

**OLDHAM METROPOLITAN BOROUGH
COUNCIL**

LOCAL DEVELOPMENT FRAMEWORK

**DRAFT CONTAMINATED LAND
SUPPLEMENTARY PLANNING DOCUMENT**

**CONSULTATION PERIOD:
31 JANUARY – 14 MARCH 2007**

OLDHAM METROPOLITAN BOROUGH LOCAL DEVELOPMENT FRAMEWORK

Supplementary Planning Document

The Government has reformed the system of development planning in England. Development Plans are used to control and guide the development and use of land. As part of the reformed system, Oldham Metropolitan Borough Council must prepare a “Local Development Framework”.

The Local Development Framework will be a folder of different documents, including Development Plan Documents which set out the Council’s approach to future development in the Borough.

This document is part of a Supplementary Planning Document (SPD). SPDs are documents that expand on policy outlined in a Development Plan Document or provide more detail on it to help in its implementation. They are not formally part of the statutory Development Plan but are material considerations in determining planning applications.

Supplementary Planning Documents have three supporting documents:

- a sustainability appraisal,
- a habitats regulations assessment, and
- an equalities impact assessment.

Members of the public may comment on the Supplementary Planning Document and any of the three supporting documents. A document outlining who has been consulted in the preparation of the Supplementary Planning Document, and issues they raised, is also available alongside these documents. This is called a Consultation Statement.

Members of the public may comment on this document during the six-week public consultation period as indicated on the public notice and comments form.

Comments made on the document cannot be treated as confidential.

If you would like further help in interpreting this document please contact the Strategic Planning and Information team on the following telephone numbers: 0161 770 4151 / 4139.

You can also email the team on spi@oldham.gov.uk.

All documents connected with the Local Development Framework are available on the Council’s web site at www.oldham.gov.uk.

ઓલ્ડહામ મેટ્રોપોલીટન બરો
સ્થાનિક વિકાસનું માળખું

પ્લાનિંગને (યોજનાને લગતો) પૂરક દસ્તાવેજ

સરકારે ઈંગ્લેંડમાં વિકાસની યોજનાની પધ્ધતીમાં સુધાર કર્યો છે. વિકાસ તથા જમીનના વપરાશ ઉપર કાબુ રાખવા તથા તેને લગતું માર્ગદર્શન આપવા માટે હવે વિકાસની યોજનાઓ (ડેવલપમેન્ટ પ્લાન્સ)નો ઉપયોગ થઈ રહ્યો છે.

લોકલ ડેવલપમેન્ટ ફ્રેમવર્ક (સ્થાનિક વિકાસનું માળખું) એ વિવિધ દસ્તાવેજોનું એક ફોલ્ડર હશે જેમાં વિકાસની યોજનાને લગતા દસ્તાવેજો સામેલ હશે કે જે બરોમાં ભવિષ્યના વિકાસ માટે કાઉન્સિલના અભિગમ વિષે માહિતી પૂરી પાડશે.

આ દસ્તાવેજ પ્લાનિંગને (યોજનાને) લગતો પૂરક દસ્તાવેજ(SPD) છે. SPD એ ડેવલપમેન્ટ પ્લાનમાં જણાવવામાં આવેલ દસ્તાવેજોમાં આપવામાં આવેલ કાર્યનિતીઓ વિષે વિગતે માહિતી પૂરી પાડે છે અથવા અથવા તેને અમલમાં મુકવામાં મદદ કરવા માટે વધુ માહિતી પૂરી પાડે છે.

પ્લાનિંગને (યોજનાને લગતો) પૂરક દસ્તાવેજને ટેકો આપતા બીજા ત્રણ દસ્તાવેજો છે :

- નિભાવ કરી શકાશે કે નહીં તેનું મૂલ્યાંકન
- નિવાસસ્થાનોને લગતા નિયમોની આંકણી, અને
- સમાનતાને લગતી અસરોની આંકણી

આમ જનતાના સભ્યો આ યોજનાને લગતા પૂરક દસ્તાવેજ તથા સાથેના ત્રણ ઉપર સૂચનો વિષે ટીકા-ટિપ્પણ કરી શકે છે. આ દસ્તાવેજોની સાથે સાથે આ પૂરક દસ્તાવેજ તૈયાર કરતી વખતે કોની સાથે સલાહ મંત્રણાં કરવામાં આવી હતી અને કયા મુદ્દા રજૂ કરવામાં આવ્યા હતા તે જણાવતો દસ્તાવેજ પણ ઉપલબ્ધ છે. આને કન્સલ્ટેશન સ્ટેટમેન્ટ (સલાહ મંત્રણાંને લગતુ વિધાન) તરીકે ઓળખવામાં આવે છે.

જાહેર સૂચનાઓ અને ટીકા-ટિપ્પણી માટેના ફોર્મ ઉપર જણાવ્યા અનુસાર છ અઠવાડીયાના જાહેર સલાહમંત્રણાંના સમયગાળા દરમ્યાન આમ જનતાના સભ્યો આ દસ્તાવેજ ઉપર ટીકા ટિપ્પણી કરી શકે છે.

આ દસ્તાવેજ ઉપર કરવામાં આવેલ ટીકા-ટિપ્પણીને ખાનગી નહીં રાખી શકાય.

જો તમને આ દસ્તાવેજનો અનુવાદ કરવામાં વધુ મદદની જરૂર હોય તો મહેરબાની કરીને સ્ટ્રેટેજિક પ્લાનિંગ એન્ડ ઇન્ફર્મેશન ટીમનો 0161 770 4151/4139 ઉપર સંપર્ક સાધો.

તમે તેઓને આગળના સરનામે ઇમેઇલ પણ મોકલાવી શકો છો. spi@oldham.gov.uk.

સ્થાનિક વિકાસના માળખા સંબંધીત દરેક દસ્તાવેજો કાઉન્સિલની વેબસાઇટ ઉપરથી ઉપલબ્ધ છે. www.oldham.gov.uk.

