

Guidance

Framework Planning Conditions:

Practical guidance for
land contamination
regulators

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Version 1.0

NCLOG

National
Contaminated
Land Officers
Group

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Document control

This document is also available on our website at: the-ies.org/communities/nclog

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All document and legislative references contained within this document were correct at time of publication. Any required updates to references will be completed in accordance with scheduled reviews of the document.

It should be noted that at time of writing, a revised version of the National Planning Policy Framework (NPPF) was under consultation but not yet published. As such, NPPF paragraph references provided in this document may be subject to change.

This guidance is intended to serve as an informative and helpful source of advice. NCLOG will review this guidance periodically, but readers must note that legislation, guidance and practical methods are inevitably subject to change and therefore should be aware of current UK policy and good practice. This note should be read in conjunction with prevailing legislation and guidance, as amended, whether mentioned here or not.

Where legislation and documents are summarised this is for general advice and convenience and must not be relied upon as a comprehensive or authoritative interpretation. Ultimately it is the responsibility of the person/company involved in the development or assessment of land to apply up-to-date working practices to determine the contamination status of a site and the remediation and verification requirements.

The views and/or opinions contained within this document as provided by authors and consultees, are based on individual operational experience and interpretation of guidance and legislation.

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Cover Image: Gas works remediation, Warrington, Cheshire. © Warrington Borough Council

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Further details of the consultation process are provided in **Section 5.2** of this document.

Date: June 2026



Borough Council of
**King's Lynn &
West Norfolk**



Salford City Council



City of
Stoke-on-Trent



WARRINGTON
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Executive summary

Planning Conditions are a regulatory tool that can be used within the planning process to ensure otherwise unacceptable development can be made acceptable. This is of relevance to the regulation of land contamination under planning, where the safeguarding of sensitive receptors is a material consideration and goes to the heart of a planning permission. Contaminated land Planning Conditions seek to regulate works required prior to construction commencing, as well as those verification works needed once a development scheme has been completed. Regulation and guidance varies across the United Kingdom, but the legislative frameworks currently in place all seek to ensure the protection of sensitive receptors and the redevelopment of land such that it is suitable for its intended use.

Given the significance of Planning Conditions as a regulatory tool and the importance of regulation of land contamination in planning, the preparation and use of effective contaminated land Planning Conditions could be considered essential. Planning Conditions for land contamination seek to uphold high standards of compliance during consultation and must comply with The Six Tests under planning; those being of necessity, relevance to planning and the development, enforceability, precision and reasonableness. There are a number of guiding principles that can be followed during the preparation of effective Planning Conditions, including the importance of referencing 'Land Contamination Risk Management' (LCRM), using standardised terminology and the separation of pre-commencement and completion

requirements. There are also some common oversights to avoid, such as excessive length or the omission of verification requirements.

With these guiding principles in mind, a set of adaptable 'Framework Planning Conditions' for use in land contaminated regulation have been developed in consultation with contaminated land and planning professionals. The 'Framework Planning Conditions' are designed to be used in their current form or to be adapted for use by an individual Local Planning Authority (LPA) or for a specific development scheme. These conditions are intentionally concise, inherently adaptable and designed to be enforceable, while allowing flexibility for practical site operations and phased development. Many of the questions posed during the consultation process have been translated into a series of Frequently Asked Questions, which will allow the user to better understand the design and development process surrounding the 'Framework Planning Conditions' for contaminated land.

Overall, the framework aims to raise regulatory standards, streamline planning consultations and help to ensure safe, sustainable redevelopment of land across the UK.



▲ New-build residential housing on brownfield land. Bury, Greater Manchester.
© Bury Council

Introduction

The National Planning Policy Framework (NPPF) published by the Ministry of Housing, Communities and Local Government (MHCLG, 2024) states that Local Planning Authorities (LPAs) should consider the use of Planning Conditions to render otherwise unacceptable development as “*acceptable*”. As such, this document provides guidance to assist in the preparation of **contaminated land Planning Conditions** used by LPAs to regulate land contamination issues under planning.

The document outlines what Planning Conditions relating to land contamination should seek to achieve and how they can be written to facilitate effective regulation. The document also highlights common problems with contaminated land Planning Conditions and provides suggested solutions to improve existing Planning Conditions or assist in the preparation of entirely new Planning Conditions.

Advice is provided to assist in improving contaminated land Planning Condition content, format and wording to ensure that they are streamlined, enforceable and suitable for their intended use. Finally, this document presents an adaptable set of Framework contaminated land Planning Conditions, designed in accordance with the principles outlined in the following chapters.

The document is written by Contaminated Land Officers for Contaminated Land Officers and is designed for use by regulators of all levels of expertise, with particular relevance to those acting as consultees to the planning process on behalf of the LPA.

1.1 Why are contaminated land Planning Conditions needed?

Contaminated land Planning Conditions are recommended for planning consents to:

- Ensure development is “acceptable” as per paragraph 56 of the NPPF (MHCLG, 2024).
- Ensure the protection of human health, controlled waters and the wider environment.
- Assist the Developer by clearly explaining requirements, including submission format and timing.
- Ensure the safe redevelopment of all land, particularly for sensitive end uses.
- Provide a consistent standard of regulation in accordance with current legislation and guidance.
- Ensure land is suitable for the intended use and for resale or land transfer.
- Facilitate safe and effective brownfield regeneration.
- Ensure compliance with paragraphs 187(f) and 196 of the NPPF (MHCLG, 2024).
- Ensure requirements can be effectively enforced in the event of non-compliance.
- Ensure third parties are made aware that ultimate responsibility for safe implementation of a given development scheme resides entirely with the landowner and/or Applicant/Developer as per paragraph 197 of the NPPF (MHCLG, 2024).

1.2 Types of contaminated land Planning Condition

LPAs employ a range of contaminated land Planning Conditions to regulate different types of location, planning application type or sensitivity of end use. There is significant variation between LPAs in the wording and

application of contaminated land Planning Conditions, even where they perform the same function.

This document and the examples presented within it refer primarily to so-called ‘standard’ contaminated land Planning Conditions. That is to say, those Planning Conditions usually applied to full planning permissions in order to regulate the full range of land contamination matters.

Irrespective of their wording, ‘standard’ contaminated land Planning Conditions typically comprise one of the following two traits:

- Pre-commencement requirements: The information needed before a scheme starts and ‘development’ (excavation/construction) takes place;
- Completion requirements: The information needed upon completion of ‘development’ and prior to a scheme being occupied or taken into use.

For land contamination, pre-commencement requirements include characterisation of the site by means of investigation and risk assessment, followed by agreement of a remediation and verification strategy. Completion requirements include implementation of the agreed remediation strategy (remediation) and the verification of all works in accordance with the agreed verification strategy.

Such pre-commencement Planning Conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the Planning Condition (including the timing of compliance) are so fundamental to the development scheme permitted, that it would otherwise be necessary to refuse the whole planning permission.

While the content of this document refers to ‘standard’ contaminated land Planning Conditions, the guiding principles used in their design can be applied to any Planning

Condition written to manage land contamination under a given planning consent.

