

Advice Note 1 – Guidance notes on completing Question 15 of 1App relating to developments on land which is potentially contaminated or where the proposed end use is sensitive

Introduction

The purpose of this guidance is to assist developers, agents, consultants and general public 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 to be refused.

Planning Policy Statement (PPS 23)

The Government's guidance on land affected by contamination is set out in Planning Policy Statement 23 (PPS 23) on Planning and Pollution Control Annex 2: Development on land affected by contamination.

PPS 23 states *"because of the widespread potential occurrence of contamination, the possibility should always be considered, regardless of past land use, when development is proposed involving or introducing a particularly sensitive use such as housing with garden, schools, nurseries or allotments."*

This guidance puts the responsibility on the developer to ensure that a development is safe and suitable for use for the purpose for which it is intended. Therefore, the developer is responsible for determining whether land is suitable for a particular development.

The risks from potential contamination should, therefore, be identified at the application stage of the planning process. The requirements of PPS23 are reflected in the new 1App planning application form.

Submitting a Planning Application (1App)

From April 2008, all planning applications must use the new national 1App planning application form. Section 15 (Existing Use) of 1App, highlights the requirements of PPS23, as shown in Figure 1. When preparing a planning application the following must be addressed:

Does the proposal involve any of the following?

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 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*.

A proposed use that would be particularly vulnerable to the presence of contamination?

A proposed end 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 or more while extensions and 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.

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.

Figure 1 – Question 15 of the 1App planning application form

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.

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.

Initial Risk Assessment

A preliminary risk assessment should be carried out using the information from a desktop study and site walkover to identify possible pollutant linkages and enable a conceptual model of the site to be developed.

A conceptual site model of the site should identify:

- Potential sources of contamination e.g. tanks, nearby landfills
- Potential pathways linking the two e.g. direct contact, vapours
- Potential receptors that may be harmed e.g. residents, ground waters

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 before your application is registered.

If appropriate assessments are not submitted, your planning application will not be registered!

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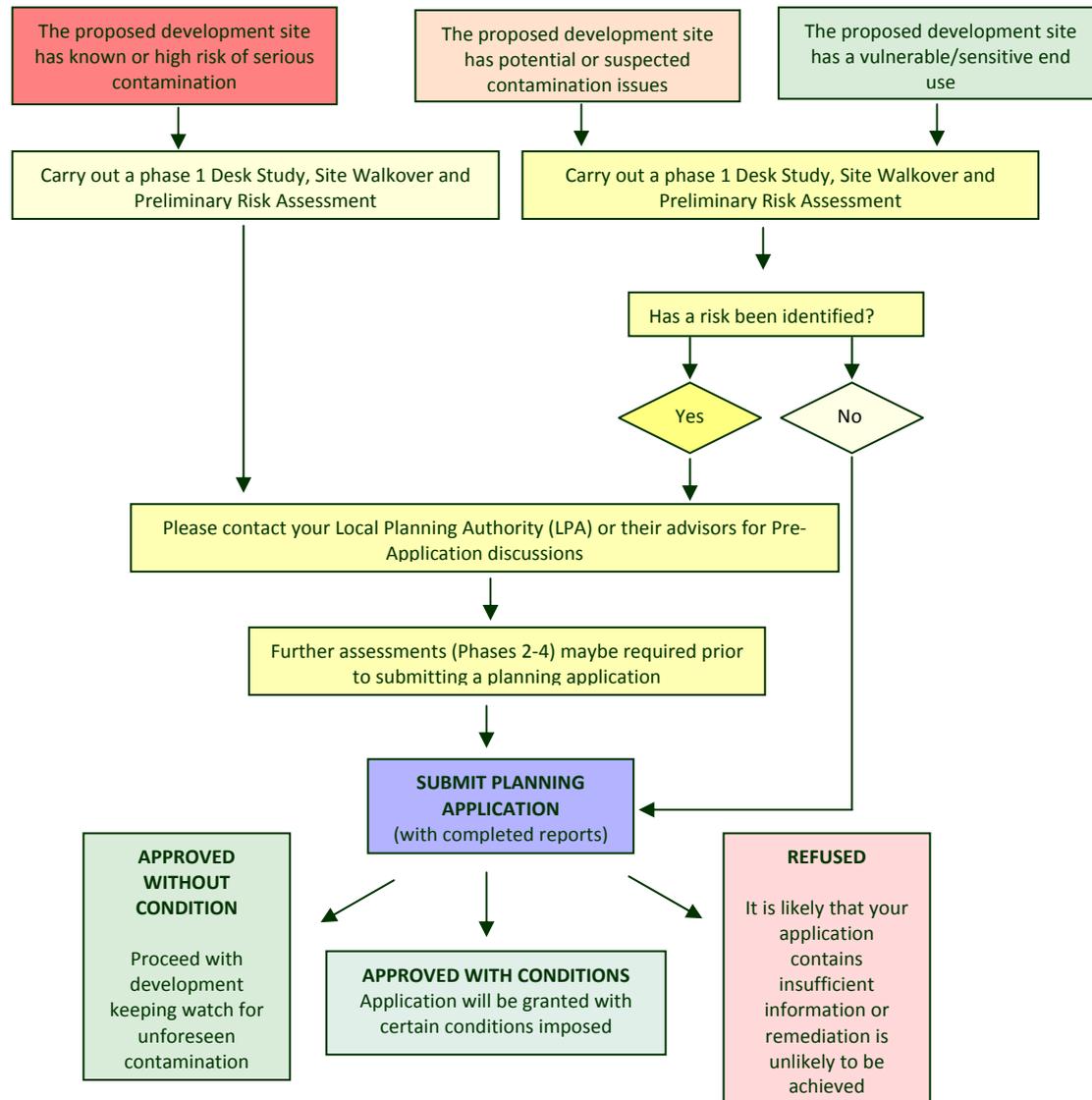


Figure 2 – The Planning Application Process

Contacts

Local Authorities

Aylesbury Vale District Council	envhealth@aylesburyvaldc.gov.uk	01296 585605
Chiltern District Council	sustainable@chiltern.gov.uk	01494 732060
Milton Keynes Council	ehept@milton-keynes.gov.uk	01908 252398
South Bucks District Council	envhealth@southbucks.gov.uk	01895 837200
Wycombe District Council	environmentalhealth@wycombe.gov.uk	01494 421307

Environment Agency

enquiries@environment-agency.gov.uk 08708 506506

Guidance and References

Parties involved in site investigations are encouraged to have regard to the following guidance and reference material. The list is not exhaustive and is current at the time of writing.

- 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
- British Standards Institution (1997). 1997-2:2007: Eurocode 7: Geotechnical Design Part 2: Ground Investigation and Testing. BSI London
- Office of the Deputy Prime Minister (ODPM) (2004). Planning and Policy Statement 23: Planning and Pollution Control (PPS23). Annex 2: Development on Land Affected by Contamination. ODPM, London (now Department of Communities and Local Government (DCLG))
- Department of the Environment (1995). DoE Industry Profiles. Available from www.environment-agency.gov.uk
- DEFRA and Environment Agency (2004). CLR11: Model Procedures for the Management 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 not that legislation, guidance and practical methods are inevitably subject to change. This note should therefore be read in conjunction with prevailing legislation and guidance. 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 and to determine the contamination status of a site and the remediation requirements.

Acknowledgements

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