Camden
ENVIRONMENT

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Attention Mr R. Woodman
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Cassini House
55-59 St James's Street
London
SW1A 1LD

Your Ref: RPW/mw/DP1098
My Ref: 2005/NEQ/FW
Contact: Frances Wheat
Tel: 020 7974 5104

Date:
15 September 2005

Dear Mr Woodman

Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999 (EIA Regulations)
Proposed development at North East Quadrant, Regents Place, NW1

I refer to your letter of 22nd July 2005 enclosing an Environmental Scoping Report that you have prepared , and seeking this authority's comments.

The Scoping Report generally covers all the issues that require to be considered as part of the determination of an application for a major mixed use commercial development. However, following formal external and internal consultations on the Scoping Report, I have the following comments that I would wish to put forward as our formal Scoping Opinion. I refer to paragraph numbering and headings in your report.

Of the external bodies consulted, comments have been received from English Heritage, English Nature, Transport for London, and Environment Agency. Westminster City Council have no objections or comments to make on the Scoping Report. Government Office for London, GLA and CABE did not wish to comment. However CABE requested that they be consulted on any significant designs that come forward for buildings, infrastructure and public space works proposed.

Section 1 Introduction

1.4 Approach to the scoping process

In preparing your Environmental Statement, you should also take on board:

1. The Replacement UDP Revised Deposit Draft May 2004
2. Sites of Nature Conservation Importance Consultation Draft May 2004 - this will replace London Ecology Unit's Nature Conservation in Camden (1993)
3. LB Camden 'Guide to Contractors Working in Camden'

Section 2 The proposed development

2.2 Alternatives to the development

This assessment will need to consider the existing provision of D1 Educational use on the site and extent and way in which planning policies pertaining to this are addressed.

It should also refer to policies relating to housing density.

Section 3 The potential environmental impacts

3.1 Land use and planning policies

In preparing your Environmental Statement, you should also take into account Camden's Replacement UDP Revised Deposit Draft May 2004.

English Heritage consider that the Scoping Report is acceptable for its purpose, and do not consider the normal requirement for an evaluation of existing buildings is necessary in this instance.

3.2 Visual and Townscape Impacts
I note your local viewpoints set out in Appendix 1 do not correspond fully in either numbering or location with those specified in Richard Coleman's Views Report received by us on 8th April 2005 and subsequently amended by us. Please refer to that same Views Report together with our amendments as attached to this letter.

3.3 Archaeological Impacts and Heritage
I am still awaiting comment from the Council for British Archaeology which I understand is imminent, and will forward this to you as soon as it is available. I am sure you are aware that the site falls within an Archaeological Priority Area in the Adopted Camden Unitary Development Plan, thus the importance of appropriate measures to deal with this issue will be significant.

3.4 Traffic/Transport
With reference to your third paragraph, you should also provide a specific breakdown of road-based traffic into:
1. Servicing/goods vehicles, and
2. Private vehicle traffic.

With respect to pedestrians, footfall figures within/across the site should also be included.

Should road traffic at adjacent junctions (specifically Drummond Street/Hampstead Road and Longford/Albany Streets) increase by greater than 5% as a result of this scheme (or where the ratio of flow to capacity (RFC) exceeds 0.9) then further analysis of junction capacity and potential mitigation measures at those junctions will also need to be assessed.

Transport for London comment as follows:

- TfL welcomes the fact that the 'cumulative impact' of development in this area will be fully considered when preparing the Transport Assessment (TA). TfL increasingly recognises that in areas experiencing significant development pressure future developments, both approved (committed) developments as well as those at an earlier stage should be factored into any TA, allowing more balanced and accurate analysis.

- TfL supports the sustainable approach adopted with reference to current national and regional policies and would expect this to include transport policies set out in the Mayor's London Plan, Spatial Development Strategy.

- TfL is pleased to note that mitigation measures to reduce/negate any detrimental impacts to the public highway are being considered but would suggest that as well as identifying mitigation measures the developer should explore opportunities to enhance existing highway conditions and improvements to public transport. This should include improvements at local bus stops and pedestrian access to and from these stops (audits of existing footway etc). Enclosed is a paper titled the '*Bus Stop Environment*' which describes measures that can be adopted to improve conditions at bus stops.

- TfL welcome the multi modal trip generation/capacity analysis highlighted in the report, however this currently excludes Taxis. It is important that potential impacts on taxi's/taxi movement are included in the TA.

- TfL expects the TA to fully assess the impacts on pedestrian and cycle activity to and around the site and hope to see proposals to encourage such modes of travel. This should include wide, quality footways, coherent routes, adequate lighting, secure and sufficient cycle parking along with other measures to encourage walking and cycling.

- TfL expect a separate construction plan (to cover the period from site clearance through to completion of construction).

- TfL welcomes the preparation of a Green Travel Plan for the development to cover all business, visitor, freight and fleet movement after completion of the development. The enforcement, monitoring and review of which should be secured as part of any s106 agreement.

In order to ensure that the Green Travel Plan delivers real benefits in terms of encouraging staff and visitors at the development to use sustainable modes of transport when accessing the development it is important that the urban realm of the area is of an extremely high quality and that adequate provision for pedestrians and cyclists is ensured. A key issue with regard to this point is that the walking routes between the development and adjacent public transport facilities should be of the highest quality and provide sufficient priority for pedestrians where they are required to cross major traffic routes. To this end mitigation measures will be considered with respect to these matters.

