Developing Contaminated Land within Lincolnshire

A guide to submitting planning applications to develop land that may be contaminated



Produced by
Lincolnshire Environmental Protection Liaison Group

Endorsed by
Lincolnshire Development Control Officers Forum

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Aim

This guidance note has been produced to provide initial advice to anybody who is proposing to develop or is involved in the development of land, which may be affected by contamination, through the planning process.

Introduction

Local Authorities in Lincolnshire are receiving an increasing number of planning applications for developments on previously used land – often referred to as "brownfield" sites. In many cases these sites are affected by the presence of contamination from historic industrial processes. The purpose of this guide is to make developers aware of their responsibilities and to set out what information the Council is likely to require in order to assess a planning application for land which may be contaminated.

It has been produced by the Lincolnshire Environmental Protection Liaison Group to provide a consistent and transparent county-wide approach to the development of contaminated land. It is written in accordance with relevant national guidance and legislation.

The Lincolnshire Approach

Government guidance recognises that potential contamination is a material planning consideration and that the development phase is the most cost-effective time to deal with the problem. Planning legislation and guidance places the responsibility on owners and developers to establish the extent of any potentially harmful materials on their sites.

It is the Council's duty to ensure that owners and developers carry out the necessary investigations and put forward proposals for dealing with any contamination in a responsible and effective manner.

Council's have an additional duty under Part IIA of the Environmental Protection Act 1990 to devise a strategy to identify all contaminated sites, whether or not they are subject to development proposals. Where contamination is found to be significant, the Council must actively take steps to remove or reduce the risk to people and the environment. Copies of the Council's contaminated land strategy are available on request.

Liaison with the Council

Where a developer is proposing to develop land that may be affected by contamination, it is recommended that contact be made with the Council to discuss land contamination issues before submitting a planning application. The Council will advise on what must be submitted with a planning application. This early contact should reduce time delays or misunderstandings at a later stage in the process.

The Lincolnshire Environmental Protection Liaison Group has produced an advisory note entitled "Development of Contaminated Land Affected by Contamination – A Guide for Lincolnshire Planning Authorities" which offers advice on the information that should be provided by the applicant for different types of development. The advisory note is attached as Appendix A and can also be found on the Council's website.

Overview of Contaminated Land Policy and Legislation

Part IIA of the Environmental Protection Act 1990 (Part IIA) came into force on the 1st April 2000. It introduced a new regime specifically to address the legacy of contaminated land, including its identification and remediation. Implementation of Part IIA is detailed in the DETR circular 02/2000, "*Contaminated Land*". In broad terms, it applies where land is causing unacceptable risks assessed on the basis of the *current* use and circumstances of the land.

However the planning system must operate on a wider basis because contamination can also have a potential impact on any future development and land use. Planning Policy Statement 23 – 'Planning and Pollution Control' (PPS23) details how the planning system aims to control future development and land use and states that in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development.

Some of these factors are outside the scope of the Part IIA contaminated land regime. However, the basic principles upon which Part IIA is based also apply in the context of planning control, including the approach to risk assessment, intervention, and remediation. It is the Government's intention that remediation of land affected by contamination through the granting of planning permission should secure the removal of unacceptable risk and make the site suitable for use. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under the terms of Part IIA of the Environmental Protection Act 1990.

PPS 23 confirms that land contamination is a material consideration for the purposes of town and country planning. Before granting permission, the Council as Local Planning Authority will ensure that full account is taken of the condition of the land concerned and that appropriate remediation is carried out to deal with unacceptable risk, or shall be required through planning conditions.

Model procedures for the Management of Contaminated Land (CLR11) have been developed to assist all those involved, to improve the understanding of a risk based approach and provide consistency within decision making when dealing with contaminated land.

The possibility of contamination should be assumed when considering planning applications in relation to **all** land subject to previous industrial use and also where sensitive uses are being considered (see Appendix A for examples). In addition, for planning purposes, it is immaterial whether the contamination arises from human activities or is present naturally. In certain areas of Lincolnshire there are naturally occurring elevated levels of metals, such as arsenic, that need consideration. You may wish to consider contacting your local Council for advice on this matter.

Regard to both PPS 23 and CLR11 should be given throughout the planning process.

What is required of the Developer?

