WHITESTONE
solar farm

WHITESTONE SOLAR FARM

Volume 6: Environmental Statement

6.20 Appendix 9.1: Legislation, Policy, and Guidance

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Whitestone Net Zero Ltd

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Glossary

Term	Meaning
Agricultural Land Classification (ALC)	A system of classification of agricultural resource value of soils in England devised by Natural England, from Grade 1 (best quality) to Grade 5 (poorest quality), and based on criteria including soil characteristics (depth, structure, texture, chemistry, stoniness) as well as climate and site aspects.
Best and Most Versatile (BMV)	Best and Most Versatile is agricultural land with an Agricultural land Classification of Grade 1, Grade 2 or Grade 3a (National Planning Policy Framework).
Environmental Statement (ES)	The Environmental Statement which presents the environmental information relating to the Proposed Development. The ES has been prepared to present information for formal consultation in accordance with current EIA regulation.
The Applicant	Whitestone Net Zero Ltd
The Application	The Application submitted to the Secretary of State for a Development Consent Order.
The Proposed Development	The proposed Whitestone Solar Farm.

Acronyms

Acronym	Meaning
ALC	Agricultural Land Classification
BMV	Best and Most Versatile
DEFRA	Department for Environment, Food and Rural Affairs
EIA	Environmental Impact Assessment
EPA	Environmental Protection Act
EPR	Environmental Permitting Regulations
IEMA	Institute of Environmental Management and Assessment
ISEP	Institute of Sustainability and Environmental Professionals
LCRM	Land Contamination Risk Management
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NQMS	National Quality Mark Scheme
PPG	Planning Practice Guidance
RMT	Rapid Measurement Techniques
SPD	Supplementary Planning Document
SPZ	Source Protection Zones
SMP	Soil Management Plan
SuDS	Sustainable Drainage Systems
WFD	Water Framework Directive
YALPAG	Yorkshire and Lincolnshire Pollution Advisory Group

Units

Units	Meaning
N/A	N/A

9.1 Legislation, Policy, and Guidance

Legislation

The Environmental Protection Act 1990[1]

9.1.1 The Environmental Protection Act 1990 (EPA) provides a risk-based framework for the identification, assessment and management of contaminated land within the UK.

9.1.2 The Part 2A regime is aimed at ensuring that actions taken with respect to contaminated land are directed by a technically well-founded assessment of risk that considers the 'contaminant-pathway-receptor' scenario (contaminant linkage). Under the section 78A(2) of the EPA, contaminated land is defined as:

"…any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

a. *Significant harm is being caused or there is a significant possibility of such harm being caused; or*

b. *Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused*."

9.1.3 Under the section 78A(4), 'Harm' is defined as:

"*... harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property*."

9.1.4 A source, pathway and receptor must all be present to complete the pollutant linkage and for a potentially significant risk to exist. As such, the presence of contamination in itself does not necessarily indicate a need for remedial action. Accordingly, a site can only be considered 'contaminated' when a risk to the environment or human health is present due to the presence of a 'source-pathway-receptor' linkage. The EPA provides a means of identifying and remediating land that poses a significant risk to human health and/or the environment, where risks cannot be controlled by other means. It also works alongside the planning system to help ensure that land is made suitable for use following redevelopment.

The Contaminated Land (England) (Amendment) Regulations (2012)[2]

9.1.5 The Contaminated Land (England) (Amendment) Regulations (2012) make provisions for a contaminated land regime, in accordance with Part IIA of the EPA 1990, which includes actions for the remediation of 'contaminated land'. These regulations and the accompanying guidance introduced a four category test which is intended to clarify when land does and does not need to be remediated.

Water Resources Act 1991 (as amended by the Water Act 2003)[3]

9.1.6 The Water Resources Act 1991 (as amended by the Water Act 2003) provides statutory protection for Controlled Waters and makes it an offence to discharge to Controlled Waters without the permission or consent of the regulators of the area.

The broad aims of the act are to ensure sustainable use of water resources, strengthening the voice of consumers, increasing competition and promoting water conservation.

Groundwater (England and Wales) Regulations, 2009[4]

9.1.7 The Groundwater (England and Wales) Regulations 2009 SI 2902 implement Article 6 of European Directive 2006/118/EC with the intention of preventing the entry of 'hazardous substances' into groundwater and the pollution of groundwater by 'non-hazardous' pollutants. Under the regulations, it is an offence to cause or knowingly permit the discharge of a 'hazardous substance' or 'non-hazardous pollutant' into groundwater unless authorised to do so via an Environmental Permit issued by the appropriate regulator.