3.5 Air Quality
I would refer you to Annexe 1 of Camden's Supplementary Planning Guidance para 4.5 for LB Camden's approach to assessing planning applications.

1. I am pleased to see your acknowledgment that the whole of Camden is an AQMA. Your report should make it clear that this is for nitrogen dioxide and fine particles, which are predicted to exceed the air quality objectives.
2. The proximity of this development to two busy roads - Euston Road and Hampstead Road means that background levels of both pollutants are particularly high. The developer should therefore consider exposure of new residents to poor air quality (and health effects) as part of the environmental impact assessment. The residential accommodation, ventilation and location of outside space should be designed in such a way as to reduce indoor and outdoor exposure.
3. The scoping report does not provide details on the type of air quality assessment. This assessment must follow the procedure in the ALG Air Quality and Planning Technical Guidance. This document is currently being updated and the new version should be available in September. In particular, the developer must use a dispersion model and inform Camden's Air Quality Officer of the intended modelling technique and background data to confirm that they are appropriate for the development. A worst-case weather year should be used for the modelling (i.e. 2003) and the most recent London Atmospheric Emission Inventory must be used (2005 version). NO_2 and PM_{10} concentrations should be modelled against objective years and the year of opening with and without the development in place. Contour maps that illustrate the difference in air quality should be provided.
4. Any raw data should be made available to the local authority on request
5. Following completion of the traffic assessment, the developers should inform and explain to the Air Quality Officer whether or not they have decided to scope this out of the air quality assessment.
6. Data should be taken from the Council's 2005 Air Quality Progress Report, which is the latest document to be produced by the Council (rather than the 2002 review as stated in the scoping report). This report is available at www.camden.gov.uk/airquality or from the Air Quality Officer.
7. The developers should consider complying with the draft London wide Code of Practice on controlling dust and emissions from Construction and Demolition and put in place best practice mitigation. Levels of particulates should also be monitored during construction.
8. Although not directly related to air quality, the environmental impact assessment should also assess emissions of CO_2, taking into account both building and transport sources. Measures such as BREEAM excellent rating and use of renewables (mentioned in 3.13) should be used as ways to reduce CO_2 emissions.

Measures to mitigate the impact of construction activities and traffic should be provided.

3.6 Noise and Vibration
As well as PPG24, the consultants should also take into account the noise thresholds in adopted UDP (Development Standard 6) and in replacement UDP (Appendix 1). Thresholds are the same in each document.

We welcome that the Camden Noise Strategy will be forming a key part of the framework for the evaluation of effects. You may also wish to consider the 2004 GLA Ambient Noise Strategy.

With regard to future noise assessments and applications, consideration should be given to Camden Council's noise standards in respect of planning and licensing applications (see also comments at 3.15 below)

3.7 Microclimate
Given the poor wind climate around Euston Tower, we would expect the development to lead to an improvement in wind conditions. Any further deterioration would not be acceptable.

3.8 Ecology

English Nature comment that all protected species of fauna and flora on site should be accounted for, although in practice the only protected species of note are likely to be species of bat. The Environmental Assessment should include surveys for bats carried out in accordance with current best practice. For any bats found, action programmes for their retention /rescue/translocation should be included.

The site is adjacent to a nesting site for Peregrine falcons so you need to consider this in your assessments for disturbance both during construction and after completion. The developer may well need to put in some protection/ time the works to fit with breeding season etc on this. This should be addressed in the Environmental Impact Assessment

You should do a data search for ecological data for the area from GIGL - Greenspace Information for Greater London - contact 020 7803 4278 or London Bird Records through the London Natural History Society (their records may be in the GIGL system).

If you do any surveys then the timing will be crucial and should be between April and early Sept.

On a general point, for any investigation carried out, the methodology known to be most useful and effective for any particular study should be used. If it is not explained in full in the text, then both this and the analysis of results should be made available at a named source. The methodology used for species surveys and the results should be included within the Environmental Statement. Conclusions should be firmly based upon evidence found within the scope of the Environmental Assessment and be impartial rather than favour any particular outcome. Any source material should be referred to and listed in a reference section. Where data has not or cannot been obtained, this should be explained in the text and no conclusions reached in its absence.

Potential for ecological enhancement should include the fabric of the building as well as the landscaping and public realm proposals. The incorporation of nesting bricks i.e. for swifts is recommended as the site is in close proximity to Regents Park.

The Environment Agency should also be consulted over potential effects of the proposed development on its areas of responsibility.

Reference should be made to the London Biodiversity Action Plan and the Mayors Biodiversity Strategy in your desktop investigations. We would also be seeking ecological enhancement of the site in line with Replacement UDP policy Nnew Biodiversity (page 67).

3.9 Water Resources

There is no mention of rain water run off and impact on the public drains. We would require no increase in run off of water into public drains as a result of the development. I refer to Replacement UDP policy SD9C. You should state how you propose to delay water run off and pressure on the drains at times of extreme weather events with torrential downpour?

The Environment Agency comment as follows:

1. The site is situated within Flood Zone 1 which is land outside the floodplain as shown on the Environment Agency Flood Zone maps. Whilst the site is outside the floodplain, development of this size can potentially generate a significant volume of surface water. The impact and risks posed by this will vary according to the characteristics of both development and catchment.

2. The Agency would recommend that a Flood Risk Assessment (FRA) be undertaken to address the surface water drainage issues on site.

3. The specification for all FRAs is set out in Appendix F of PPG 25. This guidance relates to the required emphasis for commissioning and undertaking of flood risk assessments for general development **outside** the flood plain (Zones 1 and 2).

