

PLEASE NOTE:

- LCC will **not** accept the submission of Envirocheck style reports without site-specific interpretation, including a conceptual site model and a risk assessment, in line with the CL2 'blue' leaflet.
- This leaflet should be read in conjunction with the CL2 'blue' and CL3 'green' leaflets and the YAHPAC guidance.
- The development of the site must not result in greater environmental risk.
- It is the responsibility of the developer to ensure that the development proceeds in accordance with all relevant laws and regulations.
- When sending reports to LCC for review and comment, please ensure that at least one paper copy is submitted.

SEARCHES

LCC receives searches from solicitors acting on behalf of purchasers and vendors of properties across Leeds, specifically relating to land contamination issues and associated planning conditions. If the relevant land contamination conditions haven't been discharged by LCC, the sale/purchase of a property may be affected. CL5 the 'white' leaflet provides guidance relating to land contamination issues for owners, purchasers and sellers of residential properties in Leeds and contains additional information about these searches.

MCERTS

The MCERTS 'Performance Standard for Laboratories Undertaking the Chemical Testing of Soil (Version 2)' has been published, and provides an application of the European and international standard BS EN ISO/IEC 17025:2000 (accredited by United Kingdom Accreditation Service (UKAS)) specifically for the chemical testing of soil. Since 31 August 2004, the Environment Agency's policy has been to accept only laboratory soil test results with MCERTS Accreditation. LCC encourages the submission of MCERTS data.

DEEDS

It is becoming increasingly common for residential developers to include information about remediation undertaken at brownfield sites in the deeds to individual properties. This approach is strongly encouraged by LCC as it ensures that any future owners of the property are made aware, in an open and transparent manner, of the remediation works undertaken to render the site 'suitable for use'. In addition, the placing of such information on the deeds reduces the risk of damage to remediation measures in the future, for example when extensions/conservatories are constructed. Please contact the Contaminated Land team to discuss.

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'The Yellow Leaflet' CL4



The Development of Contaminated Sites

Residential Development on Land Affected by Contamination

The Government is encouraging development of new housing on brownfield sites. Due to Leeds' industrial heritage, many of these brownfield sites will be contaminated to some extent and will therefore require investigation and possibly remediation to ensure they are 'suitable for the proposed use' i.e. the development will be safe and not affected by contamination.

Annex 2 of Planning Policy Statement 23 (2004) states that:

'Where any contamination is known or suspected or the proposed use would be particularly vulnerable (such as housing with gardens....), the Local Planning Authority should require the applicant to provide with the application such information as is necessary to determine whether the proposed development can proceed.'

Purpose of this leaflet

This leaflet has been produced to assist developers and consultants when addressing land contamination issues at sites being redeveloped for a **residential end use** in Leeds. This leaflet should be read and used in conjunction with the following Leeds City Council (LCC) guidance leaflets and Yorkshire and Humberside Pollution Advisory Council (YAHPAC) guidance document.

- CL2 (LCC's 'blue' leaflet) - provides information about the various land contamination reports required in support of planning applications
- CL3 (LCC's 'green' leaflet) - provides guidance on human health quantitative risk assessment of contamination
- YAHPAC - Development on Land Affected by Contamination

These leaflets are available in the reception of the Leonardo Building and are also available to download at <http://www.leeds.gov.uk/contaminatedland>, free of charge.

PRE-PLANNING APPLICATION DISCUSSION

Due to the vulnerable nature of residential developments, the Contaminated Land team actively encourages open dialogue at all stages of the planning process but, in particular, at the pre-application stage. This can help to establish the viability of the proposed development, allow site conditions and site investigation proposals to be discussed, leading to less likelihood of delay later on in the planning process. At the pre-application stage, we can offer advice about the level of information LCC needs in support of an application and indicate what information the Contaminated Land team may hold in relation to a given site. Considerations for the applicants at this stage include:

- Is your proposed residential development viable on the site in question?
- Can your site layout be engineered to minimise risk to occupants/buildings and make the remediation more cost-effective?
- Can your development be phased in terms of remediation such that phases can be brought into use prior to the completion of the whole development?

SUBMITTING THE APPLICATION

The planning application form (1APP) now includes a question on land contamination called 'Existing Use'. Please note that for all proposed residential developments, a minimum of a Phase I Desk Study report **must** be submitted in support of the planning application. Depending on the findings of the Phase I report, the submission of a Phase II Intrusive Investigation report and Remediation Statement may also be required. The **only** exception for this is for the development of **ONE** residential dwelling in an existing residential garden. More information is available in the CL2 'blue' leaflet or directly from the Contaminated Land team.

