



# Northumberland County Council

## Contaminated Land and Mine Gas Protection Validation Checklist

<b>Contents</b>			
<b>Section</b>	<b>Sub Section</b>		<b>Page</b>
1		<b>Planning Validation Process</b>	2
2		<b>Planning consultation process</b>	2
3		<b>Environmental Protection Team</b>	3
4		<b>Updating and Document Management</b>	3
5		<b>Definitions</b>	3
	Appendix 1	Potentially Contaminated Land & Validation	4
	Appendix 2	Mine Gas Protection	8
6		<b>Notes</b>	10

## **Contaminated Land Planning Procedure**

Under the Revised National Planning Policy Framework 2023 (NPPF paragraphs 174(e), 183 - 184) the presence of contaminated land is a **Material Planning consideration** i.e. [preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution.](#)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

Planning Practice Guidance supports the Policy and Land affected by Contamination guidance is also relevant.

<https://www.gov.uk/guidance/land-affected-by-contamination>

### **1. Planning Validation Process**

The planning validation process is the first stage in assessing any planning application for potential impacts of contaminated land and hazardous ground gases (such as Mine gas [locally known as Stythe]). [It should be noted that contamination can occur on greenfield sites as well as on previously developed land.](#)

There are two procedures for validation of all applications for both contaminated land and mine gas. These have been included in this document as Appendix 1 and 2

- Appendix 1 deals with contaminated land using the Historic Land Use Development Layer (HLUD)
- Appendix 2 deals with Potential Mine gas

These procedures use **two** GIS layers :

The HULD layer is an anonymous in-house dataset which cannot be made public. It will be used as a screening tool during the planning validation process to see whether an application site is likely to have contamination present.

[The Planning Application Form and basic screening tools \(See Validation Note 19\) require the applicant to assess and disclose any known or potential contamination on their site.](#)

Applicants may wish to submit a pre-application request to the EP Team (Environmental Information Request (EIR) prior to submitting an application, to check whether the development site is affected. Both of these are chargeable services.

The Coal Mining layer is supplied by the Coal Authority and is a public dataset, held by Development Management.

The Validation Officer **must** check each Application against both Appendix 1 and 2 before accepting the application as valid.

### **2. Planning Consultations Process**

Within Northumberland County Council, competency with regard to the full assessment of Contaminated Land under the Environmental Protection Act, 1990, Part IIA lies with the Environmental Protection Team (EP). The EP Team are part of the Public Protection Service.

The EP team are not 'Statutory Consultees' but provide internal expert advice to Planning colleagues and externally to Northumberland National Park Authority.

A consultation process exists between the EP Team and Development Management, whereby EP officers will respond to planning consultations which have been successfully validated within 21 days (full) or 14 days (re consultations). Whilst no formal procedure is in place with National Park planning colleagues, officers seek to respond within the same periods.

### **3. Environmental Protection Team**

Environmental Protection can be contacted on :- [public.protection@northumberland.gov.uk](mailto:public.protection@northumberland.gov.uk)



The Principal EPO is Wendy Stephenson T. 07811366330 (Mon-Thurs)

The Senior EHO is Gillian Plaice T. 07811 366346

### **4. Updating and Document Management**

This procedure will remain under the ownership of the Principal Environmental Protection Officer who may delegate responsibility for its upkeep on an annual basis to a member of the Environmental Protection Team.

The Principal Environmental Protection Officer shall also ensure that an updated version of the HLUUD GIS layer is provided to Planning when significant amendments are made or upon request.

	Name	Signature	Date
Reviewed by	Wendy Stephenson		29/2/24
Checked by	Peter Simpson		04/3/2024

### **5. Definitions**

**Screening Assessment Form** - This is required for a single residential house / development and is the basic starting point of any contamination assessment. This can be completed by the applicant, as long as they have enough information about the site to answer all of the questions. If not, a competent consultant should be employed. This form will indicate whether a Phase 1 is needed. The form can be viewed here : [YALPAG-Contamination-Assessment-Screening-Assessment-Form-fillable-Version-12-2-July-2023.pdf \(northumberland.gov.uk\)](#)

**Phase 1** (Desk Top Investigation Report) - A desk-based assessment of existing or potential contamination affecting a site. (Also known as a Preliminary Risk Assessment, Desk Study, Environmental Site Risk Assessment or Contaminated Land Risk Assessment.)

This is produced by a Competent Consultant for an Applicant.

The results of a Phase 1 Report will determine if further investigation is required.

**Phase 2-** This is the second stage of a phased Contaminated Land Assessment which involves intrusive excavation of the ground. (Also known as an Intrusive Site Investigation.)

