

Oldham Metropolitan Borough Council

Consultation Response Statement

Supplementary Planning Document on: 'Contaminated Land'

In accordance with Regulation 19 (a)(i) of the Town and Country Planning (Local Development) (England) Regulations 2004, this statement sets out a summary of the main issues raised in representations received to the consultation on the 'Contaminated Land' Supplementary Planning Document, and how these have been addressed.

(Comments with reference number ending in SPD relate to the draft SPD, those ending in SA relate to the Sustainability Appraisal, those ending in HRA relate to the Habitat Regulations Assessment.)

Individual/ Organisation	Reference Number	Summary of Representations	Council's Response
Ministry of Defence.	054/CL/001/SPD	No Comments.	None required.
Health and Safety Executive	103/CL/001/SPD	Supports the approach to set out clearly the measures required to remediate contaminated land. Maybe useful to indicate that information supporting the application should be passed to the relevant planning co-ordinator and principal contractor under the Construction Design and Management Regulations 2007.	Support noted. Sentence in line with comment added at paragraph 8.27.
Kirklees MBC	013/CL/001/SPD	No Comments.	None required.
Sport England	125/CL/001/SPD	Paragraph 4.2 refers to paragraph 13.33 of the UDP and the delivery of a remediation programme. The	The Council has a Contaminated Land Strategy, which is separate to the SPD, where potentially contaminated land sites

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		<p>SPD makes no further reference to this. Such a programme/strategy would set a context for supporting remediation schemes, provide a priority for action and support to schemes.</p> <p>Figure 1 Appendix 1 CLR11 Process Flowchart and the flow chart on model procedures for land contamination could make reference to a strategy / programme, and linkages with other associated strategies and programmes - e.g. PPG17 based assessments of need for the provision of public open space, playing fields and sports facilities - which can influence the delivery of remediation and the type of options considered.</p> <p>Paragraphs 8.17 and 8.19 should have regard to such</p>	<p>have to be prioritised, risk assessed and investigated if found to be contaminated & causing significant harm. The purpose of the SPD is to support planning applications on a site by site basis and therefore make the site suitable for use and once redeveloped unlikely to be looked at under Part 11a of the Environmental Protection Act 1990.</p> <p>CLR 11 and other CLR documents are the current Government guidance (DEFRA / Environment Agency) for remediation of contaminated land under Part 11a of the Environmental Protection Act 1990.</p> <p>All sites are assessed on their individual merit and remediated to a</p>

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		<p>linkages, as the acceptable/unacceptable after use of a site will be affected by the land value associated with the planned after use. It will influence the remediation options considered and how a suitable condition of use is arrived at.</p> <p>The Site Verification Report, (paragraph 8.25), could indicate unacceptable types of uses. The report could express a criterion for dealing with applications submitted for a more sensitive end use such as playing fields.</p>	<p>standard suitable for their proposed end use.</p> <p>It is not the purpose of the SPD to determine the end use of sites.</p>
Sport England	125/CL/001/SA	<p>The List of Abbreviations should cross-refer with the Glossary to give meaning to the document titles.</p> <p>Stage A refers to 'setting the context'. Table 1, paragraph 4.1, paragraph 3.1 also makes reference to linkages to programmes. This supports the need to apply information about programmes in the SA and SPD.</p>	<p>Abbreviations requiring explanation have been added to glossary.</p> <p>The purpose of Table 1 is to set out the plans, policies, programmes and sustainability objectives of relevance to the SPD and SA.</p>

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		<p>Paragraph 2.5.1 regarding the lack of information on contaminated land at the local level, indicates that the SA and SPD may not stand scrutiny. The evidence base must be in place to support both documents.</p> <p>Paragraph 4.41 also refers to this lack of information, which affects how sustainability issues and problems can be identified, and preferred options selected.</p> <p>The relevant indicators in paragraph 7.2.3 could assist the development of a programme for the remediation of sites and such linkage could be referred to. It would assist in demonstrating compliance with the SEA Directive/ Regulations Stage D.</p> <p>Appendix 1, Stage 2, Table 1 Baseline Information makes</p>	<p>The SPD supports adopted policy in Oldham Metropolitan Borough UDP which was subject to full sustainability appraisal and a public inquiry. Shortages of data are flagged up as issues to be addressed in the future monitoring of the SPD. They do not, however, weaken the purpose of the SPD or its supporting documents.</p> <p>The purpose of the indicators is to monitor the LDF.</p> <p>PPG17 has been included in table 1. As a result of consultation on</p>