PHASE I DESK STUDY AND PHASE II SITE INVESTIGATION REPORTS

Risk Assessment

Estimating the level of risk posed to receptors at a residential property is an integral part of Phase I and II reports. Conceptual site models and risk assessments outline how likely it is that a site will be contaminated. All components of a proposed residential development (e.g. buildings, gardens, landscaped areas, public open space, and drinking water supply pipes) must be considered in a risk assessment to determine whether human health is likely to be adversely affected by contamination. Any risk assessment should also consider the wider environment and whether contamination of controlled waters may be taking place.

The various stages of risk assessment are detailed in many documents, including the CLR11 'Model Procedures for the Management of Land Contamination' Contaminated Land Report published by DEFRA and the Environment Agency (2004) and the 'Guidance for the Safe Development of Housing on Land Affected by Contamination' report published by NHBC (2008). These documents provide clear outlines of the process of assessing land contamination risks.

REMEDIATION STATEMENT

The Remediation Statement (RS) demonstrates how the site will be made suitable for use and must be prepared in line with the CL2 'blue' guidance leaflet. Where relevant, the following issues should be addressed and included in the RS:

Unexpected Contamination The RS should clearly outline how any significant unexpected contamination shall be dealt with. The RS should state that LCC will be notified immediately and consulted with regard to any remediation measures that are required.

Drinking Water Supply Pipes Depending on the levels of certain contaminants (especially organic contamination) the developer may need to install water supply pipes which are designed such that the contamination will not impact on the water supply. Yorkshire Water should be consulted for further information.

Waste Management Licensing (WML) It is advisable for developers to consult with the Environment Agency WML section to discuss their requirements with regard to waste management issues associated with a site.

Gas Protection Measures Should gas protection measures be required for proposed residential buildings, details of these remediation measure and how their installation will be verified must be clearly outlined in the RS.

Capping Systems The overall design, depth and specification of the capping system will be based upon the findings of the risk assessment. The findings will determine the overall depth required and whether, for example, an identification/break/capillary/'hard to dig' layer/geomembrane is required. For garden areas where the underlying material is not deemed acceptable for garden use, LCC considers that, as a minimum, a 'double-dig' depth of 600mm clean soil should be provided, unless otherwise justified.

REMEDIATION STATEMENT (cont....)

Imported Material – soils being imported to the site for placement in gardens, public open space and landscaped areas should be clean, free of deleterious material and suitable for the intended purpose. The RS should confirm the frequency of testing (1 per 250m³ per soil source as a **minimum** unless otherwise justified and agreed), the suite of testing to be undertaken and a table of site specific import criteria against which analytical results will be compared to confirm suitability. Justification for the values selected must be presented.

Phased Development Where possible, proposed phasing of a development to allow various phases to be brought into use prior to the completion of a development should be outlined clearly in the RS.

Alternative Remediation LCC actively encourages the use of innovative remediation techniques to deal with land contamination as long as they are shown to be effective and can be verified appropriately. Alternative techniques can result in cost savings and more sustainable remediation projects being undertaken. If you wish to discuss possible remediation options at your site, please contact the Contaminated Land team to discuss your proposals.

Verification of Remediation The RS should clearly outline how all aspects of the agreed remediation works will be verified during the works. The report should describe the verification procedures for any hotspots of contamination, gas protection measures, importation of soil and placement of garden areas, etc. For garden areas, LCC requires at least 1 in 3 gardens (both front and back) to be verified to check that the agreed capping system and appropriate depths are in place. The report should clearly identify how this will be achieved, e.g. through trial pitting or soil augers to measure depth, collating photographic evidence, etc.

VERIFICATION REPORT

Proving that approved remediation measures have been implemented at a residential development through means of verification is a very important stage of the process. The verification (VR) report must be prepared in line with the CL2 'blue' leaflet.

The VR must confirm that **all aspects** of the agreed RS have been implemented. Where applicable, it should confirm that gas protection measures have been installed in line with the RS, that the capping layer has been satisfactorily placed, that any special requirements with respect to water supply pipes have been implemented and whether any unexpected contamination was encountered and how it was dealt with. Any photographic evidence of remediation/verification should also be included in the report.

Please note that LCC cannot provide a certificate to state that the land will never be determined as Contaminated Land as, for example, the environmental legislation may change and additional information may come to light.

DISCHARGE OF CONDITIONS

LCC can only discharge the relevant land contamination conditions following the submission of satisfactory reports meeting the requirements of LCC's guidance leaflets: CL2, CL3 and CL4. To discharge conditions, LCC must be satisfied that, at all the relevant stages, satisfactory reports have been submitted to demonstrate that the residential development has been made 'suitable for use'. Please note there is now a charge for discharge of condition applications. Please refer to the case planning officer for additional information.