The Phase 1 will indicate whether a Phase 2 is required. If the development is for sensitive end use and is within the HLUUD layer, a Phase 2 will be needed. This is provided for the Applicant by a Competent Consultant.

**Coal Mine Gas Emissions Risk Assessment** – A report detailing the proposed protective measures to prevent the ingress of hazardous ground gases into the houses/ development. (Also known as Ground Gas Protection Report in Note 19).

This is provided for the Applicant by a Competent Consultant.

It is based on the CL:AIRE Good Practice for Risk Assessment of Coal Mine Gas Emissions guidance (October 2021) which clearly establishes whether protection measures are required in the proposed building, i.e gas membrane, sealing up around service ducts etc.

**Sensitive End Use** – Any proposed vulnerable use (i.e. where people might be exposed to contaminated soils or dusts through eating food grown in contaminated soils or touching soils with bare hands (Gardening) or walking soils into houses and being exposed to the soil dust) such as :

- new build or change of use to **residential** developments (houses, flats, nursing homes etc);
- new build **schools, nurseries** and creches, **children’s play areas, playing fields** and
- development of **allotments**.

**Competent Consultant** – A contaminated land specialist with a recognised relevant qualification & sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

## Appendix 1 - Potentially Contaminated Land

### Introduction

All development including 'green field sites' should be screened for their proposed end use against the Historic Land Use Development (HLUD)GIS map layer.

For sites which may be affected by an historic contaminative use according to the GIS map layer, further information in the form of a Phase 1, **must** be provided before the application is accepted or validated.

### Contaminated Land Validation Advice

#### 1 – Does the proposed development appear within the HLU layer?

**Yes** – The application has the potential to be impacted by contamination, continue to Point 6

**No** – continue to Point 2

#### 2 – Does the development include disturbing the ground ?

**Yes** – Continue to Point 2a

**No** – Validate. EP Team *do not* need to be consulted.

#### 2 a– Does the development have a Residential or Commercial / Industrial end use ?

**Residential** – continue to Point 3

**Commercial / Industrial** – continue to Point 9.

#### 3. Is the development for a single residential property / development ?

**Single** – continue to Point 4

**Multiple** – Continue to Point 5

#### 4. - Has a YALPAG screening assessment form should be submitted ?

**Yes** – Validate and consult EP Team.

**No** – Do NOT validate.

#### 5. Has the developer submitted a Phase 1 preliminary risk assessment ?

**Yes – Validate and consult EP Team.**

**No - Do NOT Validate.**

**6. Does the development have a Residential or Commercial / Industrial end use ?**

**Residential – continue to Point 7**

**Commercial / Industrial – continue to Point 9 .**

**7. Is the development for a single property / development or Multiple dwellings ?**

**Single – Continue to Point 8**

**Multiple – Continue to Point 11**

**8. Is the development a conversion or new build property ?**

**Conversion – continue to point 5**

**New build – Continue to point 10.**

**9. Has the developer submitted a Phase 1 Preliminary risk assessment or other sufficient information concerning land contamination?**

**Yes - Validate and consult EP Team**

**No - Do NOT validate**

**10. Has the developer submitted both a Phase 1 preliminary risk assessment and a Phase 2 Intrusive Site Investigation ?**

**Yes – Validate and Consult EP**

**No – Do Not Validate.**

**11 . Has the developer submitted both a Phase 1 preliminary risk assessment and a Phase 2 Intrusive Site Investigation ?**

