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## Appeal Decision

Site visit made on 8 April 2025

by **S J Warder BSc(Hons) MA DipUD(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

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**Appeal Ref: APP/Z5060/W/24/3352737**

**51 Hollidge Way, Dagenham, RM10 9SL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant approval to details required by a condition of a planning permission.
  - The appeal is made by Mr F Islam against the decision of the Council of the London Borough of Barking and Dagenham.
  - The application Ref 24/00944/AOD sought approval of details pursuant to condition No 6 of planning permission Ref 22/01951/FULL, granted on 1 March 2023.
  - The application was refused by notice dated 4 September 2024.
  - The development proposed is details pursuant to condition 6 (Site Contamination) attached to planning consent 22/01951/FULL dated 1 March 2023.
  - The details for which approval is sought are the assessment and remediation of site contamination.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The National Planning Policy Framework (NPPF) has been updated since the appellant's statement was submitted. However, while the numbering of the paragraph relevant to this appeal has changed, its substance has not. I have taken into account the updated NPPF and referred to its paragraph numbering in this decision.

### Main Issue

3. The main issue is whether the information submitted in discharge of the condition is sufficient to allow a proper assessment of the contamination risks at the site.

### Reasons

4. The appellant submitted a document titled Contamination Report by National Soil Services. The purpose of the report is stated to be to highlight the potential risk of contaminated land and other environmental factors in connection with property purchase. There is nothing to suggest that it was intended to be used in connection with the assessment of contamination risk in the planning process. Indeed, the report concludes that the next step should be to contact the relevant local authority or the Environment Agency. Moreover, it also states that '*Your report will be assessed by our professional environmental consultants*'. The phrase 'will be' suggests a further stage in the assessment. Furthermore, there is no information to establish whether those professional environmental consultants are 'competent persons' as required by paragraph 196 and the Glossary of the NPPF.

5. While the report uses published information to identify potential sources of contamination, it is clear that no site-specific data has been used. Nor does the report demonstrate that a risk assessment using potential sources, pathways and receptors has been undertaken to evaluate the risks. This is a requirement of the Planning Practice Guidance (PPG) on land affected by contamination (paragraph reference: 33-007-20190722) as well as the DEFRA and Environment Agency advice cited in condition No 6.
6. The PPG requires proportionate, but sufficient site investigation information to be provided. For the reasons outlined above I conclude that the submitted Contamination Report does not provide sufficient information to allow a proper assessment of the contamination risks at the site as required by the NPPF, PPG and relevant DEFRA and Environment Agency advice.

### **Other Matters**

7. The appellant considers that the Council did not communicate adequately during the determination of the application and did not undertake a proper assessment of the submitted report. Other remedies are available to address any deficiencies in the Council's handling of the application. I have considered the appeal on its merits having regard to all of the information submitted.
8. The appellant also considers that the requirement to provide a contaminated land assessment is inconsistent with a previous approval at the appeal site and the approval of schemes elsewhere. I have not been made aware of the circumstances of those approvals. In any event, the issue in this appeal is limited to the adequacy of the information submitted in discharge of condition No 6. If the appellant considers that this condition is unnecessary or unreasonable, there is the option to apply under section 73 of the Act to have it removed or modified.

### **Conclusion**

9. For the reasons given above the appeal should be dismissed.

*S J Warder*

INSPECTOR