4. Flood risk assessments may be of a relatively minor nature, evaluating a small development with minimal secondary effects, or may comprise major basin-wide studies for significant infrastructure developments. On occasions, preliminary or scoping studies may be undertaken prior to a fuller assessment.

5. The following issues should be considered as part of the assessment:

   1.Surface water measures already in place, their state of maintenance and their performance.

   2.An assessment of the run-off likely to be generated from the proposed development.

   3.A SUDS system for the proposed development.

6. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.

7. In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency will recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

8. Please note using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. The use of soakaways is not permitted in contaminated ground.

Should you have any queries on this, please contact Lorraine Murphy at 01707 632407 or Lorraine.Murphy1@Environment-Agency.gov.uk

3.10 Soil Contamination
A site investigation will be required, including chemical testing of soils and submission of detailed human health risk assessment of any contamination identified –with specific relation to the proposed uses of the site.

A copy of the Guide to Developers for dealing with potentially contaminated sites, is attached to this letter. Should you require any further information on contamination issues please contact Darren Beesley in Camden's Environmental Health Team on 020 7974 2638.

3.11 Radio and Television Interference
I have not received comments from Ofcom/BBC Spectrum Planning, but should I do so, I will forward these to you as soon as they are available.

3.12 Socio-Economic effects
Potential impacts in relation to the displacement or disruption of existing social, community and education uses on the site should also be addressed. The needs of future occupiers of the site also needs to be fully addressed in respect of social, community, education, health and amenity space either within the site or within an appropriate catchment area. Regeneration benefits to the local community and local residents within the West Euston Neighbourhood Renewal Area are welcomed in line with UDP policies.

3.13 Sustainability
Submission of a BREEAM and EcoHomes assessment of the development would be expected at the same time as the planning application and ES are submitted and a VERY GOOD score in both as a minimum would be expected. Green/brown roofs should be incorporated wherever possible.

3.13.2 In addition a statement of the amount of space allocated in all parts of the development for storage and treatment of waste and recyclables should be provided, including use of FSC (or similar) timber i.e. from a sustainable source. This should include recycling of materails during construction.

3.15 Residential Amenity
In addition to what you propose, you might consider the potential conflict between the public spaces and associated facilities (eg pubs, cafes, restaurants and their sitting out areas) and the private spaces ie the residential areas where residents will expect a degree of tranquillity especially in the evening and at night time. This type of noise nuisance is difficult to measure and is not likely to be picked up in noise studies because it is episodic and low level. We need to be convinced that, for example, that exits from public uses and canyon noise effects of walkways in the development are being designed to avoid future problems between such public uses and residents.

3.16 Cumulative Impacts
I question whether 200m is a wide enough boundary to assess the cumulative effects of construction impacts and related impacts such as noise, dust and construction traffic, and consider that the effects could easily extend beyond this. This should be taken into account in your assessment.

I would reaffirm that cumulative impacts should include consideration of those of other recent and emerging proposals in the area, particularly around Euston Road. Aswell as identifying benefits and impacts, the assessments should include measures to off-set any negative impacts.

I trust these comments will assist you in producing the Environmental Assessment. The comments are provided without prejudice to the right, if necessary, to raise further issues for consideration as part of the future assessment of the proposals.

Yours sincerely,

Anne Doherty

Assistant Director of Planning

NORTH-EAST QUARTER, REGENT'S PLACE
VIEWING POSITIONS FOR PHOTOMONTAGE VIEWS

(based on Richard Coleman Consultancy Views Report dated April 2005)

RCC Views Report View No.	LBC Comment
View No. 1	Agreed
View No. 2	Agreed subject to modification. Viewing point should be shifted to central crossing island on this junction, which gives an impression of the general view along TCRd, rather than one single point, plus provides more of the setting of buildings on Hampstead Rd and both sides of TCRd.
View No. 3	Agreed
View No. 4	Agreed
View No. 5	Agreed
View No. 6	Agreed
View No. 7	Agreed
View No. 8	Agreed subject to modification. Viewing point should be shifted to western pavement along the same part of the road, as there is greater pedestrian activity from this point.
View No. 9	Agreed
View No.10	Agreed
View No.11	Agreed subject to modification. Viewing point should be shifted slightly south to the junction of the paths, in front of the seat. This is more of a node of pedestrian activity with a seat and is a more obvious viewing point used by the public.
View No.12	Agreed
View No.13	Agreed (N.B. the photo of the viewing point itself in the RCC Views Report would appear to be incorrect)
View No.14	Agreed
View No.15	Agreed
View No.16	Agreed
View No.17	Agreed
View No.18	Agreed
View No.19	This viewing point should be shifted to the next ornamental planter to the north in the flower garden (see map)
View No.20	Agreed
View No.21	Agreed
View No.22	Agreed
View No.23	Agreed

Additional views (marked on map):

Regent's Park Chidren's Playground entrance (same as View CP4 IN Osnaburgh St scheme).
Node of pedestrian activity with views of the site.

Corner of Park Crescent with Marylebone Rd, south-west corner (same as View CP1 in Osnaburgh St scheme).
Node of pedestrian activity on significant road and pedestrian route to the park. Gives views of the site.

Corner of Drummond St with Cardington St, south side.
Gives significant medium-long views of site (and part of Osnaburgh St site) in the context of both sides of Drummond Street. Subject to discussion, this view could potentially replace View 4.