Gujarati : Local Development Framework

ওল্ডহাম মেট্রোপলিটান বারা কাউন্সিল - স্থানীয় উন্নয়ন অবকাঠামো

প্লানিং সংক্রান্ত সম্পূরক দলিলপত্র

ইংল্যান্ডে উন্নয়ন পরিকল্পনা তথা ডিভালপমেন্ট প্লানিংয়ের পদ্ধতি সরকার সংশোধন করেছে। জমিজমার উন্নয়ন এবং ব্যবহারের বিষয়টি নিয়ন্ত্রণ এবং এ ব্যাপারে দিকনির্দেশনা দেয়ার জন্যে উন্নয়ন পরিকল্পনাগুলো ব্যবহৃত হয়ে থাকে। সংশোধিত পদ্ধতির অংশ হিসেবে, ওল্ডহাম মেট্রোপলিটান বারা কাউন্সিলকে অবশ্যই একটি "স্থানীয় উন্নয়ন অবকাঠামো" তৈরি করতে হবে।

"স্থানীয় উন্নয়ন অবকাঠামো"টি হবে বিভিন্ন দলিলের একটি ফোল্ডার, যার একটি হবে "উন্নয়ন পরিকল্পনাসংক্রান্ত দলিল-দস্তাবেজ"। এই বারায় ভবিষ্যৎ উন্নয়নের প্রতি কাউন্সিলের দৃষ্টিভঙ্গিগুলো কিরূপ হবে তা উল্লিখিত দলিল-দস্তাবেজে তুলে ধরা হয়েছে।

এই দলিলাটি একটি সাপ্লিমেন্টারী প্লানিং ডকুমেন্ট (এস্.পি.ডি) তথা সম্পূরক উন্নয়ন দলিলের অংশবিশেষ। সাপ্লিমেন্টারী প্লানিং ডকুমেন্টগুলো হচ্ছে সে'সমস্ত দলিলপত্র যা উন্নয়ন পরিকল্পনাসংক্রান্ত দলিলে (ডিভালপমেন্ট প্লান ডকুমেন্ট) বর্ণিত কোন নীতির বিশদ ব্যাখ্যা প্রদান করে অথবা উক্ত নীতিটি কার্যকর করার ব্যাপারে যাতে সহায়ক হয় সে'জন্যে এর উপর আরো তথ্য প্রদান করে; এ'গুলো কোন সংবিধিবদ্ধ উন্নয়ন পরিকল্পনার আনুষ্ঠানিক অংশ নয়, তবে প্লানিংয়ের দরখাস্তগুলোর ব্যাপারে সিদ্ধান্ত নেয়ার ক্ষেত্রে এ জিনিসগুলো বিবেচিত হবে।

সাপ্লিমেন্টারী প্লানিং ডকুমেন্ট তথা উন্নয়নসংক্রান্ত সম্পূরক দলিলপত্রের তিনটি সহায়ক দলিল রয়েছে:

- টিকে থাকতে পারবে কিনা সে'সংক্রান্ত একটি মূল্যায়ন
- একটি হ্যাণ্ডবুক রেগুলেশন্স এসেসম্যান্ট, এবং
- সমতার প্রভাব বিষয়ক এসেসম্যান্ট

সাপ্লিমেন্টারী প্লানিং ডকুমেন্ট এবং সহায়ক দলিল তিনটির উপর জনসাধারণ ইচ্ছা করলে মন্তব্য করতে পারবেন। সাপ্লিমেন্টারী প্লানিং ডকুমেন্টটির প্রস্তুত প্রক্রিয়ায় কার কার সাথে সলা-পরামর্শ করা হয়েছে এবং তারা কোন্ কোন্ উদ্বেগ/সমস্যাগুলো তুলে ধরেছেন সে বিষয়ক একটি দলিলও এ দলিলপত্রের পাশাপাশি পাওয়া যাবে। এটি কনসালটেশন স্টেইটম্যান্ট হিসেবে পরিচিত।

এ দলিলের ব্যাপারে, পাবলিক নোটিশ এবং মন্তব্যের ফর্মে উল্লেখ মোতাবেক, জনসাধারণ ইচ্ছা করলে মতামত প্রদান ও সলা-পরামর্শের জন্যে নির্ধারিত ছয়-সপ্তাহ সময়ের মধ্যে মন্তব্য করতে পারেন।

এ দলিলের উপর যে মন্তব্যগুলো করা হবে সে'গুলো গোপনীয় হিসেবে বিবেচিত হবে না।

এ দলিলাটি বুঝার ব্যাপারে যদি আপনার আর কোন সাহায্যের প্রয়োজন পড়ে তবে অনুগ্রহ করে নিম্নলিখিত ফোন নম্বরগুলোতে স্ট্র্যাটেজিক প্লানিং এবং ইন্ফরমেশন টিমের কাছে ফোন করুন: 0161 770 4151 / 4139

আপনি ইচ্ছা করলে spi@oldham.gov.uk ঠিকানায় ই-মেইল করতে পারেন।

স্থানীয় উন্নয়ন অবকাঠামোর সাথে সংশ্লিষ্ট সকল দলিলপত্র কাউন্সিলের www.oldham.gov.uk ওয়েব সাইটে রয়েছে।

اولڈہم میٹروپولیٹن بروکا مقامی تعمیر و ترقی سے متعلقہ ایجنسی

□ضمنی منصوبہ بندی (پلاننگ) سے متعلقہ دستاویز

گورنمنٹ نے انگلینڈ میں تعمیر و ترقی کی منصوبہ بندی کے نظام میں ترمیم کر دی ہے۔ تعمیر و ترقی کے منصوبوں کو زمین کی اصلاح و ترقی اور استعمال کو کنٹرول کرنے اور ہنمائی کے لئے استعمال کیا جاتا ہے۔ اس ترمیم شدہ نظام کے حصے کے طور پر اولڈہم میٹرو پولیٹن بریکنگ کونسل کو لازمی طور پر مقامی تعمیر و ترقی سے متعلقہ ایک **لانچ عمل** تیار کرنا چاہئے۔

مقامی تعلیم ترقی سے متعلقہ اکثر عمل مختلف دستاویزات پر مبنی ایک مجموعے کی شکل میں ہوگا مثلاً تعمیر و ترقی کے منصوبے، متعلقہ دستاویزات جن میں کونسل کی برہمنوں کی آئندہ تعمیر و ترقی کے متعلق پانچ سالانہ کی جائے گا۔

یہ دو ویز ضمنی منصوبہ بندی ہے متعلقہ دستاویز (سپلیمنٹری پلاننگ) اکومنٹ (SPD) کا حصہ ہے۔ SPDs ایسی دستاویزات ہیں جن میں اس پالیسی کا احاطہ کرتی ہیں جو تعمیر و ترقی کے منصوبے سے متعلق دستاویز میں لگائی جائے گا اس پر عملدرآمد میں مدد دینے کے لئے اس کے متعلق مزید تفصیلات فراہم کرتی ہیں۔ یہ رسمی طور پر سرکاری تعمیر و ترقی کے منصوبے کا حصہ نہیں ہیں لیکن تعمیر کارانہات کے لئے ای گئی، انجینئروں کے فیصلے کے لئے لازمیاتی اور محض کے لئے ہیں۔

ضمنی منصوبہ بندی سے متعلقہ دستاویزات کے لئے 3 معاون دستاویزات بھی ہیں:

- استحکام کے متعلق جاننا
- نباتات اور جانوروں کے مسکن سے متعلقہ ایجوکیشنز کا جاننا اور
- مساوات کے لحاظ سے اثر کا جاننا

