

Planning Policy Statement 23 Planning and Pollution Control and the Annex 2 Development on Land Affected by Contamination was published in November 2004. These documents clarify the requirements for applications on land that may be affected by contamination.

- The policy statement confirms that land contamination is a material planning consideration
- The developer is responsible for determining whether land is suitable for a particular development and to this end should carry out an adequate investigation to inform the assessment of risk.
- The assessment of contamination due to human activities and natural sources is covered by this requirement including the presence of elevated levels of arsenic associated with certain types of geology commonly occurring in Northamptonshire.
- Where development is proposed on land that may be affected by contamination a risk assessment should be submitted to the LPA for consideration before the application is determined.

- Where practicable developers of potentially contaminated sites should arrange pre application discussions with the LPA including initially the Environmental Health and Building Control Sections of the Council.
- The possibility of contamination should be considered in planning applications in relation to all land subject to previous industrial use and all uses considered particularly sensitive to contamination e.g. housing with gardens, schools, hospitals and children's play areas.
- The applicant should provide information on a phased or tiered approach as detailed in CLR11 Model Procedures for the Management of Land Contamination. This document is available at http://www.environment-agency.gov.uk/commondata/105385/model_procedures_881483.pdf
- The minimum requirement to be provided is a phase 1 assessment comprising of a desk

study report and site reconnaissance (walk over). Commercial searches provided on the internet may be sufficient on their own to establish the likelihood of contamination.

- The phase 1 submission will determine the need for further investigation, including remediation and whether this can be achieved by planning condition. If this assessment does not provide sufficient information on the risk of contamination, further investigations and risk assessments will be required prior to the application being determined.
- Outline planning applications also require sufficient information to be provided to ensure that risks are properly assessed.
- Where further investigation or remediation is required by a planning condition a Validation / Remediation Certificate must be provided to the LPA. The certificate should describe, document and certify that the relevant investigation / remediation actions have been carried out in order to discharge the condition.

- Developers should be aware that the condition of land is increasingly a matter for detailed enquiry during property transfers. If clear documentary evidence detailing the investigation, remediation these transfers may be delayed and incur liabilities for those responsible.
- The preparation of a site and resistance to contaminants is also a matter which needs to be addressed in the Building Regulations.

This document has been produced by the Northants Contaminated Land Group. Queries should be addressed to the individual local authorities:

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NORTHANTS CONTAMINATED LAND GROUP



WELLINGBOROUGH



CONTAMINATED LAND
REQUIREMENTS FOR
PLANNING APPLICATIONS