

D8 – Contaminated Land

- Support - 7
- Neither support of object - 4
- Object - 2

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments in support of D8 – contaminated land		
Respondent number	Comment	Officer comment
ANON-KSAR-N8U2-X	<p>We support the approach within Policy D8 to ensure that development which is known or suspected to be contaminated will only be permitted where there will be no unacceptable impacts on human health or the wider environment. However, we consider that Policy D8 should be reworded to clarify that site investigations and risk assessments can be secured as part of planning conditions. In our view, this is a standard approach and conditions can also secure remediation of any unexpected contamination which may be found.</p> <p>We consider the following amendments should be made to the policy:</p> <p>“All site investigations, risk assessment, remediation and associated works are undertaken in line with current government guidance and industry best practice guidelines. All assessments must accompany planning applications, or be secured by planning condition.”</p>	<p>Agreed.</p> <p>Recommended Response:</p> <p>Amend criteria i and iii of policy D8 as follows –</p> <p>i. The full nature and extent of contamination is established, <u>and any risks appropriately assessed.</u></p> <p>iii. All site investigations, risk assessments, remediation and associated works are undertaken in line with current government guidance and industry best practice guidelines. All assessments must accompany planning</p>

		applications <u>or secured by planning condition.</u>
BHLF- KSAR- N8BR-B	<p>We support the approach within Policy D8 to ensure that development which is known or suspected to be contaminated will only be permitted where there will be no unacceptable impacts on human health or the wider environment. However, we consider that Policy D8 should be reworded to clarify that site investigations and risk assessments can be secured as part of planning conditions. In our view, this is a standard approach and conditions can also secure remediation of any unexpected contamination which may be found.</p> <p>1.26 We consider the following amendments should be made to the policy: “All site investigations, risk assessment, remediation and associated works are undertaken in line with current government guidance and industry best practice guidelines. All assessments must accompany planning applications, or be secured by planning condition.”</p>	<p>Agreed.</p> <p>Recommended Response:</p> <p>Amend criteria i and iii of Policy D8 as follows –</p> <p>i. The full nature and extent of contamination is established, <u>and any risks appropriately assessed.</u></p> <p>iii. All site investigations, risk assessments, remediation and associated works are undertaken in line with current government guidance and industry best practice guidelines. All assessments must accompany planning applications <u>or secured by planning condition.</u></p>

Comments which neither support nor object to D8 – contaminated land		
Respondent number	Comment	Officer comment
ANON- KSAR- N81Y-1	Under paragraph 5.89 we request that the text ‘or disturb previous contamination’ is removed from this sentence. In order to achieve the wider aim of ensuring a low potential for contamination to cause a risk to humans or the environment, it may be necessary to undertake remedial works on a site which by their very nature would disturb previous	<p>Agreed. Policy and supporting text should be amended to clarify.</p> <p>Recommended Response:</p>

	contamination, though with the aim of reducing risks overall. In addition, at point i) of Policy D8 to provide further clarification, we would request that this is re-worded to state: “The nature and extent of contamination is established, and potential contamination related risks assessed”.	Amend criterion i of Policy D8 as follows – i The full nature and extent of contamination is established, <u>and contamination risks assessed</u> ; 5.89 It is not only essential that development does not directly cause contamination or disturb previous contamination , but also to ensure that it does not establish a pathway or link <u>pathways</u> between potential sources of contamination and “receptors” (i.e. people, the environment or property) that may be impacted by its effects.
BHLF-KSAR-N8T1-V	Unreasonable requirement for all assessments related to contaminated land to accompany planning applications. This is appropriate to be dealt with post-decision via conditions.	Agreed. Criterion iii of policy D8 revised.
BHLF-KSAR-N8BF-Y	The Local Plan should recognise that remediation of contaminated land can add significant costs to a development, and because the removal of contamination is an environmental benefit in its own right, it would be appropriate to acknowledge that the Council will take these costs and benefits into account when determining the appropriate level of other benefits such as affordable housing and other community gains.	Noted. The ongoing viability work already differentiates between greenfield and brownfield land, in part of account for increased development costs. Should abnormal site contamination costs be identified and evidenced, then this can be take into account during the development management process.
BHLF-KSAR-N8BE-X	Policy D8 – Contaminated Land The terms water pollution should be separated out to reference ground water pollution, and surface water pollution.	Policy D8 does not refer to “water pollution” and does distinguish between groundwater and surface

<p>Environment Agency Link here</p>		<p>water. It seems this comment is most likely made in relation to policy D7 (Development Standards) which does refer to water pollution. It is considered appropriate to amend Policy D7 to be clear, as does Policy D8, that it refers to both.</p> <p>Recommended response:</p> <p>Amend criterion iv of Policy D7 as follows –</p> <p>iv. Water <u>Groundwater and surface water pollution</u></p>
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Comments which object to D8 – contaminated land		
Respondent number	Comment	Officer comment
ANON-KSAR-N81F-E	Bargate Homes consider that the Local Plan should recognise that remediation of contaminated land can add significant costs to a development, and because the removal of contamination is an environmental benefit in its own right, it would be appropriate to acknowledge that the Council will take these costs and benefits into account when determining the appropriate level of other benefits such as affordable housing and other community gains.	Noted. The ongoing viability work already differentiates between greenfield and brownfield land, in part to account for increased development costs. Should abnormal site contamination costs be identified and evidenced, then

		this can be take into account during the development management process.
BHLF- KSAR- N86N-U	The Local Plan should recognise that remediation of contaminated land can add significant costs to a development, and because the removal of contamination is an environmental benefit in its own right, it would be appropriate to acknowledge that the Council will take these costs and benefits into account when determining the appropriate level of other benefits such as affordable housing and other community gains.	Noted. The ongoing viability work already differentiates between greenfield and brownfield land, in part to account for increased development costs. Should abnormal site contamination costs be identified and evidenced, then this can be take into account during the development management process.

	Recommendations	Officer response
Comments from SA	None	None
Comments from HRA	None	None

Policy D8 Contaminated Land

Amendments to Policy D8

The development of land which is known or suspected to be contaminated, or which is likely to be affected by contamination in the vicinity, will only be permitted where it accords with the Development Plan and there will be no unacceptable impacts on human health, groundwater and surface water, or the wider environment, and:

- i. The full nature and extent of contamination is established **and any risks appropriately assessed**;
- ii. Appropriate remedial measures are included to prevent risk to future users of the site, the surrounding area and the environment (including water supplies and aquifers); and
- iii. All site investigations, risk assessment, remediation and associated works are undertaken in line with current government guidance and industry best practice guidelines. All assessments must accompany planning applications ~~or~~ **and where further assessments are required they will be secured by planning condition.**

Revised Paragraph 5.89 –

5.89 It is not only essential that development does not directly cause contamination or disturb previous contamination, but also to ensure that it does not establish a ~~pathway or link~~ **pathways** between potential sources of contamination and “receptors” (i.e. people, the environment or property) that may be impacted by its effects.