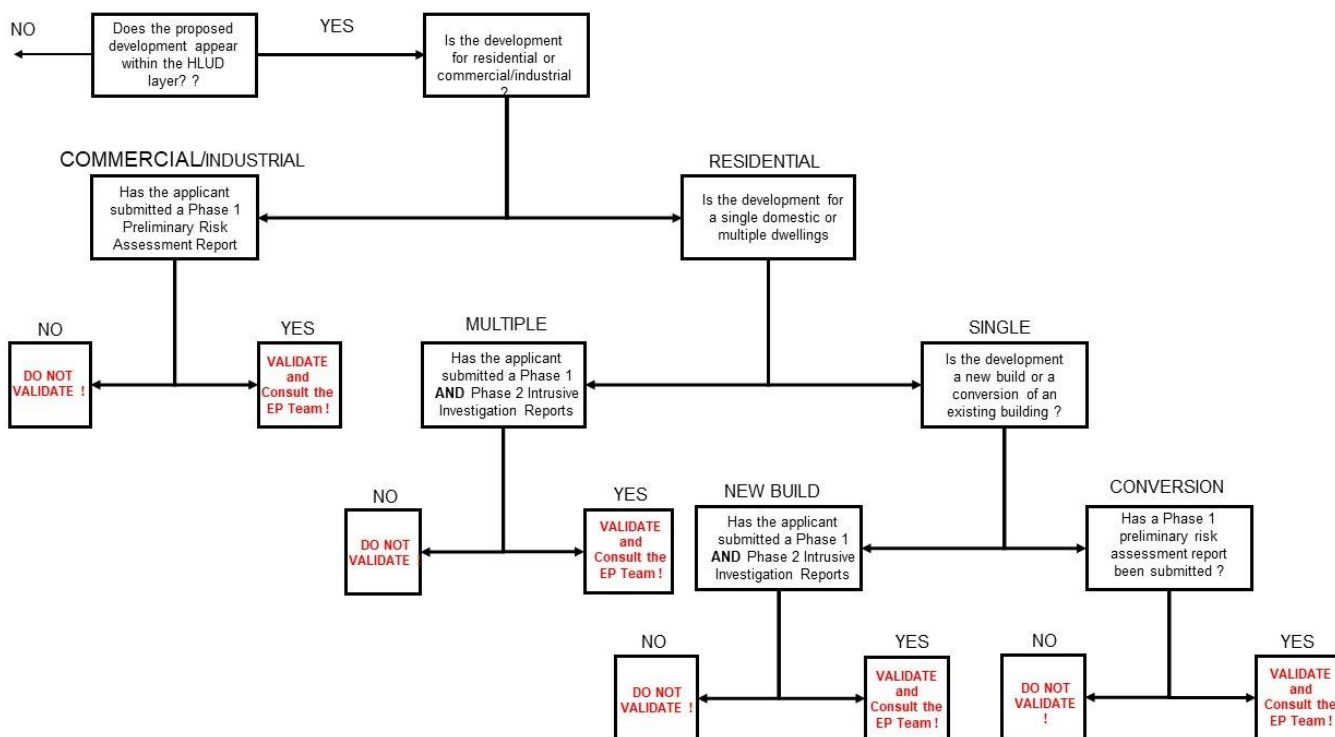
**Yes – Validate and consult EP Team consulted.**

**No – Do NOT Validate.**

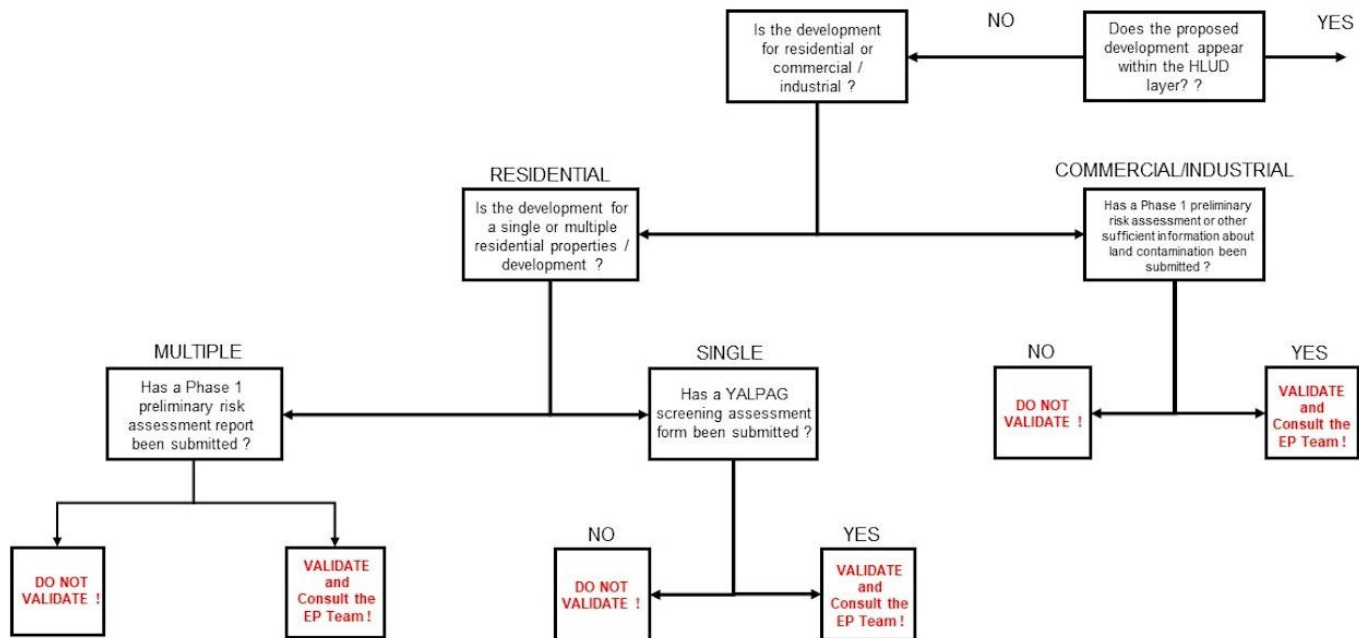
Upon receipt of a Remediation Strategy or Validation Report, the EP Team should be consulted in every case.