پبلک کے افلاذمغنی منصوبہ بندی دستاویز اولان 3 معاون دستاویزات میں سے کسی کے متعلق اظہار رائے کر سکتے ہیں۔ ایک دستاویز جس میں بتایا گیا ہے ضمنی منصوبہ بندی دستاویز کی تیاری میں کن کے ساتھ مشاورت کی گئی ہے اور ان کی جانب سے اٹھائے گئے نکات (مسائل) ان دستاویزات کے علاوہ بھی دستیاب ہے، اُس کو مشاورتی بیان کہا گیا ہے۔

پیک کا افلاک 6، حقوں پر مشتمل رقی عرصے کا افلاک ۱۱، ایلانے کا افلاک ۱۲ کر سکتے ہیں جیسا کہ پیک نوٹس اور افلاک ۱۱ کے نام میں بتایا گیا ہے۔

دستاویز کے متعلق ظاہر کئے گئے خدشات کو صحتاً زمیں نہیں رکھا جائے گا۔

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0161 770 4151/4139

آپ ٹیم کو spi@oldham.gov.uk پر ای میل بھیج کر سکتے ہیں۔

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The Council will arrange for this document to be made available in alternative formats including large print, electronically, and community languages if requested, and subject to resources being available. Please ring 0161 770 4139, 4163 or 4151 for further information.

1. CONTEXT

1.1 This Supplementary Planning Document expands on how the Oldham Metropolitan Borough Unitary Development Plan policy on contaminated land will be implemented when considering new developments in the Borough. It provides guidance on:

- The type of development where a contaminated land assessment would be required;
- What information a contaminated land assessment should contain; and
- Measures that could be introduced to ensure safe development and future occupancy of contaminated land.

1.2 Members of the public may comment on the Contaminated Land SPD during the six week public consultation period as indicated on the public notice and comments form.

1.3 It should be noted that comments must relate to the effects of the SPD **and not** the saved UDP policy that the SPD will be helping to implement.

1.4 This SPD is accompanied by a Sustainability Appraisal, Habitat Regulations Assessment and Equalities Impact Assessment which have informed the production and contents of the SPD. Comments on these supporting documents can also be made within the same consultation period.

2. INTRODUCTION

2.1 Oldham Metropolitan Borough Council (Oldham MBC) has a long history of industrial development. Parts of the Borough have been occupied by, for example, textile mills, engineering works, paper manufacturing works and gas works. Generally, early industrialists had little or no knowledge of the environmental effects of their manufacturing processes or operating practices.

2.2 Over a period of time, a particular site may have been home to a variety of industries, each of which may have left substances which either individually or in combination are known to be harmful.

2.3 As the Government urges more redevelopment on previously used land in order to protect greenfield areas and promote sustainable development, developers are having to take into account the possibility of land contamination as they seek to make use of our brownfield resource.

3. CONTAMINATED LAND ASSESSMENT

3.1 The legal definition of contaminated land (from Section 78A(2) of Part IIA of the Environmental Protection Act 1990) is:

“ 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 the significant possibility of such harm being caused; or*
- (b) pollution of controlled waters is being, or is likely to be, caused”*

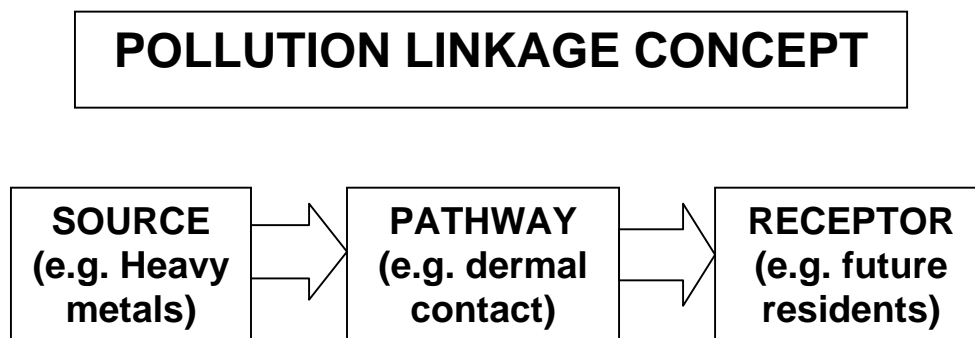
3.2 With respect to controlled waters, the Water Act 2003 (Chapter 37, Section 86) will amend the second limb of the definition so that it applies only where:

*“significant pollution of controlled waters is being caused, or there is a **significant possibility** of such pollution being caused”*

Controlled waters include all surface watercourses or bodies, including those which are man made, and also ground water.

3.3 Part IIA of the Environmental Protection Act 1990, as inserted by Section 57 of the Environment Act 1995, was brought into force on the 1st April 2000. It requires all Local Authorities to identify contaminated land in its area and secure its remediation to a suitable condition for use. Part IIA provides the first statutory definition of contaminated land. To fall within this definition the land, when assessed in the context of its current or proposed use, must be capable of causing significant harm to human health or other specified receptors and/or pollution of controlled waters. Development of land will have to take into account Part IIA as to alter the use of the land may bring the development inside the statutory definition of contaminated land.

3.4 A key element of the Part IIA regime is the pollution linkage concept as follows:



- the source is the contamination in, on or under the land;

- the pathway is the route by which the contamination reaches the receptor; and
- the receptor is defined as living organisms, ecological systems or property which may be harmed.

3.5 Without the clear identification of all three elements of the pollutant linkage, land cannot be identified as contaminated land under the regime.

Contaminating substances may include:

- metals and their compounds e.g. cadmium, arsenic, lead, iron, nickel, tin, brass
- organic and non-organic compounds e.g. oils, petrol, solvents, fatty acids, phosphorous
- gases e.g. methane, carbon dioxide, hydrogen sulphide, chloroethane

3.6 Typical causes of land contamination include previous industrial or commercial usage, mining and the landfilling of wastes. Land can also become contaminated due to its proximity to contaminated areas. Contamination does not occur solely as a result of human activities and land can be contaminated as a result of its natural state. For example, marsh gas can be a source of contamination.

4. PLANNING POLICY

4.1 This SPD provides guidance on how the UDP policy on contaminated land should be interpreted and implemented. The Part 1 policy (NR1) on environmental quality states that:

“THE COUNCIL WILL NOT PERMIT DEVELOPMENT THAT WILL RESULT IN UNACCEPTABLE IMPACTS ON THE ENVIRONMENT OR HUMAN HEALTH AND WELL-BEING BY REASON OF ANY OF THE FOLLOWING:

A. AIR, WATER OR SOIL POLLUTION;

B. NOISE;

C. ODOUR;

D. ARTIFICIAL LIGHTING;

E. VIBRATION;

F. RADIATION; OR

G. OTHER FORMS OF POLLUTION OR LOSS OF AMENITY.”

4.2 Linked to the Part 1 policy is policy NR1.6 and its reasoned justification that relates to contaminated land:

“The Council will permit proposals for development on or near to contaminated sites only if it can be demonstrated that measures will be taken to remediate the land to a standard that is suitable for the proposed use. Such measures will be specified in conditions attached to any planning permission and must be detailed in the planning application.”

