

ANNEX A



**SURREY HEATH BOROUGH COUNCIL
CONTAMINATED LAND STRATEGY**

Revised October 2012

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INTRODUCTION

1. Surrey Heath BC has reviewed their arrangements for enforcing Part 2A of the Environmental Protection Act 1990, the contaminated land regime, and associated actions. This follows and takes account of changes in the statutory guidance in respect of the regime, introduced in 2012. The revised contaminated land strategy takes account of work undertaken under the previous strategy as well as the Council's regulatory, development control and land ownership responsibilities.
2. The strategy recognises that contaminated land issues in the Surrey Heath area are likely to be limited because of the relative lack of industrialisation, the lack of major aquifers and the major areas of undeveloped heathland. However the presence of the MoD, the normal infrastructure activities supporting development e.g. waste disposal, gas works, transport activities, some surface water features and some limited commercial and industrial activities will contribute to the potential for land contamination and the need for a robust strategy. A more detailed assessment of the history, geology and hydrogeology, and development of the Surrey Heath area are set out at Appendix A.

STRATEGIC OBJECTIVES

3. The key priorities for the Surrey Heath Corporate Plan 2020 are:
 - i. To make Surrey Heath an even better place where people are happy to live.
 - ii. To sustain and promote our local economy so that our people can work and do business across Surrey Heath.
 - iii. To deliver an improved Camberley Town Centre for the benefit of the Borough
 - iv. Working with partners to deliver 'Transport for Surrey Heath
 - v. To build and encourage communities where people can live happily and healthily
 - vi. We will deliver our services better, faster and cheaper
 - vii. Delivering with partners the Sustainable Community Strategy priority action plans to improve: community safety, transport, health, children and young people and economic wellbeing
 - viii. Securing the future of local public services in Surrey Heath
4. The contaminated land strategy will support the Corporate Plan with the following key objectives:
 - To ensure compliance with and enforcement of statute by identifying and removing unacceptable risks to human health and the environment.
 - To ensure that contaminated land is made suitable for its current use.
 - To ensure that the burdens faced by individuals, companies and society as a whole in complying with the regime are proportionate, manageable and compatible with the principles of sustainable development.
 - To ensure that where redevelopment of sites take place in the Borough that the process controls any risk from land contamination to existing and future site users, as well as site workers.
 - To address the liability issues associated with the Council's existing land holdings and avoid any new liability associated with land acquisitions.

- To ensure the open provision of information to the public, developers and other statutory agencies.

LAW AND GUIDANCE

Environmental Protection Act 1990 Part 2A – the Contaminated Land Regime

5. All local authorities have a duty to inspect their areas for contaminated land, and to deal in a satisfactory way with any contamination that is identified. This is in accordance with the Environmental Protection Act 1990. Part 2A of the Act, inserted by Section 57 of the Environment Act 1995, places a duty on Local Authorities to inspect their area for contaminated land. Section 78A(2) defines contaminated land for the purpose of Part IIA as:

"any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

- (a) significant harm is being caused or there is a significant possibility of such harm being caused, or
- (b) pollution of controlled waters is being, or is likely to be caused"

Thus land may be polluted but unless it presents a significant risk to a receptor such as a human being or an aquifer used to supply water the mere presence of a former contaminative use does not require immediate action by the Local Authority. This is commonly referred to as the 'source-pathway- receptor' approach, defining the requirement for a pathway between the contamination and the receptor and the likelihood of significant harm to the receptor, before it can be defined as contaminated land.

6. The provisions made under the 1990 Act became effective on the 1 April 2000, in conjunction with the Contaminated Land Regulations 2000. All local authorities were required to produce a strategy by the 1 July 2001, for identifying potentially contaminated land which is relevant to their area. The strategy document was to be produced in line with the DETR Technical Advice Note "Contaminated Land Inspection Strategies" and revised in accordance with changes in guidance or legislation. Surrey Heath produced their original Strategy in 2001 and revised this in 2009
7. The strategy is required to set out the local authorities approach to their legal duties regarding contaminated land, including how they will:
 - i. Inspect their area for any land which may be contaminated.
 - ii. Notify affected persons of any identified contaminated land.
 - iii. Decide, in consultation with the Environment Agency, whether any contaminated land is a 'special site' due to the presence of conditions such as waste, acid or polluted controlled waters.
 - iv. Consult on, and formally require, appropriate action when contaminated land has been found.

- v. Take enforcement action against those who fail to comply with any necessary measures
 - vi. How they would make information in respect of contaminated land available to the public
8. In carrying out its inspection duty under Section 78B(1), the local authority should take a strategic approach to the identification of land which merits detailed individual inspection. This approach should:
- i. be rational, ordered and efficient;
 - ii. be proportionate to the seriousness of any actual or potential risk;
 - iii. seek to ensure that the most pressing and serious problems are located first;
 - iv. ensure that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land; and
 - v. ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.
9. Some changes have been made to the regime since its inception through changes to the statutory guidance and regulations in 2005 to bring radioactive land under the regime – dealt with by the Environment Agency. The Contaminated Land Regulations 2006 elaborate on various details of the Part 2A regime, such as dealing with issues such as what qualifies as a “special site”; public registers; remediation notices; and the rules for how appeals can be made against decisions taken under the Part 2A regime. The Contaminated Land (England) (Amendment) Regulations 2012 amend the circumstances in which contaminated land affecting controlled waters is required to be designated as a special site, effectively linking the criteria to the requirements of the Water Resources Act