Where a development is proposed, it is the responsibility of the developer to ensure that contaminated land issues are appropriately considered, that remediation takes place if necessary, and that the land is safe and " suitable for use ". In simple terms, suitable for use means that it is cleaned up to a level that is appropriate for the proposed end use. For example, a site that will be used for industrial use with a mainly hard covering will not necessarily need to be cleaned up to the same standard as if the site were to become a domestic garden.

Where contamination has occurred or is suspected, the Council will expect the following site investigation procedure to be carried out.

The Site Investigation Procedure

The site investigation procedure will identify the type and extent of any contamination and identify possible areas that may require remedial works in order to make a site suitable for use. The investigation can be split into three phases, although not every site will require each phase to be carried out. This approach allows resources to be targeted at the areas that are most likely to be contaminated. The phases should be submitted individually as separate reports. It is generally advisable that the Developer consults and agrees the findings and proposals of each phase with the Council before moving on to the next phase.

- **Phase I – Desk Study**

The desk study is the collection of information in order that the *'conceptual site model'* can be established. This model considers all potential sources of contamination, likely receptors (for example proposed future users of the site) and possible pathways between them. Where all three exist this is defined as a pollutant linkage. The study should document the site history and identify all potentially historical contaminative land uses. The conclusions of the report should contain recommendations for any progression to Phase II, if required.

- **Phase II – Detailed Investigation**

The 'Detailed Investigation' phase is the on-site validation of the conceptual model. Through intrusive investigation, chemical testing and quantitative risk assessment, the Phase II study can confirm possible pollutant linkages. It should also provide appropriate remediation options, if these are required.

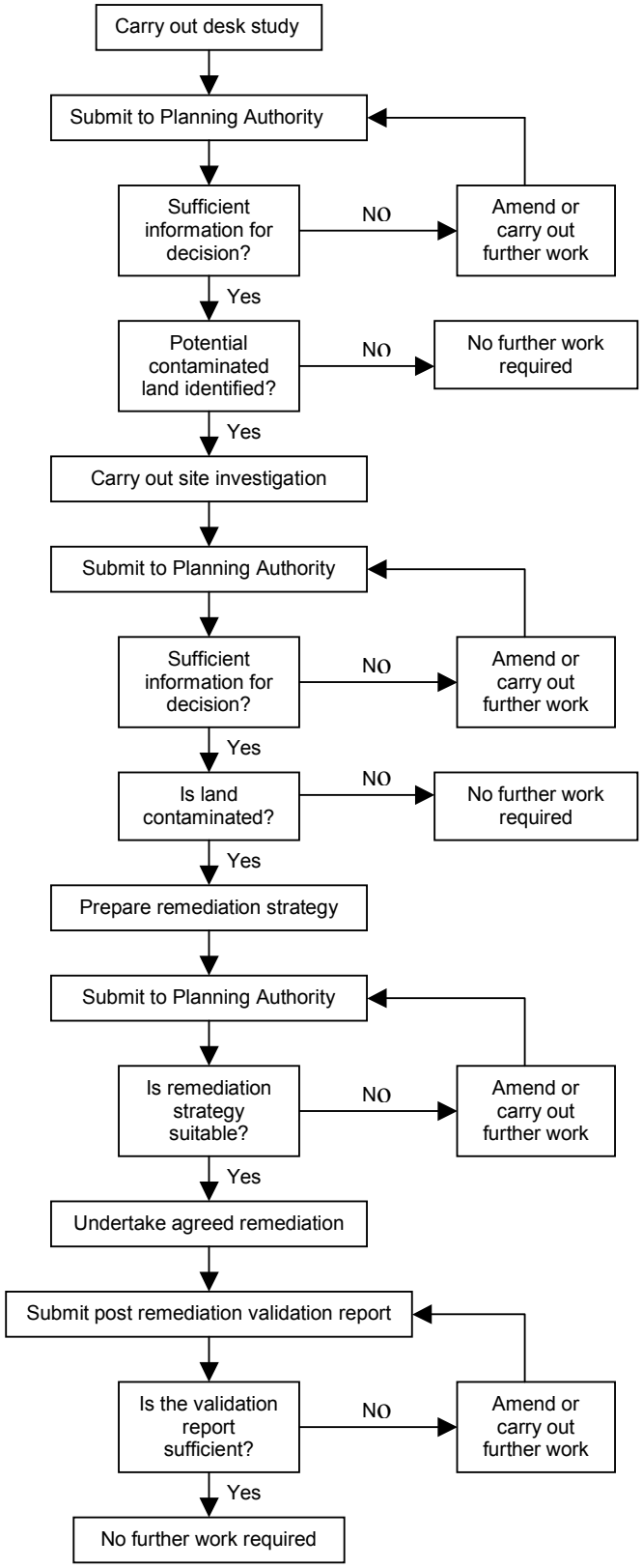
- **Phase III – Remediation Strategy / Validation Report**

The remediation phase of the process is split into two sections. Firstly, the 'Remediation Statement' is a document detailing the objectives, methodology and procedures of the proposed remediation works. The Developer must submit this for approval before any works commence. Secondly, following completion of the works, a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

A checklist for each stage of this procedure has been included in appendix B of this document.

