

The preliminary conceptual model may need to be refined where potential pollution linkages have been confirmed or found not to be present. Where they have been confirmed, remedial action may be required in order to remove the source, break the pathway or in the case of the receptor, development proposals reconsidered.

Remediation Method Statement

The Remediation Method Statement sets out what action is required in order to make the site suitable for use and provides details on how such works will be carried out and validated.

Remediation proposals should be submitted to and approved by the LPA prior to the works being carried out.

Completion (Validation/ Verification) Report

On completion of the remedial works, the developer will be required to submit a completion report to confirm that all necessary works have been carried out in full and that the site is suitable for use. Where protection measures are required, supporting information regarding the successful installation and appropriate verification will be required.

5. Liaison with the Local Authority

Where practicable, applicants are encouraged to arrange pre-application discussions with the Local Planning Authority and statutory consultees (Environment Agency and Environmental Health section) in order for any requirements to be considered and incorporated into the development proposals at an early stage.

6. Sources of Further Information

- Policy CS20 of the Mid Sussex District Council Local Plan

- Mid Sussex District Council Contaminated Land Inspection Strategy
- Planning Policy Statement 23: Planning and Pollution Control (Annex 2: Development on Land Affected by Contamination)
- DEFRA/ Environment Agency Contaminated Land Report (CLR) 11 Model Procedures for the Management of Land Contamination
- BS 10175:2001 Investigation of potentially contaminated sites - Code of practice
- Environment Agency/ NHBC Guidance for the Safe Development of Housing on Land Affected by Contamination (R & D Publication 66)

Useful Contacts:

Contaminated Land Officer

Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS
Tel.: (01444) 477382
Email: contaminatedland@midsussex.gov.uk

Environment Agency (Southern Area Office)

Saxon House, Little High Street, Worthing, West Sussex BN11 1DH
Tel.: (01903) 703916

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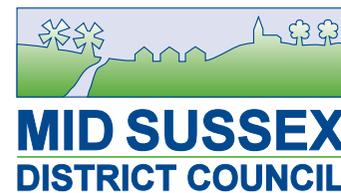
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Land Contamination

Planning Advice Note

Environmental Protection Leaflet No.10



1. Introduction

Land contamination is a material planning consideration. Planning Policy Statement 23: Planning and Pollution Control (Annex 2: Development on Land Affected by Contamination) sets out national guidance on handling land contamination issues under the planning system, including information regarding the submission of planning applications. This Government guidance recognises that the development phase is the most cost effective time to deal with problems associated with the previous use of a site.

The responsibility for the safe development and secure occupancy of the site rests solely with the developer.

2. Identifying Potential Land Contamination

Land may have been contaminated by a variety of land uses, such as fuel filling stations, gas works, landfills, industrial sites etc. Such contamination may pose risks to current or future site occupiers, buildings on the site and to the wider environment. The potential risks must be identified early in the development process to ensure that appropriate mitigation measures are taken.

In order to do this it is necessary to establish whether or not a pollutant linkage exists or is likely to exist as a result of the development of a site. A pollutant linkage exists where there is the presence of a source, a pathway and a receptor. A source is any substance that can or could cause harm. A pathway is the route by which a receptor can or is exposed to or affected by a source. A receptor may be a human, building/ property or the wider environment such as ground/ surface water.

3. Investigating Potential Land Contamination

In order to establish whether a site poses a risk,

it is necessary for the site to be investigated and where necessary remediated to reduce the risk to an acceptable level. The investigation and remediation of sites should be carried out by a competent and suitably qualified person in accordance with current guidance and best practice. Companies specialising in such work can be found by using the Environmental Data Services (ENDS) Directory at <http://www.endsdirectory.com>.

There are a number of elements that need to be addressed as part of the development process to ensure that a site does not present a risk to current and future receptors. A brief description of each element is provided in section 4 and should be referred to when reporting to the Local Authority, whether as part of a planning application or to comply with a condition of planning permission. These requirements follow the risk-based framework adopted in the Government guidance document Model Procedures for the Management of Land Contamination (CLR 11), which can be found on the Environment Agency's website. Please note that the Local Authority will be minded to reject reports or require further information to be submitted should work not have been carried out in accordance with current guidance and best practice or if it fails to establish confidence in the findings and conclusions reached.

4. Information Required from the Applicant

PPS23 requires that an assessment of risk is carried out by the applicant where development is proposed on land that is, or may be, affected by land contamination. This assessment must form part of the planning application for consideration by the Local Planning Authority (LPA), before the application is determined.

As a minimum, the applicant should provide a desk study and site walkover report in support of their planning application.

Desk Study (Preliminary Contamination Risk Assessment)

A Desk study is a crucial first phase in the assessment of land contamination that will generally comprise the collation of relevant environmental information and should include a walkover/ site reconnaissance, a preliminary conceptual model (which supports the identification and assessment of pollutant linkages) and risk assessment.

The desk study and site walkover will assist in determining the need for and scope of further investigation, the problems that may require remediation and whether remediation can be secured by means of planning conditions. Further investigation(s) and risk assessment will be required where the initial assessment does not clearly and reliably demonstrate that the risk from contamination is acceptable.

It should be noted that the commercial searches provided on the internet will not be sufficient on their own to establish the presence or absence of land contamination.

Site Investigation Work(s)

Site investigation will be required where the desk study and preliminary conceptual model identifies potential pollution linkages that require further investigation and/ or assessment. Several phases of investigation may be required.

Proposals for Site investigation should be submitted to and approved by the LPA prior to the works being carried out. The aim and objectives of the site investigation should be clearly documented, including how the works relate to the preliminary conceptual model. To provide confidence in the findings, it should be demonstrated that the investigation, including any sampling, testing and monitoring, is sufficiently adequate to characterise the site and allow for robust risk assessment.