1.3 Pre-commencement requirements and conditions precedent

The literal definition of a ‘condition precedent’ is a requirement or event that must happen before a contract (or certain parts of a contract) can come into effect. Put simply, *“I agree to do this, subject to you doing that...”*. In planning terms, the LPA agrees to grant planning consent, subject to the Applicant/Developer complying with Planning Conditions.

In terms of land contamination, Condition Precedent relates to the pre-commencement requirements imposed on planning consents, to ensure that characterisation of contamination risk and agreement of further action (i.e. remediation strategy) are completed before excavation and/or construction works commence. As land contamination regulation relates to the protection of human health, the environment and the safe redevelopment of land, contaminated land Planning Conditions are considered to *“go to the heart”* of the planning permission. Where a Condition Precedent goes to the heart of a planning consent, this is sometimes known as ‘True Condition Precedent’.

A pre-commencement Planning Condition that does not meet legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the



▲ Council offices construction on former and remediated gas works. Warrington, Cheshire. © Warrington Borough Council

LPA if it is breached. However, where a Planning Condition regarded as Condition Precedent is breached, development works carried out are unlikely to be treated as having implemented a planning permission. In other words, where a ‘pre-commencement’ contaminated land Planning Condition is breached, any development works carried out are likely to be deemed **unlawful**.

In addition, where pre-commencement requirements are breached on a contaminated land Planning Condition, the Applicant/Developer can no longer comply with that Planning Condition. If a Planning Condition states that information is required prior to commencement and a development scheme commences without providing said information, then even retrospective submission of information will

not comply with the Planning Condition. In other words, once pre-commencement requirements are breached, there is no going back. On that basis, **the planning consent itself may be rendered null and void** because the Applicant/Developer can no longer comply with one of the conditions upon which consent was originally granted.

The interpretation of a breach of Conditions Precedent varies between LPAs at present, but an increasing number of regulators are adopting this stance when pre-commencement requirements associated with a contaminated land Planning Condition are breached by an Applicant/Developer.

1.4 Agreeing Planning Conditions with the Applicant/Developer

Pre-commencement requirements to be imposed via Planning Condition have to be agreed in advance with the Planning Applicant/Developer. This applies to conditions Precedent only and consultation with the Applicant/Developer will be initiated by the LPA prior to planning consent being granted.

1.5 Expediting planning consultations

As planning applications are time-sensitive and because complex information is often required in relation to land contamination, it is in the interest of all stakeholders to promote streamlined regulation, encourage high professional standards and to expedite the review and approval of documents submitted in support of a planning application. The use of concise, effective and enforceable contaminated land Planning Conditions is directly related to achieving these goals.

1.6 Climate change and sustainability

‘Land Contamination Risk Management’ (LCRM) guidance published by the Environment Agency (EA, 2025) supports a sustainable approach to management and regulation of contaminated land. LCRM advocates the use of the ‘Sustainable Remediation Forum UK’ (SuRF-UK) framework for assessing the sustainability of soil and groundwater remediation.

Where land is subject to planning permission, there is scope to integrate the SuRF-UK approach using an Informative applied to a given planning consent. This would help ensure that sustainability is embedded at key points in the redevelopment of land subject to planning permission and balance environmental, social and economic impacts to generate maximum overall benefit.

The UK Met Office predicts an increase in extreme weather as a result of climate change. This can include extreme heat, heavy rainfall, windstorms and drought. LCRM recommends consideration of potential changes to contaminant mobility, for example due to extreme temperature or rainfall. The potential long-term effects of climate change on remediation, such as drought or increasing groundwater levels, is also a significant possibility. Climate change impacts and extreme weather events should be considered as part of the risk management process to ensure long term remediation is sustainable and robust. LCRM further states that remediation can also have adverse effects on climate change if it is not carried out correctly. Poor remediation design and/or implementation may cause greater adverse effects than the contamination risk it aims to address.

LCRM recommends a sustainable approach throughout the investigation and management of contaminated land. Developers, contractors and consultants are advised to make use of ‘The Definition of Waste: Code of Practice’ (CL:AIRE, 2011) and be aware of the updated ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’ (DEFRA, 2009).

CIRIA (2026) have produced a good practice guide considering climate change in development. This provides an overview from both a geoenvironmental and geotechnical perspective with clear diagrams and case studies throughout the guide. Climate change considerations through the LCRM stages of risk assessment are presented with detailed watchpoints throughout the process. A fundamental section within the guide is the implications for the conceptual site model of key climate change scenarios.

The following text is an example of a Climate Change and Sustainability Planning Informative to be attached to a planning consent:

“Climate change, extreme weather events and sustainability should be considered in line with the ‘Land Contamination Risk Management’ (LCRM) guidance. Climate change, extreme temperature and weather events have the potential to create new pathways, mobilise contamination, change groundwater levels and alter the conceptual site model. During site works and remediation, soils should be used sustainably in accordance with The ‘Definition of Waste: Code of Practice’ and ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’, together with potential climate change impacts should be considered to ensure that remedial solutions are robust and sustainable.”



▲ Potential contaminant run-off. Bristol, South-west England. © Bristol City Council

Planning Conditions and devolved administrations

The guidance makes reference throughout to various policy documents and regulations, some of which do not apply in the devolved administrations (i.e. Wales, Scotland and Northern Ireland). Where possible, corresponding documents and regulations have been referenced, but readers should be aware that alternative and equivalent documents may need to be referred to in the devolved administrations.

2.1 Legislative framework

The primary legislative framework that governs land contamination management under planning for each of the devolved administrations is as follows:

England

The National Planning Policy Framework (MHCLG, 2024) states that Local Authority planning policies and decisions should ensure “*a site is suitable for its proposed use...*” and that “*after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.*”

Scotland

National Planning Framework 4 (LDHD, 2023) states that “*where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.*”

Planning Advice Note 33: Development of contaminated land (PandAD, 2017) states that land should be “*suitable for use*” and that it is ensured “*that land is made suitable for any new use, as planning permission is given for that new use.*”

Wales

Planning Policy Wales (WG, 2024) states that the onus is with the Developer to “*ensure that the development of the site will remove any unacceptable risks and the planning authority in making development management decisions will need to ensure that the land is suitable for its proposed use and would not meet the legal definition of contaminated land under Part IIA*”.

Additional information is available in Welsh Office Circular 22/87 (WO, 1987).

Northern Ireland

The DAERA Practice guide: Redeveloping Land Affected by Contamination (DAERA, 2019) states that “*Developers must ensure that all risks associated with potential land contamination have been identified and addressed so that the land is suitable for its new use*”.