“13.33 The regeneration of contaminated sites is a priority in support of the Council's aim to promote social, economic and environmental well-being and to protect green space and the natural environment. Its strategy for dealing with contaminated land will deliver a remediation programme for grossly polluted sites that require immediate attention and promote the redevelopment of potentially contaminated sites in a manner that does not pose an unacceptable risk to the water environment, the local ecosystem or to the well being of residents, the workforce and the general public.

“13.34 The development process is central to the Council's contaminated land strategy. The Environment Agency will be consulted on all method statements on land remediation. The Council will prepare a supplementary planning document on Contaminated Land.

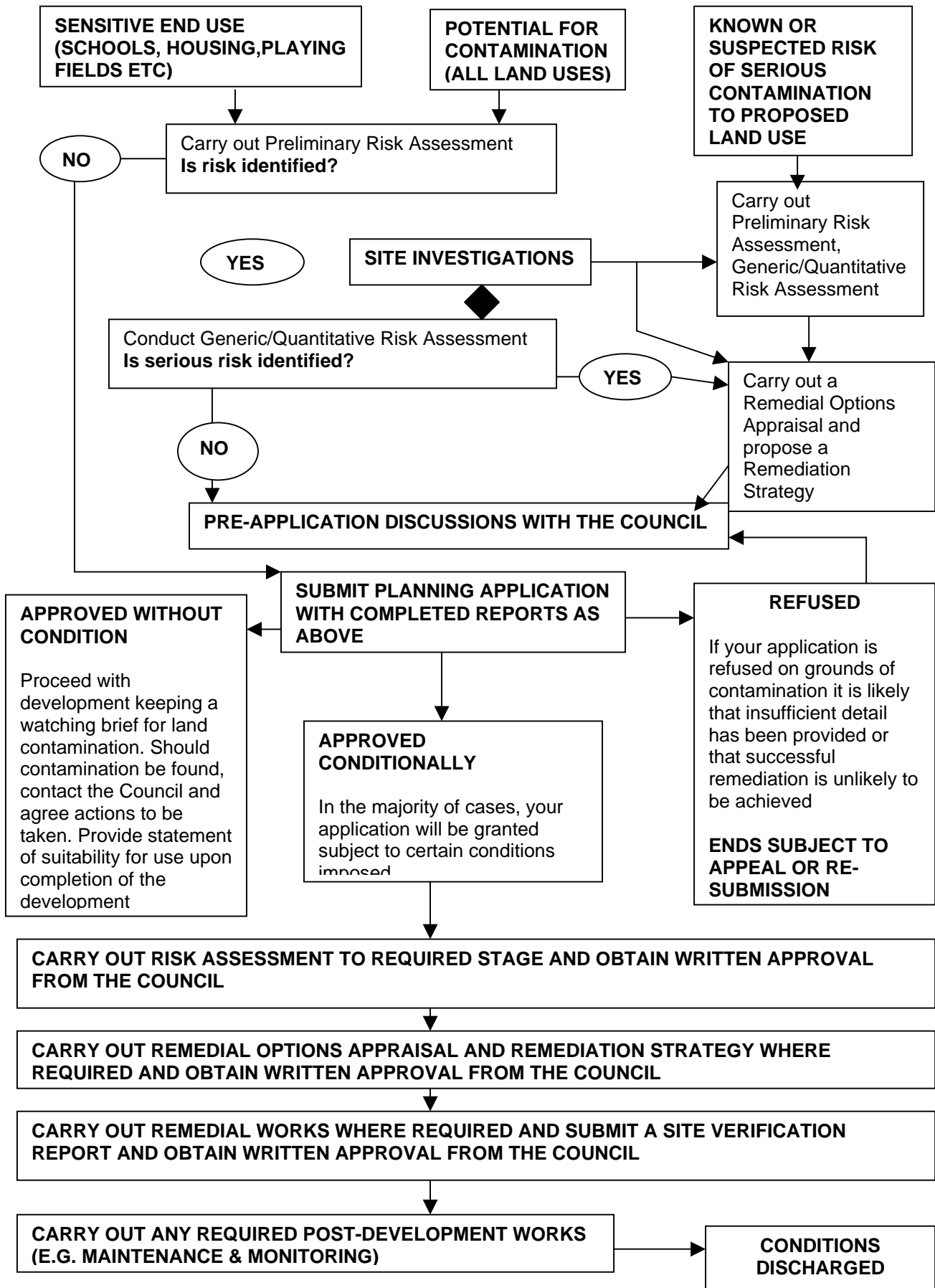
“13.35 In relation to landfill gas, the Council will strictly control residential and other development on, or in close proximity to, existing or former landfill sites, and will not grant permission for such development where there is considered to be a substantial risk to the development, as advised by the Environment Agency. Any proposals that are permitted will be subject to conditions to ensure that site investigations are carried out and adequate precautionary measures are incorporated to secure long-term safety of the structure and its occupants.

“13.36 The Council will encourage the use of local soil to cap contaminated sites where this is appropriate in other environmental respects, for example in terms of the distance between the source and the site, and any damage to soil resources, landscape or biodiversity that may be caused by its removal.”

4.3 Planning guidance uses a slightly different definition of contaminated land than the Part IIA regime, which means that under the planning system risks have to be assessed based upon the new or intended use of the land, rather than the existing use, upon which risks are based in the Part IIA regime. However, the principles underlying both regimes are fundamentally the same - the identification and remediation of land, which may pose a risk to human health and/or the wider environment.

- 4.4 Government guidance for contaminated land and the planning procedure is currently provided within Annex 2 of Planning Policy Statement 23: Planning and Pollution Control and recognises that the actual or possible presence of contamination is a material planning consideration.
- 4.5 The Planning Policy Statement states that where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation/risk assessment to determine:
- whether the land in question is already affected by contamination through source-pathway-receptor pollution linkages and how these linkages are represented in a conceptual model;
 - whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
 - what action is needed to break those existing linkages and avoid creating new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.
- 4.6 On any site where there is a potential for contamination to influence the site or the development is sensitive, the Development Control section will consult with the Environmental Protection section. They will assess the application and may recommend that certain conditions be imposed upon the development to ensure the site is made suitable for its proposed end use and the safety of site workers, future site users and the environment.
- 4.7 In general, if the proposed use is sensitive (e.g. allotments, residential use, schools) or there is a potential for contamination from previous uses of a site to effect the planning proposals, then a **Preliminary Risk Assessment** should be submitted with the planning application. From the findings of the initial assessment the Council may be satisfied with the findings or may impose conditions to ensure appropriate works are carried out.
- 4.8 The following is a generalised flowchart showing the basic planning procedure for dealing with land contamination and likely requirements of the Council:

GENERAL PLANNING PROCEDURE AND LIKELY REQUIREMENTS



5. PLANNING CONDITIONS

- 5.1 Once a planning application has been approved, a planning condition may have been made in relation to contamination. The conditions include site investigation, risk assessment, remediation strategy, unforeseen contamination, imported materials, gas monitoring and verification reporting. Some or all of these planning conditions may be imposed depending on the specific application circumstances and the amount of information available to the Council.