Omitting any significant part of this process is likely to considerably delay the planning process. If after reading this document, you feel you need further advice or assistance, please contact your local council. Contact details are contained in Appendix D.

The procedure for considering potential land contamination is outlined below.



Other Useful Information

Using Consultants

Depending on the type or extent of the contamination, some of the processes involved in the development of the land may require using a specialist consultant or service (e.g. analytical laboratory). Care should be taken in appointing a consultant and the developer should look for experience in the particular area required and that the person or company contracted carries professional indemnity insurance if appropriate.

Some useful contacts for consultants groups and associated services are included in Appendix C. This is not an exhaustive list and there are other groups and industry bodies that represent those providing services in contaminated land.

Please note: The Council will not recommend individual consultants or companies.

Opportunities for Contaminated Land Development

Tax Relief

The Finance Act 2001 contains tax relief for the development of contaminated land in certain circumstances. More details of the tax relief are on the H.M. Revenue and Customs website;

http://www.hmrc.gov.uk/

Landfill Communities Fund (formerly known as the Landfill Tax Credit Scheme)

Through the Landfill Communities Fund it may be possible to apply for grants to fund schemes for land reclamation. Contact details for further information are as follows:

Entrust, Acre House, 2 Town Square, Sale, Cheshire M33 7WZ

Tel: 0161 972 0044 Fax: 0161 972 0055

www.entrust.org.uk

www.ltcs.org.uk

Other useful contacts

English Heritage:

York Region (North Lincs and NE Lincs Councils)
37 Tanner Row
York
Y01 6WP
Tel: 01904 601 901

Web: www.english-heritage.org.uk

East Midlands Region (Other Lincs Councils)
44 Derngate
Northampton
NM1 1UH
Tel: 01604 735400

Web: www.english-heritage.org.uk

English Nature:

Humber to Pennines Team (North Lincs and NE Lincs Councils)
Bull Ring House
Northgate
Wakefield
West Yorkshire
WF1 3BJ
Tel: 01924 334500
Fax: 01904 334535

Web: www.english-nature.org.uk

Eastern Area Team (Other Lincs Councils)
The Maltings
Wharf Road
Grantham
Lincolnshire
NG31 6BH
Tel: 01476 584800
Fax: 01476 584838

Web: www.english-nature.org.uk

Regional Development Agency:

Yorkshire Forward (North Lincs and NE Lincs Council)
Victoria House
2 Victoria Place
Leeds
LS11 5AE
Tel: 0113 3949600
Fax: 0113 2431088

Web: www.yorkshire-forward.com

East Midlands Development Agency (Other Lincs Councils)
Apex Court
City Link
Nottingham
NG2 4LA
Tel: 0115 9888300
Fax: 0115 8533666

Web: www.emda.org.uk

Environment Agency:

Anglian Region
Contaminated Land Officer
The Environment Agency
Waterside House
Waterside North
Lincoln
LN2 5HA
Tel: 08708 506506

Midlands Region
Contaminated Land Officer
Trentside Offices
Scarrington Road
West Bridgford
Nottingham
NG2 5FA
Tel: 08708 506506

Web: www.environment-agency.gov.uk

Recommended References

This list is not exhaustive or exclusive, but indicates the more relevant guidance and information available.

British Standard BS 10175:2001 - 'Investigation of potentially contaminated sites – Code of Practice' (ISBN 0 580 33090 7)

Department for Environment, Food and Rural Affairs and The Environment Agency (2002). CLR 7 - Assessment Of Risks To Human Health From Land Contamination: An Overview Of The Development Of Soil Guideline Values And Related Research. Environment Agency (ISBN 1 857 05732 5)

Office of the Deputy Prime Minister (2004). Planning Policy Statement 23: Planning and Pollution Control. HMSO, London.