Environmental Permitting (England and Wales) Regulations (EPR) 2016[5]

9.1.8 The Environmental Permitting (England and Wales) Regulations (EPR) 2016 provide legislation for the permitting of activities which have the potential to cause harm to human health or the environment. Under the EPR It is an offence to cause or knowingly permit a groundwater activity unless authorised by a permit or registered as exempt, where a groundwater activity is defined as:

a. "*The discharge of a pollutant that results in the direct input of that pollutant to groundwater*;

b. *The discharge of a pollutant in circumstances that might lead to an indirect input of that pollutant to groundwater*;

c. *Any other discharge that might lead to the direct or indirect input of a pollutant to groundwater*;

d. *An activity in respect of which a notice under paragraph 10 has been served and has taken effect*; and

e. *An activity that might lead to a discharge mentioned in paragraph (a), (b) or (c), where that activity is carried on as part of the operation of a regulated facility of another class*."

9.1.9 On surrender of an Environmental Permit, the Applicant must show that the necessary measures have been taken:

- "*To avoid a pollution risk resulting from the operation of the regulated facility and, in the case of a permit authorising the carrying on of a flood risk activity (in whole or in part), to avoid any of the risks specified in sub-paragraph (3)*; and
- *To return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation*."

National Policy

National Policy Statements

9.1.10 There are three designated energy National Policy Statements (NPS), EN-1, EN-3 and EN-5 which apply to the Proposed Development. The 2025 revised NPSs (EN-1 to EN-5) came into force on 6 January 2026.

Overarching National Policy Statement for Energy (EN-1) 2025[6]

9.1.11 Overarching National Policy Statement for Energy (EN-1) (2025) provides overarching government policy on energy nationally significant infrastructure projects (NSIPs), how planning applications relating to energy will be assessed, and the way in which any impacts and mitigation measures will be considered.

9.1.12 Paragraphs 5.11.12 to 5.11.15, 5.11.23 and 5.11.34 are all directly relevant to soil and agricultural land:

9.1.13 Paragraph 5.11.12 states "*Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)*."

9.1.14 Paragraph 5.11.13 states "*Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed*."

9.1.15 Paragraph 5.11.14 states "*Applicants are encouraged to develop and implement a Soil Management Plan (SMP) which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination*."

9.1.16 Paragraph 5.11.15 states "*Developments should contribute to and enhance the natural and local environment by preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*."

9.1.17 Paragraph 5.11.23 states "*Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction*."

9.1.18 Paragraph 5.11.34 states "*The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*."

9.1.19 Paragraphs 5.4.17, 5.4.19, 5.4.38 and 5.4.46 are all relevant to Geological Conservation Sites:

9.1.20 Paragraph 5.4.17 states "*Where the development is subject to an Environmental Impact Assessment (EIA) the applicant should ensure that the Environmental Statement clearly sets out the effects on internationally, nationally and locally designated sites of ecological or geological conservation importance*."

9.1.21 Paragraph 5.4.19 states "*The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests*."

9.1.22 Paragraph 5.4.38 states "*To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals.*"

9.1.23 Paragraph 5.4.46 states "*Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design*."

9.1.24 Paragraphs 5.11.5, 5.11.8, 5.11.17 and 5.11.18 are all directly relevant to Land Contamination:

9.1.25 Paragraph 5.11.5 states "*Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum*."

9.1.26 Paragraph 5.11.17 states "*Applicants should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination*."

9.1.27 Paragraphs 5.11.8 and 5.11.18 state "*For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, and where contamination is present, applicants should consider opportunities for remediation where possible*."

9.1.28 Paragraphs 5.16.1, 5.16.2, 5.16.3, and 5.16.7 are relevant to Hydrology:

9.1.29 Paragraphs 5.16.1 and 5.16.2 state "*Infrastructure development can have adverse effects resulting in groundwater or protected areas failing to meet environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017*."

9.1.30 Paragraphs 5.16.3 and 5.16.7 state "*Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and the impacts of the proposed project on water quality, water resources and physical characteristics of the water environment. In particular the Environmental Statement should describe any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive (WFD) and Source Protection Zones (SPZs) around potable groundwater abstractions*."

