



**Contaminated Land
Planning Condition Guidance Document
Woking Borough Council**



Version 1:

Produced by: Contaminated Land Officer on behalf of Estate Management



1. Introduction

This guidance is designed to be a brief aid memoir to assist applicants, developers, land owners and consultants, in relation to contaminated land related planning applications and their subsequent discharge within the Borough of Woking. The information below is indicative, non-exhaustive and is aimed to be used as a guide only as conditional wording may and does change depending on legislation revisions, the size and nature of sites and development plans.

For background information on land contamination please read our contaminated land page on the Council's website.

The Contaminated Land Officer cannot stress enough the importance of reading and understanding the conditional requirements and providing the relevant level of information for discharge. Should an applicant submit information not sufficient to enable a potential condition discharge this can cost applicants considerable time, money and delays to their projects. There is also the potential for more serious oversights to warrant intervention by Planning Enforcement.

2. Contaminated Land Conditions

In Section 2 we outline our typical standard contaminated land conditions that the Contaminated Land Officer may choose to recommend to the Local Planning Authority for sites that are on or in close proximity to potentially contaminated land. The conditions are set to enable a phased approach to contaminated land investigations.

Beneath each conditional requirement we have provided some further guidance on what we would typically expect information submitted for discharging a condition to comprise.

2.1 AT1 Contamination – Desktop Study

Prior to the commencement of development a comprehensive, written environmental desktop study report shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The report to be submitted shall identify and evaluate possible on and off-site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations and shall be prepared in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be



addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

Key points to include in your report:

- Site history;
- Site setting (location, surroundings, topography etc);
- Site usage (including adjacent site);
- Site geology, hydrogeology, geochemistry, hydrology;
- Site ecology and archaeology;
- Future plans for site;
- Regulatory consultations (e.g Environmental Health, Planning, Petroleum Officer, Environment Agency etc);
- Site reconnaissance, detailed description of site, layout, visual and olfactory evidence of contamination;
- Trade directory searches and interviews with historic staff members where relevant;
- Conceptual site model;
- Review and comment on any previous environmental reports pertaining to the site;
- Preliminary risk assessment;
- Identification of potential contaminant sources, pathways and receptors (pollution linkages); and
- Conclusions and recommendations.

2.2 AT2 Contamination – Investigation Strategy

Prior to the commencement of development and any contaminated land site investigations on site and in follow-up to the environmental desktop study report a contaminated land site investigation proposal shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). This proposal shall provide details of the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model. Following approval, the Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of site investigation works on site. The site investigation works shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.



Key points to include in your proposal:

The above condition requires the completion of a site investigation proposal that needs to be submitted in writing to the Local Planning Authority and be approved. This proposal needs to be suitably detailed for the scale of works and extent of the site in question. The proposal will detail how you plan to investigate the site in question and include but not necessarily limited to:

- Set aims and objectives of the site investigation;
- Number, type (e.g window sampler/shell and Auger/Mechanical investigation) location and rationale for investigation locations (targeted non targeted);
- Soil and/or water sampling suites, number of samples proposed, sampling strategy etc;
- Inclusion of the proposed site investigation location plan;
- Any onsite screening/testing proposed e.g use of PID for screening site soils;
- Ground gas monitoring proposed? If so how many visits are proposed and over what time period etc (ensure this is in accordance with best practice); and
- When will the works be undertaken, the condition requires giving the Local Authority a minimum of two weeks written notice of the commencement of site investigation works. This is so that we can undertake a site visit to see the works in progress if required.

2.3 AT3 Contamination – Investigation and Risk Assessment

Prior to the commencement of the development a contaminated land site investigation and risk assessment, undertaken in accordance with the approved site investigation proposal, that determines the extent and nature of contamination on site and reported in accordance with the standards of DEFRA's and the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175, shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

Key points to include in your report:

Key points to include (having already provided a minimum of two weeks written notice of the commencement of site investigation works previously):



The Site Investigation phase is the on-site validation of the Conceptual Site Model. Its purpose is to refine and update the Conceptual Site Model, confirm pollutant linkages and evaluate potentially unacceptable risks. It should include an intrusive investigation, chemical testing and a quantitative risk assessment. Intrusive testing report should include but not necessarily limited to:

- A plan of the site showing, exploration locations, locations of site structures;
- Set the scene and summaries background to the site (identified from the desktop study).
- Justification of exploration locations;
- Justification of the sampling and analytical strategies chosen;
- Description of the methods used for collecting, preserving and transporting samples;
- Borehole/trial pit logs;
- Discussion of ground conditions;
- Conceptual site model;
- Risk assessment/site specific risk assessment;
- Details of any model input parameters and calculations;
- Details of constraints and limitations of the data and risk assessment;
- Identification of unacceptable pollution linkages;
- Signed laboratory certificates of analysis; and

2.4 AT4 Contamination – Remediation Method Statement

Prior to the commencement of the development a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement shall detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.