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		<p>no reference to PPG17 and the opportunities that remediation of contaminated land can provide in creating open space, enhancement of the environment, sustainable development and healthy communities.</p> <p>Oldham Contaminated Land Strategy 2001, in Table 1 Baseline Information, sets no targets, and does not refer to a programme being in place.</p> <p>Stage 3 Identifying Key Sustainability issues and problems does not make reference to a planned programme of work to addressing issues and problems.</p>	<p>the Scoping Report one of the Sustainability Objectives was amended to 'To increase the number of contaminated sites available for development and appropriate end uses' which could include open space uses.</p> <p>A programme of remediation of contaminated land is in the process of being developed by the Council.</p> <p>A programme of remediation of contaminated land is in the process of being developed by the Council.</p>
Sport England	125/CL/001/CS	No Comments	None required.
Sport England	125/CL/001/Eqla	No Comments	None required.
Sport England	125/CL/001/HRA	No Comments	None required.
NWDA	027/CL/001/SPD	No Comments	None required.
GMPTE	119/CL/001/SPD	Supports the SPD.	Support noted.
GONW	45/CL/001/SPD	No Comments	None required.
Yorkshire Forward	43/CL/002/SPD	No Comments	None required.
The Lancashire Wildlife Trust	91/CL/002/SPD	Supports. No Comments.	Support noted.
Theatres Trust	526/CL/001/SPD	No Comments.	None required.
Greater Manchester Ecology Unit	144/CL/001/SPD	Have adapted the screening options that the Ecology	Reference to South Pennine Moors SPA added to SPD, and HRA

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		<p>Unit prepared for the SPD to include reference to Special Protection Area (SPA) for South Pennine Moors as well as SAC designation. Specific mention of the SPA should be made in documents.</p> <p>The map (Appendix 9) needs amending to show all the SAC/ SPA, as operations within Oldham could affect the SAC/ SPA outside of Oldham's boundary.</p> <p>The Ecology Unit supports the SPD as it will have beneficial consequences for the natural environment.</p>	<p>amended to include additional information.</p> <p>Maps amended in SPD and HRA.</p> <p>Support noted.</p>
Derbyshire County Council	011/CL/001/SPD	No Comments.	None required.
English Heritage	004/CL/001/SPD	Past industrial practices may have archaeological value, with some sites being Scheduled Ancient Monuments (SAMs). Would expect that when significant contamination is identified on or in an unscheduled archaeological site, and remediation is necessary,	These issues are addressed by other UDP policies relating to protection of archaeological remains.

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		<p>discussion be held with the local authority archaeologist.</p> <p>Expect that when preparing Oldham's CLIS, the Sites and Monuments Record (SMR) was consulted. The person responsible for SMR should be able to identify any SAMs that are associated with land, which could be contaminated land according to Part IIA of the EPA 1990.</p> <p>Listed Buildings, Historic Parks and Gardens and Conservation Areas will on occasions be sensitive receptors and may have been designated because of industrial sites.</p> <p>Paragraph 4.2 –it is important to consider the impact upon the historic environment when obtaining remediation materials.</p> <p>The SPD should include a section on potential impacts upon the historic environment and the need for early</p>	<p>Comment noted.</p> <p>Comment noted.</p> <p>This issue is addressed by other UDP policies relating to protection of the historic environment.</p> <p>This issue is addressed by other UDP policies relating to protection of the historic environment.</p>

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		consultation with the local authority conservation officer and archaeologist.	
Natural England	002/CL/002/SPD	Welcomes Section 6 on European sites. Would appreciate inclusion of a paragraph to identify the potential for contaminated sites to have biodiversity value, similar to the value of brownfield sites.	Priority is to remediate contaminated land if pollution linkage can be made. Other UDP policies relate to protection of biodiversity.
Natural England	002/CL/002/HRA	Satisfied with the screening report for the Appropriate Assessment.	Noted.
Natural England	002/CL/002/SA	<p>Would welcome the inclusion of PPS7, PPS9 and the Greater Manchester Biodiversity Strategy within the list of 'Relevant Policies, Plans, Programmes'.</p> <p>The SPD should make clear its obligation within the Natural Environment and Rural Communities Act, Section 40 that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".</p>	<p>Added to list in Sustainability Appraisal appendix 1.</p> <p>Act added to list in Sustainability Appraisal appendix 1.</p>