9.1.31 Paragraphs 5.11.19 and 5.11.28 are directly relevant to Mineral Reserves:

9.1.32 Paragraph 5.11.19 states "*Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place*."

9.1.33 Paragraph 5.11.28 states "*Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources*."

National Policy Statement for Renewable Energy Infrastructure (EN-3) 2025[7]

9.1.34 The following are specific excerpts from NPS EN-3 are pertinent to the ground conditions assessment for this Proposed Development:

9.1.35 As detailed in paragraphs 2.10.28 to 2.10.34, solar is a highly flexible technology and as such can be deployed on a wide variety of land types. While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed

land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.

9.1.36 Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.

9.1.37 It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land.

9.1.38 Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, storage, hydrogen electrolysers) to maximise the efficiency of land use.

a. The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria86 and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Department for Environment, Food and Rural Affairs (DEFRA) Construction Code.

9.1.39 Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030.

9.1.40 Paragraph 2.10.127 states that the DEFRA Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter- minimising compaction and adding soil organic matter.

9.1.41 Paragraph 2.10.145 states that "*The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources*."

National Policy Statement for Electricity Networks Infrastructure (EN-5) 2025[8]

9.1.42 The following excerpts of NPS EN-5 are pertinent to the ground conditions assessment for this Proposed Development:

9.1.43 Paragraphs 2.6.1 to 2.6.6 address land rights and land interests. Where agricultural land is affected, applicants should aim to avoid the use of Best and Most Versatile (BMV) land (Grades 1, 2, and 3a), unless there is a clear justification.

9.1.44 Paragraphs 2.10.1 to 2.10.9 discuss mitigation. Applicants are required to identify, assess, and mitigate Significant Adverse impacts, including those on soil, biodiversity, landscape, and cultural heritage. Mitigation strategies should be proportionate and tailored to the specific impacts of the Proposed Development. Where impacts on agricultural land are unavoidable, applicants should consider measures such as soil management plans and restoration commitments post-construction.

National Planning Policy Framework 2024[9]

9.1.45 The National Planning Policy Framework (NPPF) (December 2024, as amended 7 February 2025), sets out the Government's planning policies for England, and how they are expected to be applied. It has an overall aim of making effective use of land, including Chapter 15 (Conserving and enhancing the natural environment) and Chapter 17 (Facilitating the sustainable use of minerals) which include aspects around geology, minerals and land contamination.

9.1.46 Government planning policy on land contamination aims to prevent new contaminated land from being created and promotes a risk-based approach to addressing historical contamination. With regards to historical contamination, regulatory intervention is held in reserve for land that meets the legal definition of 'contaminated land' and poses an unacceptable risk that cannot be dealt with through any other means, including through planning.

9.1.47 The sections of the NPPF considered relevant to onshore geology, hydrogeology and ground conditions assessment are:

9.1.48 180: Planning policies and decisions should contribute to and enhance the natural and local environment by:

a. "*Protecting and enhancing values landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); […]*

b. *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and*

c. *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*."

9.1.49 189: Planning policies and decisions should ensure that:

a. *A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*

b. *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; and*

c. *Adequate site investigation information, prepared by a competent person, is available to inform these assessments*.

9.1.50 190: *"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".*

Local Policy

Rotherham Local Plan Core Strategy (2014)[10]

9.1.51 The Rotherham Core Strategy sets out the strategic planning framework for the borough from 2013 to 2028. It guides sustainable development, infrastructure delivery, and environmental protection.

9.1.52 Several policies are directly relevant to land quality, mineral safeguarding, and environmental hazards:

- **Policy CS26**: Minerals identifies the importance of safeguarding mineral resources, particularly limestone, from sterilisation by non-mineral development. It supports sustainable extraction and requires proposals to demonstrate that mineral safeguarding areas will not be adversely affected;
- **Policy CS27**: Community Health and Safety addresses risks associated with contaminated and unstable land. It requires developers to assess and remediate land where necessary to protect public health and ensure safe development;
- **Policy CS24**: Conserving and Enhancing the Water Environment promotes the protection of water quality, including groundwater and surface water, and supports sustainable drainage systems (SuDS) to manage pollution risk;
- **Policy CS20**: Biodiversity and Geodiversity encourages the protection of geological features and soil resources, particularly in areas with historic industrial activity. It supports net gains in biodiversity and the integration of ecological networks into development proposals; and
- **Policy CS28**: Sustainable Design requires developments to incorporate measures that mitigate environmental risks, including land contamination, and promote efficient use of land and natural resources.