The Revised Statutory Guidance and the Contaminated Land (Amendment) Regulations 2012

10. In 2012 the Government published revised statutory guidance in respect of contaminated land. The revised guidance set out the overarching objectives of the Government’s policy on contaminated land and the Part 2A regime are:
- i. To identify and remove unacceptable risks to human health and the environment.
 - ii. To seek to ensure that contaminated land is made suitable for its current use.
 - iii. To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.
11. The main change to the previous guidance was to simplify it and introduce the following:
- i. A requirement for local authorities to produce risk summaries before declaring land to be contaminated.
 - ii. A new four category assessment to assist regulators in navigating the broad and continuous spectrum of risk in determining whether land is contaminated.
 - iii. Clarification of technical screening levels and how to use them.

- iv. Clarification of what would constitute a 'reasonable' level of remediation.

The new guidance came into force on the 1st April 2012 and this review of the contaminated land strategy takes account of the new guidance.

12. At the same time as the revised statutory guidance, new regulations have been laid before Parliament - the Contaminated Land (England) (Amendment) Regulations 2012, which amend the circumstances under which contaminated land affecting controlled waters should be designated as 'special sites'. Effectively this brings the land contamination regulatory regime in line with the Water Resources Act 1991, applying the requirement to those waters that do not meet the criteria set under that Act as a result of contamination.

IDENTIFYING CONTAMINATED LAND

13. A Strategy for identifying contaminated land, and associated procedures, was formally presented to Council, approved, and published in July 2001 and last reviewed in 2008. The approach set out in the Strategy to identifying contaminated land was as follows:

- i. Consult and obtain information from other statutory and regulatory bodies, including borough and district councils adjoining Surrey Heath council boundaries. Information was gathered from any and every source, such as other agencies, the museum, old files and maps, local contractors, newspaper articles, local knowledge from senior officers and residents, although the information finally presented in the strategy was limited.
- ii. Local factors were to be considered in the Strategy such as:
 - the distribution of specified receptors across the Borough and the extent to which receptors are likely to be exposed to a potential pollutant,
 - the history, scale and nature of industrial activities,
 - the nature and timing of past redevelopment,
 - current information on land contamination,
 - existing evidence of significant harm and pollution of controlled waters,
 - previous remediation carried out and any remediation that is expected to be carried out in the context of pending redevelopment,
 - related studies carried out by other authorities,
 - timescale and resources,
 - review and update of information.

14. Contaminated land was to be identified in three phases:

- i. Phase One – desktop study of the borough – the evidence in the GIS and the current strategy suggests that was carried out on a limited scale mainly identifying old landfill sites, petrol stations, and waste processing facilities,
- ii. Phase Two – risk assessment of individual sites – the evidence in the current strategy suggests that this was limited to the old landfill sites and waste processing facilities,
- iii. Phase Three – intrusive investigation of high risk sites – there is no identification

of high risk sites in the current strategy and hence no intrusive investigation.

15. A register of all land, identified as contaminated, for which remediation has been carried out, was to have been prepared where land was identified as contaminated. The only register identified was appendix B in the previous strategy which identified a number of potentially contaminated sites. This was by no means comprehensive and no work had been undertaken to confirm whether these sites are contaminated and only limited work as to whether they represented any risk to any receptors. This information is freely available to the public.
16. In implementing this Strategy the Council will comply with the revised Contaminated Land Statutory Guidance published by the Secretary of State in April 2012. In doing this the Council will:
 - i. Review the existing information available to it in respect of land contamination which is set out in:
 - Land Previously Identified as Potentially Contaminated (this reproduces Appendix B from the previous Strategy but has been updated in terms of comments concerning risk assessment)
 - Additional Sites Identified as Potentially Contaminated – these derive from a recent piece of work on the strategy.
 - Information from the Environment Agency on potentially contaminated sites
 - ii. The Council will revisit the approach set in paragraph 12(i) with to establish a comprehensive list of potentially contaminated sites.
 - iii. Prioritise areas of land that it considers most likely to pose the greatest risk to human health or the environment for more detailed inspection and risk assessment. Guidance on this process can be found in the DEFRA publication Guidance on Contaminated Land Inspection Strategies. The potential for property blight will be minimised as far as possible by consultation with the land owner where this is appropriate.
 - iv. Carry out, as appropriate, preliminary, generic or detailed risk assessments in accordance with CLR 11 - Model Procedures for the Management of Contaminated Land. This approach uses the pollutant, pathway, receptor approach to develop a conceptual model identifying any pollution linkages.
 - v. Where appropriate carry out intrusive investigation of high risk sites utilising the Environment Agency's Contaminated Land Capital Grants Programme where sites fit the programme criteria, in order to assist the risk assessment process.
 - vi. Categorise sites in accordance with its current use or any potential temporary use on the basis of the Statutory Guidance as category 1-4, categories 1 and 2 being land that is capable of being determined as contaminated land on grounds of significant possibility of significant risk to human health, categories 3-4 being sites that are not capable of being determined as contaminated land.
 - vii. Consider any other issues that may affect the potential to be determined as 'contaminated land' such pollution of controlled waters and consult with the Environment Agency on sites that may be designated as 'special sites'.

