

Appendix 5 -Submitting an Application for Land Which May Be Contaminated

Introduction

This note is intended to give an overview of the process for preparing a planning application for land which is potentially contaminated or where the proposed end use is sensitive or vulnerable to land contamination.

Government 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.

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 from natural sources such as Radon

The risks from potential contamination should be identified at the application stage of the planning process.

Submitting a Planning Application

Section 14 of the application form highlights the requirements of the NPPF (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. Information on potential contaminative activities can be found in the Department of Environment Industry Profiles <https://www.gov.uk/government/publications/department-of-environment-industry-profiles>

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

These uses would include any residential building, schools, nurseries and allotments. Extensions or conservatories will be excluded, unless there is a specific known land contamination issue.

If the answer to any of the above questions is 'Yes', then an appropriate **Contamination Assessment** must be submitted.

Contamination Assessments

The information which should accompany the planning application consists of a desktop study, site walkover and initial risk assessment. This work 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

Disclaimer

This Note is intended to serve as an informative and helpful source of advice. It is the responsibility of the person/company involved in the development or assessment of potentially contaminated land to properly assess the contamination of a site and the remediation requirements. The responsibility for the safe and secure occupancy of the development lies with the developer.

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 pathways linking the two e.g. direct contact, vapours.
- Potential receptors that may be harmed e.g. residents, Controlled waters (surface and groundwater).

If the assessment 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 site investigations will be required before your application is registered.

Figure 1: Section 14 of Planning Application Form

14. 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?
If yes, you will need to submit an appropriate contamination assessment with your application.

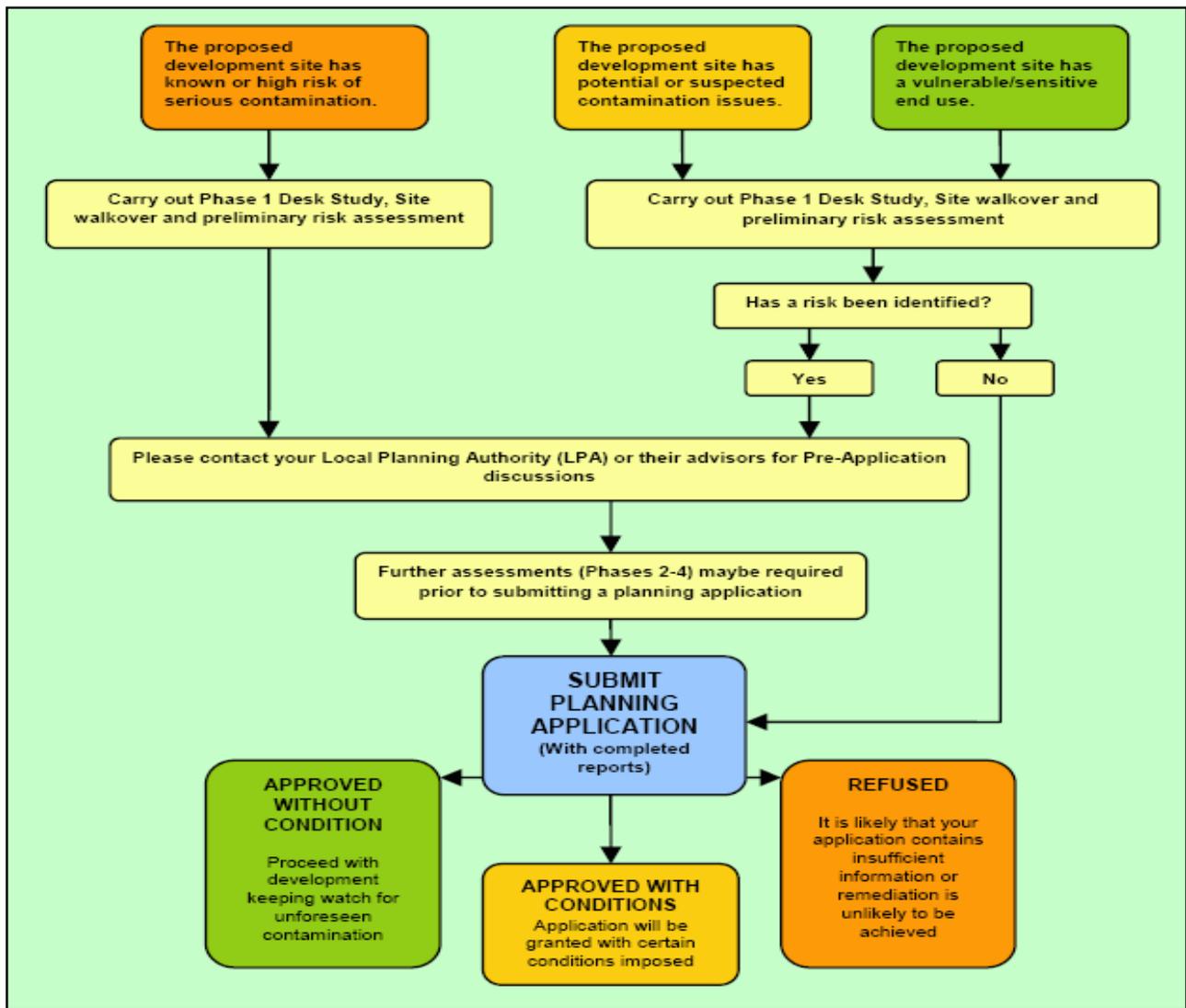
Land which is known to be contaminated? Yes No

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

Further Information

Further information on Land Contamination can be found in the Planning Practice Guidance at: <http://planningguidance.planningportal.gov.uk/blog/guidance/land-affected-by-contamination/land-affected-by-contamination-guidance/>



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