



STROUD DISTRICT COUNCIL
www.stroud.gov.uk



2002-2003
Crime Reduction in Rural Areas
2004-2005
Services for Older People

Development of Potentially Contaminated Land- Guidance for Developers, Consultants and Agents



September 06 – 2nd edition

Introduction

In common with many urban areas, Stroud District Council Planning Department receives an increasing number of planning applications for developments on previously developed land where the potential for contamination exists.

This leaflet is designed to assist developers, planning agents and other professionals who are involved with the redevelopment of potentially contaminated land.

This leaflet does not comprise comprehensive guidance, however, and careful consideration should also be given to the other enclosed references.

Stroud's Heritage

Like many other areas in the UK, the Stroud District has a long history of industrial activity. The basis of the District's industrial heritage was the wool and textile industry, along with associated processes e.g. the manufacture of dyes. In addition the District was host to a wide variety of other industrial uses including brickworks, gasworks, lime burning, quarrying, wire manufacture, fellmongery and tanning, board manufacture and even the manufacture of such diverse products as fireworks and artificial manure

These industrial activities often resulted in contamination of the land, and many of these former industrial sites have since been developed for residential use.

The Developer's Responsibilities

The Government recognises potential land contamination as a material planning consideration and that the development phase is the most cost-effective time to resolve any problems. The Government's approach is set out in Planning Policy Statement 23.

It is the developer's responsibility to ensure that development is safe and to satisfy the Local Planning Authority that any risks from potential contamination have been adequately addressed.

To this end the developer should carry out an adequate assessment of the site, considering the potential for contamination and where necessary arrange for an intrusive investigation to be carried out to confirm its nature and extent. If significant contamination is identified then appropriate remediation should be undertaken to render the site suitable for its intended use.

Failure to properly address contamination issues during development could lead to a future liability being incurred under the Contaminated Land Regulations (Part IIA of the Environmental Protection Act 1990).

Additionally the developer has a responsibility to protect the welfare of construction workers operating on potentially contaminated sites and to manage other potential environmental impacts arising from development, such as control of dust and odour and appropriate management of any contaminated spoil.

The Local Planning Authority's Responsibilities

The Local Planning Authority has a duty to take account of all material planning considerations, including potential contamination, when considering an application.

Usually where there is reason to believe land may be contaminated, or the proposed development is of particular sensitivity (such as housing with gardens or a school) a full assessment may be required in advance of Planning Approval being issued. On other sites a planning condition requiring assessment of possible contamination may be applied to the approval notice.

Where significant contamination issues are anticipated on a development, developers are encouraged to undertake pre-application consultation with the Contaminated Land Officer and the Environment Agency. Submission of a desk-study report or other supporting information with the application may assist the decision making process.

Stroud District Council's Contaminated Land Officer and the Environment Agency will act as consultees to the Local Planning Authority regarding risks to human health and controlled waters.

The Role of Other Organisations

The *Environment Agency* is a statutory consultee for many planning applications where development is proposed on potentially contaminated land. The Environment Agency have a duty to protect groundwater and surface waters and the developer will need to ensure that any concerns of the Environment Agency are satisfied prior to development.

The *Building Control Inspector* will also need to be satisfied that any risks to the development from potential contamination have been adequately addressed. The Building Regulations 2000 require that builders demonstrate that hazards from potential contamination have been properly assessed and appropriate measures put in place to address any risk.

Reporting Requirements

It is vital that redevelopment of potentially contaminated land is undertaken with a sufficient degree of transparency and openness. This will maintain public confidence in the development and minimise any potential for blight. Maintaining a comprehensive set of records will assist regulators and ensure that any future enquiries about the development can be answered effectively.

When submitting a planning application the applicant should provide information on whether the site might be contaminated.

Where a developer is proposing to develop land suspected of being contaminated, it is strongly advised they contact the Council's Contaminated Land Officer before submitting an application, as the Council may hold additional information that may be of importance.

The scope of work undertaken and subsequent reports should reflect the size and complexity of the site, the nature of the development and the likely contamination risks.

Assessment, investigation and remediation of a potentially contaminated site can be considered as containing four key steps, or phases. The tables below give an *overview* of these phases and what should be included in the reporting of each stage of work.

These tables provide an overview only and should not be considered to represent an exhaustive list of requirements or comprise comprehensive or definitive guidance.

