

Frequently Asked Questions

Why has a contaminated land condition been attached to the planning approval for my development?

The condition has been attached because historical mapping held by the Council indicates that the site may be situated on or within influencing distance of a potential source of landfill gas or ground gas.

What is landfill gas and ground gas?

Landfill gas and ground gas are mainly composed of methane and carbon dioxide as well as small amounts of other gases, called trace gases. The gas is produced when buried organic matter is broken down by bacteria. Common sources of ground gas include made ground (ground that has been formed by man), historical ponds, pits, quarries, reservoirs, brickfields etc that have been infilled. As the name suggests, common sources of landfill gas, are old landfill sites.

Why is landfill gas and ground gas a problem?

Methane and carbon dioxide gases can migrate through the ground. This can give rise to a number of problems particularly if the gas migrates to, and accumulates in, a property or confined space. At certain concentrations, methane can form an explosive mixture with the air. It can also act as an asphyxiant and in particular circumstances, it may be toxic. Carbon dioxide is an asphyxiating gas and may cause adverse health effects, unconsciousness or even death at relatively low concentrations. Trace gases can cause a wide range of adverse health effects and odour nuisance.

What are ground gas protection measures and what type of protection will be required?

Ground gas protection measures are measures incorporated into the foundation and floor slab design of developments to prevent/limit any ground gas present from entering. The main types of gas protection used by developers tend to be gas resistant membranes and/or ventilated sub-floor voids. Different gas protection measures will be appropriate depending on the source of gas. Ideally, measures should be based on site investigation and gas monitoring data. However, because it is not always economical to carry out investigation and monitoring the Council will very often accept conservative ground gas protection measures.

For lower/medium risk situations (e.g. sites situated within close proximity to old ponds, reservoirs, quarries, pits etc), it will usually be acceptable to simply upgrade the standard damp proof membrane to a gas resistant membrane installed in accordance with the manufacturer's requirements. For higher risk situations (e.g. sites near known gassing landfills etc) in addition, to a gas resistant membrane a ventilated sub-floor void may also be required. Ultimately, the level of protection required will depend on the source of ground gas and the nature of the ground conditions present at the site.

Why do I need to install ground gas protection measures when the original building does not have any?

Unfortunately, a lot of the information the Council holds on old landfills and ground gas sources in the borough is very limited. As a result, it is often not possible for the Council to make a clear cut decision on the risk posed by these features. We therefore take a protective approach and request that protection measures are installed in any new extensions/conservatories/garages etc situated on or within influencing distance of them. The main aim of the protection measures is to ensure that any existing ingress of gas into the property is not exacerbated by the new development. In particular, the Council is aware of a case in the borough where landfill gas entered a property as a result of a new extension being built.

Why did my neighbour not have to install ground gas protection measures in their development or carry out any ground investigation?

The Council holds historical mapping for the borough identifying all landfills and potentially infilled ponds, brickfields, quarries and reservoirs surrounded by a series of buffer zones that have been developed by the Council's Environmental Protection Team. The buffer zones are designed to take into account potential inaccuracies in the historical mapping (e.g. the potential for mapping to be 'out' by a number of metres) and also the possibility of gas migration. All planning applications are checked against this mapping. Where proposed extensions/conservatories/garages are identified as being situated within a gas buffer zone, the Environmental Protection Team recommends to the Councils Planning Department that a planning condition be attached to any planning approval. It is therefore possible that your neighbour's extension/conservatory/garage etc was outside the gas buffer zone and that their planning approval did not include a condition. It may also be worthwhile noting that certain developments do not require planning permission (see the Council website for further details). Unfortunately, the Council is unable to regulate these through the planning process.

Why do I have to submit information relating to ground gas to the Planning Department and the Building Control Department?

Whilst the requirements of the landfill/ground gas planning condition and Building Regulations may overlap ultimately, they are covered by separate pieces of legislation and regulated by different departments within the Council. As such, in the same manner in which information is supplied to Building Control Department to enable a completion certification to be issued, information also needs to be submitted to the Councils Planning Department to ensure that the landfill/ground gas condition attached to the decision notice of the planning approval can be discharged.

Please be advised that in accordance, with statutory planning guidance, it is the responsibility of the developer **(and not the Councils Building Control Department)** to satisfy the requirements of the landfill/ground gas condition and confidently demonstrate that any risks posed by landfill/ground gas have been appropriately dealt with.

What do I need to do next?

In order to comply with the ground gas condition, you need to complete the CLS3B Ground Gas Screening Form available from the Councils website (www.tameside.gov.uk, A to Z Services, Contaminated Land) or by contacting the Councils Environmental Protection Unit on 0161 342 3680 / 2691. The completed form needs to be submitted, together with an 'Approval of Details Reserved by Condition' application, to the Councils Planning Department via the planning portal (www.planningportal.co.uk). If you are unable to do this then please liaise with your agent who should be able to advise accordingly.

Should ground gas protection measures be required, you will also need to provide evidence (including photographs) that these measures have been installed appropriately and in accordance with the membrane manufacturers recommendations.

Can I start building?

No works other than the excavation of the foundations / piling works must be undertaken at the site until the CLS3B form has been approved in writing and the discharge application has been formally approved by the Councils Planning Department.

What will happen if I don't comply with the landfill/ground gas condition?

Failure to install appropriate ground gas protection measures in the new building may mean that it is not adequately protected from any landfill/ground gas present and that protection measures have to be fitted retrospectively, resulting in additional cost. The development may also be referred to the Council's Planning Enforcement Team who may take legal action against you. Finally, failure to comply with the condition may affect the future sale/resale of the property. In particular, a note may be attached to land charge searches undertaken with the Council informing potential purchasers and solicitors that the contaminated land condition has not been complied with.