Department of the Environment, Food and Rural Affairs and Environment Agency (2004). Model Procedures for the Management of Contaminated Land - Contaminated Land Report 11, Environment Agency (ISBN 1 844 32295 5)

DoE Industry Profiles (1995) *(*Various titles*).*

DoE Report CLR2 (1994 – 2 volumes) – 'Guidance on preliminary site inspection of contaminated land'

DoE Report CLR3 (1994) – 'Documentary research on industrial sites'.

Environment Agency Technical Report P5-065/TR (2000 – 2 volumes) 'Technical aspects of site investigation' (ISBN 1 85705 5446 and ISBN 1 85705 5454)

Environment Agency Technical Report P5-066/TR (2000) – 'Secondary model procedure for the development of appropriate soil sampling strategies for land contamination'

Department of the Environment, Food and Rural Affairs – 'Circular01/2006 - Environmental Protection Act 1990, Part 2A. Contaminated Land' September 2006

Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66. Joint publication by Environment Agency and NHBC. ISBN 0-11-310177-5.

Performance Standard for Laboratories Undertaking Chemical Testing of Soil. Environment Agency February 2003 version 2

DOE Reports CLR 8 Potential Contaminants For The Assessment Of Land; CLR 9 Contaminants In Soil: Collation Of Toxicological Data & Intake values For Humans; CLR 10 The Contaminated Land Exposure Assessment (CLEA) Model: Tech. Basis & Algorithms

Development on Land Affected by Contamination – A Guide for Lincolnshire Planning Authorities



Produced by

Lincolnshire Environmental Protection Liaison Group (Contaminated Land Sub-Group)

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Introduction

This document has been written in order to expand upon the standard set of planning conditions that have previously been devised by the Contaminated Land Sub-Group of the Lincolnshire Environmental Protection Liaison Group (LEPLG), for use on development sites in Lincolnshire where the possibility of land affected by contamination is a 'material planning consideration'.

In producing this document, consideration has been given to Planning Policy Statement 23: Planning & Pollution Control, published in November 2004 by the ODPM. This document follows the key principles within Annex 2 of PPS 23, in order to inform the Local Planning Authorities in Lincolnshire of how Central Government requires contaminated land to be dealt with under the planning regime, and, it is hoped, to ensure that there is full support for any recommendations made by individual Contaminated Land Officers on future planning applications.

The purpose of this document is to:

- Demonstrate how particular development scenarios should be dealt with in the context of contaminated land; and
- Get a consistency of approach across all the Local Planning Authorities in Lincolnshire when dealing with planning applications.

The document is divided into three Sections:

- Section 1 provides an overview of PPS 23: Annex 2, its purpose and the key considerations that have to be made for every planning application, as presented in Table 1;
- Section 2, which presents the full set of standard planning conditions for use on sites where land contamination is a material planning consideration; and
- Section 3, which introduces a matrix of the various planning scenarios and how they should be considered with regard to land affected by contamination.

Finally, at the back of the document is Table 2, which is taken directly from PPS 23: Annex 2 and sets out a list of potentially contaminative land uses. This list is not exhaustive in either covering all uses that have the potential to cause contamination or in covering all forms of contamination likely from a particular sector, but does provide a useful reference point.



1.0 Planning Policy Statement 23: Planning & Pollution Control

PPS 23 replaces the remaining extant parts of PPG 23, which is now cancelled. Annex 2 (Development on Land Affected by Contamination) of the document gives the necessary legislative and technical background and examples of good practice to assist Local Planning Authorities with implementing the policies in PPS23. The aim is to ensure that planners, developers and their advisers address land contamination issues at the appropriate stage and consistently with the arrangements under Part IIA of the Environmental Protection Act 1990.

Table 1 below presents the key policy changes introduced by PPS 23: Annex 2, which should be considered by Development Control Officers & Contaminated Land Officers before a planning application is received.