If an approved application contains contaminated land planning conditions, it is likely that further actions and approvals will be required prior to commencement of any development works.

6. EUROPEAN DESIGNATED SITES

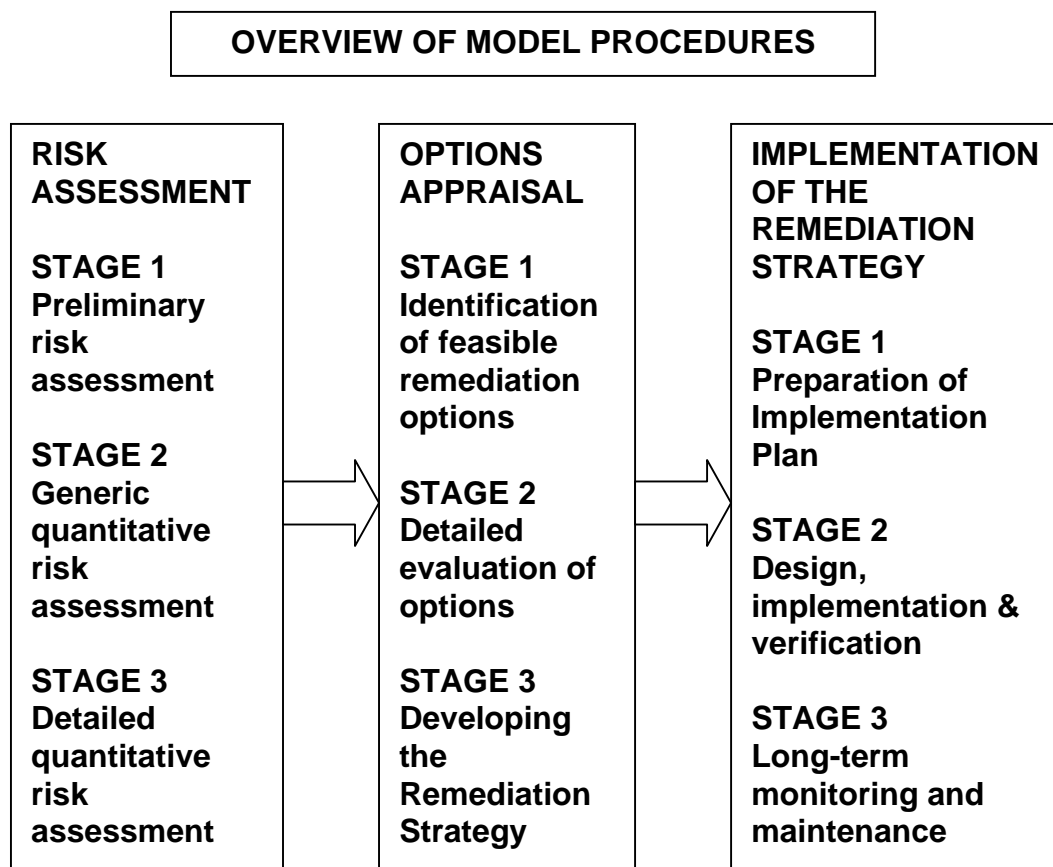
- 6.1 It should be noted that lying within the Borough's boundary there are sections of two sites which have been designated as being of European importance for nature conservation. These are: the Rochdale Canal which is a Special Area of Conservation (SAC), and the South Pennine Moors which is a Special Protection Area (SPA) and a SAC. Appendix 5 shows the location of these sites.
- 6.2 Greater Manchester Ecology Unit advises that developments within 100m of the Rochdale Canal could potentially introduce pollution into the canal and therefore could potentially have a significant impact on the special interest of the SAC.
- 6.3 The Unit also advises that developments within 500 m of South Pennine Moors that may affect contaminated land could potentially damage important habitats and species in the SAC, and therefore potentially have a significant impact on the special interest of the SAC.
- 6.4 Developers should recognise the special importance of these sites. For operations or developments which are subject to control through this SPD, and which could potentially impact on these sites, the Ecology Unit recommends that specific and explicit information be provided as to how any potential pollution of these sites is to be avoided during the course of any development. This should be considered during any pre-application discussions with the Council and/or provided with an application for planning permission. The Council's draft Statement of Community Involvement identifies the Greater Manchester Ecology Unit as a consultee and it would therefore be consulted on any planning applications which could potentially affect these sites.
- 6.5 It should be noted that the Council is required to assess the potential effects of its policies on European sites within and outside the Borough boundary. A Habitats Regulations Assessment screening has therefore been carried out and is available for consultation alongside the SPD.

7. SUBMISSION OF REPORTS

- 7.1 It is strongly recommended that a Stage 1 Preliminary Risk Assessment is submitted as a minimum with the planning application should the land be known or suspected of being contaminated based on known or suspected previous uses of the site and/or if the proposed end use of the development is considered sensitive to contamination (e.g. allotments, residential use, schools). If a site poses a significant risk to the proposed use, then further reporting should also be submitted. Failure to do so may lead to the application being refused.

8. MODEL PROCEDURES FOR LAND CONTAMINATION

- 8.1 Paragraph 2.42 of the Planning Policy Statement 23 – Annex 2 states that a phased or tiered approach is recommended in the Defra/Environment Agency's Model Procedures for the Management of Land Contamination (CLR11). This document was published in September 2004 and can be downloaded free of charge from the Environment Agency website at www.environment-agency.gov.uk.
- 8.2 This guidance provides a technical framework for structured decision-making about land contamination. An overview of the framework is shown below:



- 8.3 The procedures are made up of three processes each containing three main stages. The key elements are briefly explained below and a copy of the CLR11 process flowchart is included in Appendix 1.

PROCESS 1: RISK ASSESSMENT

- 8.4 The first process concerns risk assessment and for development it involves the characterisation of the site in the context of the proposed use and its potential impacts upon the environment and surrounding uses.