2.2 Policy documents

Further information on legislation, associated policy documents, regulations and their equivalents under the UK devolved administrations is provided in the following summary table:

Regulatory area	England	Wales	Scotland	Northern Ireland
National legislation	<ul style="list-style-type: none"> Part 2A of the Environmental Protection Act (1990) Town and Country Planning Act (1990) Planning Act (2008) 	<ul style="list-style-type: none"> Part 2A of the Environmental Protection Act (1990) Town and Country Planning Act (1990) Planning Act (2008) Planning (Wales) Act (2015) 	<ul style="list-style-type: none"> Part 2A of the Environmental Protection Act (1990) Town and Country Planning (Scotland) Act (1997) Planning (Scotland) Act (2019) 	<ul style="list-style-type: none"> Part III of the Waste and Contaminated Land (Northern Ireland) Order (1997) [Enacted but not yet commenced] The Planning Act (Northern Ireland) (2011)
National planning policy	<ul style="list-style-type: none"> National Planning Policy Framework (2024) 	<ul style="list-style-type: none"> Planning Policy Wales, Edition 12 (2024) 	<ul style="list-style-type: none"> National Planning Framework 4 (2024) 	<ul style="list-style-type: none"> Strategic Planning Policy Statement for Northern Ireland (2025)
Statutory guidance	<ul style="list-style-type: none"> Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (2012) 	<ul style="list-style-type: none"> Environmental Protection Act 1990: Contaminated Land Statutory Guidance for Wales (2012) 	<ul style="list-style-type: none"> Environmental Protection Act 1990: Part IIA Contaminated Land: Statutory Guidance Edition 2 (2006) 	No statutory guidance
National government guidance	<ul style="list-style-type: none"> Land Contamination: Risk Management (2025) Planning Practice Guidance (2021) Use of Planning Conditions (2019) DCLG Circular 11/95: Use of Conditions in Planning Permission Model Conditions [Appendix A] Land Affected by Contamination (2019) 	<ul style="list-style-type: none"> Land Contamination: Risk Management (2025) WGC Circular 016/2014: The Use of Planning Conditions for Development Management (2014) 	<ul style="list-style-type: none"> Land Contamination: Risk Management (2025) [Adopted May 2025] Planning Circular 4/1998: The Use of Conditions in Planning Permissions Planning Advice Note 33: Development of Contaminated Land (2017) 	<ul style="list-style-type: none"> Land Contamination: Risk Management (2025) [Recommended by DAERA] OPR Practice Note PN03 Planning Conditions (2022)

Regulatory area	England	Wales	Scotland	Northern Ireland
Environmental protection or local authority guidance	<ul style="list-style-type: none"> • NCLOG Guidance [Under development] • YALPAG Guidance: Development on Land Affected by Contamination: Technical Guidance for Developers, Landowners and Consultants (2023) 	<ul style="list-style-type: none"> • Welsh Contaminated Land Working Group Guidance: Development of Land Affected by contamination: A Guide for Developers (2023) 	<ul style="list-style-type: none"> • Environmental Protection Scotland Guidance: Land Contamination and Development (2019) 	<ul style="list-style-type: none"> • DAERA Guidance: Practice Guide, Redeveloping Land Affected by Contamination (2019)



Made ground from remediation scheme at former oil refinery and vitriol works. Stoke-on-Trent, Staffordshire. © Stoke-on-Trent City Council



What should contaminated land Planning Conditions seek to achieve?

The contaminated land Planning Conditions utilised by an LPA should be designed to achieve three primary goals:

1. To ensure the effective and succinct communication of required information and when it is to be submitted;
2. To ensure the protection of named sensitive receptors and the wider environment in accordance with legislation and guidance;
3. To ensure that the land and/or development scheme is suitable for the intended use.

3.1 The Six Tests

The NPPF (MHCLG, 2024) makes clear that Planning Conditions should be kept to a minimum, but where they are needed, they must satisfy the following six tests.

Planning Conditions must be:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;

4. Enforceable;
5. Precise;
6. Reasonable in all other respects.

These are referred to in this guidance as **The Six Tests** and each test needs to be satisfied for each Planning Condition which an LPA intends to apply to a given planning consent. Consequently, any contaminated land Planning Condition must also meet and satisfy The Six Tests as described above.

3.2 Regulatory objectives

In order to achieve the above and to enable a timely and streamlined consultation with the Applicant/Developer, contaminated land Planning Conditions need to include precise instructions and reference relevant guidance that can expedite compliance, so ensuring that this information is delivered in a concise manner.

The Planning Conditions must be enforceable, meaning the specific mention of named sensitive receptors, the use of standardised unambiguous terminology reflecting that of LCRM (EA, 2025) and inclusion of completion requirements (verification) are considered highly important.



▲ **Mosaic habitat on brownfield land. Nar Ouse Regeneration Area, Norfolk.
© Borough Council of King's Lynn and West Norfolk**

Planning Conditions should also be flexible and reduce the impact of regulation where possible. Common regulatory measures to assist the Applicant/Developer include the use of 'pre' and 'post' completion requirement Planning Conditions and the permission for certain works that can take place prior to 'pre-commencement' requirements being satisfied or discharged.

These broader regulatory objectives can be reflected in the wording of contaminated land Planning Conditions by:

1. Minimising the prescription of technical information: Instructive text, describing how to investigate, risk assess and remediate contaminated land and the type of information to include in a 'report' should be replaced with references to procedures detailed in LCRM (EA, 2025). This ensures that the Applicant/Developer is aware of the standards that the LPA is working

towards and assists stakeholders in understanding the process and systems under which the land contamination consultation will operate. Prescriptive technical instructions are largely unnecessary in contaminated land Planning Conditions, as a qualified professional should (preferably) be appointed to administer contaminated land requirements and interpret the wording of the Planning Condition(s) in compliance with LCRM.

2. Limiting remit to the protection of 'sensitive receptors':

All descriptive terminology describing what the Planning Condition is trying to achieve should be limited to the specific receptors relevant to contaminated land risk assessment, e.g. human health, controlled waters and the wider environment.

3. Shortening and simplifying text:

Planning Conditions should contain necessary information/references and remain enforceable. Where possible, content should also be paraphrased to minimise the number of words required in the core text of the Planning Condition. This will provide a concise and accurate list of requirements, while minimising the potential for misinterpretation. Keeping Planning Conditions short and succinct also reduces the propensity for requirements to be perceived as onerous or unreasonable by the Applicant/ Developer or Planning Officer assigned to manage the application.

4. Using current and standardised terminology:

Technical terminology used in Planning Conditions should be consistent with that cited in contemporary guidance and should be standardised across all other contaminated land Planning Conditions to ensure consistency. Ensuring that the terminology is standardised and reflects guidance promotes easy discussion of requirements, increases enforceability and enables requirements to mirror current legislation and good practice.

5. Requesting evidence upon completion:

To ensure that land is (re)developed safely and is suitable for the intended use, works should be conducted in accordance with the agreed remediation/ verification strategy. To that end, Planning Conditions should include a requirement for the Applicant/Developer to submit information upon completion of the development scheme. Information required upon completion is detailed in the agreed verification strategy and will prove that agreed terms have been

observed and that the land is suitable for the intended use. Completion/pre-occupation requirements are essential for land contamination risk management to be regulated effectively.

- 6. Adopting a multi-condition system:** To assist the Applicant/Developer and to streamline regulation, information required before commencement and information required after works have completed should be separated into two or more separate Planning Conditions. Each Planning Condition should be designed to operate independently of the other(s) and if necessary, be attached to a planning consent in isolation.

For example, a ‘two-condition system’, regulating pre-commencement and completion requirements separately, can eliminate the need for part-discharge of a single Planning Condition section-by-section. A ‘two-condition system’ also enables ‘front-loaded’ planning applications that satisfy pre-commencement requirements, to receive a single Contaminated Land Planning Condition that relates solely to completion requirements.