Corner of Cardington St with Hampstead Rd, north side.
Pedestrian Node with significant views of the site.

Corner of Stanhope St with Robert St, south-west side.
Pedestrian Node with significant views of the site. Note that this view will need to be taken before the trees in the view are heavily in leaf.

Informal pathway inside the Outer Circle at the northern end of Regent's Park- mid-point between Gloucester Gate and the Broad Walk, south of the hedge.
Gives wide views of the site in the context of Regents Place overall and its context, providing a backdrop to Regent's Park. If possible, the view should show the tree canopy, as seen in winter.

THE BUS STOP ENVIRONMENT

Objectives

"... to provide a better bus stop environment for passengers to give an appropriate welcome and meet passengers' requirements."

Bus stops and bus shelters are the 'front door' of the bus network. They must be of an appropriate standard for bus passengers. Stops should be appropriately located and timetables provided. Shelter, seating, lighting and maps should be available at the great majority of stops and in many locations minute-by-minute service information.

Bus stop environment programme

High quality passenger facilities and information to reflect stop type should be proposed for any bus stop. Improvements are to be carefully located to ensure that clear access is maintained to buses stopping at the location.

The following types of facility and information improvements should be included at bus stops:

Bus stop flag/sign
The bus stop flag or sign is the central point for the layout of a bus stop on the footway. Bus drivers are trained to stop adjacent to it. It is therefore important that *all* bus stops on a route are provided with a bus stop flag. Flags will be a combination of basic and new aluminium post designs depending on the stop type.

Shelters
Protection of passengers from the weather is an important consideration at bus stops. Passenger shelters should be provided where physically possible on routes. Shelters should include lighting and seating facilities. At all existing shelters, lighting units should also be checked to ensure that they are operating satisfactorily and adequately illuminate the shelter and stop.

Seating
Seating should be provided for bus passengers wherever possible.

Information
Provision of information to the bus passenger is important. Clear, accessible and reliable information helps passengers to plan their bus journeys more easily. The range of information to be made available at bus stops will include basic bus service information (timetables). At larger bus interchanges on routes, route journey maps (comprising simpler bus route information in a diagramatic format similar to the London Underground map), bus line timetables, local area maps and local information should be provided.

Countdown
'Countdown' is an LED display system, usually affixed to a bus shelter, which shows up-to-the-minute information about the arrival time of the next few buses. The provision of such real time passenger information will be implemented at bus stops where there is most need for passengers to be given information.

Other aspects of the passenger waiting area environment should also be considered9. These are important for passengers' real and perceived impressions of the quality of the bus service, and include:

Litter bins
A clean passenger waiting area improves the passengers' environment. At all bus stops litter may accumulate, especially in areas with retail activity. Litter bins should be provided for both passengers and bus and as such they do not obstruct pedestrian movement. Care should also be taken in locating litter bins to reduce nuisance such as smells and to ensure that they are emptied regularly.

Street lighting
Poor or inadequate street lighting can contribute to uncertainty in regard to personal security. Consideration should be given to the provision of high levels of illumination at bus stops.

Drainage
Poor drainage of bus stops will result in 'ponding' - water gathering - on the passenger footway or at the road kerbside. Ponding will affect the passenger environment and in freezing conditions can be particularly dangerous. Ponding at the kerbside could also result in the passengers being splashed by passing traffic (or buses). It is therefore considered important that good drainage is provided at bus stops.

Impact on pedestrians and other road users

i. Pedestrians

The implementation of the bus stop environment improvement programme may cause some disruption to pedestrians and passengers. It is likely that this will be in the form of:

* Narrower footways while work is in progress; and,
* Temporary bus stops, should stops be relocated.

Once improvements are operational pedestrians and passengers should experience:

7 Highly identifiable bus stop locations, the majority of which will be provided with bus shelters and seating;
7 The provision of clear, accessible and reliable bus information which will help passengers plan their journeys more easily;
7 A cleaner, better lit and well drained bus stop environment; and,
7 Bus stop layouts which are easier for everyone to navigate.

ii. Other road users

The introduction of the bus stop environment programme of improvements may have a minor impact on other road users during implementation.

All improvement work carried out to bus stops should be during off-peak hours wherever possible. However, while work is in progress road users could experience delays where new bus shelters, seating, countdown or bus flags are being erected.

Once improvements are operational, bus stop environment improvements should have no effect on other road users.

Comment on bus stop environment

"It is important that bus stops are well designed and maintained for passenger comfort and security. Adequate bus service information needs to be provided so that everyone can organise their journeys. I hope that the improvement programme for the bus stop environment will help to make bus services a more attractive means of transport for Londoners."
Rufus Barnes, London Transport Users Committee.

Locations where high quality bus stop examples can be found

1. *Route 43.* Next to Angel Underground station, by the crossing of Liverpool Road and Upper Street.
2. *Route 43.* At Archway Gyratory, next to Archway Underground station.

CONTAMINATED LAND

A GUIDE TO HELP DEVELOPERS MEET PLANNING REQUIREMENTS.

Supported by:

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

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BOROUGH OF SPELTHORNE

LONDON BOROUGH OF RICHMOND UPON THAMES

A LONDON BOROUGHS' PUBLICATION
October 2003

The Royal Borough of Kensington and Chelsea have prepared this document in collaboration with other London Boroughs listed on the 'useful contacts' page and the Environment Agency. It is largely based on Government Guidance, and guidance produced by other Local Authorities.