Table 1: Development Control & When to Consider Contamination

1. Where development is proposed on land that is or may be affected by contamination, an assessment of the risk should be carried out before the application is determined (PPS 23 Annex 2, Para 2.33).
2. The possibility of contamination should be assumed when considering applications in relation to <u>all</u> land subject to or adjacent to previous industrial/commercial use (as outlined in Table 2.1 of PPS 23 Annex 2).
3. Where the proposed use would be particularly vulnerable (such as housing with gardens, schools, hospitals, children's play areas, nurseries or allotments), the LPA should require the applicant to provide with the application such information as is necessary to determine whether the proposed development can proceed. However, a balanced approach should be adopted, as it would be disproportionate to require every applicant to carry out a detailed and expensive site investigation. As such, it is considered that the minimum requirement that should be provided by an applicant is the report of a desk study and site walkover (known as a Phase I Environmental Assessment or Desk Study) (PPS 23 Annex 2, Para 2.42).
In the above situations, we also recommend that developers arrange pre-application discussions with the LPA, Environmental Health, Environment Agency & Building Control to help identify the likelihood, possible extent and nature of contamination, and its implications for the development being considered.
4. Before an application is considered, the Contaminated Land Officer (CLO) will examine their own & other local sources of information about the condition & history of the land, as well as information from the applicants. The list of prioritised sites formulated by the Contaminated Land Strategy will also be consulted.
5. Full account should be taken of whether the proposed use or development is likely to be affected by contamination. For example, the addition of a new storey to an existing building is unlikely to be significantly affected by contamination, whereas lateral expansion onto former industrial land may expose new pollution linkages (PPS 23 Annex 2, Paragraph 2.40).



Table 1 (continued)

6. The presence of naturally occurring contaminants such as radon, arsenic & methane from natural sources, may pose a risk to human health or the environment, and their presence is a material planning consideration (PPS 23 Annex 2, Paragraph 2.32). In the case of radon, the CLO will not normally comment on the need for a survey or protection measures and we would advise that the LPA liase with their Building Control Department in such circumstances.
7. Radioactively Contaminated Land – The Environment Agency should always be consulted where land is known or suspected to be contaminated with radioactive substances (PPS 23 Annex 2, Paragraph 2.11).

Extreme caution should be taken in granting outline planning permission unless the LPA is satisfied that it has enough information from the applicant about the condition of the site, and that the proposed development is appropriate as a means of remediating it. The need for further investigations and the detailed design of remediation might still be needed, although these can be identified as reserved matters (PPS 23 Annex 2, Paragraph 2.55).



2.0 Standard Planning Conditions

PPS 23 Annex 2, Paragraph 2.62 states that… LPAs should consider the use of three-stage conditions to address safe development on land affected by contamination, which aim to:

- provide for further investigation & characterisation of the site to confirm the nature and extent of contamination and validate the conceptual model and allow more refined risk assessment and appraisal of remedial options;

- to propose and receive approval for a remediation scheme that ensures the removal of unacceptable risks to make the site suitable for use; and

- to submit and receive approval for a validation report that demonstrates the effectiveness of the remediation carried out, preferably before building begins and certainly before the site is occupied by future users.

Some examples of conditions that have been used by LPAs are contained within Appendix 2B of PPS 23 Annex 2 (Please note that the conditions in Example A of the above document are based on the set of conditions produced by LEPLG in October 2004).

The full set of standard conditions that can be applied in order to ensure the safe development of land affected by contamination, are presented overleaf - (**Lincolnshire Environmental Protection Liaison Group Standard Planning Conditions for Potentially Contaminated Sites: CL1 – CL5**).

It is important to note that typically the full set of standard conditions will only be required for developments where no, or very limited, information is presented with the application. In circumstances where the applicant has provided some information, only those conditions that are applicable will be required. For example, a developer may have carried out a Phase I and detailed site investigation prior to buying a site, and then submitted this information with their application. Their report subsequently identifies that upon completion of specific remediation works, the proposed development will be appropriate for the site. In this case the CLO may only recommend that condition CL3 – CL5 be applied. In other cases, it may be appropriate for the LPA to only impose condition CL5, requiring the reporting of all instances of contamination that may be encountered during the course of development (e.g. a single dwelling being constructed on land previously remediated, or an extension to a factory/dwelling located on a former contaminative use).



LEPLG Standard Planning Conditions for Potentially Contaminated Sites

CL1. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

CL2. Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

Reason: To ensure the proposed remediation plan is appropriate.

CL3. Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

CL4. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

…Cont'd



CL5. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

Note to Applicant: *The phased environmental assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA.*

The applicant's attention is also drawn to the document entitled: "Developing Land within Lincolnshire – A guide to submitting planning applications to develop land that may be contaminated". This can be obtained through the Council's Environmental Health Department.