- 7. Facilitating effective enforcement:** The structure and terminology of Planning Conditions should ideally be written with participation from Planning Enforcement Officers, to ensure compliance with planning law and ensure Planning Conditions can be effectively enforced should a breach of requirements occur. This will help avoid inclusion of any unenforceable requirements and ensure that the requirements “go to the heart of a permission” (i.e. condition precedent).

Preparation of new Planning Conditions could also involve consultation with legal professionals or with other regulators, such as the Environment Agency, Development Control or the Planning Inspectorate.

- 8. Including a reason:** Clear and precise reasons must be given by the LPA for the imposition of every Planning Condition attached to a given consent. This fulfils the remit of one of The Six Tests by ensuring that Planning Conditions are “imposed only where necessary”. The following text is an example of a ‘reason’ for a Contaminated Land Planning Condition to be attached to a planning consent:

“To prevent unacceptable risk to human health and controlled waters and to prevent pollution of the environment in accordance with the aims and paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).”

- 9. Including a disclaimer:** It can be useful to include a ‘disclaimer’ with contaminated land Planning Conditions, so as to remind the Applicant/Developer and other third party stakeholders that responsibility for the safe redevelopment of land or the implementation of a given scheme, resides entirely with the landowner or planning Applicant/Developer. It may be that the disclaimer is better suited as an advisory, in which case a separate Planning Informative could be attached alongside the Contaminated Land Planning Condition(s). Consultation with Planning Officers is recommended in

either case. The following text is an example of a ‘disclaimer’ to be attached to a contaminated land Planning Condition or to act as a separate planning informative:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the Developer and/or landowner (NPPF paragraph 197).”

- 10. Promoting flexible regulation:** Given the wide range of potential planning scenarios and the potential requirements of the Applicant/ Developer, Planning Conditions should be designed to be flexible and versatile, while still maintaining effective regulation.

Pre-commencement restrictions that prevent any works from taking place should be minimised and works that can take place prior to requirements being discharged should ideally be specified. The aim of pre-commencement requirements on contaminated land Planning Conditions should reflect the core aim of the Planning Condition – that being the protection of sensitive receptors. Risk in this context would be more closely associated with large-scale excavations/earthworks or construction works taking place before land contamination investigations and risk assessments are complete and approved. Consequently, it is these works that present the greatest risk if they occur before pre-commencement requirements are satisfied. Other works, such as site investigations, above-ground



▲ **Excavation of gasholder at former gas works. Warrington, Cheshire.**
© Warrington Borough Council

site clearance, demolition works or provision of access could all take place prior to pre-commencement requirements being satisfied.

Equally, it may be the case that the nature of the scheme means that development must take place in discrete phases. This can be typical of larger schemes, where pre-commencement requirements need to be satisfied and discharged for an individual phase, rather than across the entire development scheme.

Alternatively, a scheme may require an 'enabling works' phase (e.g. earthworks or remediation) to take place and complete prior to the 'construction works' phase. Planning Condition wording that can be easily adapted to allow for development phasing, greatly enhances the flexibility of the Planning Condition itself.

Issues and solutions

Having established what contaminated land Planning Conditions should seek to achieve, this section will examine common issues and how best to resolve them. As with all forms of regulation, frequent updates and amendments are required to improve and streamline processes. Equally, it is important to communicate requirements clearly and succinctly. This is also true of Planning Conditions and it is recommended that the wording is reviewed and updated regularly to ensure that they reflect current guidance and practices, ensure that they are fit for purpose and serve both Regulator and Applicant/Developer effectively

4.1 Common issues with contaminated land Planning Conditions

Some of the common issues with contaminated land Planning Conditions can relate to:

✘ **Inflexible pre-commencement requirements:** Some Planning Conditions prohibit works of any kind taking place prior to discharge and those works that can take place (e.g. demolition, site

clearance) are not specified. This means the Applicant/Developer can be left with the impression that no works of any kind can be carried out prior to the Planning Condition being discharged. This can create issues for the Applicant/Developer if for example, the scheme is to be implemented in phases or if buildings need to be demolished to facilitate site investigations.

✘ **Prescription of requirements:** Some Planning Conditions do not specify the documents that are required by LCRM (EA, 2025) or the order of submission. Planning Conditions such as these do not adequately convey the information necessary for compliance. While over-prescription should be avoided, including the names of key documents and their submission order will raise awareness with the Applicant/Developer and increase the likelihood of the right type of information being submitted at the correct time. This is particularly pertinent where regulators have adopted minimum standards specific to their LPA.

- ✘ **Remediation is assumed:** Some Planning Conditions list information to be submitted when the requirement for which would ordinarily be derived through risk assessment. For example, Planning Condition wording can require “details of remediation measures” or the “provision of monitoring” or the “submission of a Remediation Scheme”, with no consideration as to whether the risk assessment will require these works. This assumption can be misleading and may give the impression land is unsuitable for the intended use before an investigation or risk assessment have been completed.
- ✘ **Guidance references:** Some Planning Conditions do not reference core guidance documents, while others reference too many. While the use of specific guidance is at the discretion of the Applicant/Developer, listing preferred guidance documents in a Planning Condition can assist in raising awareness of accepted standards and ultimately streamline the consultation with environmental professionals appointed by the Applicant/Developer.
- ✘ **The requirement to ‘implement’:** Some Planning Conditions require a “remediation scheme” to be “agreed”, but include no requirement to implement the agreed scheme. While it is assumed that the agreed remediation strategy would be implemented, unless it is specifically stated, there is no enforceable obligation or inference in planning terms for agreed terms to be carried out. This continues to be the case even after a development scheme has completed. As such, the absence of this very simple requirement could ultimately lead to a Remediation or verification strategy failing to be put into effect.
- ✘ **Absence of verification requirements:** Some Planning Conditions do not specifically require verification of works, meaning compliance with agreed terms relies solely on the scheme being “implemented as agreed” or “remediated in accordance with agreed measures”. Where completion requirements are omitted from a Planning Condition, there is no obligation for the Applicant/ Developer to confirm that remediation and verification have been carried out in accordance with agreed terms. Where a Verification Report has not been submitted in relation to land contamination, there is also no definitive evidence held on record by the LPA to demonstrate that the scheme is suitable for the intended use.
- ✘ **Unenforceable requirements:** Some Planning Conditions comprise wording or inherent ambiguity that render the requirements unenforceable in planning terms. The following are examples of phrases that are likely to be unenforceable:
- *“The Site shall be remediated in accordance with the approved measures before development begins..”*
- Given that some remedial techniques are carried out during construction works or upon completion, this statement cannot be complied with and is therefore unenforceable.
- *“Unless otherwise agreed with the LPA...”*
- This terminology is likely to be too vague to be enforceable if a perceived breach of requirements was to occur.

If a Planning Condition is unenforceable, the ability to regulate land contamination matters is diminished and alternative means to ensure the scheme is suitable for the intended use would need to be employed.

- ✘ **Excessive length:** Some Planning Conditions could be regarded as “too long” or to include superfluous or irrelevant information. Where Planning Conditions include unnecessary information or over-prescription of requirements, there is an increased likelihood of the Planning Condition failing to meet The Six Tests mentioned in Section 3 of this document. Specifically, the tests for the Planning Condition to be “relevant” and “precise” may not be satisfied. Concise Planning Conditions are also more likely to be understood, less open to interpretation and more likely to result in compliance.

