gain an understanding of the process and should not be relied upon as comprehensive guidance or an authoritative interpretation.

However, it should be noted that you will not necessarily need to go through all the stages below as it may be that contamination is considered not to affect the site and remediation is therefore not required.

Tier 2 generic quantitative risk assessments comprise an intrusive investigation and associated testing to confirm or otherwise the risks identified in the Tier 1 Risk Assessment using generic assessment criteria. This may be suitable to confirm that contamination is not a risk, and the process could end at this point. It may also provide sufficient information to be able to move straight to the options appraisal.

Tier 3 Detailed quantitative risk assessments could comprise of further targeted intrusive investigations and associated assessment using site specific assessment criteria. This may be suitable to confirm that contamination is not a risk, and the process could end at this point.

Options appraisals are an evaluation of all the feasible remediation techniques with the aim of selecting the most appropriate remediation. It should be noted that where the contamination is relatively simple, this stage may not require a separate report and may be included within the conclusions to a tier 2 or tier 3 risk assessment.

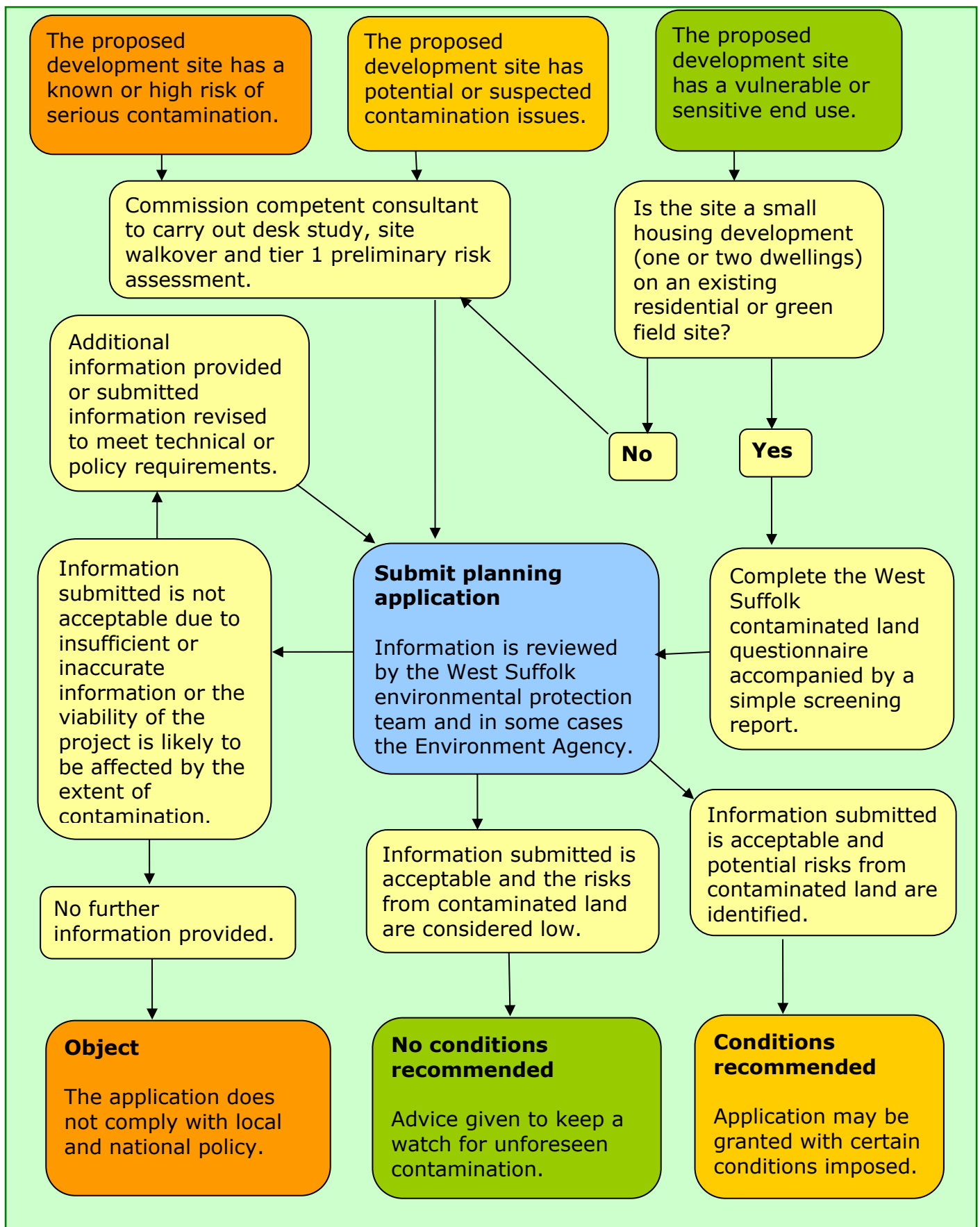
Remediation strategy, sometimes referred to as a remediation method statement, outlines the physical work that need to be undertaken to reduce the risk of contamination to an acceptable level.

Verification report provides the evidence that the work outlined in the remediation strategy has been completed and the site is suitable for use.

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 or 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.

Figure 1. The planning application process for sites where contamination may be a material consideration.



Contact

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Guidance and references

More guidance and technical information can be found at: [GOV.UK – Land affected by contamination](#) and [GOV.UK – Land contamination technical guidance](#)