

A DEVELOPER'S GUIDE TO PLANNING CONDITIONS FOR CONTAMINATED LAND IN EPPING FOREST DISTRICT

What does the condition look like?

Planning conditions for contamination applied by Epping Forest District Council (EFDC) usually comprise up to five parts with requirement for the following work:

- Phase I Land Contamination Investigation
- Phase II Site Investigation
- Remediation Works
- Verification Report
- Reporting of Unexpected Contamination

However, if on completion of any of these phases of work, it can be demonstrated that the level of risk to future site users or the surrounding environment is acceptable, then the remaining work would not be required, and the condition can be discharged.

For example, if the Phase I Land Contamination Investigation identified that a site had comprised a potentially contaminative historic use then a Phase II Site Investigation would be necessary. However, if this investigation did not identify the presence of any contamination, then no further remediation or verification would be required.

EFDC's standard land contamination conditions can be viewed in full on their website.

[Click Here](#)



Why has the condition been added?

In accordance with the National Planning Policy Framework (NPPF) the responsibility for safe development lies with the developer or landowner. If a site has been affected by contamination or comprises a sensitive end use, then some environmental assessment is likely to be necessary. Conditions for contamination are usually applied either where the potential for contamination exists (i.e. former commercial or industrial land use) or where a sensitive end use (i.e. residential) is proposed.

My site does not include commercial or industrial use. Why do I need to provide a contamination assessment?

In this instance, it's likely that the condition has been added due to the site's historic use – EFDC hold historic maps and land use records dating back to the nineteenth century and former uses may not be obvious.

Alternatively, a contamination assessment may be required where a sensitive end-use is proposed. Residential development is classified as a sensitive end use and so a basic assessment may be required for proposed residential sites even where no historic uses have been identified.





What is required to comply?

Unless one has been completed at the pre-application stage, the first piece of work necessary is a Phase I Land Contamination Investigation, also known as a Desk Study. You can find some further information on the Desk Study process on our website

[Click Here](#)

On completion of each phase of work, the relevant details should be submitted to EFDC with an application to discharge the relevant condition. Each phase of work should be approved in writing by EFDC prior to commencement of the next.

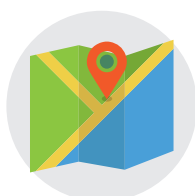
Can I submit an environmental property search?



Property searches, such as Landmark Envirosearch etc. can be very useful during the conveyancing process. However, they do not fulfil the requirements for environmental assessment as set out within DEFRA and Environment Agency guidance CLR11. Crucially, these reports don't include a risk assessment and development of a Conceptual Site Model. You can find out more about this process on our website

[Click Here](#)

What area should be covered?



Environmental assessment should be undertaken for all parts of the site that lie within the planning boundary (i.e. the 'red line').



What should be included with the Desk Study?

EFDC have produced a protocol for the items to be included within a Phase I report. This information is available on their website

[Click Here](#)

- Basic site information including site location, ownership, size and description.
- Basic screening data including historic maps, aerial photographs, geological records and information obtained from the EFDC planning and environmental databases.
- Site reconnaissance including collection of site photographs and completion of an on-site checklist.
- Outline conceptual site model including development of a contaminant linkage assessment and preliminary risk assessment.



How long does a discharge of condition take?

Upon completion, reports should be submitted to the planning officer as part of a discharge of the relevant condition. The Contaminated Land Officer will then be consulted by the planners. Once the application to discharge the condition is validated, the determination period will be confirmed (this can vary but is usually 8 weeks for smaller applications).