Rotherham Sites and Policies Plan (2018)[11]

9.1.53 This document complements the Core Strategy by allocating specific sites for development and providing detailed policies to guide planning decisions.

- **Policy SP48: Assessment of Mineral Extraction Proposals** requires that mineral extraction proposals demonstrate minimal environmental impact and appropriate restoration plans;
- **Policy SP49: Safeguarding Mineral Infrastructure** protects existing mineral infrastructure from incompatible development;
- **Policy SP50–SP51: Hydrocarbon Development** sets out criteria for exploration and production, ensuring environmental safeguards are in place;

- **Policy SP52: Pollution Control** ensures that developments do not cause unacceptable pollution and includes provisions for managing legacy contamination; and
- **Policy SP54: Contaminated and Unstable Land** requires developers to undertake risk assessments and remediation strategies for land affected by contamination or instability.

Rotherham Supplementary Planning Document No. 11: Natural Environment (2021)[12]

9.1.54 This Supplementary Planning Document (SPD) provides detailed guidance on conserving biodiversity and geodiversity in development proposals.

9.1.55 It supports the implementation of Policies CS19, CS20, CS24, SP32–SP35, and outlines expectations for ecological surveys, soil assessments, and biodiversity net gain. The SPD highlights the importance of protecting soil health and geological features, particularly in areas with historic contamination. It also promotes the restoration of degraded land and integration of green infrastructure to deliver multifunctional environmental benefits such as flood mitigation, carbon storage, and public health improvements.

Doncaster Local Plan (2021)[13]

9.1.56 The Doncaster Local Plan sets out the spatial strategy for development from 2015 to 2035. It promotes sustainable growth while safeguarding environmental and mineral resources.

9.1.57 The Plan identifies mineral safeguarding areas and supports sustainable extraction of sand, gravel, and limestone. It also maintains a Brownfield Land Register to encourage redevelopment of previously developed land, including sites affected by contamination. Environmental protection policies require developers to assess and mitigate risks from pollution, including contaminated land and water resources. The Plan supports biodiversity, green infrastructure, and soil protection, especially in areas with legacy industrial impacts.

Doncaster Technical and Developer Requirements SPD (2023)[14]

9.1.58 This SPD outlines technical expectations for planning applications and supports the implementation of relevant Local Plan policies.

9.1.59 It requires site investigations and risk assessments for developments on potentially contaminated land. Developers must follow best practice guidance and submit remediation strategies. The SPD also addresses pollution control, sustainable drainage, and protection of water quality. It advises developers to consult mineral safeguarding maps and policies to avoid sterilisation of resources. These requirements ensure that environmental hazards are appropriately managed and that development proposals align with the borough's sustainability objectives.

North East Derbyshire District Council Development Plan (2021)[15]

9.1.60 The North East Derbyshire Development Plan sets out the Council's vision, objectives and policies to guide the future sustainable growth and development of

the area from 2014 – 2034 and includes the following policies relevant to ground conditions:

- *Policy SDC4: Biodiversity and Geodiversity*, which promotes the protection and enhancement of local sites of geodiversity values; and
- *Policy SDC14: Land potentially affected by Contamination or Instability*, which requires development proposals to demonstrate that any land affected by contamination or instability will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment. The same policy also requires proposals to demonstrate that they will not cause the site, or the surrounding environment, to become contaminated and/or unstable.

Derby and Derbyshire Minerals Local Plan (2000)[16]

9.1.61 The Minerals Local Plan sets out policies and proposals for mineral working in Derbyshire to provide for the future supply of minerals, whilst ensuring satisfactory protection of the environment. The Plan includes Policy MP17 Safeguarding Resources which prevents developments which would sterilise of prejudice the future working of important economically-workable mineral deposits, subject to exceptions.

9.1.62 Map 1 of the Plan (Derbyshire Principal Mineral Resources) identifies Permian Limestone as a safeguarded resource within the Order Limits. Map 3 identifies the same area as a Consultation Area, whereby the Mineral Planning Authority must be consulted on applications for non-minerals development.