- viii. Prepare risk summaries for any sites that are to be determined as 'contaminated land' within the meaning of the Environment Protection Act 1990.
 - ix. The Council will seek to remediate contaminated land, as far as possible, through the redevelopment process or consultation and liaison with landowners, and will only take formal action under Part 2A where no alternative action is available.
 - x. As far as possible all information will be held on the geographic information system and made available to the public.
17. The Council recognises that on all land there are background levels of substances, including substances that are naturally present as a result of our varied and complex geology and substances resulting from diffuse human pollution. On some land there are greater concentrations of contaminants, often associated with industrial use and waste disposal. In a minority of cases there may be sufficient risk to health or the environment for such land to be considered contaminated land. The Council will focus on identifying these sites as a priority and taking action to remediate them.

PLANNING AND DEVELOPMENT

18. Under the Localism Act 2011 and the Planning Acts, local planning authorities are responsible for the preparation of local development plans and for the control of development. In doing so, they have a duty to take account of all material considerations, including known or suspected contamination. The thrust of the Government's approach to contaminated land is that the majority of remediation will take place voluntarily through redevelopment and the planning process.
19. The National Planning Policy Framework published in March 2012 states that: *To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*
20. In order to ensure that land contamination is taken into account, the 1APP planning application form includes a question requiring developers to describe the last use of the site and if the proposal involves:
- Land which is known to be contaminated, or
 - Land where contamination is suspected for all or part of the site, or
 - A proposed use that would be particularly vulnerable to the presence of contamination,
- the applicant is required to submit an appropriate contamination assessment with the application. Local guidance is available on the format of any contamination assessment.
21. Full liaison will take place between the Planning Case Officer and the Principal Environmental Health Officer where the information provided indicates a potential for contamination or where the Environmental Health Service holds information indicating

such potential – such information will be provided both to the Planning Case Officer and the developer.

22. Planning permission shall only be granted subject to conditions (where such are found to be necessary), using the Model conditions which were published in 2008 by the Department of Communities and Local Government and are set out in Appendix C, requiring appropriate site investigation prior to the commencement of the development to assess the nature and extent of any contamination; the submission of a detailed scheme of site remediation; implementation of the approved scheme prior to occupation of the development; and following completion of the scheme the submission of a validation report from a qualified person that demonstrates the effectiveness of the remediation carried out. Also in such cases, a condition will be imposed requiring the reporting of any unexpected contamination together with the submission of a scheme of remediation, implementation of the approved scheme and following completion of the scheme the submission of a validation report; and a condition requiring the implementation of a monitoring and maintenance scheme.
23. Where conditions are imposed on planning approvals the Planning Service will take steps to ensure the conditions are complied with before development commences because it is difficult if not almost impossible to undertake a site investigation or carry out remediation once development is underway.
24. The Local Planning Authority is required by the Town and Country Planning Act to consult with the Environment Agency in respect of certain types of application in respect of the determination of 'special sites'. It is likely that such a requirement will only arise on limited occasions, given groundwater conditions in the area and the relative lack of 'special sites'. However it would be helpful to ensure that appropriate liaison arrangements are established with the Environment Agency, particularly as they are likely to be involved in the development of some of the MoD sites in the Borough.
25. Work will be undertaken on the Geographic Information System to update the current information on site history, past development and potential contaminative uses. This information will be accessible by both Planning and Environmental Health.

BUILDING CONTROL

26. The Building Regulations 1991 give the Building Control Officers authority to address contamination and landfill gas issues within the building footprint, including the proper installation of gas protection measures. Where a site is known to be on or adjacent to a gassing landfill Building Control approval will only be granted subject to the design of the building(s) incorporating adequate gas control measures. Where historical maps or existing site investigation data indicate that the proposed development is/or may be located on greater than one metre of made ground, Building Control approval will only be granted subject to the developer either:
 - i. Incorporating basic passive gas protection measures into the building design/construction, or

- ii. Undertaking an appropriate level of site investigation.

Where the ground investigation reveals any methane or significant organic material within the ground the developer must provide a report by a competent person experienced in the development of buildings on gassing sites. The investigation report must include gas monitoring on at least 6 separate occasions at appropriate locations over a minimum period of 3 months, over a variety of weather conditions and atmospheric pressures and include at least two periods of low and falling barometric pressure (falling below 1005mB). The competent person should provide written confirmation that the building design provides adequate protection for the gas regime recorded at the site.

- 27. Although the Building Control process is fundamental to the safe redevelopment of brownfield sites, it is not sufficient to have a strategy which relies on remediation controlled by building control alone. This is because Building Control Officers have no control over the safe remediation of landscaped areas and car parks outside the building footprint, and an increasing number of developers are making use of the services of private building control officers rather than local authority officers. Private sector practitioners may not, necessarily, have the same local knowledge about historic land uses.