- ▼ **Soft-landscaping cover systems laid on remediated gas works. Warrington, Cheshire.**
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4.2 How to improve contaminated land Planning Conditions

Basic Planning Condition

The Planning Condition makes little or no mention of the specific information required by published guidance or the order in which information should be submitted.

The Planning Condition uses inconsistent or generic terminology. For example: 'Phase I desk Study', 'Phase II Site Investigation Report', 'remedial strategy' or 'completion report'.

The Planning Condition includes no references to relevant legislation, published guidance or internal LPA standards.

Suggested improvement

“Provision of clear instructions”
Contaminated land investigation and risk assessment is recommended to follow a prescribed series of steps in accordance with published guidance. In order to assist the Applicant/Developer, ensure consistent regulation and expedite the consultation process, a contaminated land Planning Condition can outline this process and state minimum requirements.

“Include current and standardised terminology”
To assist the Applicant/Developer, expedite the consultation process and facilitate effective regulation, a Contaminated Land Planning Condition should use current and standardised terminology that matches current published guidance.

“Reference current guidance and standards”
Contaminated land is a highly technical field, regulated by a variety of guidance and standards. To guide the Applicant/Developer and assist the Regulator, the procedures detailed in a contaminated land Planning Condition should reference relevant legislation and published/preferred guidance documents, together with any relevant and internal standards particular to that LPA.

Improved Planning Condition

The Planning Condition presents the required information, together with the order of submission as described in published guidance.

Minimum requirements are also stipulated (e.g. a PRA Report). All requirements should be consistent with LCRM (EA, 2025).

The Planning Condition utilises current and standardised terminology as quoted in published guidance. For example: 'PRA Report', 'GQRA Report', 'remediation strategy' 'remediation plan' or 'verification report'. All terminology should be consistent with LCRM.

The Planning Condition includes reference to current published guidance such as LCRM or the NPPF (MHCLG, 2024) and internal LPA standards (e.g. a supplementary planning document or in-house land contamination guidance).

Basic Planning Condition

The Planning Condition include no specific allowance or distinction between the information needed **prior to construction** works commencing and information needed after **completion**.

The Planning Condition includes absolute **'pre-commencement' requirements**, that prohibit site works of any kind prior to the Planning Condition being satisfied. The Planning Condition needs to be agreed with the Developer.

Suggested improvement

“Define when information is needed”

Regulation of land contamination requires information both before and after land is (re)developed. Contaminated Land Planning Conditions can clearly split these requirements, ideally into separate Planning Conditions. This **separation** of requirements helps to streamline regulation and reduce the need for part-discharge of Planning Conditions. It also allows ‘front-loaded’ planning applications to potentially avoid the imposition of ‘pre-commencement’ requirements if submitted information is satisfactory.

“Introduce pre-commencement flexibility”

Given the range of potential planning scenarios and varying requirements of Applicant/Developers, a Contaminated Land Planning Condition may not need to include full ‘pre-commencement’ requirements. If works other than ‘significant excavation’ or ‘construction’ are permitted, the flexibility and versatility of the Planning Condition is increased and may not require the agreement of the Applicant/Developer in advance.

Examples of where more flexible Planning Conditions may be advantageous include: where demolition is required to complete a site investigation; where a ‘meaningful start’ is required to preserve a planning consent; or where an Applicant/Developer wishes to ‘phase’ a scheme under a single planning application.

Improved Planning Condition

Requirements are split between two or more separate contaminated land Planning Conditions. Ideally as a minimum: A Planning Condition for regulating information required **before** excavation/construction works begin; and A Planning Condition for regulating information required **after** works complete and prior to the scheme being taken into use.

The Planning Condition ‘pre-commencement’ restrictions are more flexible, allowing works such as site clearance, building demolition or minor excavations to take place prior to the Planning Condition being satisfied and discharged.

The Planning Condition specifies those works that are permitted and wording is designed to be easily adapted for development phasing if this is required.

Basic Planning Condition

The Planning Condition lists few or none of the specific **sensitive receptors** relevant to land contamination regulation.

The Planning Condition omits **verification requirements** entirely and does not require any information to be submitted upon completion of remediation or the scheme. The Developer may be required to “*implement the scheme as agreed*”, but is not specifically required to prove the site or scheme is suitable for use or that agreed works have been carried out.

The Planning Condition may be **unenforceable** for technical, legal or planning policy reasons.

Suggested improvement

“Specify the protection of sensitive receptors”
A contaminated land Planning Condition can be designed to protect specific receptors (i.e. human health, controlled waters and the wider environment). Specifying what the Planning Condition seeks to protect can be regarded as integral to effective risk assessment and regulation.

“Ensure evidence is provided on completion”
As contaminated land investigation and remediation involves works designed to safeguard receptors and render the land or scheme suitable for use, a contaminated land Planning Condition can require the Applicant/ Developer to prove that agreed works have been carried out. This ‘verification’ should take place upon completion, but **before** the scheme is taken into use or buildings are occupied. This will ensure the land or scheme is safe for the intended use and that regulation is effective.

“Improve enforcement potential”
In the event of a dispute, complaint or breach of requirements, a Contaminated Land Planning Condition should be enforceable under the Town and Country Planning Act (1990); should meet legal requirements; and satisfy the **The Six Tests** laid out in the NPPF. A Planning Condition that does not meet legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the LPA if it is breached.

Improved Planning Condition

The Planning Condition specifies human health, controlled waters and wider environment as key receptors to be protected. These specific receptors are also referenced in the “reason” for the Planning Condition being recommended, whether attached to the Planning Condition or as a separate Informative.

The Planning Condition includes a specific stipulation (or a separate Planning Condition) to regulate verification requirements upon completion. Prior to the scheme being taken into use or new buildings being occupied, the Applicant/Developer is required to provide a **verification report** (sometimes known as a ‘validation report’) to prove the land or scheme is safe and that agreed works have been carried out.

The Planning Condition has been developed with participation of Planning Officers, Planning Enforcement Officers and/or legal professionals to include recommended phraseology and meet requirements for both ‘condition precedent’ and the NPPF.

The Framework Contaminated land Planning Conditions

This section presents a core set of four 'Framework Planning Conditions' for use in land contamination regulation under the planning system. These Planning Conditions are ready to be used and can be amended and easily-adapted for use by a specific LPA or with a specific development scheme.

5.1 Design process and guiding principles

The Planning Conditions are designed to reflect the guiding principles discussed in earlier sections of this document, most notably to:

- 1. Be concise and minimise prescription of technical requirements:**
Text is deliberately short, including only that specific terminology relating to the primary stages of the risk management process. Instructions relating to how to complete each stage have been omitted, so as to keep text succinct and encourage the involvement of a land contamination professional.
- 2. Use current and standardised terminology:**
Terminology is consistent and reflects that used in LCRM (EA, 2025).
- 3. Specify current/preferred guidance:**
Preferred guidance is clearly stated and limited to LCRM. This is because LCRM includes references for the majority of current guidance documents. However, the listed guidance can easily be edited or augmented to suit a particular site or LPA.
- 4. Request evidence upon completion:**
Verification of works is regulated under an entirely separate Planning Condition to ensure that evidence is always provided to the LPA upon completion of the development scheme or phase of a scheme.