CONTENTS

Introduction

This guidance is primarily for property owners, developers, architects and surveyors who want to know what information they should submit to the Planning Department when they apply to re-develop, or significantly change the use of a piece of land, which could potentially be contaminated.

Contamination, in most cases, is likely to arise from a previous use of the site, or an adjacent site, that had an industrial activity on it at one time or another.

The requirements for cleaning up land under the planning process are not the same as cleaning up land under Part IIA of the Environment Protection Act 1990, and this guidance does not cover the latter - although the information that we would request is very similar. For details on Part IIA please contact the appropriate Contaminated Land Officer, whose details can be found on pages 5-7, and ask them for a copy of their Inspection Strategy.

This document is only guidance. We are aware that the contents of any site report will vary due to site-specific issues, e.g. the past use of the site, the nature and extent of the contamination and the proposed end use of the site. Developers are recommended to seek the advice of an Environmental Consultant and the Local Authority if it is suspected that contamination may exist.

The Councils' Approach

The potential for land to be contaminated is a material consideration for the purposes of Town and Country Planning, and it places the responsibility on owners and developers to establish the extent of any potentially harmful materials on their sites.

It is the Local Authority's duty (as regulators) to ensure that owners and developers carry out the appropriate investigations and formulate proposals for dealing with any contamination in a responsible and effective manner. We have to make sure that land is, or will be made, suitable for any proposed use.

You and your environmental consultant will need to assess the potential risks from contamination on the basis of the proposed use and local circumstances. This should normally be done before the formal planning permission is given for the development. However, in some Authorities, permission can be granted subject to a condition, which will require you to investigate whether there is any land contamination and, if necessary, devise a strategy to deal with it.

If potential risks are identified, the land will then need to be remediated, before development begins, to mitigate risks to human health and the environment.

Liaison with the Council

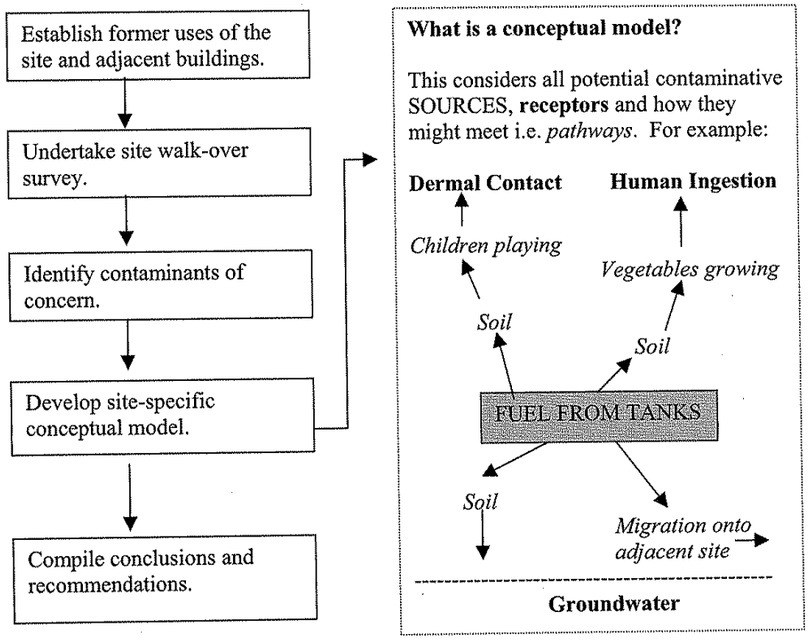
Where a developer is proposing to develop land that is suspected of being contaminated, it is advisable to contact the Contaminated Land Officer before submitting the planning application. It is useful to do this as the Council may have additional information that you are unaware of, and may also be able to answer any particular questions that you have.

During site investigation works and remedial works (if remediation is deemed necessary), Contaminated Land officers may wish to visit the site. It would therefore be useful to know when this work is timetabled to take place. This will also give further opportunity to discuss any problems or queries that may have arisen.

The diagram overleaf gives an overview of the steps that need to be taken when dealing with a site that is potentially contaminated. More detailed information can be found in Appendix I.

Procedure for dealing with land potentially affected by contamination.

Step 1 – the desktop study



Step 2 – Detailed site investigation
(when necessary)

Design sampling strategy and take samples (based on the conceptual model)

Undertake quantitative risk assessment – compare results of sampling with appropriate standards and identify unacceptable risks.

If necessary, identify appropriate remediation options available.

Step 3 – Remediation Strategy
(when necessary)

Select preferred remedial options and submit for approval

Design and implement remedial works.

Step 4 – Validation Report
(when necessary)

Following completion of works, compile validation report to demonstrate works have been carried out according to remediation strategy, and detail any changes that occurred.

Adapted from Fig 2.1, Guidance for the Safe Development of Housing on Land Affected by Contamination, Environment Agency & NHBC, R&D Publication 66, 2000.

FREQUENTLY ASKED QUESTIONS

1. **Who should be carrying out all this work?**
The person or organisation carrying out the work must have the experience, qualifications and skills to do so and must meet the following criteria:
   - They should be a competent person - either an environmental scientist, chemist or hydrogeologist;
   - They must belong to an accredited body or must be able to demonstrate that they operate within a quality assurance system;
   - They must use an accredited and quality assured laboratory (UKAS) to analyse samples and prepare conclusive reports;
   - They must be aware of current legislative requirements including health and safety and the relevant codes of practice.
   - They must be able to carry out risk management assessments and produce clear reports on the findings;
   - They must have, and maintain appropriate professional indemnity insurance.