It is therefore essential to have a multi-disciplinary approach to approval of remediation schemes involving Building Control, Planning and Environmental Health.

COUNCIL PROPERTY

Works and Maintenance on Council Building and Lands

- 28. The Council has significant land and property holdings and must ensure that when works are carried on these property that any potential contamination is considered and that the Council fulfils its duty of care for its own staff and also provides the fullest information to contractors to enable the Council and contractors to comply with:

- i. Relevant health and safety legislation/guidance, including the Construction, Design & Management Regulations (Note: the CDM Regulations place duties on the Council as client as well as the contractor).
- ii. The duty of care with respect to carriage of waste and waste disposal.

- 29. Any Council officers responsible for works or maintenance to Council property or land should ensure that they have available information of the site history and use or:

- i. establish the site history using historic maps and the GIS/trades database held within Environmental Health,
- ii. determine if previous site investigation data is available within the Planning or Environmental Health Service,

- iii. where enquiries made under (i) indicate a potential for contamination but no site investigation data is available then provision must be made to obtain the necessary information before works commence and if it involves letting a contract make allowance within the contract for the contractor to carry out such investigations.
30. Former landfill sites owned by the Council may be satisfactory for their current use but may need works to maintain vegetation cover or litter pick where cover is eroded. Controls should be included in the normal operating procedures or the contractual arrangements covering reporting processes for when surfaces are found to be worn or damaged and what action needs to be taken in these cases and if there is any need for additional measures or restrictions on a site specific basis e.g. football pitches which tend to wear in the goal areas. Regular inspections of such sites should be undertaken by the responsible service on at least a bi-annual basis.
31. Where services are being repaired or replaced on Council owned contaminated sites the opportunity should be taken to place them into a clean trench. Any arisings should be either removed immediately or placed on polythene sheeting to avoid contaminating the ground surface and disposed in accordance with advice from the Environment Agency. The new trench should be lined with geotextile and backfilled with clean no-porous material. Advice on water services should be sought from Thames Water.
32. Where an easement is requested across a Council owned contaminated site the organisation requesting the easement must be provided with full information about the condition of the site. A scheme of works must be submitted to Environmental Health for approval before any works commence to ensure that the site conditions are taken into account and the works must be completed in accordance with the approved scheme.

Property Transactions

33. The Council has significant land and property holdings some of which have been put to previous uses which may have resulted in contamination. In addition, the Council leases property to private organisations which by their legitimate use of the land may have caused or be causing new contamination. The Council must have a strategy which deals with:
- i. Contamination associated with existing land holdings.
 - ii. Ensures that the Council does not unwittingly purchase any additional contaminated land without appreciating the long term implications of such a purchase, with the price of the land reflecting the site's condition.
 - iii. Contamination caused by persons/companies who lease our land.
34. The Council's previous contaminated land strategy did not prioritise Council owned property for consideration. As part of the on-going programme of site prioritisation set out earlier in this report consideration will be given to all Council owned sites. Where sites are found to have potentially significant levels of contamination a quantified risk assessment will be undertaken to determine if there is a need for

remediation for the current land use or any proposed land use. Funding for such remediation will be sought from the Environment Agency's Local Authority Contaminated Land Capital Programme.

35. Prior to committing the Council to any new land purchases or acquisitions the acquiring service must ensure that the full site history is known. This must include:

- i. A search of all available historical maps.
- ii. A review of any information held by Environmental Health or Planning in relation to previous uses of the site.
- iii. Detailed enquiries from the vendor as to the former activities at the site, location of storage tanks, details of materials, fuels, wastes etc. stored and information on any spillages.

If there is any information that indicates that the land is on or adjacent to land which has the potential to be contaminated, consultants shall be appointed to undertake an appropriate site investigation. The acquisition should only proceed once the implications of any contamination are fully understood, including any future liabilities and these are reflected in the purchase price.

36. Where land such as public open space is to pass to the Council as part of a planning agreement the Planning Officer must require the developer to provide full site history information on the land to transfer, and where necessary an appropriate level of site investigation data should be agreed with the Principal Environmental Health Officer.

37. Some of the commercial organisations to whom the Council lets property or land may undertake potentially contaminating activities which may result in the land becoming contaminated. If the original polluter cannot be found (for example, because the company no longer exists) the landowner becomes the person liable for the contamination and any site remediation required. If the Council as a landowner does not take steps to prevent the occurrence of further off-site migration of contaminants then the Council can also be found to be liable for the remediation of adjacent land.

38. In order to protect the value of its land holdings and to prevent the Council incurring additional costs, a strategy covering the following issues should be put in place:

- i. That prior to letting or leasing a site the Council has information on the quality of the site.
- ii. Where this information shows that there have been previous contaminative uses these should be fully documented.
- iii. Include an appropriate clause in the letting/leasing agreement requiring the tenant to comply with all relevant environmental legislation and to clean up any contamination that occurs during their occupation.
- iv. Include an appropriate clause in the letting/leasing agreement requiring that prior to relinquishing the site the tenant/lessee provides evidence that the site has been cleaned up. Where the use of the site has a potential for contamination this may include a site investigation.

