



## Building on Contaminated Land

This guide is for developers, both companies and individuals, who wish to make a planning application to build on “brownfield” land, which has previously been used for industry and which may now be affected by the presence of contamination.

### Introduction

Land that is potentially affected by contamination is a material planning consideration, ie a reason that, if not dealt with, would cause a planning application to be rejected. The national strategy is to make such land suitable for use. The Council will impose one or more planning conditions on any land which has a known history of potentially contaminative uses or where it is suspected that contamination may be present. Essentially the condition will require investigation of the site and any necessary remediation.

To make a site suitable for use means remediating the contamination so that there are no unacceptable risks to human health or to the environment arising from the actual or intended use of the site. The risk assessment is based on the principle of how contamination from a source is linked via a pathway to a sensitive receptor. This source-pathway-receptor model is called the pollutant linkage. Each case is assessed on a site-specific basis and the model may need to be adjusted appropriately.

When a proposal is made to develop a previously used site the owners and developers must establish the existence and extent of any potentially harmful materials and formulate proposals for dealing with the contamination in a responsible and effective manner. It is the Council's duty to ensure this is done.

### The Council's responsibility

Charnwood Borough Council has developed and published a strategy<sup>1</sup> for dealing with contaminated land across the Borough and has begun the process of recording and prioritising potential sites.

To implement the strategy the Council will:

- Ensure that all potentially contaminated sites are identified, investigated and remediated;
- Ensure that, for any new development, potential contaminated land issues are accounted for;
- Put procedures in place to provide information to the public, developers and other interested parties;
- Encourage the development of brownfield rather than greenfield sites;
- Identify and resolve any liability issues relating to any potentially contaminated land within the authority's ownership.

### Useful contacts

CBC Environmental Protection Team - 01509 634636  
env.health@charnwoodbc.gov.uk

*Information about historic and current industry, land use, geology, and groundwater. On request and payment of a fee<sup>2</sup> they will provide a report on the information they hold which may be relevant to any particular site. The report will include information on known landfill sites.*

CBC Development Control Team - 01509 634730  
development.control@charnwoodbc.gov.uk

*For general information on how to obtain planning permission.*

Environment Agency - 0115 945 5722

*Provide information on waste management, landfill sites, groundwater and river quality.*

<sup>1</sup> The strategy is available on request or on the website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<sup>2</sup> The fee is based on the time required to compile the report: £45 for 1 hour, £85 for 2 hours.

### Co-operation with the Council

Where a developer is proposing to develop land which may be contaminated, the Council's Development Control Team and the Environmental Protection Team offer to discuss the issue with them before they submit the planning application. Advice will be given on what information will be needed before the application can be made.

The aim is to prevent delays and misunderstandings.

### Procedure

Planning consent is often given with a condition that any contamination is assessed and remediated. The normal process before developing a site of potentially contaminated land is:

- Carry out and submit a desktop study
- Submit proposals for detailed investigations for approval
- Carry out site investigations
- Submit a report of the investigations
- Submit a remediation strategy for approval
- Carry out remediation
- Submit a validation report for consideration

On the reverse of this folder is a checklist which details the documentation the Council may require for each stage. The Council recommend that professional consultants are appointed to carry out the various stages. Not every site will require each part of the process to be carried out and, for some sites, reports may be combined into one.

### Recommended guidance

Department of the Environment (1994) Planning Policy Guidance Note 23, Planning and Pollution Control HMSO, London.

Department of the Environment, Transport and the Regions and Environment Agency (2000) Model Procedures for the Management of Contaminated Land.

Contaminated Land Research Report No11, London: DETR.

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.

BS 10175:2001. British Standards Institution. (2001) Code of Practice for the Identification of Potentially Contaminated Land and its Investigation. London: BSI. ISBN 0 580 33090 7

Technical Aspects of Site Investigation - Volumes I & II. Research and Development Technical Report P5-065/TR. ISBN 1 85705 5446 and ISBN 1 85705 5454

In preparing this guide Charnwood Borough Council acknowledge the work done by the Nottinghamshire Contaminated Land Group.

*The cover shows a map of the Borough in 500m squares with the first prioritisation of potentially contaminated land.*

# <<< CONTAMINATED LAND CHECKLIST >>>

The purpose of investigating and remediating contamination on a brownfield site is to ensure that the site is suitable for use. This checklist is a guide to the information the Council will require in order to assess compliance with any planning conditions imposed.

The normal process before developing a site is:

- Carry out desktop study with proposals for detailed investigations
- Carry out investigations to ascertain remediation statements
- Carry out remediation and validate results

At each stage proposals and results must be submitted for approval.

Each site will have specific requirements.

## Desktop Study

Purpose and aims of study	Landfill sites and other contaminative industrial uses within 250m
Site location and layout plans appropriately scaled and annotated	Assessment of proposed site use and surrounding land uses
Site history	Review of any previous site contamination studies
Description of current site use	Reports of remediation works already carried out
Site walkover survey	Preliminary qualitative assessment of risks:
Assessment of environmental setting:	Appraisal of potential sources, pathways, and receptors
Geology, hydrogeology, hydrology	Conceptual site model
Abstractions, pollution incidents, water quality classification	Recommendations for intrusive investigation to include identification of target areas for more detailed investigation

## Detailed Investigation

Site investigation methodology:	Interpretation of soil/groundwater/surface water contamination (visual, olfactory, analytical)
Plan, appropriately scaled and annotated, showing exploration locations, on site structures, above/below ground tanks, etc	Conceptual site model
Justification of exploration locations	Risk assessment based on the source-pathway-receptor model
Sampling and analytical strategies	Details and justification of the site specific risk assessment model
Borehole / trial pit logs	Recommendations for remediation to make the site suitable for use
Results and findings of investigation:	Assessment of conditions that further investigation is necessary
Ground conditions (soil and groundwater regimes, including made ground)	

## Remediation Statements

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

## Validation Reports

Remediation statements as above	Summary data plots and tables relating to clean-up criteria
Details of who carried out the work	Plans showing treatment areas and details of any differences from the original remediation statements
Details and justification of changes from original remediation statements	Waste management documentation
Substantiation of data as appropriate:	Assessment of how objectives in remediation statements have been met
Laboratory and in situ test results	
Monitoring for groundwater and gases	