Guidance

NPFF Planning Practice Guidance

9.1.63 Implementation of the NPPF is supported by Planning Practice Guidance (PPG) 2014 – 2023, covering a range of topics including flood risk and coastal change, land affected by contamination, land stability, minerals and water supply, wastewater and water quality.

9.1.64 Guiding principles are detailed for each topic. Those relevant to **ES Volume 2, Chapter 9: Ground Conditions and Land Quality [EN0110020/APP/6.9]** include the following:

- Land affected by contamination (2019): covering the methodology by which it should be determined if land is contaminated, the risk assessment process and the approach to dealing with contamination, if an unacceptable level of risk is identified;
- Land stability (2019): the role of the planning system to minimise risk to property and the public from land stability issues by ensuring that development does not occur in unstable locations of without appropriate precautions;
- Minerals (2014): to ensure safeguarding of important mineral resources and prevent land development from needlessly preventing future exploitation of minerals;
- Natural environment (2016): including how planning can take account of agricultural land quality and safeguard soil assets; and

- Water supply, wastewater and water quality (2019): outlining the legal framework for protection of the water environment and detailing considerations that need to be made with regards to impacts of development on the quality or quantity of water resources.

Land Affected by Contamination[17]

9.1.65 Guidance relevant to land affected by contamination is referenced in Paragraph: 007 Reference ID: 33-007-20190722, "*What is a contamination risk assessment and what can it contain?".*

9.1.66 If there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site investigation information (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. The National Quality Mark Scheme (NQMS) accredits competent persons with regard to assessing and reporting land contamination issues. DEFRA has published a policy companion document considering the use of 'Category 4 Screening Levels' in providing a simple test for deciding when land is suitable for use and definitely not contaminated land. A risk assessment of land affected by contamination should inform an Environmental Impact Assessment if one is required.

9.1.67 The risk assessment should also identify the potential sources, pathways and receptors ('pollutant/contaminant linkages') and evaluate the risks. This information will enable the local planning authority to determine whether more detailed investigation is required, or whether any proposed remediation is satisfactory.

9.1.68 At this stage, an applicant may be required to provide at least the report of a desk study and site walk-over. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant/contaminant linkages can be broken.

9.1.69 Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the Application can be determined. Further guidance can be found on land contamination risk management.

9.1.70 Note that remediation or site investigation activities themselves, including field trials, may require planning permission if not carried out as part of a development, and in some cases may also need environmental permits.

Land Stability[18]

9.1.71 Guidance relevant to land stability is referenced in Paragraph: 004 Reference ID: 45-004-20140306, *"Where can information on land stability issues be obtained from?"*.

9.1.72 Information about land instability may be obtained from:

- Geological information held by the British Geological Survey, including the national dataset on landslides and mapping and borehole records;
- Coal mining records held by the Coal Authority;

- The planning authority's own information, including building control records, which may contain issues such as previous surveys, records of previous events;
- Local libraries and archives; and
- Information about previous land uses contained in the National Land Use database.

Mineral Resources[19]

9.1.73 Guidance relevant to Mineral Resources is referenced in Paragraph: 002 Reference ID: 27-002-20140306, *"What is the purpose of safeguarding mineral resources?"*.

9.1.74 Since minerals are a non-renewable resource, minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance.

9.1.75 Paragraph: 003 Reference ID: 27-003-20140306, *"What steps should mineral planning authorities take to safeguard mineral resources?"* states that mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:

- Uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources;
- Consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Minerals Safeguarding Areas;
- Sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and
- Adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.

9.1.76 Paragraph: 005 Reference ID: 27-005-20140306, *"What is the role of the district council, as the local planning authority, in safeguarding minerals?"* states that Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:

- Having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;
- In those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- When determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.

Water Supply, Wastewater and Water Quality[20]

Paragraph: 006 Reference ID: 34-006-20161116, *"What might need to be considered when planning for water infrastructure, water quality and wastewater?"* outlines how plan-making may need to consider:

- How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of drinking water supplies (designated source protection zones or near surface water drinking water abstractions);
- Where an assessment of the potential impacts on water bodies and protected areas under the Water Environment Regulations 2017 may be required, consider the type or location of new development; and
- Whether measures to improve water quality, for example sustainable drainage schemes, can be used to address impacts on water quality in addition to mitigating flood risk.