- v. Require any tenant/lessee to provide plans showing the position of any storage tanks, the storage of any chemicals or wastes and service or fuel lines; a copy of any Health and Safety files related to these locations/facilities and details of any spillages/accidents. If locations are moved these should be notified to the Council.

31. Where the Council is selling a site it is important that all available information as to the site history, any previous investigations or reports and the location of any tanks, waste disposal areas or soakaways are provided to the purchaser. If there is a possibility that the site may be contaminated then the purchaser should be given the opportunity to carry out their own site investigation. This will help to protect the Council from any future claims as the land has been 'sold with information'.

DEALING WITH COMPLAINTS

39. Any complaints from the public, business or other outside organisation concerned with potential risks from contaminated land should be directed Environmental Health. An initial evaluation will be carried out within 24 hours to determine if a more detailed evaluation is required to determine if there is a potentially imminent risk to public health, and if so, this will be completed within 7 working days. An action plan will be agreed with the Principal Environmental Health Officer and notified to the complainant and the land owner. If necessary the Environment Agency will be notified and where appropriate involved in the preparation of the action plan.

RELEASE OF INFORMATION

40. The Council is committed to openness and transparency in relation to all information and the Environment Information Regulations 2004 encourage disclosure. However there are a range of circumstances where an authority may decide not to disclose information set out in the regulations. These cover such issues as the information not being available, the request is unreasonable, information is still in preparation, the request covers internal communication or the request is covered by confidentiality because of legal, commercial or intellectual property issues.

41. A number of commercial companies provide a service which collates information about the land condition of a particular property and surrounding potential contaminative uses and these are often purchased as part of the land search information when properties are changing hands. They are available for the general public to purchase.

42. The Environmental Health Service responds to specific written requests for information held by the service on historic land uses and investigation data for which there is a charge. A disclaimer is added to the written response making it clear that the information provided is only that available to the service at that time and encouraging the requester to make more extensive enquiries.

43. Information held by the Council on land contamination, historical land uses, site investigations, geotechnical information and any remediation to sites will be collated and held on a geographical information system accessible to all services.

44. A public register will be created to record information on sites where formal notices have been issued or a formal Remediation Statement has been prepared in with the provisions of the Environmental Protection Act 1990. To supplement this, as it only deals with the relatively few situations where formal action is taken, information will be held on the geographic information system in relation to all properties that are potentially or actually contaminated. A range of sites have been identified that may be potentially contamination. Some of these have been risk assessed as part of the earlier strategy and the remainder will be as part of the on-going strategy, with additional sites being added as they are identified.

TRAINING

45. Officers in all services requiring awareness of contaminated land will be given the requisite level of training including those in Environmental Health, Planning, Building Regulation and all those responsible for property management. Elected members will also be offered training to ensure that they are able to carry out their role effectively.

REVIEW OF STRATEGY

46. This strategy will be reviewed and revised as required but particularly if there are any changes to legislation or guidance which impact upon the approach.

ROLE AND FUNCTIONS OF OFFICERS

47. Role of Principal Environmental Health Officer

Implementing Contaminated Land Inspection Strategy,
Maintaining Contaminated Land Register,
Identification of site boundaries,
Answering Land Charges enquiries,
Replying to solicitors and other members of the public seeking information about contaminated land,
Dealing with complaints arising from actually or potentially contaminated land
Identification of potentially contaminated land,
Reviewing and determining suitability of remediation proposals,
Ensuring compliance with statutory requirements and Council Standing Orders,
Organising and supervising remediation works,
From time to time re-inspecting potentially contaminated sites to check if there has been a change,
Liaison with consultants on testing and reports received,
Liaison with Environment Agency and other bodies.

48. Role of Executive Head - Community

Provision of resources to undertake the work,
Ultimate decision in respect of Registration and Remediation,
Confirmation of Strategy,
Reports to the Council on progress.
Providing technical backup on legal and practical aspects,
Acting in a challenge role

49. Role of Building Control

Implementing the Building Regulations.

50. Role of Planning & Development Control

Contaminated land, or the possibility of it, is a material consideration for the purposes of Town and Country Planning. The planning authority must consider the potential implications of contamination when developing its structure plans for the Borough and in determining individual applications for planning permission.

The planning officer should be satisfied that the potential for contamination is properly assessed, and the development incorporates any remediation and that a validation report is submitted in respect of any remediation.

Planning permission includes conditions requiring appropriate site investigation and remediation on the basis of the current and proposed use of the land.

APPENDIX A

HISTORICAL CONTEXT OF SURREY HEATH

1. **Surrey Heath Borough Council** has an area of approximately 9454 hectares and is largely rural to the East side of the Chobham Ridges, and urban to the West side. It has over 82,400 residents living in 33,500 dwellings (at 2008). Industry is scattered, with mostly farming to the east and a number of industrial estates to the west. There is no known history of serious contamination.
2. **Countryside** -The history of this area is characterised by the creation and management of heathland. Extensive areas of heathland were created in prehistoric times as a result of human activities such as animal grazing and the clearance of trees. By the Middle Ages, it was part of Windsor Great Forest, then a royal hunting ground, and references to a royal park at Bagshot appear from 1486. During the seventeenth and eighteenth centuries, the area known as Bagshot Heath stretched as far as Blackwater. Bagshot was a prosperous area, for the main road from London to Salisbury and Exeter ran through the village, and by the 1790s there were more than eleven inns serving the coaching trade. Almost all of the heathland survived until the eighteenth century. The countryside was a patchwork of heathland or "waste", contrasting with areas of farmed land in between small areas of woodland, and wet grassland along river corridors.