2. **What will happen if I do not submit a desktop study with my planning application?**
If a desktop study is not submitted with the application, and the information is not included as part of the site investigation, then one of two things is likely to happen:

   I. You will receive a letter from the Planning Department informing you that you must supply it before planning permission can be granted. It must include the information highlighted on page 8;

   II. A planning condition will be attached to the planning consent requiring you to submit the details before development on site begins. The condition will not be discharged until the planning authority is satisfied that all information has been provided.

3. **Why might the Planning Authority deem a report to be inadequate?**
There are several reasons why a Planning Authority may reject a report, for example:
   - It does not contain all the information required;
   - Some of the information is not presented clearly and requires clarification;
   - Important maps are missing;
   - The report does not sufficiently address the concerns of the Planning Authority.

   The Planning Authority will then write to you with details of why it has been rejected and ask you to re-submit an amended copy. If you are unclear about anything, you should make an appointment to meet with the relevant Council Officer.

4. **Apart from the local Planning Authority, whom else should I be consulting?**
It may be appropriate to consult a number of statutory bodies including the Environment Agency, Thames Water and English Nature. It is also likely that the planning authority will consult other departments within the Council, for example, Environmental Health.

   The Environment Agency has a number of regulatory responsibilities. They must therefore be consulted if it is possible that:
   - The pollution of surface or groundwater is involved;
   - The water environment is at risk of pollution;
   - An application is within a flood-plain area;

- Where the development is on a closed landfill or within 250 metres of a closed or active landfill.

N.B – the Planning Department of the Environment Agency can provide further details on what they should be consulted on.

If remedial works are required, it may be necessary to inform neighbouring residents – the Local Planning Authority will be able to advise you further on this.

5. What are the effects of contaminated land?

If the land is contaminated it may present a hazard to potential uses of the land and vegetation. Exposure to contaminants can be through inhalation of dust or gasses, contact with soil or through food grown on the land - as demonstrated in the diagram of the 'source-pathway-receptor' conceptual model on page 2.

Leachates (pollutants draining from the site in liquid form) can pollute groundwater and rivers or ponds. Some contaminants may be corrosive, and some can pose a risk of explosion or fire.

Contamination within the soil and unsaturated zone can potentially have an impact on groundwater quality, this can move off-site and affect nearby surface water features as well as abstractions.

6. What are the appropriate standards to use?

In December 2002, the Department for the Environment Food and Rural Affairs, officially withdrew the Interdepartmental Committee for the Redevelopment of Contaminated Land (ICRCL) guidance note 59/83 (2nd Edition), therefore these are no longer valid and must not be used. In addition, the Dutch Standards are not officially recognised as being authoritative standards in this country.

Please ensure that all soil sample results are assessed in accordance with the Contaminated Land Exposure Assessment Model (CLEA) and the Contaminated Land Research (CLR) Reports, where Soil Guideline Values (SGVs) have been derived. If using CLEA, all workings must be provided.

Where Soil Guideline Values (SGVs) are not available for the appropriate pollutants, suitable site specific criteria must be derived in accordance with CLR9, *Collation of Toxicological Data and Intake Values for Humans,* and submitted to us for our approval. Or alternatively, if it can be shown that CLEA is not the appropriate model, then other packages (with the Council's agreement) can be used, for example SNIFFER. Your Environmental Consultant will be able to advise you further on these requirements.

USEFUL CONTACT ADDRESSES

Please ensure you contact the relevant borough.

CONTAMINATED LAND OFFICER	PLANNING DEPARTMENT
London Borough of Barking and Dagenham Environmental Protection Health and Consumer Services Roycraft House 15 Linton Road Barking IG11 8HE Telephone: 020 8227 5640	London Borough of Barking and Dagenham Development Control Second Floor 127 Ripple Road Barking IG11 7PB Telephone: 020 8227 3933
London Borough of Brent Environmental Management & Regeneration Environmental Health Brent House 349-357 High Road Wembley Middlesex HA9 6BZ Telephone: 020 8937 5252	London Borough of Brent Brent Planning Service Brent House 349-357 High Road Wembley Middlesex HA9 6BZ Telephone: 020 8937 5210
London Borough of Camden Environment Department Environmental Health Team Town Hall Argyle Street London WC1H 8EQ Telephone: 020 7974 2090	London Borough of Camden Planning Team Town Hall Argyle Street London WC1H 8EQ Telephone: 020 7974 1911
London Borough of Ealing Environmental Health & Trading Standards Perceval House 14-16 Uxbridge Road Ealing W5 2HL Telephone: 8825 8111	London Borough of Ealing Planning & Surveying Services Perceval House 14-16 Uxbridge Road Ealing W5 2HL Telephone: 020 8825 6600

