

**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. Failure to comply with this guidance is likely to result in a planning application being refused.

This Advice Note mainly refers to planning applications; however, prior notifications also need to consider land contamination. Therefore this note is equally applicable to prior notifications; unless specific prior agreement is gained from the Environment Team.

**The National Planning Policy Framework (NPPF) & Joint Development Management Policy (JDMP) Policy DM15.**

National planning policy is set out within the NPPF and requires planning decisions to ensure that new development is appropriate 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. Within the West Suffolk JDMP, the Authorities 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. This is outlined in Policy DM15 below.

**Policy DM15 - Safeguarding from Hazards**

*Development will not be permitted where there is an unacceptable risk:*

*b) due to siting on land which is known to be or potentially affected by contamination or where the land may have a particular sensitive end use.*

*Proposals for development on or adjacent to land which is known to be or potentially affected by contamination; or land which may have a particular sensitive end use; or involving the storage and / or use of hazardous substances, will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, and remediation proposals and implementation schedule prior to or as part of any planning application. In appropriate cases, the local planning authority may impose planning conditions or through legal obligation secure remedial and/or monitoring process.*

**Submitting a Planning Application (1App)**

Planning applications must use the national 1App planning application form. Section 14 (Existing Use) of 1App, highlights the requirements of NPPF and Policy DM15 of the JDMP, as shown in Figure 1. 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).

Due to the potential for historical storage of chemicals such as pesticides, fertilizers and fuels at agricultural sites, a full Phase 1 Contamination Assessment will be required for proposed conversions to residential use.

**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 **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 1-2 dwellings on existing residential or greenfield site when a **Land Contamination Questionnaire** can be completed.

**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 and appropriately qualified person.

**14. Existing Use**  
 Please describe the current use of the site:  
 [Text box]

Is the site currently vacant?  Yes  No

If Yes, please describe the last use of the site:  
 [Text box]

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

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

**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, pipe work which may suggest possible sources of contamination.

## CONTAMINATED LAND ADVICE NOTE 1 – Guidance notes for developments on land which is potentially contaminated or where the proposed end use is sensitive

### 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 contact the Local Authority to discuss our requirements before submitting your application. It is likely that further Phase 2 or 3 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.

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

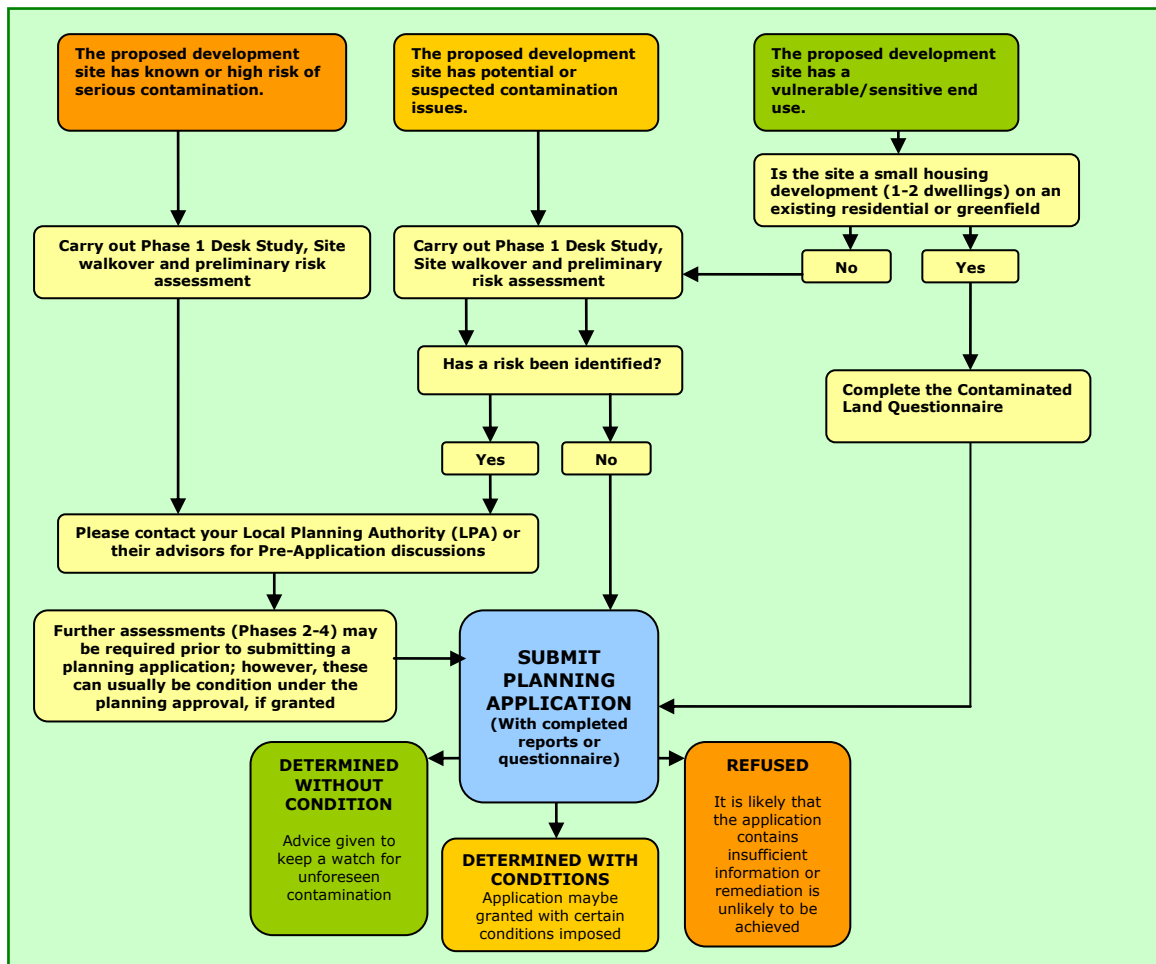


Figure 2. The Planning Application Process - Please note that this flow chart refers only to the protection of human health from contaminated land issues, the application may be refused on other issues not associated with contaminated land

### Contacts

#### Local Authorities

Forest Heath District Council

[environment@westsuffolk.gov.uk](mailto:environment@westsuffolk.gov.uk)

01284 757400

St Edmundsbury Borough Council

[environment@westsuffolk.gov.uk](mailto:environment@westsuffolk.gov.uk)

01284 757400

#### Environment Agency

Central Area & Eastern Area

[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

08708 506506

### 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. Further advice is available from the contacts listed above.

- British Standards Institution (2011). BS10175:2011: Investigation of Potentially Contaminated Sites
- British Standards Institution (1999). BS5930:1999: Code of Practice for Site Investigations. BSI, London.
- The National Planning Policy Framework (NPPF) (2012) Department for Communities and Local Government
- The West Suffolk Joint Management Development Policy (JMDP) Submission Draft October 2012
- Department of the Environment (1995) DoE Industry Profiles
- DEFRA/EA (2004) CLR11: Model Procedures for the Management of Land Contamination. EA, Bristol

#### 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.