



Land  
contamination  
and the planning  
process

This is the approach at Leeds City Council only. Other authorities may take a different view.





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# THE PLANNING PROCESS

## □ Pre app

- Identify constraints and information requirements

## □ Reports in support of the application

- Planning permission should not be granted unless it can be demonstrated that the site can be satisfactorily remediated if necessary.
- Information requirement – proportionate to scale and nature of proposed development.



# THE PLANNING PROCESS

## □ Time frame

- 8 weeks, 13 weeks

## □ Conditions

- Pre commencement
  - “development shall not commence until”
- Other conditions
  - “prior to the site or phase of site being brought into use”
- Conditions requiring ongoing compliance
- Inspectors conditions.
- Read them all carefully



# THE PLANNING PROCESS

## □ Discharge of conditions

- Fee
- Phasing
- Once breached can it ever be discharged?

## □ Implications of not discharging conditions

- Searches (potential impact on house sales)
- Enforcement action

# THE PLANNING PROCESS

- Long term implications of not discharging conditions
  - Once sold all liabilities are discharged to new owner under planning.
  - Part 2A?





# REPORTS

- How should the reports be submitted?
  - Ask the planning officer
  
  - AT LEEDS
    - To the planning officer ONLY
  
- REMEMBER – These reports form part of the planning file and are public information







# REPORTS – Phase 1 Desk Study

- What should it contain?
- Purpose and aims
- Plans
- Site history
- Assessment of environmental setting
- Current / proposed site uses and surrounding land uses
- Any previous land contamination reports?
- **Conceptual site model** [CSM] (visual/tabular and written)
- Recommendations including those for intrusive contamination investigation, if necessary, detailing rationale behind proposed design of investigation



# Common issues

- No CSM
- Lack of detail in CSM
- No scope of works
- Lack of detailed discussion and justification of approach selected





# Phase 2 Site Investigation

- What should it contain?
  - Any previous land contamination reports
  - Site investigation methodology
  - Results and findings of investigation (screening values)
  - **An updated CSM**
  - Conclusions and recommendations (post demolition SI)



# Common issues

- Lack of clarity regarding laboratory results
- No updated CSM
- Ground gas monitoring – lack of detailed discussion
- DQRA – input data not presented and not justified
- Typos
- No soil logs
  
- Lack of detailed discussion and justification







# Remediation Statement

*This would be at the heart of any enforcement action.*

## □ What should it contain?

- Objectives and constraints
- Detailed outline of the works to be carried out
- Details of how any necessary variations will be dealt with
- **Details of how the works will be verified;**
  - Sampling strategy
  - Use of on-site observations, visual/olfactory evidence
  - Chemical analysis/monitoring data
  - Proposed clean-up standards (i.e. contaminant concentrations)
  - Whether verification will be undertaken on a phased basis
  - Inspection and verification of the satisfactory installation of gas protection measures.



# Common issues

- Does the proposed remedial work really need to be done?
- Lack of precise detail on proposed validation of imported material – screening values
- Lack of precise detail on proposed validation of depth of capping – how, where?
- Lack of precise detail on proposed validation of gas membrane installation – in line with guidance?
- Analysis for asbestos in imported material is expected as standard



# Validation Report

Responses to enquiries are based on this report.

## □ What should it contain?

- Who carried out the work
- Details and justification of any changes
- Verification and substantiating data:
  - Plans
  - Confirmation of the installed capping material/imported topsoil and gas protection
  - Laboratory and in situ test results, including original lab and data sheets
  - Comparison of results against screening criteria
- Confirmation that remediation objectives have been met and the site is now considered suitable for the end use



# Common issues

- ❑ Soil certificates are often not acceptable
- ❑ No photographs
- ❑ Not clear how many samples per m<sup>3</sup> of imported material
- ❑ Unjustified deviation from the agreed remediation statement
- ❑ Phased validation reports are acceptable but a final summary report to pull them together is needed





# General issues

- Work is done before the reports are reviewed and agreed
- Old reports are submitted without a review and update
- Lack of clear statements regarding the results and site's suitability for use





# GUIDANCE

- Leeds City Council
  - Blue Leaflet
  - Yellow Leaflet
  - Green Leaflet
  
- Yorkshire and Humberside Pollution Advisory Council
  - Planning guidance
  - Verification guidance
  - Internal guidance notes C4SL and Pb.
  - More in the pipeline....





# GUIDANCE

□ Talk to us, we are here to help.



□ THANK YOU FOR LISTENING