5. Reflect a multi-condition system:

A ‘three-condition system’ has been adopted for regulation, together a separate fourth Planning Condition for precautionary regulation. This approach sub-divides the primary stages of the risk management process and streamlines overall regulation. The primary stages are:

- 1) Characterisation;
- 2) Options and strategy;
- 3) Implementation; and
- 4) Contingency

6. Facilitate effective enforcement:

Planning Conditions have been subject to consultation with Planning Officers, legal professionals and other regulatory peers to ensure wording is enforceable. Details of the consultation and editing process are presented in **Section 5.2**. The four Planning Conditions present requirements which are in turn linked to specific time triggers (i.e. pre-commencement or pre-occupation), ensuring an absence of ambiguity should a breach of requirements occur.

7. Permit flexible regulation:

“Land contamination” is mentioned in the first sentence of each Framework Planning Condition to ensure the purpose of the Planning Conditions can be easily identified, even if a title is not included on the Decision Notice. Text can be easily edited to facilitate development phasing if required and the ‘three-condition system’ allows Planning Conditions to be recommended in combination or isolation, depending on the requirements of the planning consent in question. The fourth Planning Condition is designed to be used in isolation of the other three and act as a

contingency measure, much like a ‘watching brief’.

These guiding principles also ensure that the ‘Framework Planning Conditions’ satisfy **The Six Tests** under planning as described in **Section 3.1** of this document.

Preparation of the ‘Framework Planning Conditions’ began with a review of contemporary Planning Conditions used by a range of regulators and an analysis of merits and issues inherent to their content, format and purpose. A review was also conducted of historic ‘model Planning Conditions’ in order to establish whether any lessons could be learned. Experience suggested that the scope of the new ‘Framework Planning Conditions’ should cover as a minimum, the four core areas of land contamination regulation:

1. Characterisation, investigation and risk assessment
2. Option appraisal, remediation strategy and verification plan
3. Remediation works and verification works
4. Unexpected contamination contingency

With the core areas of regulation in mind and guiding principles agreed, each Planning Condition was drafted and then peer-edited by regulators until an agreed format and wording was achieved.

The ‘Framework Planning Conditions’ were then subjected to further revision and refinement to ensure that all guiding principles were observed and that the text could be easily amended to suit the needs of specific LPAs or for specific types of development Scheme.

5.2 Consultation process

Once a draft format and wording had been agreed and finalised, the ‘Framework Planning Conditions’ were then subject to

an extended consultation process involving a variety of peers from various stakeholder sectors. The intention was to inform the text and format of the ‘Framework Planning Conditions’ with advice and experience from stakeholders that might work with or seek to enforce the ‘Framework Planning Conditions’ as part of the planning process.

To that end, the following stakeholders were consulted and feedback was requested:

Consultee	Consultation completed
NCLOG Committee	December 2023
Local Government Planning Officers	December 2023
Local Government Planning Enforcement Officers	December 2023
Environment Agency	July 2025
Local Government Planning Officers	July 2025
Planning Officers Society	July 2025
Chartered Institute of Environmental Health	July 2025
Independent Legal Expert	January 2026
Planning Inspectorate	February 2026
Royal Town Planning Institute	May 2026

Where feedback was received from consultees, appropriate changes were made to the 'Framework Planning Conditions' to adapt their text and format in accordance with the advice and recommendations received. Where it was felt that feedback did not reflect agreed guiding principles or that queries had already been addressed previously as part of the consultation, the 'Framework Planning Conditions' were not amended. Where appropriate, the list of FAQs in **Section 6** of this document were updated to reflect the fact that comments had been considered and to answer any queries that may have arisen as a result of the process.

It should be noted that while the above organisations have been consulted on the wording and format of the 'Framework Planning Conditions' and have provided their professional expertise to directly inform their content, no single organisation has provided direct endorsement. With that

in mind, the Planning Sub-group would like to pass on their profound thanks to all consultees for their respective input into the process.

5.3 Regulatory tool kit or 'model condition'?

While the 'Framework Planning Conditions' for contaminated land do not represent a format that must be adopted, they demonstrate how the advice provided in this document can be applied in conjunction with good practice to derive a flexible and enforceable method for regulating land contamination with Planning Conditions.

As mentioned previously in this section, the 'Framework Planning Conditions' are just that – they are a 'framework' that can be used 'off the shelf' in their current format, or they can be a regulatory template that

▼ Gas works remediation works. Warrington, Cheshire. © Warrington Borough Council



can be changed and adapted to suit the specific requirements of the user. Consequently, the 'Framework Planning Conditions' are not regarded as 'model Planning Conditions'. While they are entirely useable in their current form, the 'framework contaminated land Planning Conditions' are designed to be changed or modified to suit the needs of an individual regulator, LPA or development scheme.

5.4 Further work and feedback

It is recognised that the 'Framework Planning Conditions' for contaminated land are likely to be used in a range of ways. Some regulators may use them without alteration. Others may make modifications influenced by local policy, site-specific circumstances or because Planning Officers require changes. Conversely, some regulators will not use them at all.

- ▼ **Bioremediation of hydrocarbon-impacted soils. Warrington, Cheshire.**
© Warrington Borough Council

Irrespective of how the 'Framework Planning Conditions' are used, we would welcome feedback from regulators. We would like to know if you are using them; we would like to know what is good; and what is not so good. We would like to know if you have made modifications and if so, what type of modifications. We would like to know what works and what does not work.

It is the intention to review this work in the future in an effort to introduce new Planning Conditions and Informatives (e.g. Imported Fill Materials), but also to improve the usefulness and effectiveness of the 'Framework Planning Conditions'. User experience and feedback will be integral to this process.

To that end, we would encourage you to get in touch using the contact details provided at the beginning of this document and tell us about your experience using the 'Framework Planning Conditions', how they can be improved and how we could progress this work further to continue assisting regulators.



5.5 Framework Planning Condition 01: Characterisation and risk assessment

Ideally used when: Development is located wholly or partially on or adjacent to Potentially Contaminated Land and/or is proposed for a Sensitive End Use.

Time trigger is: Pre-commencement.

Contaminated land: Characterisation and risk assessment

No development hereby permitted (except demolition and site clearance) within any approved phase shall commence until the following land contamination documents have been submitted to and approved in writing by the Local Planning Authority:

- I. Preliminary Risk Assessment (PRA).
Submission of this document is the minimum requirement.
- II. Generic Quantitative Risk Assessment (GQRA).
Submission of this document if PRA requires it.
- III. Detailed Quantitative Risk Assessment (DQRA).
Submission of this document if GQRA requires it.

The documents referred to above shall characterise potential risk to sensitive receptors, giving consideration to human health, controlled waters and the wider environment and be prepared in accordance with the following guidance: Land Contamination Risk Management (LCRM).

Reason: To prevent unacceptable risk to human health and controlled waters, and to prevent pollution of the environment in accordance with the aims and paragraphs 187(e), 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

5.6 Framework Planning Condition 02: Remediation strategy and verification plan

Ideally used when: Development is located wholly or partially on or adjacent to potentially contaminated land and/or is proposed for a sensitive end use.

Time trigger is: Pre-commencement.