### Decision Flow Charts

Flow Chart if the application **has** the potential to be impacted by contamination



Flow Chart if the application **does not** have the potential to be impacted by contamination





## **Appendix 2 – Potential Hazardous Ground Gases (including Mine Gas)**

### **Introduction**

Environmental Protection consider that the impact of hazardous ground gas falls under the contaminated land assessment for a site. This is specified in section 174(e) of the NPPF and was confirmed locally in the planning inspectorate decision ref: APP/P2935/W/15/3131744 (Arriva Garage, Ashington). As such, the potential impacts from mine gas must be assessed through this process.

If the proposed development site is located in a Coal Authority Mining Reporting Area then mine gas specifically is a **material planning consideration**.

The Coal Authority Interactive viewer will be used to assess planning applications. These layers are available on the Coal Authority website: <https://mapapps2.bgs.ac.uk/coalauthority/home.html>

The majority of development within the coal mining area will require a Mine gas / ground Gas Protection Report based upon the CL:AIRE Good Practice for Risk Assessment of Coal Mine Gas Emissions Guidance (October 2021)

### **Hazardous Ground Gas Validation Advice**

#### **1 - Is the development located in the Coal Mining Report Area ?**

**No** – Mine gas protection is **not** required and the application can be validated (subject to Appendix 1).

**Yes** – Go to Point 2

#### **2. Is the development for Industrial / Commercial end use (Including extensions and conversions)?**

**Yes- Validate and consult EP Team**

#### **3. Is the development for Residential / Sensitive end use<sup>1</sup> ?**

##### **a) Is it an Extension ?**

Validate and apply **Householder Applications Informative**. Do NOT consult EP Team.

##### **Householder Applications**

- 
- <sup>1</sup> Residential properties
  - Conversion to residential properties
  - Development of schools, nurseries & creches, children's play areas, playing fields, allotments

Where applications for extensions, porches, conservatories etc. to existing properties are being considered, the Environmental Protection Team would draw your attention to the need in Coal Authority Mining Reporting areas (High or Low) to ensure that existing gas protection measures are not compromised.

If a property has gas protection measures fitted, then similar measures will need to be fitted into the extension. However, if no protection has been fitted (i.e. older properties), this will not be required in the extension.

Building Control Requirements are unaffected.

## b) Is it a Conversion ?

Validate and consult EP Team

## c) Is it one of the following :

**Option 1 – Single new build dwelling in LOW Risk Coal Area**

**Options 2 –Single / 2 new build dwellings in HIGH Risk Coal Area**

**Options 3 – New major Housing Development**

**Option 1 –** Validate and apply [Watching brief Informative](#). Do NOT consult EP Team

### [Watching Brief Informative](#)

Under paragraph 183 of the National Planning Policy Framework 2021 a site must be suitable for its proposed end use, taking account of ground conditions (Including possible hazardous gas) and any risks arising from land instability and contamination (on, in, under or near the development site). Where a site is affected by contamination, ground gas or land stability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

If during development contamination or hazardous ground gas (including mine gas) not previously considered is identified, specialist advice from a Competent Person\*, should be sought and the Planning Department, Environmental Protection and Coal Authority informed. A report setting out measures proposed to deal with the contamination / ground gas / instability should be compiled and implemented.

\*“Competent Person” as defined within the National Planning Policy Framework (NPPF).

**Options 2 –** The applicant should have submitted a Coal Mining Risk Assessment (CMRA) and Phase I contaminated land assessment. These documents should include the risks from potential hazardous ground gas.

**YES** - If these documents are provided - Validate and Consult EP Team.

**NO** - If either of these documents are not provided - Do **NOT** validate.

**Option 3** – The Applicant should have submitted a Coal Mining Risk Assessment (CMRA) and Mine Gas Risk assessment following CL:AIRE Good Practice for Risk Assessment of Coal Mine Gas Emissions guidance (October 2021).

**Yes** –The application can be validated and EP Team should be consulted.

**No** – Do **NOT** validate.

**Notes :**

Upon receipt of **any** Ground Gas monitoring report, the EP Team should be consulted.

This Appendix is a guide and it is acknowledged that from time to time there will be applications that fall outside of the above process. In these instances, the validating officer should contact either the Principal or Senior EHO in the EP team, who is authorised to exercise discretion as to the approach to be followed in that case.

Justification will be provided.