In the last 150 years or so, some of the heathland has been lost through piece-meal development of housing, forestry, commercial nurseries, recreation land, and roads.

A first impression of the Borough is heathland, trees, fields, and gardens. Houses seem to be set within all-enveloping woodland. This illusion is created by large wooded gardens and belts of woodland along roads. Most of the woodland in the area has arisen in the last two hundred years. The main trees are oak, birch, pine, or sweet chestnut. Urban fringe woodlands in public ownership have often suffered from people pressure and the dumping of rubbish.

3. **Nurseries** - The light, freely draining soil over the Bagshot Beds is well suited for growing hardy nursery plants and large areas of the Borough have been used for this purpose, especially around Bagshot, Windlesham, Chobham, West End, and Bisley. By 1938, 15% of the country's nurseries were in western Surrey, mainly in this area. Many nurseries are still in use, but there are also areas of neglected, overgrown nurseries, which are developing into woodland. These rather unusual woods consist of lines of closely planted trees, between and around which natural regeneration of birch and other trees is taking place. Existing nurseries have a distinctive landscape of regular blocks and lines of young trees and shrubs.
4. **Heathland** – Surrey Heath still exhibits vast areas of heathland: open rolling expanses where changing seasons and weather can alter the character of the landscape from exhilarating and colourful to sombre and bleak. The heathland landscape was particularly suitable for military manoeuvres and army camps were held in this area from the late eighteenth century. Following the "grand military picnic" in 1853, a decision was made to make the Aldershot area the home of the British Army. The Ministry of

Defence's (now called Defence Estates SE&G) ownership of heathland, together with purchases made by the Borough and County Councils and local charities, has preserved large areas. From these heathlands, which cover over half of the Borough, it is possible to get an impression of the open heathland that once covered the Borough. Most of the heathland is managed to ensure it retains its current form for the future. Natural heathland is a rare habitat so it has a high conservation value. Many heathland environments have been declared Sites of Special Scientific Interest (SSSI) and Chobham Common has been designated both a SSSI and a National Nature Reserve (NNR). Areas of heathland are set aside for recreational use and a number of golf courses have been created.

History of Settlement

5. Early settlement was in the villages of Bagshot, Chobham, Bisley, and Frimley. Yorktown and, subsequently, Camberley, developed much later around military use of the land. The Borough is split into the urban conurbation of Camberley/Frimley/Frimley Green/Mytchett in the west, and the rural areas with villages to the east. Many village names are Saxon in origin, and most of the area formed part of Windsor Great Forest. The main settlements are as follows:
 - i. Chobham
Chobham is the only village in the Borough to be mentioned in the Domesday Book.
It retains a real village atmosphere. Chobham Common, owned by Surrey County Council, comprises 81 hectares of heathland.
 - ii. Frimley
From AD 673 to 1537, together with Chobham, it formed part of the land held by Chertsey Abbey. For centuries, Frimley was a farming village with haymaking and harvesting. It has been extensively developed and includes a large trading estate and two hospitals, one of which is a regional centre.
 - iii. Bagshot
The A30 from London to the west passes through the village, and numerous inns once catered for the needs of the thousands of travellers. It is known to have been a Roman settlement. The area had early industry with a tannery and brickfields, and, in 1864, its own gas works. Bagshot has been dominated by the royal residence at Bagshot Park. That well-known landmark – *The Jolly Farmer* (now the Mongolian Barbecue) – was named after a local farmer who turned out to be the local highwayman. He was hanged nearby.
 - iv. Frimley Green
The original village green survives, together with a few half-timbered buildings. It was known for its abundant springs and easily tilled soil. Early development was due to the nearby canal and railway but the last fifty years has blurred the boundaries between Frimley and Frimley Green.

- v. Mytchett
To the south is Mytchett, within the valley of the River Blackwater, once farmland but now mainly residential. Being built on sedimentary flood plain, it has been subject to much gravel extraction, leaving a number of large lakes, now used for amenity and sports purposes.
- vi. Camberley
When the authorities were looking for a permanent home for a new Royal Military College (now RMA Sandhurst) an isolated site near the river Blackwater was chosen. As the College grew, a small settlement, later known as Yorktown, sprang up at its gates. With the opening of the Staff College in 1862, another village, known as Cambridge Town, developed. This later changed its name to Camberley. As its military character grew, Camberley became a popular area for retired army officers, particularly when the railway station was constructed in 1878.
- vii. Deepcut
Almost certainly named after the cutting for the canal, it is also referred to as Blackdown. It consists of acres of open heathland and woods along a ridge, mostly owned by the Ministry of Defence. Extensive sites, used as barracks, are being converted to residential estates although it remains the headquarters for the Royal Logistic Corps.
- viii. Bisley
Bisley, once a remote heathland hamlet, has been famous as the home of the annual National Rifle Association Championships since it moved from Wimbledon in 1888. It had a rickworks and some light industry.
- ix. West End
Originally known in 1680 as "...the west end of Chobham...", it has grown to become a separate parish. Although many new houses have now been built around the village it was, until recently, a noted centre of nursery gardening. West End Common is home to many rare heathland plants and has been designated a Site of Special Scientific Interest by English Nature. It also has group of Bronze Age round barrows.
- x. Windlesham
Windlesham developed as a traditional farming community, centred on several manors and the church. Today, Windlesham is a secluded village of heathland, woods and nursery gardens, with large residential houses hidden from view by trees.
- xi. Lightwater
Most of the village of Lightwater dates from the twentieth century including the parish church of All Saints. In the Country Park, High Curley Hill is, at 129 metres, probably the highest point in the Borough, and offers extensive views of the local countryside.