Contaminated land: Remediation strategy and verification plan

No development hereby permitted (except demolition and site clearance) within any approved phase shall commence until the following land contamination documents have been submitted to and approved in writing by the Local Planning Authority:

- I. Remedial options appraisal. Submission of this document if approved 'characterisation and risk assessment' requires it.
- II. Remediation strategy. Submission of this document if approved 'characterisation and risk assessment' requires it.
- III. Verification plan.

The documents referred to above shall be informed by the findings of the approved 'characterisation and risk assessment' and prepared in accordance with the following guidance: Land Contamination Risk Management (LCRM).

Reason: To prevent unacceptable risk to human health and controlled waters and to prevent pollution of the environment in accordance with the aims and paragraphs 187(e), 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

5.7 Framework Planning Condition 03: Remediation and verification

Ideally used when: Development located wholly or partially on or adjacent to potentially contaminated land and/or is proposed for a sensitive end use.

Time trigger is: Pre-occupation/prior to use

Contaminated land: Remediation and verification

The development hereby permitted within any approved phase shall not be occupied or brought into use until the following land contamination works are completed:

- I. Any required remediation works have been completed in accordance with the approved remediation strategy and;
- II. A verification report has been submitted to and approved in writing by the Local Planning Authority.

The verification report must include information validating all remediation works carried out within any approved phase; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

The actions required above shall be completed in accordance with the following guidance: Land Contamination Risk Management (LCRM).

Reason: To prevent unacceptable risk to human health and controlled waters and to prevent pollution of the environment in accordance with the aims and paragraphs 187(e), 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

5.8 Framework Planning Condition 04: Unexpected contamination

Ideally used when: Development for any end use is proposed on any land where there is reason to suspect contamination, but existing risk assessment reporting and/or site investigations has not identified a potential risk to receptors.

Time trigger is: Pre-occupation/prior to use

Contaminated land: Unexpected contamination

The development hereby permitted within any approved phase shall not be occupied or brought into use until written confirmation is provided to the Local Planning Authority in relation to the following land contamination considerations:

- Unexpected or previously-unidentified contamination was not encountered during the course of development works or;
- Any such contamination that was encountered has been appropriately addressed.

If, during development, unexpected or previously-unidentified contamination is found to be present, no further works shall be carried out at the affected location until the following documents have been submitted to and approved in writing by the Local Planning Authority:

- I. Risk assessment (GQRA or DQRA);
- II. Remediation strategy and verification plan;

Where remediation is required, it shall be carried out in accordance with an approved remediation strategy and verification plan. Upon completion of remediation works, a verification report shall be submitted to the Local Planning Authority for approval.

The actions required above shall be completed in accordance with the following guidance: Land Contamination Risk Management (LCRM).

Reason: To prevent unacceptable risk to human health and controlled waters and to prevent pollution of the environment in accordance with the aims and paragraphs 187(e), 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

Framework contaminated land Planning Conditions: FAQs

This section provides answers to commonly-asked questions regarding the ‘Framework Planning Conditions’ presented in the previous section. The FAQs draw on the principles that informed the design of the ‘Framework Planning Conditions’, as well as feedback received from professionals as part of the consultation process:

- 1. Can the ‘Framework Planning Conditions’ be amended?**

The Planning Conditions are designed as a framework to facilitate regulation of land contamination under planning. As such, while the Planning Conditions can be used effectively as presented, the layout and succinct wording is designed to be easily amended to reflect local policies or specific requirements.
- 2. Why don’t the ‘Framework Planning Conditions’ begin with “unless otherwise agreed with the LPA”?**

“Unless otherwise agreed with the LPA” is a subjective phrase and in some instances, compliance can be difficult to enforce. The wording used in the Planning Conditions is designed to reduce the need to rely on blanket caveats that may not be enforceable.
- 3. Why are the ‘Framework Planning Conditions’ so short in length?**

The Planning Conditions are short by design. Removal of unnecessary prescription and limiting phraseology to the stages of risk assessment named in LCRM (EA, 2025) has led to a condensed set of Planning Conditions. The use of short, precise and succinct technical terminology not only encourages the appointment of a land contamination professional but also assists in complying with “The Six Tests” for Planning Conditions as defined in the NPPF (MHCLG, 2024).
- 4. Can the ‘Framework Planning Conditions’ function without a title?**

The Planning Conditions are typically better when accompanied by their respective titles but continue to function without a title attached. “Land contamination” is mentioned in the first sentence of each Planning Condition to ensure they are easily identifiable.
- 5. Why are references to local plans/policies not included in the ‘Framework Planning Conditions’?**

This information is specific to an individual LPA and relates to local policy.

This information can be added to the Planning Condition by the user as and when required.

6. Why do the ‘Framework Planning Conditions’ only reference LCRM for technical guidance?

LCRM represents the core technical guidance note for land contamination investigation and regulation. LCRM also includes supplementary references for a number of contemporary guidance documents from publishers including the British Standards Institution, CIRIA, CL:AIRE, DEFRA and the Environment Agency.

7. Why don’t the ‘Framework Planning Conditions’ request information to be submitted “in writing” from the Applicant/Developer?

Older Planning Conditions often included a requirement to submit information to the LPA “in writing”. However, the submission of a written report or correspondence is now accepted as common practice when communicating land contamination findings and recommendations to the regulator. The production of “reports” is also supported at each stage of LCRM. As such, requirements are now simply limited to “submitted for approval”.

8. Why is submission of a “remediation strategy” listed as a requirement – surely some schemes will not need one?

All information submissions detailed in Planning Condition 02, including a “remediation strategy”, are required in accordance with the findings of “characterisation and risk assessment” (i.e. the requirements of Planning Condition 01). As such, whether or not a remediation strategy is required will

always have been decided/agreed prior to the requirements of Planning Condition 02 coming into force. Whether Planning Condition 02 is attached in isolation or combination, ‘requirements’ of Planning Condition 02 will always be managed in accordance with the previously-agreed terms.

9. Why don’t the ‘Framework Planning Conditions’ require the site investigation “scope” or “methodology” to be approved by the LPA?

Older Planning Conditions often included a requirement to submit a site investigation design, scope or methodology to the LPA for approval. Operational experience has shown that this requirement is rarely observed by Applicants/Developers. As such, this specific requirement is now considered superfluous within the planning system but is still regarded as good practice with land contamination peers.

10. Why was a ‘three-condition system’ (excluding Planning Condition 04) adopted for the ‘Framework Planning Conditions’?

The ‘Framework Planning Conditions’ comprise three ‘standard’ Planning Conditions (01, 02 and 03) and a contingency Planning Condition (04) for “unexpected contamination”. A ‘three-condition system’ was adopted to allow each primary stage of the consultation to be regulated separately, both in terms of submission content and timing. Planning Condition 04 is designed to operate separately from Planning Conditions 01-03.

11. Why don't the 'Framework Planning Conditions' require works to be completed by a "suitably qualified or competent person"?

It is unnecessary to specify who should complete the work required by the 'Framework Planning Conditions', as this is usually at the discretion of the Applicant/Developer. "Competence" is a subjective term and in some instances, compliance can be difficult to enforce. The terminology used in the Planning Conditions is designed to preclude use of an inexperienced individual and to promote the appointment of a land contamination professional. Equally, LCRM and the NPPF recommend the use of a "competent person" for works associated with land contamination investigation and risk assessment.