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		Would welcome the reference to part of the Peak District National Park lying within the Oldham Borough (para 2.18-2.19 in Scoping Report).	Reference added at paragraph 2.18 in Scoping Report.
National Trust	116/CL/001/SPD	Welcomes the SPD and has no specific comments to make.	Support noted.
NWRA	001/CL/001/SPD	<p>The Adopted Regional Spatial Strategy (RSS) for the North West (RPG13) and the submitted draft RSS for the North West should be given consideration when forming new policy documents.</p> <p>Adopted RSS policy EQ1 and submitted draft policy EM2 not mentioned. Both support objectives of SPD.</p>	<p>Reference to Regional context added at paragraph 4.3.</p> <p>RSS policies referred to at paragraph 4.3.</p>
NWRA	001/CL/001/SA	<p>PPG3 has been superseded by PPS3.</p> <p>Welcome the reference to the adopted RSS and the Regional Economic Strategy 2006.</p>	<p>Table 1 amended to include reference to PPS3.</p> <p>Noted.</p>
Greenfield and Grasscroft Residents Association	644/CL/001/SPD	Queries what quality assurance checks will be implemented to ensure that the site investigations required by the SPD are of an acceptable	Each site investigation and site verification report will be checked by contaminated land section before acceptance & removal of planning conditions.

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		<p>standard?</p> <p>Queries whether the Preliminary Risk Assessments/ Site Investigations will be made public as part of the planning process? At what stage in the process will third parties be consulted?</p> <p>Queries the Council's policy to ensure that information relating to known contaminated ground is made available, especially with regards to information regarding 'publicly' owned land (Section 3.3 of SPD).</p> <p>Queries whether the Borough has a policy which forces polluters to clean up contaminated land before the land is put up for sale or declares it as such?</p> <p>Queries how SPD ties in with the recent Government Environmental Legislation recently set in place?</p>	<p>All documents included in the planning file are public documents. Public consultation on planning applications is undertaken in accordance with the Council's adopted SCI.</p> <p>The Council holds a register of known contaminated land.</p> <p>Under the contaminated land regime (Part 11a) the polluter pays principle is used. There is no policy which forces polluter to clean up contaminated land before sale. A site investigation will usually be carried out by the purchaser prior to sale.</p> <p>Respondent does not clarify which legislation is being referred to.</p>

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		<p>Queries whether SPD should require details of how potential developments will prevent both the ground and watercourse being polluted during the construction phase.</p> <p>Expresses concern over public consultation in the planning process and how information relating to the findings of environmental assessments will be made public. eg. when will interested third parties be invited to comment on this aspect of submitted planning applications?</p> <p>Will information from the assessment be made available to interested parties under the Freedom of Information Act?</p>	<p>As part of the site investigation and remediation of the site prevention of ground & watercourse pollution is addressed.</p> <p>Assessments will be part of planning application file and therefore open to public inspection. Consultation on planning applications accords with the Council's approved Statement of Community Involvement.</p> <p>Information from assessments will be subject to the appropriate requirements of the Freedom of Information Act.</p>
Environment Agency	003/CL/001/SPD	<p>Welcomes and supports the overall content of the SPD.</p> <p>The SPD makes reference to the Environment Agency's guidance on the requirements for land contamination in Appendix 2.</p>	<p>Support noted.</p> <p>Environment Agency R & D Publication 20. Methodology for the Derivation of Remedial Targets for Soil & Ground Water to Protect Water Resources 1999 has been added to</p>

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		<p>However, it does not make specific reference to the risk to controlled waters within the Risk Assessment process.</p> <p>Encourage pre-application discussions as early as possible where the risk to controlled waters is an issue.</p>	<p>Appendix 2.</p> <p>Sentence added at paragraph 8.7 to encourage early discussions with Environment Agency. The Council's adopted SCI also highlights benefits of pre-applications discussions.</p>
British Waterways	073/CL/001/SPD	<p>Pleased that the SPD recognises the importance of Rochdale Canal as a SAC site.</p> <p>In Section 6.4 British Waterways should be consulted on applications within 150m of a waterway, reservoir, canal feeder channel, watercourse, let off or culvert owned by British Waterways. Encourage the listing of British Waterways as a consultee in this paragraph.</p>	<p>Noted.</p> <p>This section relates specifically to the European designation of Rochdale Canal. British Waterways are identified as a consultee in the Council's Statement of Community Involvement and would be consulted on planning applications affecting canals.</p>
<p>Other amendments have been made including spelling, grammatical and factual matters which do not affect the substance of the SPD or its supporting documents.</p>			