Industrial Development

6. Light industry

The Borough is essentially a rural farming and commercial nursery area. There have been light industries. There was a tannery in 17th & 18th Century at Bagshot, brickfields and brick kiln at Valley End, Bisley, Bagshot, Chobham and Windlesham; extensive gravel extraction throughout the Borough; a 19th Century ironworks and sawmill at Camberley, a large laundry at Lightwater; and potteries at Frimley and Mytchett. From 1930's, light engineering industries have developed at Bridge Road, Frimley (1939), Yorktown Industrial Estate (1952), Admiralty Way (1965+), Albany Park, Frimley (1980's), and Wilton Road (1980's). There are individual manufacturers at different locations, such as FC Brown at Bisley (1920's) (thought to be the largest factory in Surrey), Johnsons Wax at Frimley Green (1961), Lilley Research at Windlesham (1965), and a newcomer – Nokia – at Camberley (1999).

7. Gas works

In 1858, a gas works was started at Camberley, next to the Blackwater River. It expanded to serve the local area, as far as Henley, and closed in 1965 with the advent of natural gas.

Two storage containers remain in use. A second gas works was started in 1864 at Guildford Road, Bagshot and served gas to the surrounding area, including the royal residence at Bagshot Park. This works ceased with the death of the final owner in 1900.

8. Tipping Sites

The earliest recorded tip site is at Yorktown and dated 1883. This seems to have been associated with the sewerage works, and an extra 10 acres of land was purchased from a Mr Doman in 1940 to allow the deposit of sewerage waste. There are sewerage works at Broadford Lane, Chobham and Blackstroud Lane East in Lightwater, both of which have tip sites associated with them. In 1940, the local council purchased 17 acres around the Crabtree Road area for tipping household waste (closed in 1960's), and this was extended in 1963 with 22 acres of land at Watchetts Woods (closed in the early 1970's).

There were other tip sites at: Swift Lane, Bagshot (1950-1974); land at Red Road/Maultway junction; Valley End Road (up to 1950's); Broadford Lane, Chobham - infilled clay pit (up to 1976); Burma Road, Chertsey - highway waste (up to 1974); Lucas Green Road, West End; Oldhouse Lane, Bisley (up to 1970's); Old Dean playing field – highway waste; and Balmoral Drive, Frimley - highway waste (1970's). Some of the tips have been removed or built on (Sainsbury at Watchetts Woods and parts of Swift Lane, Bagshot).

There are military tip sites at each major barracks sites (such as Alma-Dettingen, Princess Royal Barracks, and Keogh Barracks) and also material dumps in areas used for manoeuvres and training. There are no active non-military tipping sites in the Borough.

Transport Routes

9. The earliest major routes were east to west through Bagshot along what is now the A30 and north to south through Bisley along the line of the A322. The Basingstoke Canal cuts across Mytchett and was completed in 1794 to provide access from Basingstoke to London. It ceased commercial traffic in 1921 and a tunnel in Greywell that collapsed in 1932 effectively closed the canal, after which it fell into disrepair. The canal was progressively repaired from 1976 and is now open and used for recreation. Due to the flora and fauna associated with the canal, it was declared a Site of Special Scientific Interest (SSSI) throughout its length.

The London and South Western Railway passed through in 1838 at Frimley Green and Deepcut. It had no stopping place within the Borough except for a spur from Brookwood Station to the Bisley Rifle Range and through to Alma-Dettingen barracks at Deepcut. (This private military line to Deepcut was built from 1917-1921, and ceased in 1952).

A branch line was built from Aldershot through Frimley, Camberley, and Bagshot for connection to the London line at Ascot. It was completed in 1879. A narrow gauge line ran from Farnborough through Frimley to Surrey Avenue and a spur off the Blackwater/North Camp line connected with the gas works but ceased use in the 1930's.

The M3 motorway was completed in 1974 and cuts across the Borough from east to west; entering north of Chobham, passing through Lightwater and leaving at Frimley. It was constructed using a cut & fill method and includes one steep incline. The motorway was cut through the Chobham Ridges and has caused local water table level problems. Fill to the embankments at Frimley has been shown to contain organic matter. The Blackwater Valley route was completed in 1995 and directly links the M3 to the A31 and hence the A3.

An oil pipeline was constructed across the Borough during the 1960's, running mainly across heathland owned or leased by Defence Estates SE&G.