3.0 Planning Matrix

Type of Development	Information required from the Applicant	Action to Determine Applications	
Major Dwellings (>10 or >1 Ha) on greenfield or previously developed land or adjacent to current/ previous industrial land	Applicants should submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. As a minimum this should comprise a Phase I report (desk study) prior to, or with, their application. Where the desk study and site reconnaissance does not provide sufficient information to assess the risks and appraise remedial options, further investigations will need to be carried out before the application is determined.[2] **Failure to produce an appropriate report will either result in the application not being registered or in a recommendation to refuse the application.**	Where the applicant's report(s) or the CL Officer's own records identify the likelihood of contamination, the appropriate conditions will be applied to the development.	Conditions will not be applied where the possibility of pollutar linkages are not identified.
Major MSW (manufacture, storage, warehouse >1,000 sq m) on previously developed land or adjacent to previous industrial use[1] Major Offices (>1,000 sq m) on previously developed land or adjacent to previous industrial use[1] Major Others on previously developed land or adjacent to previous industrial use[1] Major Retail (>1,000 sq m) on previously developed land or adjacent to previous industrial use[1]	Applicants should submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. As a minimum this should comprise a Phase I report (desk study) prior to, or with, their application. Where the desk study and site reconnaissance does not provide sufficient information to assess the risks and appraise remedial options, further investigations will need to be carried out before the application is determined.[2] **Failure to produce an appropriate report will either result in the application not being registered or in a recommendation to refuse the application.**	Where the applicant's report(s) or the CL Officer's own records identify the likelihood of contamination, the appropriate conditions will be applied to the development.	Conditions will not be applied where the possibility of pollutar linkages are not identified.

[1]Major MSW/ Offices/ Others/ Retail developments on greenfield land should not require the consideration of land affected by contamination, although a precautionary approach should be taken for very large developments or where naturally occurring levels of arsenic, methane & carbon dioxide are a potential risk.

[2]We recommend that developers arrange pre-application discussions with the LPA, Environmental Health, Environment Agency & Building Control to help identify the likelihood, possible extent and nature of contamination, and its implications for the development being considered.



Type of Development	Information required from the Applicant	Action to Determine Applications	
Minor Dwellings (e.g. 1-10 dwellings) on previously developed land or adjacent to previous industrial use	Applicants should submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. As a minimum this should comprise a Phase I report prior to, or with, their application. Where this information is not forthcoming, it may result in a recommendation to refuse the application.	Where the likelihood of significant contamination is identified by the CLO or the applicant's own report(s), the appropriate conditions will be applied to the development.	Conditions will not be applied where the possibility of pollutar linkages are not identified.
Householder (e.g. extensions to existing dwellings) on previously developed land or adjacent to previous industrial use	Typically, Householder developments (i.e. extensions) should not require an environmental assessment to support their application, unless there are reasonable grounds to suspect that pollutant linkage(s) will be created (or where specific information is known about the contaminated status of a site).	Contaminated Land Officers should be aware of those residential areas within their area where the construction of extensions could result in the creation of a pollutant linkage(s) & should advise applicants of the necessary steps required to ensure safe development.	Where the likelihood of significant contamination is identified by the CLO or the applicant's own report(s), the appropriate conditions will be applied to the development.
Minor Change of Use	Consideration of the possibility of land affected by contamination should not be required, unless the change of use is to a domestic dwelling, allotments or similar sensitive land-use.	Where the likelihood of significant contamination is identified, the appropriate conditions will be applied to the development.	
Minor Cons Area Consent Minor Advertisement Minor Listed Building Alterations Minor Listed Building Demolition Minor Minerals	Consideration of the possibility of land affected by contamination should not normally be required.		



Type of Development	Information required from the Applicant	Action to Determine Applications
Minor MSW on previously developed land or adjacent to previous industrial use[3]. Minor Offices on previously developed land or adjacent to previous industrial use[3]. Minor Others on previously developed land or adjacent to previous industrial use[3]. Minor Retail on previously developed land or adjacent to previous industrial use[3].	Full account should be taken of whether the proposed use or development is likely to be affected by contamination. For example, the addition of a new storey to an existing building is unlikely to be significantly affected by contamination, whereas lateral expansion onto former industrial land may expose new pollution linkages. Where a former potentially contaminative use is identified, applicants should submit as a minimum a Phase I report prior to, or with, their application.	Where the CL Officer identifies the possibility of contamination, all of the conditions (CL1-CL5) will be applied to the development, unless as a minimum a Phase I report is submitted prior to or with the application, which indicates no significant risk of contamination.
[3]Minor MSW/ Offices/ Others/ Retail developments on greenfield land should not require the consideration of land affected by contamination, although a precautionary approach should be taken for developments where naturally occurring levels of arsenic, methane & carbon dioxide are a potential risk.		