12. Why do the 'Framework Planning Conditions' specifically require a "PRA", "GQRA" and "DQRA" – it would be more flexible to require a "site investigation and risk assessment"?

PRA/GQRA/DQRA are the exact terminology used in LCRM, which is the core technical guidance note for land contamination investigation and regulation. Precise and succinct instruction is one of the guiding principles upon which the Planning Conditions are based.

13. Why is a PRA Report (Desk Study) required as a minimum by the 'Framework Planning Conditions'?

A PRA is the first stage of risk assessment required by LCRM and is therefore the minimum submission requirement when using the Planning Conditions. Some LPAs mandate PRA submission at application stage and not

via Planning Condition. Where needed, Planning Condition 01 can easily be amended by the user to remove the PRA requirement.

14. Are the 'Framework Planning Conditions' future-proofed?

The Planning Conditions are designed to be easily adapted and augmented to suit the needs of a specific LPA or development scheme. While some information (e.g. guidance references) may need updating periodically, by linking the structure and terminology of the Planning Conditions exclusively to LCRM, the bulk of the content will not require updating unless LCRM is withdrawn or updated.

15. Why does the 'reason' for the 'Framework Planning Conditions' state that liability for "safe development" resides with the "Developer/landowner"?

This statement originated in the now-withdrawn Planning Policy Statement 23 (PPS23) and confirms that "It remains the responsibility of the Landowner/ Developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development". The principle has been carried through to the NPPF (paragraph 197) and underpins the core rationale for land contamination regulation under planning consent.



▲ Bridge Street Quarter: Cinema, council offices, indoor market and multi-storey car park on remediated gas works. Warrington, Cheshire. © Warrington Borough Council

16. Why do the ‘Framework Planning Condition’ only specify “demolition and site clearance” as works that can be carried out prior to satisfying pre-commencement requirements?

While it is true that other works can also be carried out prior to discharge of pre-commencement requirements, demolition and site clearance works are amongst the most common to occur and most directly affiliated with ‘development’. Other works such as investigations, walkovers and monitoring can also take place but are not mentioned specifically as those activities are not regulated by planning permission.

Glossary of terms

LCRM terminology	Comparable terms	Definition
Characterisation	–	The process of investigating and risk-assessing a potentially contaminated site in order to understand what contaminants are present, how contaminants interact and how the specific environmental conditions present in soil, air and water environments influence the ability of contaminants to pose a risk to receptors.
Competent person	Suitable Person Qualified Person SQP	A person 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
Consented development	–	The decision of the competent authority or authorities (Local Planning Authority) which entitles the Developer to proceed with the project.
Conceptual site model	CSM	A written, tabulated or illustrative representation of site conditions, together with the physical, chemical and biological processes that control the transport, migration and potential impacts of contamination to sensitive receptors. The CSM is used to identify pollutant linkages in accordance with the Source-Pathway-Receptor model.

Detailed quantitative risk assessment	DQRA Site Specific Risk Assessment	A further risk assessment that uses detailed site-specific information to estimate risks from contamination on site. A DQRA is usually required if the GQRA is unable to conclude whether a risk to receptors exists.
Applicant/Developer	Planning Applicant Developer Landowner	For the purposes of this document, this is the party ultimately responsible for implementing the consented development.
Development	Development Scheme Scheme	This term reflects the definition provided in Section 55 of the Town and Country Planning Act (1990) which states that <i>“Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”</i>
Generic Quantitative Risk Assessment	GQRA Intrusive Investigation Exploratory Investigation Phase 2 Investigation Site Investigation Geo-environmental Investigation	A further risk assessment that uses generic assessment criteria and assumptions to estimate risks from contamination on site. A GQRA is usually required if the PRA is unable to conclude whether a risk to receptors exists.
Local Planning Authority	LPA	The local government body that is empowered by law to exercise urban planning functions for a particular area.

Options appraisal	Remedial options	The identification, evaluation and selection of feasible remediation options to determine which are the most suitable for dealing with each relevant contaminant linkage.
Pathway	Route Exposure	A route by which a receptor is or could be affected by a contaminant.
Pre-commencement Planning Condition	–	<p>A Planning Condition imposed when planning permission is granted and which must be complied with:</p> <p>Before any building or operation included in the development is started or; Before work is started on a development which involves a material change of use of any buildings or other land.</p> <p>For the purposes of land contamination regulation, pre-commencement requirements seek to prevent significant excavation or construction works from commencing prior to land contamination requirements being satisfied.</p>
Preliminary Risk Assessment	Desk Study PRA Phase 1 Risk Assessment Phase 1 Investigation	The first tier of risk assessment that develops the initial conceptual site model to establish whether there are any potentially unacceptable risks.
Prior to Completion Planning Condition	–	A Planning Condition requiring the submission of information upon completion of ‘development’ and prior to a scheme being occupied or taken into use.

Prior to Occupation Planning Condition	Pre-occupation Planning Condition	A Planning Condition requiring the submission of information upon prior to a scheme being occupied or taken into use.
Receptor	–	An article or entity that could be adversely affected by a contaminant, such as a person, controlled waters, an organism or ecosystem. Receptors under Part 2A can also include buildings, crops or animals.
Remediation	Mitigation	The measures or treatments implemented to break contaminant linkages and reduce risks associated with any identified contamination.
Remediation strategy	Remediation Scheme Remediation Method Statement Remediation and Validation Implementation Plan Mitigation Strategy Contaminated Land Method Statement Phase III Remedial Strategy	A record of how you will meet and carry out the remediation objectives to reduce any risks from contamination identified on site. It should include a Verification Plan.
Site investigation	Ground Investigation S.I. or G.I. Phase 1 or Phase 2 Investigation Intrusive Investigation Factual Investigation Interpretive Investigation	A broad term encompassing the collection and interpretation of data on a particular site.
Source	Contaminant Pollutant	A contaminant or pollutant that is in, on or under the land and that has the potential to cause harm or pollution.

Verification plan	Validation Strategy Phase III Validation Strategy	A record of how you will prove that agreed remediation has been carried out, that remediation objectives have been met and that the site and/or development scheme are suitable for the intended use.
Verification report	Verification Scheme Validation Scheme Validation Report Verification Plan Completion Report Phase IV Report	The report produced after implementation of any remediation strategy that demonstrates that the risk has been reduced and that the remediation objectives and criteria have been met. It should be based on a quantitative assessment of the remediation performance using the lines of evidence approach as set out in the verification plan. Ultimately, the verification report will present all information agreed in the verification plan and prove that agreed terms have been implemented and that the site and/or development scheme is suitable for the intended use.

References

CIRIA (2026) - Construction Industry Research and Information Association Guidance Document (Ref: C3266): A Good Practice Guide for Managing Climate Change Geo-Related Impacts and Liabilities for Land Development, CIRIA, London

CL:AIRE (2011) - CL:AIRE Guidance Document (Ref: Version 02): The Definition of Waste: Development Industry Code of Practice, Contaminated Land: Applications in Real Environments, London

DAERA (2019) – Department of Agriculture, Environment and Rural Affairs Guidance Document (Ref: N/A): Practice Guide: Redeveloping Land Affected by Contamination, dated April 2019, DAERA, Belfast

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