

I've taken a look at my comments on the 19/00206 application, and see that I'd already omitted any desk study element, as well as any formal requirement to observe a watching brief & make a nil-discovery declaration. I'd also provided some scoping advice as an informative.

I'm afraid that there is no public health justification for exempting small-scale projects from contamination requirements, this is because i) exposure risks are not proportionate to project scale, cost or yield; and ii) small sites are more (not less) vulnerable to being determinable as Contaminated Land as the statutory definition is sensitive to relevant averaging areas for a source of a given scale.

Existing policy would dictate that if the quantum of development (likely yield) was so low as to make the cost of properly investigating & remediating land prohibitive, the proposal would by definition be unsuitable - and should be refused on that basis. The only complication here is that a contaminative land use has been included within the GPDO provisions, meaning that we cannot 'refuse' the development as such. That we cannot formally refuse the development in principle does not however amount to a duty to assist the applicant with balancing the economics of a project (e.g. to amend policy requirements to make an otherwise unviable project viable).

This notwithstanding - the condition may not be as onerous as it first appears, and in this sense the applicant should have regard to the informative, and the value in staged investigation. The requirements of the conditions could be onerous if there is a significant contamination problem, but this would of course also mean that the actions are by definition absolutely necessary and so may be onerous, but would nevertheless be reasonable. I'm not sure that it's worth exploring low-risk forms of C3 development as I am not certain that the PN regime would allow sufficiently robust conditions to limit C3 use to a given class of occupant.

I would recommend that the applicant read my comments of 12th April in full. These provide a full rationale for the conditions, and make recommendations which will materially influence the site conceptual model and qualitative risk assessment and so assist the discharge of the conditions in question. Perhaps the most helpful aspect would be to formally address the issue of curtilage.

Best Regards,

Jon

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