PROCESS 1, STAGE 1: PRELIMINARY RISK ASSESSMENT

- 8.5 The first stage of this process is the preliminary risk assessment. The focus of this is to develop an outline conceptual model and establish whether or not there are any potentially unacceptable risks arising from contamination at or around the site to the proposed development.
- 8.6 The main activity at this stage is the collection of information required to identify all possible pollutant linkages at the site and prepare the outline conceptual model. This stage is often referred to as the “desk study”, although a site walkover should also be taken to verify data and obtain additional information.
- 8.7 The desk study involves searching maps and records for information such as the geology, historical uses, mining and land filling activities of the site and surrounding areas. Further action will be required if there are any gaps in information or potentially unacceptable risks are identified at the site. In some cases there may be sufficient information to be able to move straight to an appraisal of remediation options. Alternatively, the Council may accept that no further action is required if the applicant is able to demonstrate that the site does not present an unacceptable risk to its intended use or surrounding land.

PROCESS 1, STAGE 2 & 3: GENERIC AND DETAILED QUANTITATIVE RISK ASSESSMENT

- 8.8 These stages should be undertaken when the preliminary risk assessment identifies potentially unacceptable risks at the site. The purpose of the quantitative risk assessment is to establish whether generic assessment criteria and assumptions are appropriate for assessing the risks at the site and to apply them to establish whether there are actual or potential unacceptable risks.
- 8.9 In order to carry out these assessments, site-specific data (e.g. chemical sample results) will be required from the site. This is generally obtained from intrusive site investigation works where representative sampling and data is obtained to further characterise the site. There are several methods that are

commonly used including trial pitting, trial holes, boreholes and window sampling.

- 8.10 For intrusive investigations, please refer to British Standards BS10175: 2001 “Investigation of potentially contaminated sites – Code of practice” and BS5930: 1999 “Code of practice for site investigations”. It is important that the activities of the site investigation do not cause any further pollution linkages.
- 8.11 When commissioning laboratories and reporting on the results of chemical analyses, soils testing should be undertaken in accordance with the Environment Agency’s MCERTS performance standard.
- 8.12 Using the site investigation information, the outline conceptual model should be refined and pollutant linkages confirmed as a result of the site investigations. The risks associated with those linkages should then be evaluated using either generic or site-specific assessment criteria, or a combination of both.
- 8.13 The first stage is to assess site findings with appropriate Soil Guideline Values (SGVs) for the proposed land-use. Currently in the UK, there is only a limited number of SGVS available to use. These include the following heavy metals: arsenic, cadmium, chromium, mercury, nickel, selenium and lead; and the following organic contaminants: toluene, phenol and ethyl benzene.
- 8.14 Where no SGV is available, it is likely that some form of detailed quantitative risk assessment (DQRA) will be required for the contaminants of concern, which have been identified in the preliminary risk assessment, and this should feature in the design of the site investigation and subsequent sampling and analysis.
- 8.15 DQRA is in simple terms a model that predicts the risk or concentration of contamination at a site and whether further action is required. There are several DQRA models or tools available for use. The UK derived models include CLEAUK and SNIFFER for human health with the Environment Agency’s P20 for groundwater and surface water assessment. Other commonly used international models available for use include RBCA, BPRISC and CSOIL, however, it should be noted that these models, although similar to the UK approach, contain fundamental differences in how they work. They can be used in the UK so long as the limitations and differences in data used, assumptions made and underlying concepts can be appropriately shown to fit with the site conditions and have been adjusted to comply with UK policy. The Environment Agency has produced a fact sheet on some of the available models outlining key issues and watch points which are available from their website.
- 8.16 In the absence of DEFRA/EA UK guidance or toxicological data for some contaminants, it may be acceptable to use peer-reviewed data from other countries where a similar risk based approach has been adopted.

8.17 All risk assessments used should be fully compatible with UK policy, and if not, their use fully justified. All calculation sheets and input data should be provided within the risk assessment report. Statistical analysis should also be conducted on the results in line with CLR7 to give statistical confidence and check for outliers that require separate treatment. Once the risk assessments have been completed, the following outputs should be clearly identified:

- A refined and updated conceptual model
- Confirmation of existing or future pollutant linkages
- Incomplete pollution linkages and justification for their removal
- Evaluation of potentially unacceptable risks
- Information required to undertake the Options Appraisal when acceptable risks are identified at the site.

PROCESS 2: OPTIONS APPRAISAL

8.18 The aim of the Options Appraisal process is to establish which remediation option, or combination of options, provides the best approach to remediate all pollutant linkages that present an unacceptable risk at the site. The main concerns at this stage will be to ensure that:

- Remediation criteria selected for the site are protective of the existing or future critical receptors at the site and those within influencing distance
- Appropriate remediation options have been selected for each relevant pollutant linkage
- The Remediation Strategy addresses all relevant pollutant linkages
- The requirement for waste management licenses, environmental permits, discharge consents etc. is taken into account at an early stage when deciding how to remediate the site. The majority will require permission from the Environment Agency and/or service provider such as United Utilities.

PROCESS 2, STAGE 1: IDENTIFICATION OF FEASIBLE REMEDIATION OPTIONS

8.19 Site-specific remediation objectives should be identified and remediation criteria for measuring compliance against these objectives should be derived at this stage. A short-list of feasible remediation options should then be identified and taken forward for detailed evaluation.

PROCESS 2, STAGE 2: EVALUATION OF OPTIONS

8.20 A review of the short-listed remediation options should be undertaken to determine which are the most appropriate for addressing each relevant pollutant linkage. Detailed information on the technical attributes of each option will be required for the review and evaluation criteria will need to be developed for

assessing the relative merits of each option. Proposals for combining options should be included where more than one option is required.

- 8.21 An assessment of likely regulatory requirements and timescales for obtaining the appropriate environmental licenses, permits etc. should form part of the evaluation. The evaluation should also take account of Best Practicable Environmental Option, cost benefit, environmental outcomes and appropriate timescales for remediation.

PROCESS 2, STAGE 3: DEVELOPING THE REMEDIATION STRATEGY

- 8.22 The Remediation Strategy sets out how the remediation options selected for each relevant pollutant linkage, or combination of options, will be put into place at the site. It should provide a clear picture of how relevant pollutant linkages will be remediated and how these remedial and/or protective works will be verified. Practical issues such as zoning and phasing of remediation and proposals for obtaining the appropriate environmental licenses, permits etc. should be addressed within the Remediation Strategy.

PROCESS 3, STAGE 1: PREPARATION OF THE IMPLEMENTATION PLAN

- 8.23 The Implementation Plan translated the Remediation Strategy into a clear set of remediation activities for the site. It should set out all aspects of the design, preparation, implementation, verification and long-term monitoring and maintenance of remediation. The Implementation Plan should be capable of demonstrating to the Council that:
- Site remediation criteria derived for relevant pollutant linkages will be achieved
 - Appropriate environmental permits, licenses etc. will be obtained
 - The remediation activities will be protective of the existing or future critical receptors at the site and those within influencing distance
 - Measures will be taken to mitigate potential impacts on critical receptors that may arise if there are significant variations from the Remediation Strategy.

