



## Guidance – Planning Applications: Contaminated Land

The Office of Environmental Health and Pollution Regulation (OEHPR) may be consulted by the Planning Service where applications relate to sites with potentially contaminated land. This guidance details the requirements of the OEHPR in relation to the protection of human health and the environment.

It is the ultimate responsibility on the land owner to ensure that a development is safe and suitable for the purpose for which it is intended and they are responsible for determining whether land is suitable for a particular development. The risks from potential contamination should be identified at the application stage of the planning process.

### Questions for the Applicant / Developer to Consider

Does the proposal involve any of the following?

1. 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. Contamination is not restricted to brownfield / former industrial land and may arise from natural sources such as radon or leachate from neighbouring land.

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 and these may include;

- Sites where there were previously heated vineries
- Sites where there is evidence of any submerged fuel tank or fuel lines (this includes domestic properties with submerged oil tanks)
- Any sites that have had previous industrial usage e.g. vehicle repair garages
- Infilled former quarries

3. A proposed use that would be particularly vulnerable to the presence of contamination

These uses may include residential buildings, schools, nurseries and allotments.

If the answer to any of these questions is yes, then further investigation will be required, as detailed in the 'Contamination Assessment' section of this document.

Some historic uses of land are less likely to give rise to potential contamination and the OEHPR will have regard to this when advising on applications. Sites which are unlikely to require further investigation at the planning application stage include unheated vineries or where there is the potential for contamination but ground will not be broken.



## Contamination Assessments

Where the need for further investigation has been identified, the assessments required should be phased and the next part of the assessment should only be undertaken when the previous step concludes that further investigation is necessary.

The first phase should utilise and detail all of the following information;

i. 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.

ii. Site walkover

This is a survey to verify information gathered during the desktop study and to reveal any features such as structures, tanks and pipe work which may suggest possible sources of contamination.

iii. 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 site 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, controlled waters (surface and groundwater)

If the assessments detailed above conclude that there could be a significant risk of harm, then you should contact the OEHPR before submitting the application as it is likely that further site investigations will be required. If these assessments conclude that there is no source-pathway-receptor link then this information should be provided to support your planning application.

Further information on potential contaminative activities can be found in the UK guidance issued by the Department of Environment Industry Profiles, available from <http://www.claire.co.uk/information-centre/water-and-land-library-wall/41-water-and-land-library-wall/198-doe-industry-profiles>

Additional guidance is available from <https://www.gov.uk/government/collections/land-contamination-technical-guidance>

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