Table 2: Examples of Potentially Contaminating Uses of Land & Situations Where Land May be Affected by Contamination (taken from PPS 23: Annex 2, Table 2.1)

A wide range of industries may historically have contaminated, or have the potential to contaminate the land they are sited upon (and neighbouring land) — The DOE Industry Profiles give further details.
– Smelters, foundries, steel works, metal processing & finishing works – Coal & mineral mining & processing, both deep mines and opencast – Heavy engineering & engineering works, e.g. car manufacture, shipbuilding – Military/ defence related activities – Electrical & electronic equipment manufacture & repair – Gasworks, coal carbonisation plants, power stations – Oil refineries, petroleum storage & distribution sites – Manufacture & use of asbestos, cement, lime & gypsum – Manufacture of organic & inorganic chemicals, including pesticides, acids/alkalis, pharmaceuticals, solvents, paints, detergents and cosmetics – Rubber industry, including tyre manufacture – Munitions & explosives production, testing & storage sites – Glass making & ceramics manufacture – Textile industry, including tanning & dyestuffs – Paper & pulp manufacture, printing works & photographic processing – Timber treatment – Food processing industry & catering establishments – Railway depots, dockyards (including filled dock basins), garages, road haulage depots, airports – Landfill, storage & incineration of waste – Sewage works, farms, stables & kennels – Abattoirs, animal waste processing & burial of diseased livestock – Scrap yards – Dry cleaning premises – All types of laboratories
Other uses & types of land that might be contaminated include:
– Radioactive substances used in industrial activities not mentioned above – e.g. gas mantle production, luminising works – Burial sites & graveyards – Agriculture – excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal – Naturally occurring radioactivity, including radon – Naturally occurring elevated concentrations of metals and other substances – Methane & carbon dioxide production & emissions in coal mining areas, wetlands, peat moors or former wetlands

APPENDIX B

Checklist for Reports Submitted in Support of Planning Applications

The Checklist has been designed to aid in the processing of planning applications. It provides a guide on what the Council will require when assessing the content of any site reports submitted as part of a planning application or in response to a planning condition. If any of the items listed below are not submitted in the reports then a full explanation why should be included. The list is not exhaustive, as the contents of any site reports will vary due to site specific issues e.g. the past use of the site, the nature and extent of the contamination, and the proposed end use of the site.

1. Desktop Reports (submit for approval with your application or, if you have planning permission before work starts)

- Purpose and aims of study;
- Site location and layout plans appropriately scaled and annotated;
- Appraisal of site history;
- Appraisal of site walkover survey;
- Assessment of environmental setting, to include:
    - Geology, hydrogeology, hydrology;
    - Information on coal workings (if appropriate);
    - Information from Environment Agency on abstractions, pollution incidents, water quality classification, landfill sites within 250m etc.
- Assessment of current / proposed site use and surrounding land uses;
- Review of any previous site contamination studies (desk based or intrusive) or remediation works;
- Preliminary (qualitative) assessment of risks, to include:
    - Appraisal of potential contaminant sources, pathways, and receptors (pollutant linkages);
    - Conceptual site model.

- Recommendations for intrusive contamination investigation (if necessary) to include:
    - Identification of target areas for more detailed investigation.

2. Detailed Investigation Reports (submit for approval with your application or, if you have planning permission before work starts)

- Review of any previous site investigation contamination studies (desk-based or intrusive) or remediation works;
- Site investigation methodology, to include:
    - Plan showing exploration locations, on site structures, above/below ground storage tanks etc, and to be appropriately scaled and annotated;
    - Justification of exploration locations;
    - Sampling and analytical strategies;
    - Borehole / trial pit logs.
- Results and findings of investigation, to include:
    - Ground conditions (soil and groundwater regimes, including made ground);
    - Discussion of soil/groundwater/surface water contamination (visual, olfactory, analytical).
- Conceptual site model;
- Risk assessment - Based on contaminant source - pathway - receptor model. (to assess the consequences and likelihood of occurrence). Details of the site specific risk assessment model selected and the justification in its selection and use should be stated;
- Recommendations for remediation should include all relevant information which should follow the "suitable for use" approach - based both on the current use and circumstances of the land and its proposed new use;
- Recommendations for further investigation if necessary.

