



## Land Contamination Advice Note 1 – Guidance notes for the development on land with is potentially contaminated or where the proposed end use is sensitive

### Introduction

The purpose of this guidance is to assist developers, agents and consultants 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.

This Advice Note mainly refers to planning applications; however, prior notifications also need to consider land contamination. Therefore, this note is equally applicable to prior notifications; unless specific prior agreement is gained from the Environmental Management Team.

The National Planning Policy Framework (NPPF) National planning policy is set out within the NPPF and requires planning decisions to ensure that new development is appropriate for its location, having regards to the effects of pollution, and taking account the potential sensitivity of the area or proposed development to adverse effects from pollution.

### Submitting a Planning Application (1App)

Planning applications must use the national 1App planning application form. Section 14 (Existing Use) of 1App, highlights the requirements of NPPF. When preparing a planning application the following questions must therefore be addressed:

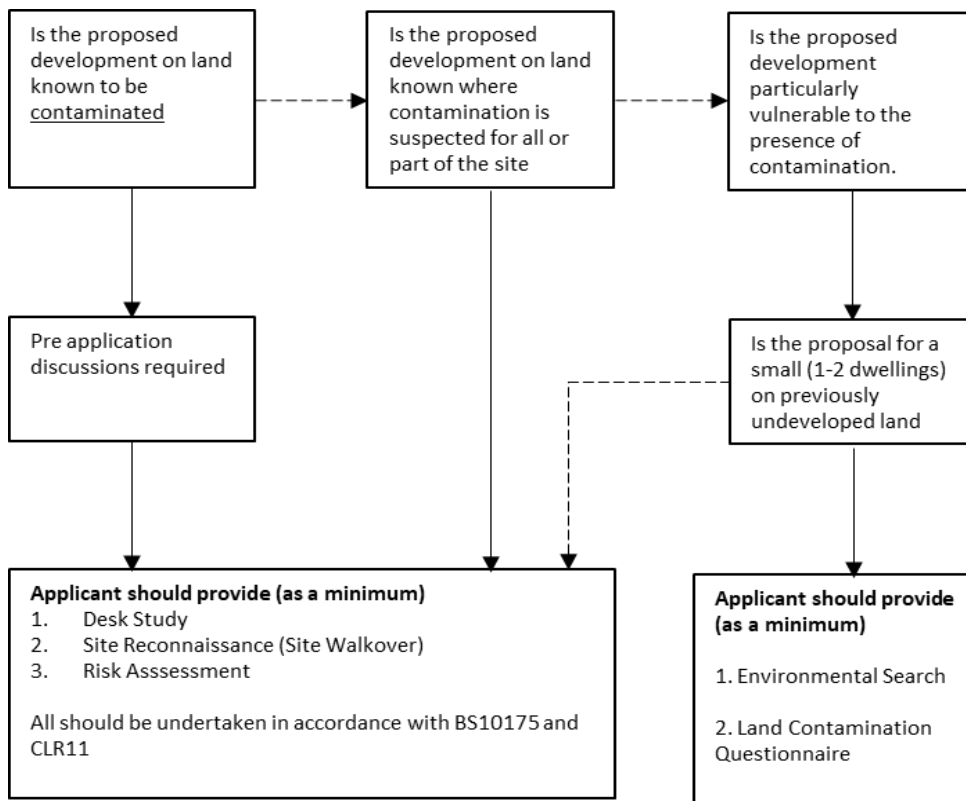
Does the proposal involve any of the following?

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.
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 Profile s . (DoE, 1995).  Due to the potential for historical storage of chemicals such as pesticides, fertilizers and fuels at agricultural sites, a full Phase 1 Contamination Assessment may be required for proposed conversions to residential use.
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 any residential building, schools, nurseries and allotments. For residential buildings, this will include any development of one dwelling or more, while extensions or conservatories will be excluded, unless there is a specific known land contamination issue. 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 previously developed land including that used for residential.

If the answer to any of the above questions is 'Yes', then an appropriate Contamination Assessment must be submitted with the planning application (Figure 2 summarises the procedure). Contamination Assessments are usually divided into Phases. As a minimum, a Phase 1 Study will be required, unless the development is only 1-2 dwellings on existing residential or greenfield site when a Land Contamination Questionnaire can be completed.



**Figure 2 Minimum Requirements for submission of Planning Applications**



**Key**

—————▶ Yes

- - - - -▶ No

**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 inevitable 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