London Borough of Enfield Environmental Protection and Safety Commercial Standards Team PO Box 57 Civic Centre Silver Street Enfield EN1 3XH. Telephone: 020 8379 3661	London Borough of Enfield Planning and Development Control PO Box 52 Civic Centre Silver Street Enfield EN1 3XH Telephone: 020 8379 1000
London Borough of Islington The Pollution Team Public Protection Division 159 Upper Street London N1 1RE Telephone: 020 7527 3840/3228	London Borough of Islington Planning Division Box 3333 222 Upper Street London N1 1YA Planning enquiries telephone line: 020 7527 2774 Duty Officer is available on 020 7527 2813 between 10am - 1pm.
Royal Borough of Kingston upon Thames Directorate of Community Services Environmental Health Service Guildhall Kingston upon Thames Surrey KT1 1EU Telephone: 020 8547 4719	Royal Borough of Kingston upon Thames Director of Environmental Services (Planning) Guildhall 2 Kingston upon Thames Surrey KT1 1EU Telephone: 020 8547 5332
Royal Borough of Kensington and Chelsea Environmental Services Council Offices 37 Pembroke Road London W8 6PW Telephone: 020 7341 5716	Royal Borough of Kensington and Chelsea Planning Services The Town Hall Hornton Street London W8 7NX Telephone: 020 7361 2080
London Borough of Richmond Environmental Protection and Customer Services Development and Building Control Civic Centre 44 York Street Twickenham TW1 3BZ Telephone: 020 8891 7300/7356	London Borough of Richmond Environment Planning & Review Special Projects Team Room 119 Civic Centre 44 York Street Twickenham TW1 3BZ Telephone: 020 8831 6453

London Borough of Southwark Environmental Health & Trading Standards Residential Unit Chaplin Centre Thurlow Street SE17 2DG Telephone: 020 7525 5717	London Borough of Southwark Planning Department Development & Building Control Council Offices, Chiltern Portland Street SE17 2ES Telephone: 020 7525 5402
The Borough of Spelthorne Pollution Control Council Offices Knowle Green Staines Middlesex TW18 1XB Telephone: 01784 446251	The Borough of Spelthorne Development Control Council Offices Knowle Green Staines Middlesex TW18 1XB Telephone: 01784 446361/446558
Westminster City Council Community Protection Department Environmental Health Consultation Team Room 18 Council House Marylebone Road London NW1 5PT Telephone: 020 76411317	Westminster City Council Planning Applications Planning & Transportation Department Westminster City Hall 64 Victoria Street London SW1E 6QP Telephone: Central Team: 020 76412514 North Team: 020 76412017 South Team: 020 76412681
The Environment Agency Apollo Court 2 Bishop Square Business Park St Albans Road West Hatfield Herts AL10 9EX Telephone: 01707 632300	The Health and Safety Executive HSE Infoline Caerphilly Business Park Caerphilly CF83 3GG Telephone: 08701 545500

APPENDIX ONE

CHECKLIST FOR REPORTS SUBMITTED IN SUPPORT OF PLANNING APPLICATIONS

The following list provides a guide on what we may require when assessing your particular planning application. It has been divided into 4 sections:

Section One – The desk top study
Section Two – The site investigation (where appropriate)
Section Three – The remediation strategy (where appropriate)
Section Four – The validation report (where appropriate)

If any items are not supplied, please include a detailed explanation within your reports explaining why they have been omitted. Each section may be submitted separately, or sections 1, 2 or 3 could be put together in one document. These sections must be submitted and approved prior to development commencing. They should follow logically on from one another to give a complete picture if the historical context and contamination potential about what has already gone on on-site and what is still to happen. Section 4, the validation report, should be submitted after the remediation has taken place.

If you require any further guidance please contact your local Contaminated Land Officer.

This checklist is not exhaustive, and as said previously, the contents of any site report will vary due to site-specific issues. You should be aware that investigations carried out for geotechnical purposes (for example, for building structures) are not sufficient because they do not specifically address the risk to human health and the environment.

Section One – Desk top study
(Please complete in accordance with BS10175:2001 Investigation of potentially contaminated sites – Code of Practice, or the Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination.)

It should include the:

- purpose and aims of the study;
- credentials of person/organisation undertaking the study;
- site location and current layout plans (appropriately scaled and annotated, including the National Grid Reference;
- appraisal of site history including appropriately scaled and annotated historical maps;
- appraisal of site walkover survey;
- review of aerial photographs where available;
- assessment of the environmental setting including the interpretation and implications of:
  - the geology, hydrogeology & hydrology of the area;
  - information from the Environment Agency on abstractions, pollution incidents, water quality classification and landfill sites within 250 metres (etc) and
  - whether there are any archaeological or ecological considerations;
- assessment of current/proposed site use and surrounding land uses;
- review of any previous site contamination studies (desk based or intrusive, or IPPC investigations where relevant) and remediation works;
- review of local authority planning records, building control records, drainage and service plans;

- preliminary (qualitative) assessment of risks, to include –
  - an initial 'conceptual site model' to show the nature and extent of the potential contamination and,
  - an appraisal of the potential contaminative sources, pathways and receptors (pollutant linkages);
- identification of potential contaminants and areas of concern;
- recommendations for intrusive contamination investigations (if necessary) to include the identification and justification of target areas for more detailed investigation.

