



CONTAMINATED LAND

PLANNING ADVICE NOTE

(Re – development of potentially contaminated
land)

ENGINEERING CONSULTANCY
TECHNICAL SERVICES
HARTLEPOOL BOROUGH COUNCIL

MARCH 2007

INTRODUCTION

Due to the industrial legacy of Hartlepool, some of the land is potentially contaminated. In recent years the Government has recognised the value of bringing such previously used land back into use to aid regeneration and minimise the pressures for development on greenfield land.

Planning Authorities have a duty to ensure that where development is proposed on contaminated or potentially contaminated land appropriate investigations and, where necessary, remedial actions are carried out.

Where a Planning Authority has reason to believe that a site may be contaminated, it has a duty to inform the developer of this at the earliest opportunity. However, it is the responsibility of the developer to carry out the necessary investigation and remediation.

In Hartlepool, planning applications which are considered for potential ground contamination issues are screened against the Council's environmental database and historical maps from the 1860's until the present day.

PLANNING CONDITION

Where a potential source of contamination is identified or the proposed development involves the introduction of a particularly sensitive end use, a planning condition relating to contamination will be attached to any planning approval granted as follows:-

1. The development hereby permitted shall not be commenced until:

- a) A **Phase I** Investigation (desk-top study) is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

If identified as being required following the completion of the desk-top study,

- b) The application site has been subjected to a **Phase II** (intrusive investigation) detailed scheme for the identification and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority

- c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the '**Reclamation Method Statement**') have been submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement have been detailed in a **Validation Report** submitted in accordance with the approved scheme.
- e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

PHASE I INVESTIGATION (DESK STUDY)

This will be required to be undertaken as a minimum requirement of the applicant. This type of investigation looks at the history of the site and surrounding area, as well as issues such as geology, hydrogeology, hydrology etc. The desk study should include a preliminary (qualitative) assessment of risks by undertaking an appraisal of potential contaminant sources, pathways and receptors. Should the Phase I investigation show a negligible risk of ground contamination, no further action will be necessary. However, if a risk is identified, a Phase II investigation (sampling & analysis) may be required.

PHASE II INVESTIGATION (INTRUSIVE INVESTIGATION)

The purpose of this investigation is to identify the nature and extent of any contamination in order that a risk assessment may be carried out. The purpose of the risk assessment is to determine whether the type and amount of contamination identified is likely to have an impact upon human health, water or the environment, taking into account the proposed end use of the site. If the risk assessment highlights a significant risk, remediation may be necessary. Where necessary, ongoing monitoring works may also be required.

RECLAMATION METHOD STATEMENT

The purpose of this report is to describe how remediation is to be carried out, the report shall include:-

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

VALIDATION REPORT

The purpose of this report is to provide verification that the remediation objectives have been met, the report shall include:-

- Details of who carried out the work.
- Details of and justification for any changes from the original reclamation method statement.
- Substantiating data - should include where appropriate:
 - Laboratory and in situ test results;
 - Monitoring for groundwater and gases;
 - Summary data plots and tables relating to clean-up criteria;
 - Plans showing treatment areas and details of any differences from the original reclamation method statement;
 - Waste management documentation.
- Confirmation that remediation objectives have been met.

FURTHER INFORMATION

Where it is **strongly** suspected that contamination exists which could affect the development a detailed risk assessment and a outline strategy for remediation may be required to be submitted up front **before** the application can be determined.

ONE STOP SHOP (OSS) ADVISORY SERVICE

The Council's One Stop Shop advisory service offers free planning advice on new development proposals. Advice is given on a variety of issues and any relevant concerns with respect to contamination will normally be highlighted as part of this service. You can find out more about the One Stop Shop at (.....please add link)

Further information can be obtained from:-

PLANNING

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CONTAMINATION

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