Key points to include in your strategy:

The above requires the completion of a suitably detailed remediation method statement or strategy should contamination be identified during the site investigation that requires subsequent remediation.

It is of paramount importance that information is provided on what will be included in a validation report also. We would expect this to be reasonably detailed in nature and include, but not limited to the following key points:

- Description of ground conditions;
- Setting of remediation objectives;
- Type, form and scale of contamination to be remediated;
- Remediation methodology;
- Site plans and drawings (if applicable);
- Phasing of works and timescales for completion;
- Consents and licences (if applicable);
- Discovery strategy on how unexpected contamination will be addressed;
- Site management measures to protect neighbouring sites and wider environment during the works;
- Details of how the works will be validated to ensure remediation objectives have been met e.g x amount of samples per plot or per m³, hand dug pits with photographs of tape measure to show final depth of clean fill, stating remedial targets/importation criteria etc.
- Should ground gas protection measures be required information such as the technical data sheets, information on the manufactures fitting instructions, who will be installing and validating the works and information on their qualifications to demonstrate they are suitable for the required tasks, will validation be per plot/ area basis, what will validation include, e.g example of a validation proforma or details of any integrity testing proposed.

2.5 AT5 Contamination – Remediation Validation Report

Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems shall have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.



Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

Key points to include in your report:

The above requires the completion and submission of a remediation validation report. This is a very important part of the investigation process as it provides key information to evidence base the works undertaken and provides confidence to the Local Authority to demonstrate that the site is suitable for its new use in accordance with the requirements of the NPPF.

- Details of who carried out the work;
- Details of the type, form and scale of contamination that was remediated;
- Details and justifications of any changes from the original remediation statement or strategy; and
- Details of substantiating data such as signed laboratory results, ground gas monitoring results (if applicable) plans showing areas treated, waste management documentation, photographs showing works undertaken inc. evidence of clean soil depths (if required).

It is expected that the validation report would marry up to what was proposed in your remediation strategy. The report should include key and relevant information carried through from the remediation method statement or strategy. For example if the remediation strategy states that validation samples will be undertaken at a rate of 100m³ of clean imported soil, the Council would expect this to be carried out or if the strategy states that a minimum clean cover system of 600mm will be provided in garden areas then we would expect on average for the applicant to demonstrate this has been achieved.

Should ground gas protection measures be required the Local Authority utilises both British Standard BS 8485:2015 and CIRIA C735 guidance document entitled 'Good practice on the resting and verification of protection systems for buildings against hazardous ground gases' for assessing protection systems are fit for purpose and been installed to an acceptable standard.

2.6 AT6 Unexpected Ground Contamination

Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.



Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

Key Points to address this condition requirement

A statement, detailing how the unsuspected contamination is to be dealt with, has been submitted in writing to the Local Planning Authority. The remediation method statement is subject to the written approval of the Local Planning Authority and any additional requirements that it may specify.

The above requires the applicant to report instances of when unexpected ground contamination was identified during development works in order for an assessment to appraise whether any revisions to the remediation method statement or strategy is required. As a discovery strategy was likely included in the Remediation Strategy it would be prudent to follow this where applicable.

If no unexpected ground contamination was identified during the development works then the applicant shall provide a brief written statement to this effect to enable discharge of this condition.

2.7 AT7 Lower-risk Sites/Small Extensions

If, prior to or during development, ground contamination is suspected or manifests itself then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted an appropriate remediation strategy to the Local Planning Authority and the written approval of the Local Planning Authority has been received. The strategy should detail how the contamination shall be managed.

The remediation strategy shall be implemented in accordance with such details as may be approved and a remediation validation report shall be required to be submitted to Local Planning Authority to demonstrate the agreed strategy has been complied with.”

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

Key Information Relating to the Condition that may be required

Should ground contamination be identified during development works then the applicant should contact the Local Planning Authority for further advice as soon as possible.

The Contaminated Land Officer will then be consulted to provide advice on what level of information is required depending on the scale of the development and nature and amount of potential contamination identified on site.



2.8 AT8 Small Scale Prior Approval Contamination Condition

No areas of soft landscaping or breaking up of the existing hardstanding shall occur on site without the prior written approval of the Local Planning Authority. Prior to granting approval, evidence may be requested by the Local Planning Authority to be provided by the applicant/developer to demonstrate that any such works would not give rise to harm to human by way of contamination arising from historic uses of the site.

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Key Information Relating to the Condition that may be required

Suitable forms of evidence could be but not necessarily limited to one or more of the following:

- Phase 1 Desktop Study Report;
- Phase 2 Site Investigation Report;
- Phase 3 Remediation Strategy/ Validation report;
- Chemical data on existing and/ or imported top/subsoil;
- Environmental Information Request Response/ Planning history search;
- Photographic records;
- Potential mitigation measures for site workers/ or future use of the site e.g replacing with hardstanding/ paving etc.

