

BS 4142: Methods for rating and assessing industrial and commercial sound (BSI, 2014)
www.bsigroup.com/en-GB/standards/bs-4142/

Guidance Notes for the Reduction of Obtrusive Light (ILP, 2020)
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

Policy LE10: Contaminated and Unstable Land and Unexploded Ordnance

POLICY LE10: CONTAMINATED AND UNSTABLE LAND AND UNEXPLODED ORDNANCE

- 1. Where development proposals are submitted on or near a site that is known to be, or may be, contaminated an applicant should carry out a risk assessment and submit a report of the findings to establish the nature and extent of the contamination.**
- 2. Development proposals will not be permitted unless practicable and effective measures are proposed to treat, contain or control any contaminants so as not to:**
 - a) expose the future occupiers of the development and neighbouring land uses, including the users of gardens, to unacceptable risk;**
 - b) cause the contamination of adjoining land or allow such contamination to continue; and**
 - c) cause pollution of the water environment including groundwater, the River Alver, Portsmouth Harbour and the Solent.**
- 3. Where development proposals are submitted on land which is either unstable or has the potential to become unstable, the Council must be satisfied that any such instability can be reasonably overcome. In circumstances where unstable land may be present, the developer will be required to submit a stability report at the planning application stage.**
- 4. Where there is potential for unexploded ordnance to be present development proposals must be fully remediated. Planning applications should be accompanied by a Stage 1 Preliminary Risk Assessment as a minimum.**

EXPLANATION OF POLICY LE10

Land contamination (Points 1 and 2 of Policy LE10)

- 10.105 Development can provide important opportunities to restore land which may be contaminated. Contamination can give rise to hazards which put at risk people working on the site and the occupiers and users of the development, so appropriate measures need to be taken. Every measure should be used through the development process to facilitate and enhance the remediation of land affected by contamination.
- 10.106 As a minimum standard, land should be made useable for development in accordance with the provisions of national pollution control regimes including those identified in the NPPF and the latest Government guidance³⁵³. Where a site is affected by contamination issues, responsibility for securing safe development rests with the developer and/or landowner.
- 10.107 Where land contamination may be an issue, early pre-application meetings with the Council and the Environment Agency are advised. The standard of investigations, assessments, including risk assessments, remedial schemes and verification reporting should follow current UK good practices and be carried out by a competent person. As a minimum, a contamination assessment will be required on all sites within 250m of a landfill site and on all sites where previous uses may have resulted in land contamination and on all sites where contamination is known. The minimum information required in these instances should be a desk study, initial conceptual model and risk assessment.
- 10.108 A developer will need to satisfy the Council that unacceptable risks from contamination will be successfully addressed through remediation measures and will not cause undue environmental impact either during the construction phase or after the completion of the development. Mitigation measures will be secured by condition and/or planning obligations to ensure that any likely significant negative effect is mitigated to an acceptable level prior to the occupation of the development. As a minimum developed land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 10.109 Other policies relating to specific development sites (Policies RA1-RA10 and A1-A7) as well as the policies relating to water resources and waste (Policies LE13 and LE14) are also applicable in relation to the issue of contamination.

³⁵³ www.gov.uk/government/publications/contaminated-land-statutory-guidance

Unstable land (Point 3 of Policy LE10)

- 10.110 Making the best use of land is a key Government objective. In doing so it is necessary to ensure that the site is suitable for its new use. Development of land which is either unstable or is potentially unstable can be successfully developed provided that all the remedial, preventative or precautionary measures are identified and put in place at the earliest stages of the development process. As is the case with sites that are contaminated, where a site is affected by land instability responsibility for securing the safe development of such land rests with the developer and/or land owner.
- 10.111 Where land is known to be unstable or has the potential to become so, an applicant should ensure a competent person carries out a risk assessment and submits a report of the findings to establish the nature and extent of the instability and details of the mitigation measures proposed. Through the remediation process it will be necessary for developers to ensure that proposed mitigation measures do not adversely impact on the natural environment.

Unexploded ordnance (Point 4 of Policy LE10)

- 10.112 Given the predominance of previously developed brownfield sites within the Borough particularly in regard to MoD legacy sites and the close proximity to HMNB Portsmouth, there is the potential for the discovery of unexploded ordnance predominately dating from WW2 and associated contamination. Responsibility for ensuring the safety of the site rests with the landowner and/or developer. Therefore in cases where there may be a potential risk, the Council will require, as a minimum, planning applications to be accompanied by a Stage 1 Preliminary Risk Assessment to provide an initial screening on the risks of unexploded ordnance. A comprehensive and detailed Stage 2 Further Risk Assessment and an accompanying mitigation strategy and measures, including emergency response plans will be required where the risk of unexploded ordnance has been identified through Stage 1.

Further information

Planning Policy Guidance: Land affected by contamination
www.gov.uk/guidance/land-affected-by-contamination

Contaminated Land Statutory Guidance: Environmental Protection Act 1990: Part 2A (DEFRA, 2012)
www.gov.uk/government/publications/contaminated-land-statutory-guidance

Land Contamination Risk Management guidance (EA, 2023)
www.gov.uk/government/publications/land-contamination-risk-management-lcrm