A - Phase I Report (including Desk Top Study)	
a	Purpose and aims of the study
b	Plans of site location and layout
c	Assessment of the site's Environmental Setting <ul style="list-style-type: none"> - geology, hydrogeology, hydrology - information from the Environment Agency <i>pollution incidents, abstractions, discharges etc</i> - information from Stroud District Council <i>potentially contaminated land, previously submitted reports</i>
d	Review of historic mapping
e	Assessment of current and proposed site use
f	Review of previous site investigation reports and information
g	Findings of site walkover
h	Initial risk assessment <ul style="list-style-type: none"> - development of conceptual model for the development - assessment of possible pollution linkages
i	Assessment and recommendations <ul style="list-style-type: none"> - proposals for intrusive investigation, if required

Should the Phase I Assessment indicate that no contamination concerns exist then no further action is necessary, though it is necessary to submit the report and confirm this with the Contaminated Land Officer before proceeding.

B - Phase II Report (including Intrusive Site Investigation)	
a	Reference to the Phase I Report and any other relevant reports
b	Aims and objectives of the investigation
c	Site investigation methodology <ul style="list-style-type: none"> - methods of investigation - plan showing investigation locations, with justification - sampling and analytical strategy
d	Factual results and findings <ul style="list-style-type: none"> - details of ground conditions - details of chemical testing results
e	Development of conceptual model for the development
f	Risk Assessment <ul style="list-style-type: none"> - considering all potential linkages identified in the conceptual model - comparison of results against generic screening values - further assessment of results as necessary - any risk assessment to be justified and the approach documented
g	Assessment and Recommendations <ul style="list-style-type: none"> - proposals for remediation / mitigation, if required

C - Remediation Strategy	
a	Aims and objectives of the remediation works
b	Details of the remedial proposals <ul style="list-style-type: none"> - works to be undertaken - details of the contamination to be remediated - plan showing details of remedial works - details of programme, timescales and phasing of works
c	Details of control procedures / method statements <ul style="list-style-type: none"> - control of dust, noise and odour - control of surface run-off - traffic management and health and safety measures
d	Details of all required consents, authorisations and licenses
e	Details of how any necessary variations will be dealt with <ul style="list-style-type: none"> - notification of the Local Authority / Environment Agency
f	Details of how the remedial works will be validated <ul style="list-style-type: none"> - proposed remediation standards - monitoring strategy and objectives - details of validation timescales and phasing

Similarly should the Phase II Investigation findings indicate that no contamination concerns exist then no further action is necessary, though again it is necessary to submit the report and confirm this with the Contaminated Land Officer before proceeding further.

The remedial strategy should be submitted to the Contaminated Land Officer and the Environment Agency for approval before proceeding to undertake the remedial work.

D - Completion Report (including Validation Report)	
a	Details of how remedial work was undertaken - with reference to Ca) to Cf) set-out in the remedial strategy
b	Details of who carried out the work
c	Details and justification for any variations from the strategy
d	Details of waste treatment/processing or disposal; including transfer notes
e	Validation testing and monitoring results and assessment
f	Final confirmation that the remedial objectives have been achieved

A more detailed description of the various stages of investigation of a potentially contaminated site can be found in CLR 11: The Model Procedures, published by DEFRA 2004.

All reports should be prepared by appropriately qualified professionals and comply with considered current good practice. A short list of selected good practice guidance documentation is included at the end of this guidance note.

Accredited drillers and laboratories should be employed for all investigation and analysis. Copies of the full laboratory results appended. Sampling methodologies, chain of custody information, all borehole logs and risk assessment calculations should also be included.

Submission Guidelines

It is strongly encouraged that draft copies of reports be issued to the Contaminated Land Officer as part of the ongoing discussions. This is often useful for the purposes of seeking an informal view on findings or proposals before proceeding to formal submission.

Formal submission of reports, for the purposes of discharging planning conditions, should be sent directly to the Planning Officer; three hard copy reports should be submitted.

Alternatively copies may be cc'd directly to the Contaminated Land Officer and Environment Agency if desired, to aid timely consideration. If copies of reports are issued directly to the Contaminated Land Officer and the Environment Agency then the Planning Officer needs to be made aware that this is the case.

Applicants are also strongly encouraged to also submit electronic format reports, in addition to hardcopy versions, either on CD-ROM or by email.

Discharge of Conditions

Upon receipt of either a Phase I Desk-Study Report or a Phase II Investigation Report indicating no further investigation or remediation is necessary, or a satisfactory Completion Report following successful remediation, the Planning Officer will proceed to discharge any outstanding contaminated land conditions.