Section Two - Detailed site investigation report (where appropriate),
(in accordance with BS10175:2001 Investigation of potentially contaminated sites – Code of Practice, or the Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination and the CLR Guidance documents)

- Liaison with the Local Authority Contaminated Land Officer;
- Review of any previous site investigation contamination studies (desk-based or intrusive or IPPC investigations where relevant) and remediation works;
- Site investigation methodology to include:
  - an appropriately scaled and annotated plan showing exploration locations, on site structures, above/below ground storage tanks and existing services infrastructure etc;
  - justification of sampling regime and exploration locations, including the number of samples taken and their depths;
  - sampling and analytical strategies – must be relevant to the previous industrial activity identified in the desk top study and conceptual model;
  - groundwater/surface investigations according to the methodology written by the Environment Agency and
  - borehole/trial pit logs;
- Analysis of samples to be carried out by an accredited laboratory and must include:
  - all contaminants likely to be on site and
  - where relevant, the identification of different species and distinction between varying carbon chain lengths etc., for example Polyaromatic Hydrocarbons (PAHs), Total Petroleum Hydrocarbons (TPHs);
- Results and findings of investigation to include:
  - ground conditions (soil and groundwater regimes, including made ground and the potential mobility and leachability)
  - discussion of soil/groundwater/surface water contamination – visual, olfactory and analytical. Comparison of analytical results with appropriate standards is essential;
  - consideration of ground gas and
  - the presence of asbestos;
- More detailed conceptual site model;
- Site specific risk assessment based on the contaminant source-pathway-receptor model for both health and environmental receptors. Details of the site specific risk assessment model selected and why it was chosen should also be included, the results and any model printouts that have been generated, for example, with CLEA, data sheets should be included. Also include any validation reports to show if the model is performing accurately;
- Recommendations for remediation – these must be appropriate for the 'suitable for use' approach, based on current use and circumstances of the land and its proposed new use;
- Recommendations for further investigations, if necessary.

Section Three – Remediation Strategy (where appropriate)
(This must take into account the intended end use of the site.)

- Remediation options initially considered and justification for the chosen methods;
- Objectives of the remediation work, to include;
  - description of the ground conditions (soil/gas/surface water and groundwater etc);
  - type, form and scale of contamination to be remediated (including consideration of services infrastructure;
  - remediation methodology;
  - site plan/drawings (appropriately scaled and annotated);
  - phasing of works and approximate timescales;
  - consents and licenses (e.g. discharge consents, part B authorisations for mobile plant, asbestos waster removal licence etc)
  - details of environmental monitoring that will be undertaken;
  - site management measures to protect neighbours, environment and amenity during works, including where appropriate:
    - health and safety procedures;
    - dust, noise and odour controls and
    - control of surface run off;
- Details of how the works will be validated to ensure the remediation objectives will have been met, including:
  - the sampling strategy;
  - the use of on-site observations, visual/olfactory evidence;
  - chemical analysis and
  - the proposed clean-up standards.
- Details of future monitoring requirements (where necessary) once remediation has been completed;
- Details on the lifespan of the recommended remediation works.

NB. During the remediation works, if changes to the strategy have to be made, you must agree these with the Local Planning Authority, in writing, **before** they are implemented.

Section Four - Validation Report
(To be submitted for approval after the remediation works have been undertaken)

- Information as detailed in section 3;
- Details and justification of any changes from the original remediation strategy;
- Details of who carried out the work
- Substantiating data –
  - laboratory and in-situ test results;
  - monitoring of groundwater and gases during remediation and details of monitoring programme post completion of remedial works, where agreed.
  - summary data plots and tables relating to clean-up criteria;
  - plans showing treatment areas and details of any differences from the original remediation strategy;
  - waste management documentation.
- Confirmation that remediation objectives have been met, for example, a certificate of completion.

APPENDIX II

Further sources of information and recommended guidance

BS 10175:2001. British Standards Institution. (2001) Code of Practice for the Identification of Potentially Contaminated Land and its Investigation. London: BSI. ISBN 0 580 33090 7.

CIRIA (1995) Risk Assessment for Methane and Other Gases from the Ground, Report 152, CIRIA, London.

CIRIA (2001) Remedial Processes for Contaminated Land, CIRIA, London.

Department of the Environment Industry Profiles: 1-26

Department of the Environment (1994) Planning Policy Guidance Note 23, Planning and Pollution Control HMSO, London. – New doc?

Department of the Environment, Transport and the Regions, Environment Act 1995,

Department of the Environment, Transport and the Regions and Environment Agency (2000) Model Procedures for the Management of Contaminated Land. Contaminated Land Research Report No11, London: DETR (in press).

Department of the Environment, Transport and the Regions, Circular 02/2000 – Environmental Protection Act 1990: Part IIA – Contaminated Land – HMSO 2000.

Department for the Environment, Food and Rural Affairs (2002) CLR 7 Assessment of Risks to Human Health from Land Contamination: An Overview of the Development of Soil Guideline Values and Related Research, London, DEFRA.

Department for the Environment, Food and Rural Affairs (2002) CLR 8 Priority Contaminants for the Assessment of Land, London, DEFRA.

Department for the Environment, Food and Rural Affairs (2002) CLR 9 Contaminants in soils: Collation of toxicological data and Intake Values for Humans, London, DEFRA.

Department for the Environment, Food and Rural Affairs (2002) CLR 10: Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms London, DEFRA.

Environment Agency R&D Publication 20 – Methodology for the Derivation of Remedial Targets for soil and groundwater to protect water resources.

Environment Agency and NHBC. (2000) Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66. ISBN 0-11-310177-5.

Environment Agency (2000) Technical Aspects of Site Investigations - Volumes I & II Research and Development Technical Report P5-065/TR. Water Research Centre, London.

Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination. R&D Technical Report P5-066/TR. Water Research Centre, Swindon.

Bibliography

Nottingham Contaminated Land Sub-Group. (2002). Developing Land Within Nottinghamshire, A guide to submitting planning applications for land that may be contaminated.

Sheffield City Council. Developing land suspected or known to be affected by the presence of contamination, an environmental protection service guidance note.

Joint publication by Environment Agency and NHBC. (2000) Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66. ISBN 0-11-310177-5.