3. Remediation Statements (submit for approval with your application or, if you have planning permission before work starts)

- Objectives of the remediation works;

- Details of the remedial works to be carried out, to include:
    - Description of ground conditions (soil and groundwater);
    - Type, form and scale of contamination to be remediated;
    - Remediation methodology;
    - Site plans/drawings;
    - Phasing of works and approximate timescales;
    - Consents and licences e.g. (discharge consents, waste management licence, asbestos waste material removal licence etc.);
    - Site management measures to protect neighbours.
- Details of how the works will be validated to ensure the remediation objectives have been met; to include:
    - Sampling strategy;
    - Use of on- site observations, visual/olfactory evidence;
    - Chemical analysis;
    - Proposed clean-up standards (i.e. contaminant concentration).

4. Validation Reports (submit for approval after remediation works undertaken)

- Include information as detailed in 3. above.
- Details of whom carried out the work.
- Details of and justification for any changes from original remediation statement.
- Substantiating data - should include where appropriate:
    - Laboratory and in situ test results;
    - Monitoring for groundwater and gases;
    - Summary data plots and tables relating to clean-up criteria;
    - Plans showing treatment areas and details of any differences from the original remediation statement;
    - Waste management documentation.
- Confirmation that remediation objectives have been met.

Appendix C

Useful contacts and addresses for Consultants and associated services

Association of Consulting Engineers:

Alliance House
12 Caxton Street
Westminster
London
SW1H OQL

Tel: 0207 222 6557

Fax: 0207 222 0750

Web: www.acenet.co.uk

Provides a free listing of all its members categorised by way of specialism, one of which is environmental contaminated land.

Association of Geotechnical and Geoenvironmental Specialists:

Forum Court
83 Copers Cope Road
Beckenham
Kent
BR3 1NR

Tel: 0208 658 8212

Fax: 0208 663 0949

Web: http://www.ags.org.uk/

Members are both consultants and contractors involved in the geo-environment offering services in ground investigation, contaminated land assessment and remediation, laboratory testing and analysis, environmental audits, hydrogeology and pollution control. Copies of membership list and details of publications are available from the Administrator.

British Expertise:

1 Westminster Palace Gardens
1-7 Artillery Row
London
SW1P 1RJ

Tel: 0207 222 3651

Fax: 0207 222 3664

Web: http://www.britishexpertise.org

A non-profit making multidisciplinary organisation of almost 300 independent consultancy firms and individuals. It has an environmental group representing engineers, architects, environmentalists, lawyers, economists and other disciplines. Direct enquiries are accepted to assist in identifying appropriate consultants.

Environmental Data Services (ENDS):

11–17 Wolverton Gardens
London
W6 7DY

Tel: 020 8267 8100

Fax: 020 8267 8150

Web: www.ends.co.uk

Holds a detailed database of consultants and offers a free service to anyone (including nonmembers); searches usually provide a minimum of five consultants meeting the criteria provided. ENDS directory of Environmental Consultants is a detailed directory of over 400 consultancies which includes information on choosing a consultancy. ENDS also publishes an analysis of the environmental consultancy market.

UK Accreditation Services:

21-47 High Street
Feltham
MIddlesex
TW13 4UN

Tel: 020 8917 8400

Fax: 020 8917 8500

Web: http://www.ukas.com/

Technical enquiry office answers specific questions/enquiries relating to laboratories involved in chemical analysis of contaminated land. Directory of accredited laboratories revised annually.

Specialist in Land Condition (SiLC)

Institute of Environmental
Management & Assessment
St Nicholas House
70 Newport
Lincoln
LN1 3DP

Tel: 01522 540069

Fax: 01522 540090

Web: www.silc.org.uk

A SiLC Professional and Technical Panel (PTP) established to develop a system for the registration of individuals completing the Land Condition Record (LCR). The use of a registered SiLC will give the highest level of credibility to the information provided. The above web site address gives a list of registered SiLC's.

Appendix D

Contacts details for your Local Council

East Lindsey District Council (Manby)	01507 601111
Boston Borough Council (Boston)	01205 314200
City Of Lincoln Council (Lincoln)	01522 881188
North East Lincolnshire Council (Grimsby)	01472 324770
North Kesteven District Council (Sleaford)	01529 414155
North Lincolnshire Council (Scunthorpe)	01724 296296
South Holland District Council (Spalding)	01775 761161
South Kesteven District Council (Grantham)	01476 406080
West Lindsey District Council (Gainsborough)	01427 676676