

## 3 Contaminated land

### KEY MESSAGES:

- Contaminated land can pose a serious risk to health.
- The Council will expect developers to identify and assess potentially contaminated land at an early stage.
- Developers will be expected to follow the Council's Contaminated Land Strategy.

3.1 This guidance provides advice on how to approach the development of potentially contaminated sites. This guidance should be read in conjunction with Core Strategy policy CS16 – *Improving Camden's health and well-being*.

3.2 To protect the local environment and the health and well-being of residents, workers and visitors, we will carefully assess any proposals for the redevelopment of sites that:

- are known to be contaminated;
- have the potential to be contaminated, through previous or current uses; or
- are located in close proximity to these sites.

### What is contaminated land?

3.3 Contaminated land is land that has been polluted with harmful substances to the point where it now poses a serious risk to health and the environment.

### Causes of land contamination

- improper chemical handling or disposal practices,
- accidental spillages, or leakages of chemicals during manufacturing or storage.
- polluted groundwater migrating under a site
- particles settling from factory emissions.

3.4 The most common pollutants of land are metals and organic compounds. Typical land uses that can cause land contamination include petrol stations and gas works.

3.5 Contamination can also come from historical activities dating back many hundreds of years, such as spoil heaps from some Roman lead mines, and even from naturally occurring substances.

3.6 Contaminants may still be present above acceptable levels even though the polluting use stopped many years ago. 'Contaminated land' has a specific legal definition which is used in relation to an 'unacceptable risk'

of harm to health. For more information please see Department for Environment, Food and Rural Affairs (DEFRA) web pages.

- 3.7 In principle we will support the redevelopment of contaminated sites where the contamination issue can be successfully addressed and where future uses can be carried out safely. Remediation is particularly important where people have access to ground for gardening, play or planting food for consumption within redeveloped sites.

### **What should you do if your site is contaminated or potentially contaminated?**

- 3.8 In accordance with Planning Policy Statement (PPS) 23: Planning and Pollution Control, if you propose a development on contaminated or potentially contaminated land, it is your responsibility to ensure that contaminated land issues are considered at the planning application stage.
- 3.9 Where contamination is known or suspected on a site or the proposed use would be vulnerable to contamination, we will expect you to provide, as a part of your planning application, the necessary information as outlined in this chapter to determine whether the proposed development is acceptable.
- 3.10 The information required will need to be sufficient for us to determine:
- the existence or otherwise of contamination;
  - the nature of the contamination and the risks it may pose; and
  - whether these can be satisfactorily reduced to an acceptable level.
- Please refer to Annex 2 of PPS23 for further details.
- 3.11 The identification and assessment of land contamination issues is to be carried out by a qualified and experienced consultant, in consultation with the Council's Environmental Health Service. The contamination report is to be submitted with your planning application so that contamination issues can be assessed at the planning application stage and any necessary remediation measures secured through conditions or a Section 106 legal agreement.
- 3.12 The Council's Contaminated Land Strategy sets out how we will:
- deal with contaminated land;
  - make information available to the public; and
  - implement the requirements of the Part IIa of the Environmental Protection Act 1990 and Environment Act 1995. This and other documents are available on the Council's website ([www.camden.gov.uk/contaminatedland](http://www.camden.gov.uk/contaminatedland)) and should be referred to where contamination is a potential issue.
- 3.13 If there is any existing contamination (or potential risk of contamination) to ground or surface water or to land with statutory nature conservation designation, either from the existing state of land or from proposed

works, the Environment Agency must be informed and their consent obtained to any works. The English Heritage Archaeological Section should be contacted where contaminated land is included within an Archaeological Priority Area.

**Archaeological Priority Area**

As specified in the Camden Proposals Map, and Map 4 of the Camden Development Policies, to help protect archaeological remains that might be affected by development. See policy DP25 Conserving Camden's Heritage of the Camden Development Policies for further guidance on the borough's Archaeological Priority Areas.

- 3.14 Your report should comply with the policies and advice given in PPS23 and its annexes. There are also various best practice documents and British Standards that should be followed. The London Boroughs have produced a local guidance document titled *Contaminated Land: A Guide to Help Developers Meet Planning Requirements*. This document provides guidance on what information should be contained within a contamination report and is available on Camden's website.

### Supporting documents

PPS23	<p>Planning Policy Statement 23: Planning and Pollution Control. Office of the Deputy Prime Minister, November 2004. <a href="http://www.odpm.gov.uk">www.odpm.gov.uk</a></p> <p>In particular Annex 2 should be referred to as this section deals specifically with contaminated land issues. The policies and advice contained in PPS23 is not repeated in this guidance and therefore should be consulted for detailed guidance.</p>
Camden Council Website	<p>Information on the Council approach to management of land contamination, information on historical land uses in the Borough and a copy of the London Borough's 'Guide for Developers on Contaminated Land'.</p> <p><a href="http://www.camden.gov.uk/contaminatedland">http://www.camden.gov.uk/contaminatedland</a></p>
Department of Food, Environment and Rural Affairs	<p>has published a number of documents on land contamination. These can be found at:</p> <p><a href="http://www.defra.gov.uk/environment/land/contaminated/index.htm">www.defra.gov.uk/environment/land/contaminated/index.htm</a></p>
Environment Act 1995	<p>Available from Stationary Office:</p> <p><a href="http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950025_en_1.htm">www.opsi.gov.uk/acts/acts1995/Ukpga_19950025_en_1.htm</a></p>

### Useful Contacts

Camden Environmental Health Service (Contaminated Land) web page [www.camden.gov.uk/contaminatedland](http://www.camden.gov.uk/contaminatedland) has more information on the Council's approach to contaminated land.

English Heritage [www.english-heritage.org.uk](http://www.english-heritage.org.uk) can provide advice on the approach to contaminated land within Archaeological Priority Areas.