Environment Agency / DEFRA (2025) 'Land Contamination Risk Management' (LCRM)[21]

9.1.77 The Land Contamination Risk Management (LCRM) guidance, updated in June 2025, provides a comprehensive framework for assessing and managing risks from historic land contamination. It replaces the previous Contaminated Land Report 11 (CLR11) and is applicable across the UK, including Scotland, Wales, and Northern Ireland.

9.1.78 The LCRM process is structured into three key stages: Stage 1 – Risk Assessment, Stage 2 – Options Appraisal, and Stage 3 – Remediation and Verification. Each stage is underpinned by the development and refinement of a conceptual site model, which identifies potential contaminant linkages between sources, pathways, and receptors.

9.1.79 The guidance emphasises the importance of using competent professionals and supports the use of the NQMS to ensure high standards in reporting. It also introduces protocols for rapid measurement techniques (RMT) and references the CL:AIRE gas protection verification accreditation scheme.

9.1.80 Updates in the 2025 version include clearer guidance on dealing with new pollution incidents, the use of accredited spill responders, and the importance of considering climate change impacts in land contamination assessments. The term "historic contamination" is now used in place of "existing contamination" to reflect the legacy nature of most risks.

Natural England (2025) Agricultural Land Classification of England and Wales: Guidelines for grading the quality of agricultural land (JP069)[22]

9.1.81 This guidance introduced the ALC, which provides the framework for grading land according to whether physical or chemical attributes of the land in question enforces limitations on agricultural use. This classification can be utilised at different scale and therefore can be applied at local, regional as well as national level.

Natural England (2017) Likelihood of Best and Most Versatile Agricultural Land[23]

9.1.82 This guidance is a mapping resource across England which visually represents the quality of agricultural land across an area, expressed through ALC grades which subsequently predict the likelihood of best and most versatile agricultural land. The maps are used for strategic planning purposes at a certain scale and use soil association predictions as the primary evidence base.

Yorkshire and Lincolnshire Pollution Advisory Group (2023) 'Development on Land Affected by Contamination: Technical Guidance for Developers, Landowners and Consultants'[24]

9.1.83 The Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance, updated to version 12.2 in July 2023, aims to promote consistency and best practice in the development of land affected by contamination across local authorities in the region.

9.1.84 The guidance outlines a phased approach to land contamination assessment and remediation, consisting of: Phase 1 – Preliminary Risk Assessment, Phase 2 – Site Investigation and Risk Assessment, Phase 3 – Remediation, and Phase 4 – Verification. Each phase must be completed by a competent person and submitted to the Local Planning Authority for review.

9.1.85 The document stresses that contamination risks arise when a contaminant source, a receptor (such as humans or groundwater), and a pathway are present, forming a pollutant linkage. Development can introduce new receptors and pathways, increasing the potential for harm.

9.1.86 Planning authorities are advised to consult with Contaminated Land Officers when contamination is suspected or when vulnerable end uses (e.g. residential developments) are proposed. The guidance aligns with the NPPF, which requires that land be made suitable for its intended use and that risks to health and the environment are mitigated.

9.1.87 Developers are responsible for ensuring that land contamination is appropriately investigated and remediated. The use of the NQMS is encouraged to improve confidence in submitted reports. Failure to follow the guidance may result in delays or refusal of planning applications.

Institute of Environmental Management and Assessment (IEMA) (2022) 'A New Perspective on Land and Soil in Environmental Impact Assessment'[25]

9.1.88 The Institute of Sustainability and Environmental Professionals (ISEP) (formally IEMA) 2022 guidance introduces a new approach to assessing land and soil within EIAs, moving beyond traditional agricultural land classification to consider soil functions, ecosystem services, and natural capital

9.1.89 The document critiques current EIA practices, highlighting deficiencies in screening, scoping, and impact assessment methodologies. It calls for improvements in how soil sensitivity and the magnitude of effects are evaluated and communicated.

9.1.90 A key innovation is the adoption of a “soil functions” approach, which considers soil biodiversity, health, carbon storage, and its role in climate resilience. The guidance also addresses land use change, cumulative effects, and the importance of soil surveys and professional competencies.

9.1.91 Mitigation strategies are framed within a hierarchy: avoid, minimise, and restore. The guidance provides detailed recommendations for soil management during construction, including on-site and off-site reuse, and post-consent monitoring.

9.1.92 The document also includes a dedicated section on contaminated materials, outlining best practices for site investigation, risk management, and regulatory compliance in handling and reusing surplus soils.

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