



# CONTAMINATED LAND

Guidance in relation to  
Removal of Occupancy Restriction Conditions in  
relation to former Agricultural Buildings

July 2017

## Contaminated Land

Land contamination is a material consideration in the determination of a planning application. When a planning application is received the possible risks associated with contamination are assessed. Information provided by the applicant and those sources of information held by the Council are used to determine the level of risk and whether further investigation of a site is required.

In order to ensure a sufficient and proportionate level of information is provided, the Councils Local Validation list requires the submission of a Contaminated Land Assessment for:

- a) all new development proposals where contamination is known or suspected (on the site or on adjacent land) and/or
- b) the proposed use would be particularly vulnerable to the presence of contamination (e.g. residential, care homes, holiday lets, allotments, small holdings).

North Norfolk District Council recognises that not all applications will require a detailed ground investigation to determine the presence of contamination. In order to avoid, where possible, the need for unnecessary and expensive investigations and to speed up the submission of your application, North Norfolk District Council has produced the following guidance in relation to proposals affecting former agricultural buildings together with a simple questionnaire which can be completed and submitted for proposals relating to **Removal of Occupancy Restriction Conditions in relation to former Agricultural Buildings**.

## Removal of Occupancy Restriction Conditions in relation to former Agricultural Buildings

North Norfolk District Council's current adopted Core Strategy regarding the re-use and conversion of rural dwellings (Policy H09) allows for previously converted rural buildings which were subject to holiday occupancy conditions/restrictions to become eligible (under certain criteria) to have those restrictions lifted. Applicants now have the opportunity, via a planning application, to apply for the removal of these conditions thus enabling full residential occupancy.

With the removal of occupancy restrictions, the potential for residents to be exposed to possible contamination is likely to increase as individuals are likely to be present on site for longer periods. In view of the inherent risks associated with former agricultural buildings and the fact that agricultural buildings converted for holiday accommodation were not previously required to undertake ground investigation work, there remains a requirement for applicants to demonstrate the suitability of the site for full residential occupancy.

When completing the questionnaire please provide as much information as possible about the site and the immediate surroundings in relation to the following issues. The information should also include your interpretation whether you think that there is the possibility of any potential sources that may impact on the proposed use of the site.

1. **Site Description** – In most cases you will be required to submit a site plan at a scale of 1:500 or 1:200 on which the position of the existing buildings should be clearly indicated. The proposed site plan should indicate the position of proposed soft landscaping, gardens and hard surfacing.
2. **Historic Land Use** – You should provide details of the historic use of the land. You will need to look at historic maps and aerial photographs and other sources of information where possible (for example there may be information held at the Norfolk Records Office). Include details of your known knowledge of the site together with other information you have obtained from other persons who may have a long standing association with the site. Include details of past land use and possibly contaminative activities on a map of the site (you could use the existing site plan as a starting point and annotate the historical uses onto it). The following issues will need to be considered:
  - a. **Details of Buildings on the site** - Provide details of the past buildings on the site. Where possible include details of the construction material (for example a brick structure with a pan tile roof, or asbestos-cement roofing). Also provide details of the past uses of the buildings (for example former work shop, barn used for animal housing, or building used for pesticide storage);
  - b. **Fuel Storage on the property** - Include details of any former underground and over ground fuel tanks (petrol, diesel, heating oil and waste oil). Include details of fuel lines and pumps and show these on a site plan;
  - c. **Waste Storage** - Detail areas of former waste storage and disposal. This may include piles of materials, empty drum storage areas, scrap piles and infilled ponds or indentations on the site. Again show this information on a site plan;

- d. **Services** - Include details of known utilities on the site. Include details of substations on or close to the site;
  - e. **Landfill/filled ground** - Give details of any known filled ground in the vicinity of the site and include the distance from the site/buildings to the filled ground;
  - f. **Previous Land Use** - Where possible please provide photographs of structures, buildings and the site layout. The photographs will further support your conclusion about whether there is a risk or otherwise on the site.
  - g. **Remediation** – Please provide any details you have in relation to the completed conversion works in terms of any remediation or mitigation that was carried out at the time of conversion or subsequently to manage contamination risks which may help to demonstrate the suitability of the site for permanent residential occupation.
3. **Proposed Development** –Whilst the existing plans will set out the general layout of the site it is also important to consider other factors that might be relevant if a dwelling is being occupied as a permanent dwelling including:
- a. **Gardens and growing spaces** – As a new dwelling are their areas where occupants may want to grow fruit and vegetables. Will you need to remove potentially contaminated soils and replace with clean growing medium – if so please briefly indicate what is intended.
4. **Any other Information you consider to be material to the determination of the planning application** – Please provide any other information you consider could be material to the determination of your planning application.

**Please note:**

- Actions or omissions that could misinform the decision making process may lead to the developer being liable for remedial works and the associated costs under the Contaminated Land Regulations. There may also be a case for civil claims against the developer by purchasers or users of the development. It is therefore clearly in your best interests to provide as much accurate information as possible at this stage to avoid this site having to be reinvestigated in the future.
- In the absence of sufficient information, the Council may require the applicant to undertake further investigation to determine the suitability of the site, so it is in the best interests of the applicant to collect as much information as possible in respect to the former use of the site. These should include all activities prior to the conversion of the original building.

**Sensitive End-User Questionnaire – Removal of Occupancy Restriction Conditions in relation to former Agricultural Buildings**

<b>Site Address:</b>		
	<b>Details/Supporting text</b>	<b>Indicate relevant Photo Number or Plan Reference (s)</b>
<b>1) Site Description</b> <ul style="list-style-type: none"> <li>• site plan at a scale of 1:500 or 1:200</li> </ul>		
<b>2) Historic Land Use</b> (see guidance notes) <ul style="list-style-type: none"> <li>a) Details of Buildings on the site</li> <li>b) Fuel Storage on the property</li> <li>c) Waste Storage</li> <li>d) Services</li> <li>e) Landfill/filled ground</li> <li>f) Previous Land Use</li> <li>g) Remediation</li> </ul>		

	Details/Supporting text	Indicate relevant Photo Number or Plan Reference (s)
<b>3) Proposed Development</b> (see guidance notes)  a) Gardens and growing spaces		
<b>4) Any other Information you consider to be material to the determination of the planning application</b>		
<b>Completed by (Print Name)</b>		
<b>Completed by (Signed)</b>		
<b>Date Completed</b>		