Briefing note on PFAS
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Produced by the Oxcam team for Cherwell District Council

1. Overview

- PFAS contamination is an emerging constraint on brownfield development, and it can affect:
    - Viability and costs
    - Drainage design and approvals
    - Phasing and delivery programmes
    - Regulatory and permitting requirements
- Multiple agencies play roles in regulating exposure, monitoring, and health advice, making early engagement essential.
- National regulation is tightening
- Technological solutions for PFAS treatment remain challenging
- The UK Government has formally recognised PFAS as a priority chemical group requiring coordinated regulatory action.
- The UK PFAS Plan (2026) seeks to address this through a coordinated, science led programme of monitoring, research, and regulatory development. The government also intends to reform UK REACH by December 2028 to enable more efficient PFAS controls and greater alignment with international regulatory approaches.
- The Defra Infrastructure Board supports the delivery of large projects by providing a joined-up approach across the Environment Agency, Natural England and others. PFAS issues can be escalated to this board to help resolve regulatory or environmental constraints.
- The Environment Agency also meet with MHCLG regularly through engagement with housing programmes such as the New Homes Accelerator and New Towns, to assist with enabling and delivery of these government priorities.

2. What are PFAS?

PFAS are a group of widely used chemicals that can persist in the environment. Some PFAS are linked to several human health concerns and environmental impacts. Extensive use of these substances over many decades, along with their persistence, means they are now widely detected in the environment. You can find out more about PFAS and the Environment Agency's role here.

3. Planning and development implications

- Treated as a land contamination issue within the planning system

- Must be assessed and managed through standard risk-based approaches
- Key challenges:
    - Drainage and wastewater management are more complex
    - Surface water discharges to ground can be refused if the land is contaminated
    - Groundwater discharge requires environmental permits (Environment Agency)
- Key risks are:
    - Increased development costs and viability pressure
    - Programme delays where issues are discovered late
    - Constraints on drainage and site layout
    - Ongoing liabilities where contamination cannot be fully removed, ongoing monitoring of technology and impact is likely required

4. Roles and responsibilities

- **Local Authority**
    - **Local Planning Authorities (LPAs)**: Regulate re-development under Town and Country Planning legislation; ensure that future development appropriately considers and assess contamination risks and secure mitigation via conditions, where necessary and engage public health where needed.
    - **Environmental Health**: Lead regulator for Part 2A of the Environmental Protection Act 1990, contaminated land regulations, etc.
- **Environment Agency**: Monitor PFAS in rivers, groundwater, and wildlife; regulate industrial emissions and waste including issue permits under EPR 2016 for groundwater activities, surface water discharges and treatment processes; provide advice to the LPAs on land affected by contamination. We are not a statutory consultee for legacy land contamination) but would still expect and request to be consulted where there is potential environmental risk, where impacts are uncertain, or where a strategic view would add value. This includes, but is not limited to, issues such as groundwater protection (for example, Source Protection Zones) and land contamination; advise Local Authority Environmental Health Departments on Part 2A with respect to controlled waters. The Environment Agency has also established a national PFAS working group internally to share expertise and wider resilience.

- **Developers and landowners**: Investigate contamination, supply site investigation data, develop remediation strategies, in accordance with LCRM (Land Contamination Risk Management) stages and any planning decision conditions

- **Central Government (Defra and others**): Lead national PFAS policy and oversight through the PFAS Plan; coordinate research, monitoring, and regulatory action
- **Industry and site operators**: Manage PFAS in production, use, and waste; prevent releases; undertake remediation
- **UK Health Security Agency**: Provide health risk advice where PFAS is detected
- **Food Standards Agency**: Assess risks in food and packaging
- **Drinking Water Inspectorate (DWI)**: Set monitoring and risk assessment expectations for PFAS in drinking water; enforce action where needed
- **Health and Safety Executive**: Evaluate PFAS risk under UK REACH and lead on restrictions
- **Water companies**: Monitor PFAS to DWI guidance; manage mains water and sewer connections and trade effluent consents

5. Key recommendations for developers

Addressing contamination risk requires early, proportionate, and technically robust action. The following recommendations combine established good practice with the additional measures now needed in light of the UK PFAS Plan and current regulatory expectations.

a. **Early screening and risk assessment: i**dentify potential PFAS risks at the earliest stage
   - early-stage assessment is critical to understanding viability, abnormal costs, and delivery implications
   - PFAS screening should be incorporated at desk study and preliminary risk assessment (LCRM Stage 1), focusing on plausible sources (historic uses, foams, coatings), pathways (groundwater, drainage) and receptors
   - use early findings to update the conceptual site model and plan targeted sampling at the right depth and locations

b. **Strong technical input:** use specialist expertise for investigation and design
   - PFAS investigation is technically complex: mis sequenced or unclear advice can cause significant delays and cost escalation
   - for complex or largescale sites, developers should appoint specialist consultants experienced in LCRM, CL: AIRE, and PFAS specific sampling/analysis methods and remediation, and should adhere to their recommendations

c. **Integrated planning: a**lign remediation, phasing, and drainage strategies

- for larger or multi-phase sites, remediation strategies, earthworks sequencing and drainage strategies must be coordinated from the outset
- phasing plans should reflect availability and timing of remediation areas, drainage infrastructure, temporary works, and constraints on dewatering or groundwater management

d. **Early engagement with regulators: cl**arify requirements before committing to design or cost
   - PFAS impacted water may require separate handling, temporary trade effluent consent, or EA permitting
   - early discussion with both the EA and water companies helps identify appropriate requirements and any constraints before costs are committed
e. **Follow best practice**
   - PFAS considerations should be integrated within CL: AIRE DoWCoP documentation and materials management planning to ensure compliant reuse of excavated materials and avoid classification issues later

f. **Allow for future change**
   - build contingency for tighter regulation and additional work
   - review of PFAS limits in drinking water may lead to strengthened requirements on water companies and new expectations for developers.
   - wider UK REACH reform (2028), expansion of monitoring networks, EA PFAS GIS mapping (due 2026), and new PFAS waste management guidance (2026–27) signal increasing scrutiny and developer responsibilities
   - developers should build contingency into programme timelines for additional sampling, regulator engagement, and treatment/disposal needs

g. **Plan for long-term management**
   - where full remediation is not possible
   - if remediation reduces but does not eliminate PFAS risks, long term management may be required, such as groundwater monitoring, containment systems, or periodic treatment
   - LCRM Stage 3 verification must be followed by proportionate post remediation monitoring where residual contamination is being managed
h. **Strengthen procurement and supply chain controls**

- in line with the PFAS Plan, developers should begin specifying PFAS free alternatives in products and align procurement with Government Buying Standards, which will increasingly reflect PFAS considerations