Access to Environmental Information

Information held by Stroud District Council is governed by the requirements of the Environmental Information Regulations 2004, Freedom of Information Act 2000 and Data Protection Act 1998.

The Town and Country Planning Act also requires that all information submitted in support of a planning application be placed on the Planning Register and be publicly available, unless certain restrictive circumstances apply.

It should therefore be routinely assumed that all information submitted to the Council will be available for public inspection.

Intellectual property rights will however be respected and duplicate copies of material subject to copyright laws will not be made or allowed.

Environmental Impact Assessment

Certain applications may fall within the scope of the Environmental Impact Assessment Regulations 1999. Where this is the case an Environmental Statement will be required to support the planning application, as stipulated by these regulations. It is likely however, that additional information concerning land quality will be required to fully assess applications on potentially contaminated sites, in addition to the consideration contained in a typical Environmental Impact Assessment.

COMPLETION STATEMENT

Development:

Planning Application Reference:

Undertaken Between the Dates of:

and

Notes:

- 1 – Please complete Section A in full.
- 2 – If no potential risks were identified then continue to Sections D and E as appropriate.
- 3 – Otherwise complete all Sections as appropriate
- 4 – List all reports that apply

Part A - Phase I Assessment and Desk-Study

Confirmation that an acceptable Phase I Assessment has been undertaken for the above development, detailed in the Phase I Report(s)*:

Title:	Ref:	Author:	Date:

Part B - Phase II Investigation

Confirmation that an acceptable Phase II Intrusive Investigation has been undertaken for the above development, detailed in the Phase II Report(s)*:

Title:	Ref:	Author:	Date:

Part C - Remediation Proposals

Confirmation that remediation measures to afford appropriate protection from identified risks have been proposed, detailed in the Remediation Strategy Report(s)*:

Title:	Ref:	Author:	Date:

Part D - Remedial Implementation			
Confirmation that the proposed remedial measures were satisfactorily implemented as per the agreed Remedial Strategy Report (C), detailed in the Validation Report(s)*:			
Title:	Ref:	Author:	Date:

Part E - Imported Soil Quality			
Confirmation that all soils imported as part of the development were confirmed to be free from significant contamination, detailed in the Report(s)*:			
Title:	Ref:	Author:	Date:

Part F - Management of Remediation			
Confirmation that all site contractors were required to be alert for, and report any evidence of, further, unsuspected contamination - and either none was so identified or having been identified, was satisfactorily remediated, detailed in the Report(s)*:			
Title:	Ref:	Author:	Date:

Part G - Declaration	
Signed:	Date:
Person(s) Supervising to Works on Site - please detail position & company:	
Signed:	Date:
On behalf of the Developer - please detail position & company:	

* Approved in writing by the Local Authority

Selected Recommended Guidance and Weblinks

- 1 British Standard BS10175: Code of Practice for Investigation of Potentially Contaminated Sites, BSI (2001)
- 2 The Building Regulations: Site Preparation and Resistance to Contaminants and Moisture, Approved Document C, ODPM (2004)
- 3 CLR7-11 Contaminated Land Reports, DEFRA and the Environment Agency (2002+)
- 4 DOE Industry Profiles, Department of the Environment (1996)
- 5 Framework for Deriving Numerical Targets to Minimise the Adverse Human Health Effects of Long Term Exposure to Contaminants in Soil, SNIFFER (2000)
- 6 PPS23 Annex 2: Development on Land Affected by Contamination, ODPM (2004)
- 7 Publication 66: Guidance for the Safe Development of Housing on Land Affected by Contamination, Environment Agency and NHBC (2000)
- 8 R&D Technical Report P5-066: Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, Environment Agency (2004)

Contamlinks Website

www.contamlinks.co.uk

CIRIA Contaminated Land Website

www.contaminated-land.org

DEFRA

www.defra.gov.uk

Environment Agency

www.environment-agency.gov.uk

Stroud District Council Contaminated Land Officer

Email katie.larner@stroud.gov.uk

01453 754469

Stroud District Council Planning Department

Email planning@stroud.gov.uk

01453 754442

Stroud District Council Building Control

Email building.control@stroud.gov.uk

01453 754516

Environment Agency – National Switchboard

Email enquiries@environment-agency.gov.uk

08708 506 506