

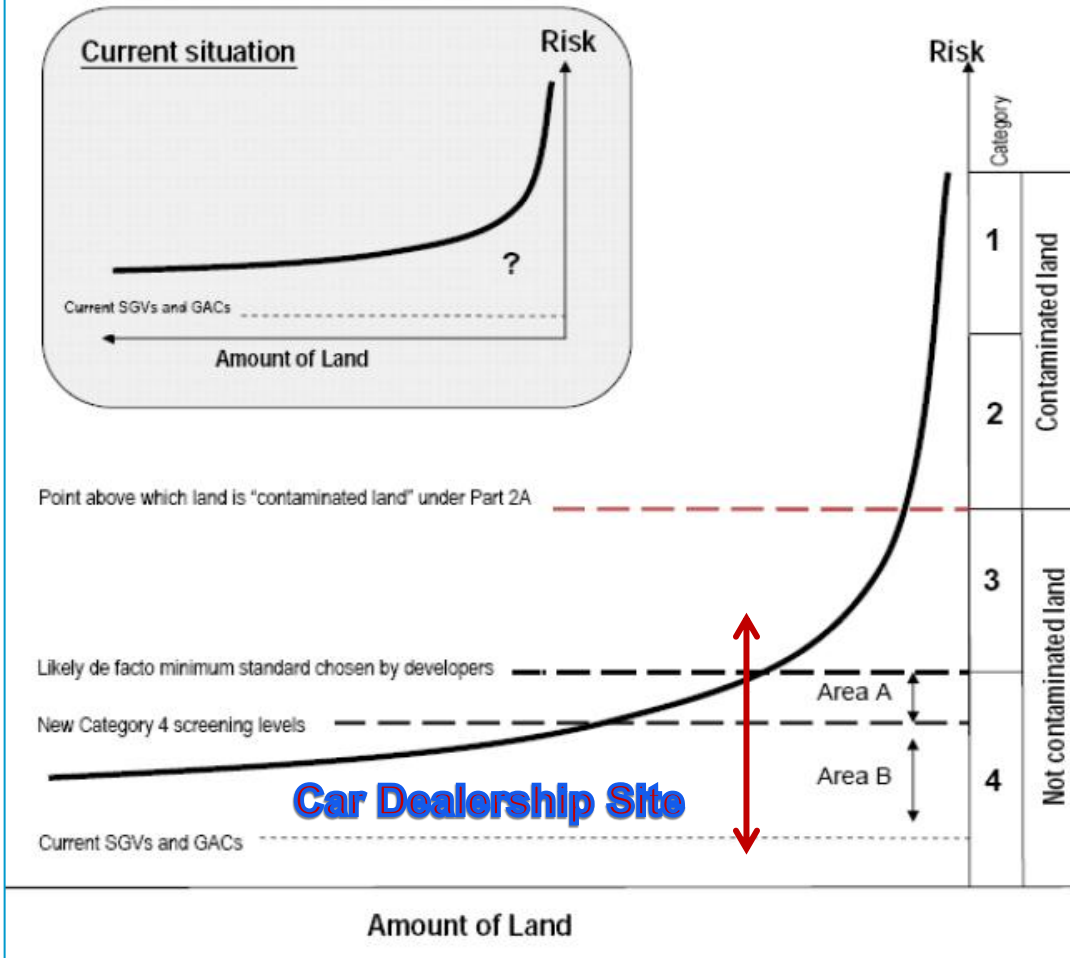


## East Land Quality Forum

### 28/2/13: NPPF/Part2a – Local Authority perspective

- **Case Study – Car Dealership Change of Use.**
- Proposed to be redeveloped into a supermarket.
- Both commercial, quite low sensitivity land uses.
- Dealership has potentially contaminating landuses on site typical of landuse, although no fuel distribution.
- Would investigation/risk assessment/remediation be necessary to make sure sites of this nature are suitable for use through planning? (Controlled waters not at risk = just human health aspects).
- Site almost certainly would not warrant Part IIa determination, but may breach GACs/SGVs,
- However, do GACs represent ‘Suitable for use’? Do ‘*Category 4 Screening Levels*’ ?  
- and therefore would this site achieve those criteria?
- Is it currently suitable for use? Which assessment criteria would apply to any associated investigation?
- If no investigation is necessary, then savings for the developer have indeed been realised – which was a stated aim for C4SLs

**Diagram showing the new Category 1-4 system (compared to current situation)**



The current SGV/GACs are to be replaced with more pragmatic (but still strongly precautionary) C4SLs which will provide a higher simple test for deciding that land is **suitable for use** and definitely **not** contaminated land.

Site may fall under C4SLs for proposed enduse.

*Between Cat 2/3 boundary and GACs will be the C4SL and suitable for use threshold, but we don't yet know where it is.*



## Points to consider

**Suitable for use Vs acceptable Part IIa risks  
GACs/SGVs Vs Category 4 Screening Levels.**

Until C4SLs become available, should GACs continue to be utilised as 'suitable for use' criteria? Risk Assessment criteria or basis for remediation criteria?

***If GACs suggest no appreciable or minimal risk , then compliance must demonstrate 'suitable for use' (perhaps by some margin).***

***However, without published C4SL's, then failure to comply with GACs, may indicate some doubt over site's ongoing liabilities and LA's regulatory diligence, would LA's/Consultants want that?***

Sept 2012 -

**CL:AIRE has the Defra research project SP1010: Development of Category 4 Screening Levels for Assessment of Land Affected by Contamination**

The project aims to be completed in May 2013.

Whereby Category 4 Screening Levels should determine a simple test for deciding that land is suitable for use and definitely not contaminated land in the legal sense.

Also consider Local Plans, Core Strategies, Taylor Review outcome.