

Do I need to submit a Contamination Assessment?

Introduction

The purpose of this guidance is to assist those 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.**

National Planning Policy Framework (NPPF)

The Government's policy framework as set out in the NPPF states;

to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions After remediation land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990..

The guidance puts the responsibility on the developer to ensure at the application stage that a development is safe and suitable for the purpose proposed.

To assist applicants Teignbridge District Council will not normally require an assessment –

For residential extensions or small residential schemes on sites which are within a residential curtilage where there is no reason to suspect nearby contamination. Or

Where there is a current approval or where a contaminated land report has already been submitted as part of a previous application Or

Where the application is clearly not a risk e.g. Minor change with no ground disturbance.

Submitting a Planning Application (1App)

All planning applications must use the national application form which highlights the requirements and the following questions must be addressed:

Does the proposal involve any of the following?

1. Land which is known to be contaminated?

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*.

It should be noted that contamination is not restricted to land with previous industrial use; it can occur on green field sites as well as previously developed land.

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 residential buildings, schools, nurseries and allotments. However residential extensions or conservatories or a separate dwelling within the curtilage of an existing residential property will be excluded unless there is a known land contamination issue.

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

Contamination Assessments –

A Phase 1 Study, which must accompany the planning application, usually consists of three elements, a desktop study, site walkover and initial risk assessment. The Study must be carried out by a competent and appropriately qualified person as required by the NPPF.

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 examine any features such as structures, tanks, pipe work and vegetation which may suggest possible sources of contamination.

Initial Risk Assessment

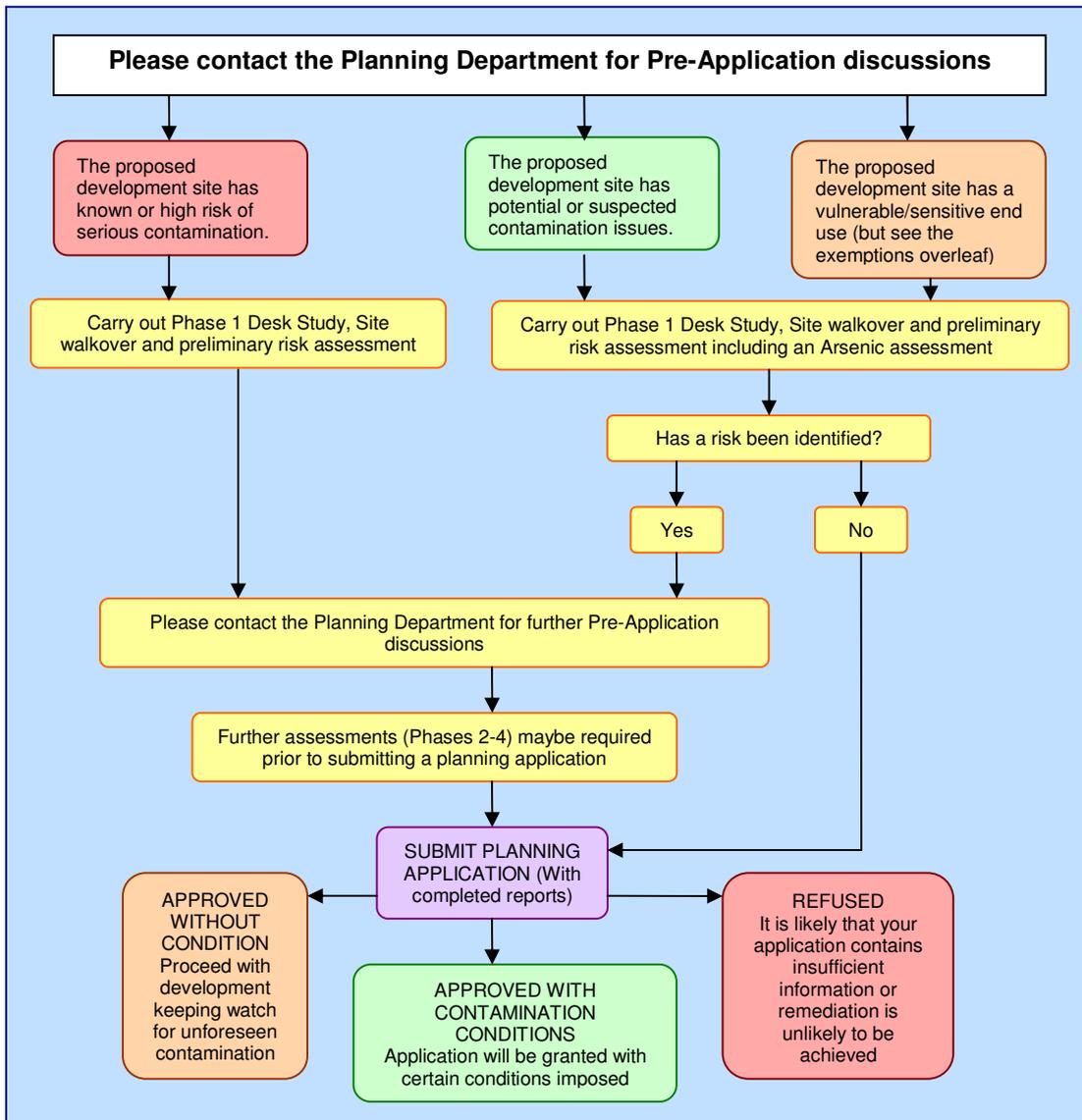
A preliminary risk assessment should be carried out using the information from the desktop study and site walkover to identify possible pollutant linkages and enable a conceptual model of the site to be developed.

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, 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 (see Advice Note 2).

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



Contacts

Teignbridge District Council

Environmental Health

envc@teignbridge.gov.uk

01626 215059

Planning

planning@teignbridge.gov.uk

01626 215743

Environment Agency

Devon Area

enquiries@environment-agency.gov.uk

08708 506506

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.