Geology and Hydrogeology

10. Geology

The landform of Surrey Heath is in two parts. A central ridge runs from the Hog's Back through Deepcut (88 metres) up through Heatherside to Old Dean Common (127 metres) and is known locally as Chobham Ridges. The ridge falls two ways, one to the nearby Blackwater River and the other by gentle slopes towards Chobham where the level is about 30 metres. The ground rises from Chobham northwards to Chobham Common (94metres).

The characteristic heathlands of Surrey have developed on a sequence of Thames Valley deposits - sands, sandstone, pebbles, silts and clays that overlie the London Clay. This area comprises, successively, the Bagshot Beds (sands), Bracklesham Beds (silts and clays) and Barton Beds (sands and pebbles).

Superficial deposits overlie the solid geology in places. Narrow tracts of alluvium line

most of the river valleys and older fluvial sands and gravels form terraces adjacent to the alluvium.

North of the Borough in Bracknell the ground is mostly London Clay - whilst south of the Borough running from Farnham through to Ockham is a band of London Clay alongside the Hog's Back, which is an outcrop of Upper Chalk.

11. Leaching Potential of Soils

Surrey Heath soils are poor and mainly acidic, but are freely drained. Heathland develops easily on these soils. Soils are graded on physical and chemical properties, which affects their potential for downward passage of water and contaminants.

Potentially high leaching soils will readily transmit liquid discharges although may still have the ability to adsorb some pollutants. Potentially low leaching soils are those in which pollutants are unlikely to penetrate the soil layer either because the water flow is largely horizontal or they have the ability to adsorb pollutants.

Urban areas are considered to have high leaching potential, unless proved otherwise, due to the volume of made-up ground. A band of soil running along the line of Chobham Ridges has a high leaching potential, together with areas around Camberley, Frimley, Mytchett, Chobham, Burrowhill, north and south Chobham Common, and Fair Oaks Airport. An irregular area encompassing Bagshot, Windlesham, Valley End, and West End has low permeability, together with Frimley Green and Bisley.

The remainder is considered to have intermediate leaching potential.

12. Hydrogeology

The sand and gravel of the Thames Valley form an important aquifer. Aquifers of more localised extent are found in the Bagshot Beds and Barton Sands. Spring-fed streams commonly emerge at the limits of these outcrops. The sands and gravel deposited in present day and historical fluvial environments also form good shallow aquifers in the lower reaches of the catchment where deposits are more extensive.

There are two drainage systems, one each side of Chobham Ridges. To the west is the Blackwater River, running N-S along the line of Chobham Ridges, but below it. The Blackwater River enters the Borough at Mytchett and forms the western boundary up to Blackwater village. It picks up the Wish Stream at Blackwater, and drains via the River Loddon to the Thames at Wargrave. This part of the Borough is urbanised with houses, factories, roads, and hardstanding. Surface water is diverted into drains, which issue into the river, either directly or through the sewerage farms. This has affected the water table levels locally.

On the opposite side of Chobham Ridges, Hale Bourne and Trulley Brook issue in Windlesham, and the Windle Brook rises in Bagshot Park, travelling eastwards to join The Bourne at Chobham before connecting with Addlestone Bourne, near Woking. This flows into the Thames at Addlestone. The Bourne rises in West End and Horsell and runs eastwards also.

Groundwater is vulnerable to contamination from pollutants from both direct discharge and indirect contamination onto or into land. The Borough is considered an area of Minor Aquifer; that is "either fractured or potentially fractured rocks, which do not have a high primary permeability, or formations of variable permeability including unconsolidated deposits." Minor Aquifers have lesser capacity to transmit contaminated recharge entering at their surface. Although Minor Aquifers seldom produce much water, they do allow local supplies and form base flow in rivers and bournes. A number of commercial water extraction licences have been issued for use by nurseries.

The canal is fed water from two lakes, one at Mytchett Lake Road, Mytchett and the other at Lake Road, Frimley Green. Water for the canal is pumped from a major ground extraction source at Frimley Green.

APPENDIX B

Model planning conditions for development on land affected by contamination:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. A survey of the extent, scale and nature of contamination;
- ii. An assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- iii. An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken,

proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

APPENDIX C

References

- Part 2A, Environmental Protection Act 1990.
- Health and Safety Executive Guidance Document: Protection of Workers and the General Public During the Development of Contaminated Land
- Building Regulations 1991
- Public Registers of Land which may be Contaminated. DoE 1991 Consultation Paper
- DoE 1996, Industry Profiles
- DETR Circular 02/2000, Statutory Guidance on Contaminated Land Environment Act 1995
- Planning Policy Statement 23: Planning and Pollution Control
- DETR / EA Contaminated Land Inspection Strategies, Technical Advice for Local Authorities.
- Contaminated Land Regulations 2006
- Model Planning for Land Affected by Land Contamination – letter from the Department of the Communities and Local Government May 2008
- Surrey Heath Borough Council Contaminated Land Inspection Strategy, 2009.
- Draft Revised Contaminated Land Statutory Guidance, February 2012
- Contaminated Land (Amendment) Regulations 2012
- CLR 11 - Model procedures for the Management of Contaminated Land