PROCESS 3, STAGE 2: DESIGN, IMPLEMENTATION AND VERIFICATION

- 8.24 Once the Remediation Strategy and Implementation Plan have been approved by the Council, site remediation may begin. During this process, the activities set out within the Implementation Plan should be carried out and evidence and data carefully gathered. This evidence and data could include site photographs, site surveys, plans showing areas where contaminated materials have been excavated, treated or left in-situ, validity sample locations and laboratory analysis certificates, waste transfer notes, technical specification and performance sheets.

- 8.25 Once the site remediation is complete, a **SITE VERIFICATION REPORT** will be required to demonstrate that the agreed site remediation criteria have been achieved. This report should provide a full record of all remediation activities carried out at the site and contain accurate substantiating documentary evidence and data collected in accordance with the requirements of the Remediation Strategy and Implementation Plan. Some suggested elements of the Site Verification Report include: details of the validation testing, certificates of the suitability of the imported cover materials, fate of any excavated material and details of any installed post-completion monitoring devices including measures to be undertaken should action limits be exceeded. Additionally, it should also contain any other information pertinent to the remediation works including remediation of any unexpected contamination not addressed in the Remediation Strategy, any details of contaminated materials that have been left in-situ and details of any barrier systems or protection measures.

This report forms the most important documentary evidence that the site has been remediated to a “suitable for use” standard, and should be conducted by a suitably qualified professional.

PROCESS 3, STAGE 3: LONG-TERM MONITORING AND MAINTENANCE

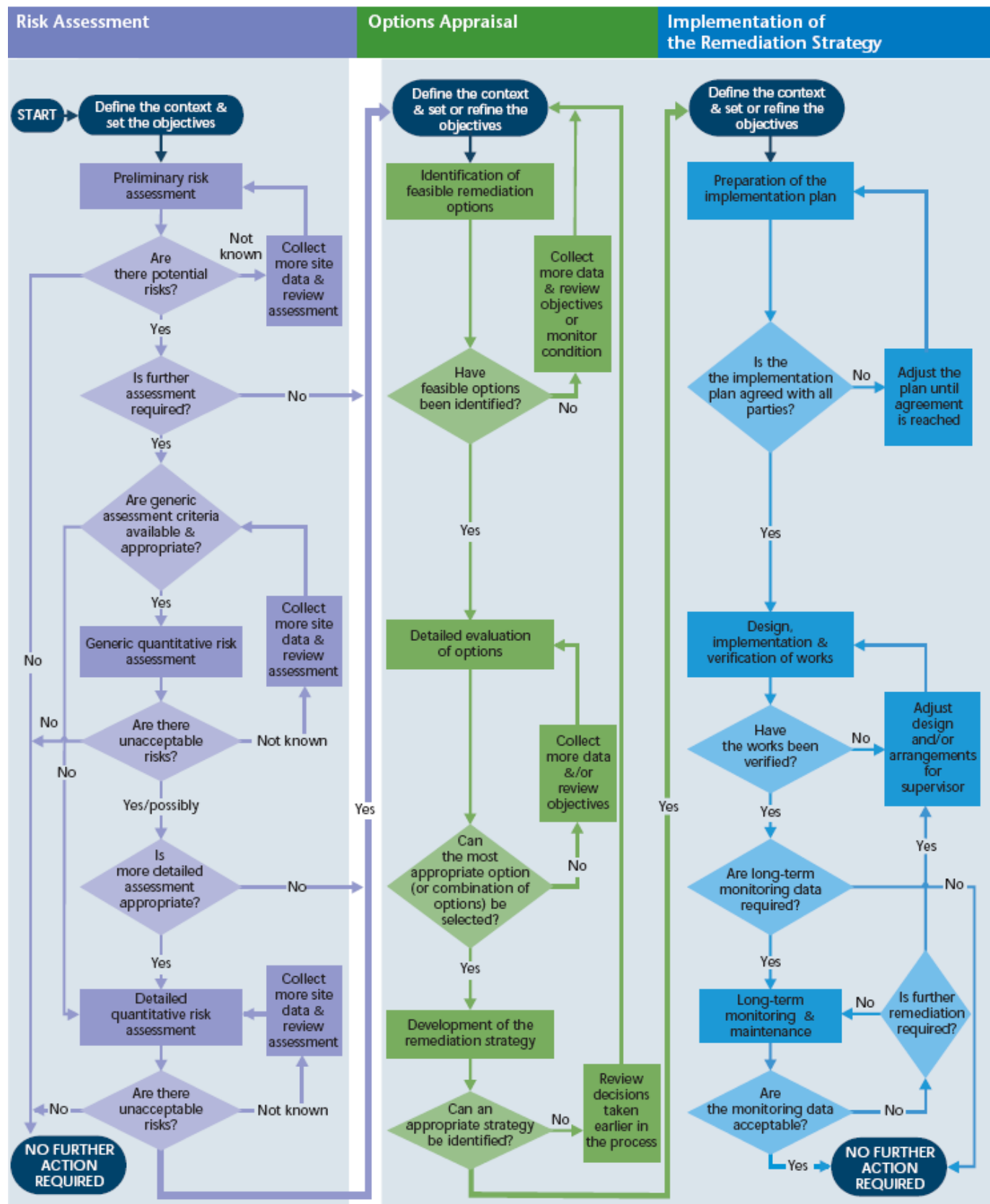
- 8.26 A Monitoring and Maintenance Plan will also be required if the remediation is to include permanent structures that require maintenance or if there will be a need for monitoring to demonstrate the continuing effectiveness of the site remediation following substantial completion of the site works. The applicant may be required to enter into a Section 106 agreement with the Council in order to secure this plan. Details of all monitoring undertaken prior to, during and post-completion of the site works should be submitted to the Council at appropriate stages within the reporting process.

GLOSSARY OF TERMS

BPEO	Best Practicable Environmental Option
BPRISC	British Petroleum Risk Integrated Software for Clean-Ups
CLEA UK	Contaminated Land Exposure Assessment UK
CLR7	Assessment of Risks to Human Health from Land: An overview of the development of soil guideline values and related research.
CSOIL	Dutch Human Exposure Model
DEFRA	Department for the Environment, Food and Rural Affairs
DQRA	Detailed Quantitative Risk Assessment
EA	Environment Agency
MCERTS	Monitoring Certification Scheme
RBCA	Risk Based Corrective Action
SGV	Soil Guideline Values
SNIFFER	Scotland and Northern Ireland Forum for Environmental Research
SPD	Supplementary Planning Document
UDP	Unitary Development Plan

APPENDIX 1 – CLR11 PROCESS FLOWCHART

Figure 1 The process of managing land contamination



Note: The process may apply to one or more pollutant linkages each of which may follow a different route. For some linkages, it may be possible to stop at an early stage – others will progress all the way through the process. The level of complexity of each stage may also vary and in some cases may be very simple.