2.9 AT9 Small Scale Extensions or other Minor Works

The development hereby approved shall not be first occupied until it has been demonstrated that areas of private gardens and public open space are suitable for its new intended use, in accordance with a methodology (as to how this shall be demonstrated) which shall have first been submitted to and approved in writing by the Local Planning Authority. The methodology to be submitted could comprise a simple soil sampling exercise in garden/landscaped areas which shall also incorporate chemical analysis of any soils brought onto site. The development shall be implemented in accordance with the approved methodology and the results shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

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Key Information Relating to the Condition that may be required

Suitable forms of evidence could be but not necessarily limited to one or more of the following and can vary depending on the nature of the site and the industrial heritage of the development site:

- Phase 1 Desktop Study Report;
- Phase 2 Site Investigation Report;
- Phase 3 Remediation Strategy/ Validation report;
- Chemical data on existing and/ or imported top/subsoil;
- Environmental Information Request Response/ Planning history search;
- Photographic records;
- Potential mitigation measures for site workers/ or future use of the site e.g replacing with hardstanding/ paving etc.

3. Ground Gas Conditions

If the development is situated within 250m of a landfill site, or is suspected of having the potential to generate ground gas, it will be necessary to assess the potential risk and, if required, to incorporate appropriate gas protection measures into the development design. To facilitate this, the following ground gas conditions are usually used:

3.1 AT10 Ground Gas Risk 1

Prior to commencement of the development, a scheme detailing appropriate gas mitigation/protection measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval shall also include details on how the scheme will be tested/verified. Any scheme should have regard to the Building Research Establishment document BR414 Protective Measures for Housing on Gas Contaminated Land, CIRIA Report C735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

As a minimum the scheme should include (but not be limited to):

- A summary of the gas risk assessment;



- The gas protection measures proposed (including reference to the appropriate guidance documents) and confirmation they will meet the gas protection requirements for the lifetime of the development;
- Technical drawings showing how the gas protection measures will be incorporated;
- Formal qualifications/experience/training of the person carrying out the installation;
- Formal qualifications/experience/training of the person carrying out the verification;
- The manufacturer's specification of the gas protection membrane to be used;
- Full details of what the verification process will comprise and what stage verification will be undertaken;
- Details of how any non-conformance will be dealt with;
- Details of the number of plots to be validated. (Deviation from verification of every plot will need to be justified and agreed with the Local Planning Authority);
- Timeline of when during the build, each of the gas protection measures will be installed;
- Details of management measures proposed to ensure how damage to the membrane will be prevented prior to the floor being installed, post installation;
- Details of how **all** site personnel (including follow on trades) will be made aware of the presence of the membrane and that damage to the membrane must be prevented;
- Details of the extent of overlap and method of sealing (these must be in line with manufacturer's instructions and evidence provided);
- Confirmation that a signed (plot specific unless agreed otherwise) statement confirming that the gas protection measures were installed as agreed and that the membrane was free from tears and punctures and was lapped and sealed as agreed at joins and around services and sub floor voids were clear and free from debris will be included in the Verification Report; and
- Confirmation that plot specific photographs showing the installed membrane will be included in the Verification Report.

3.2 AT11 Ground Gas Risk 2

Prior to the first occupation of the development hereby approved, a detailed ground gas verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include but not be limited to photographic evidence demonstrating the quality of works undertaken and shall be able to demonstrate the gas mitigation/protection measures have been installed and validated by a suitably qualified person(s).

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.



As a minimum the report should include (but not be limited to):

- Site details;
- Planning Application details;
- Summary of Gas Risk Assessment (including original CSM);
- Details of who carried out installation (qualifications/experience/training);
- Details of who carried out verification (qualifications/experience/training);
- Description of protection measures installed with reference to method statements and drawings and manufacturers specification of the materials used;
- Details of the verification inspection regime;
- Supporting information, plans, air vent installation, photographs, as built drawings;
- Summary of verification data (completed proformas, test results);
- Details of non-conformances and how they were rectified;
- Clear statement saying remedial objectives been achieved supported by lines of evidence including reference to CSM; and
- Where necessary further works and/ or long term management.

Guidance for assessment of the risks associated with the presence of methane and carbon dioxide within ground gas can be found in the following useful documents;

- Assessing Risks Posed by Hazardous Gas Ground Gases to Buildings (CIRIA C665).
- BRE Report 414 publication Protective Measures for Housing on Gas Contaminated Land Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are present.
- Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.
- Local Authority Guide to Ground Gas, and Development on Land Potentially Affected by Hazardous Ground Gas.

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