

Radioactive Contaminated Land - Briefing Note 3 Developing Land Contaminated with Radioactivity

The Town and Country Planning system controls how people develop and use land. Local Planning Authorities are responsible for making sure that planning requirements are met. Land contamination is a "material planning consideration". This means a planning authority must consider contamination when preparing development plans or considering individual planning applications.

The Local Authority's role

Local planning authorities are responsible for ensuring land contamination is dealt with through the planning system and remediation (clean up) takes place where required. In carrying out their duties local planning authorities will consult a range of other statutory bodies on various aspects of planning applications.

The Environment Agency's Role

If we're consulted we will only comment on the aspects of a planning application where we have a regulatory responsibility. This means our advice is limited to the requirements of the Radioactive Substances Act 1993 for the accumulation and disposal of radioactive waste resulting from remediation (clean up) or development work on the land.

We will **not** advise local authorities or developers on the characterisation, radiological assessment or remediation of land contaminated with radioactivity. Advice on these aspects is available from other sources [see below].

Guidance on Standards

The main difference between planning and the extension of Part 2A is the latter deals with the risks from a site in its current use, whereas the planning system considers the proposed use. This means different standards of remediation are required under the different regimes.

The Health Protection Agency's Radiation Protection Division has advised¹ that changing the use of land contaminated with radioactivity may increase the exposure of users of the proposed development. This is likely to be regarded as a "practice" situation in radiation protection terms [see Briefing Note 8]. This means the developer's proposal needs to consider the available remedial options and ensure exposures to future occupants of the land (including the exposure of people undertaking the remedial and development work) will be as low as reasonably achievable. The proposal needs to take into account

economic and social factors; and also show the excess risk to the most exposed individual(s) does not exceed the risk constraint of 1×10^{-5} per year (i.e. equivalent to an annual effective dose of about 0.3 mSv).

The developer is responsible for carrying out the necessary remediation to an agreed acceptable standard.

Anyone accumulating or disposing of radioactive waste as part of a remediation or clean up project need an authorisation under the Radioactive Substances Act 1993, unless covered by an Exemption Order. We are responsible for regulating accumulations and disposals of radioactive waste and will advise local planning authorities and developers on the Act's implications for proposed works. For further information on the Radioactive Substances Act 1993 [see Briefing Note 6]

You can find further information on the planning system in England and Wales and the implications for land contaminated with radioactivity at:

Office of the Deputy Prime Minister

Planning Policy Statement 23: Planning and Pollution Control, Annex 2 in particular (available from <http://www.communities.gov.uk/>) (N.B. PPS23 does not apply to Wales, but it may be referred to as a source of information. It was also issued before Part 2A was modified for radioactive contaminated land, so in the future it might be revised)

Health Protection Agency's Radiation Protection Division (formerly NRPB)

Documents of the NRPB: Volume 9, No. 2 Radiological Protection Objectives for Land Contaminated with Radionuclides, 1998 (available from <http://www.hpa.org.uk/radiation/>)

Methodology for Estimating the Doses to Members of the Public from the Future Use of Land Previously Contaminated with Radioactivity (available from <http://www.hpa.org.uk/radiation/>)

Environment Agency

Guidance on Characterisation and Remediation of Radioactive Contaminated Land (Environment Agency, May 2002) (available from <http://www.environment-agency.gov.uk>). This document was produced prior to Part 2A being modified to include radioactivity, so does not directly refer to, or use the terminology of the Part 2A regime.

ⁱ NRPB, 1998, *Radiological Protection Objectives for Land Contaminated with Radionuclides*, Documents of the NRPB 1998, Volume 09, No. 2, ISBN 0-85951-416-1