APPENDIX 2 - USEFUL DOCUMENTS

Code of Practice for Site Investigations, BS5930, British Standards Institution, 1999

Investigation of Potentially Contaminated Sites-Code of Practice and its Investigations, BS10175, British Standards Institution, 2001

Performance of Building Materials in Contaminated Land, BRE Report 255, Building Research Establishment, 1994

Protective Measures for Housing on Gas Contaminated Land, BRE Report 414, Building Research Establishment, 2001

Local Authority Guide to the Application of Part IIA of the Environmental Protection Act 1990, Chartered Institute of Environmental Health, 2001

Remedial Processes for Contaminated Land – Principles and Practice, Construction Industry Research and Information Association, CIRIA C549, 2001

Industry Profiles (various titles), Department of Environment, 1995

Guidelines for Environmental Risk Assessment and Management, Department of Environment, Transport and Regions, 2000

Contaminated Land: Implementation of the Part IIA of the Environmental Protection Act 1990, Circular 02/2000, Department of Environment, Transport and Regions, 2000

Guide to Good Practice for the Development of Conceptual Models and the Selection and Application of Mathematical Models of Contaminant Transport Processes in the Subsurface, NC/99/38/2, Environment Agency, 2001

Toxicological Data and Soil Guideline Values Reports, CLR 7 –10, Environment Agency, 2002

Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004

Environment Agency Guidance on Requirements for Land Contamination Reports, Environment Agency, 2005

Planning and Pollution Control Annex 2: Development on Land Affected by Contamination, Planning Policy Statement 23, Office of the Deputy Prime Minister, 2004

APPENDIX 3 - USEFUL WEBSITE LINKS

Environment Agency

www.environment-agency.gov.uk

Oldham MBC

www.oldham.gov.uk

Department for Communities and Local Government

www.communities.gov.uk

Department for Environment, Rural Affairs and Food

www.defra.gov.uk

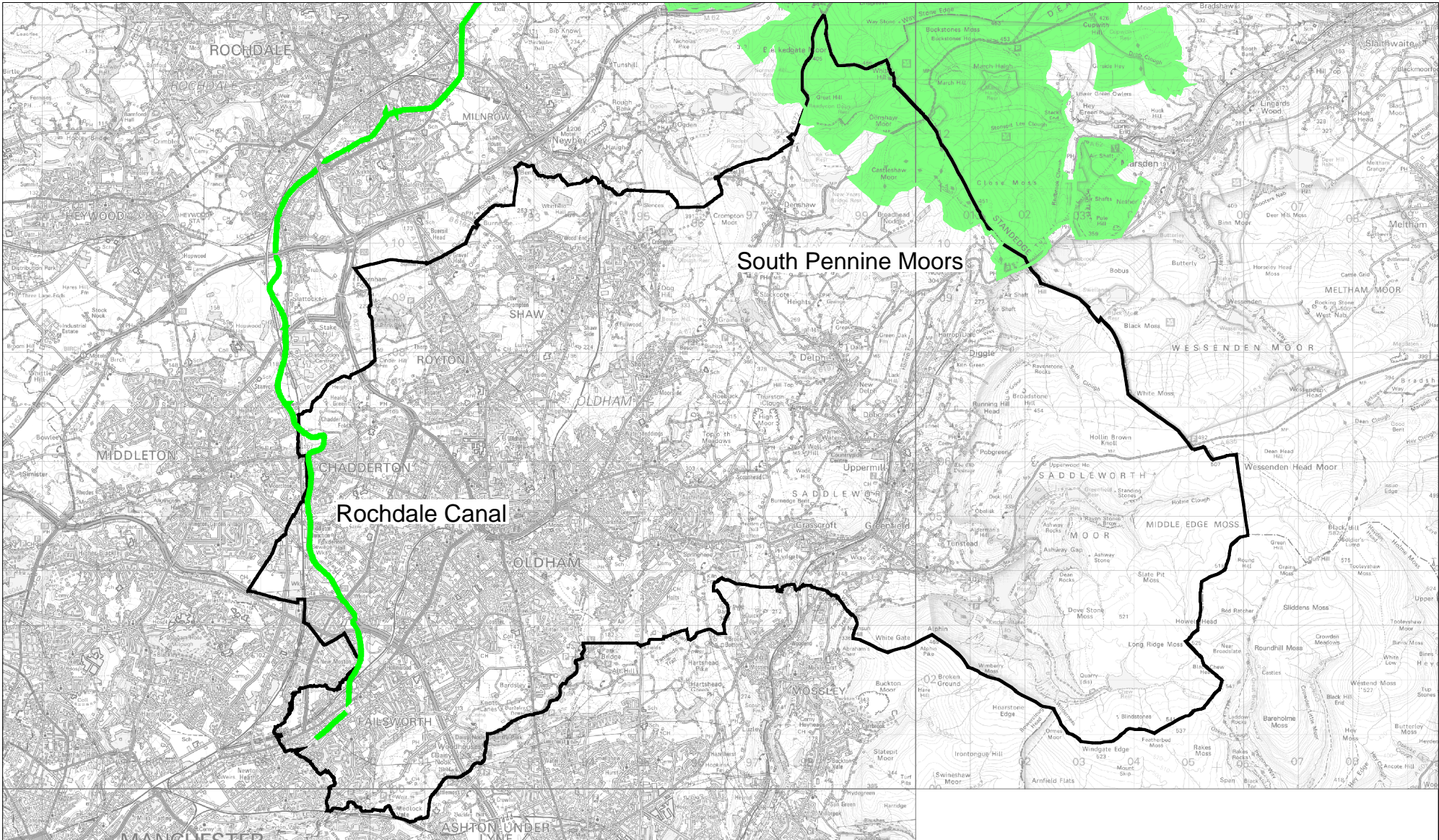
Chartered Institute of Environmental Health

www.cieh.org

APPENDIX 4 - USEFUL OLDHAM MBC CONTACTS

Contact Address	Telephone Number	Advice on
Contaminated Land Team West End House West End Street Oldham OL9 6DW	0161 770 3445/4465	Contaminated Land Management
Development Control Team Civic Centre West Street Oldham OL1 1UL	0161 770 4105	Development Control
Strategic Planning Team Oldham Business Centre Cromwell Street Oldham OL1 1WR	0161 770 4151/4139	Planning Policy

APPENDIX 5 Location of European Designated Sites



Regeneration Directorate
Oldham MBC
Oldham Business Centre
Cromwell Street
Oldham
OL1 1WR



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