

## PLEASE NOTE:

- ⌚ Oldham MBC will not accept the submission of Envirocheck or Sitescope reports without site-specific interpretation, including a conceptual site model and a risk assessment.
- ⌚ This leaflet should be read in conjunction with the OL2 and OL3 leaflets
- ⌚ The development of the site must not result in greater environmental risk
- ⌚ It is the responsibility of the developer to ensure that the development proceeds in accordance with all relevant laws and regulations

## SEARCHES

Oldham MBC receives searches from solicitors acting on behalf of purchasers and vendors of properties across Oldham, specifically relating to land contamination issues and associated planning conditions. If relevant land contamination conditions haven't been discharged by Oldham MBC, the sale of a property can be affected.

## MCERTS

The MCERTS 'Performance Standard for Laboratories Undertaking the Chemical Testing of Soil (Version 2)' has been published, and provides an application of the European and International standard BS EN ISO/IEC 17025:2000 (accredited by United Kingdom Accreditation Service (UKAS)) specifically for the chemical testing of soil. Since 31 August 2004, the Environment Agency's policy has been to accept only laboratory soil test results with MCERTS Accreditation. Oldham MBC encourages the submission of MCERTS data.

## DEEDS

It is becoming increasingly common for residential developers to include information about remediation undertaken at brownfield sites in the deeds to individual properties. This approach is strongly encouraged by Oldham MBC as it ensures that any future owners of the property are made aware of the remediation works undertaken to render the site suitable for use in an open and transparent manner. In addition, the placing of such information on the deeds reduces the risk of damage to remediation measures in the future, for example when extensions/conservatories are constructed. Please contact the Contaminated Land team to discuss.

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OL1



Oldham  
Council

## The Development of Contaminated Sites

### Residential Development on Land Affected by Contamination

The Government has set a target that by 2008 60% of new housing should be provided on previously developed land and through the conversion of existing buildings i.e. brownfield sites. Due to Oldham's industrial heritage, many of these brownfield sites will be contaminated to some extent and will therefore require investigation and possibly remediation to ensure they are 'suitable for the proposed use' i.e. the development is safe and not affected by contamination.

Planning Policy Statement 23 (2004) states that:

'Where any contamination is known or suspected or the proposed use would be particularly vulnerable (such as housing with gardens...), the Local Planning Authority should require the applicant to provide with the application such information as is necessary to determine whether the proposed development can proceed.'

#### Purpose of this leaflet

This leaflet has been produced to assist developers and consultants when addressing land contamination issues at sites being redeveloped for a residential end use. This leaflet sits alongside the following Oldham MBC guidance leaflets:

- OL2 - provides information about the various reports addressing land contamination in support of planning applications
- OL3 - provides guidance on human health quantitative risk assessment of contamination

Please note that this leaflet provides **additional guidance** that developers and consultants should consider and should be read in conjunction with leaflets OL2 and OL3.

#### PRE-PLANNING APPLICATION DISCUSSION

Due to the sensitive nature of residential developments, the Contaminated Land team actively encourages open dialogue at all stages of the planning process but, in particular, at the pre-application stage, to establish the viability of the proposed development, scope of proposed site investigations, etc leading to less likelihood of delay later on in the planning process. At the pre-application stage, we can offer advice about the level of information Oldham MBC needs in support of an application and indicate what information the Contaminated Land team may hold in relation to a given site. Considerations for the applicants at this stage include:

- ③ Is your proposed residential development viable on the site in question?
- ③ Can your site layout be engineered to minimise risk to occupants/buildings and make the remediation more cost-effective?
- ③ Can your development be phased in terms of remediation such that phases can be brought into use prior to the completion of the whole development?

## SUBMITTING THE APPLICATION

The planning application form now includes a question on land contamination. Please note that for all proposed residential developments, a minimum of a Phase I desk study report must be submitted in support of the planning application. Depending on the findings of the Phase I report, the submission of a Phase II intrusive investigation report and remediation statement may also be required. More information is available in the OL2 leaflet or directly from the Contaminated Land team.

## PHASE I DESK STUDY AND PHASE II SITE INVESTIGATION REPORTS

### Risk Assessment

Estimating the level of risk posed to receptors of a residential property is an integral part of Phase I and II reports. Conceptual site models and risk assessments outline how likely it is that damage will or has been done by contaminants. All components of a proposed residential development (e.g. buildings, gardens, landscaped areas, public open space, drinking water supply pipes) must be considered in a risk assessment to determine whether human health is likely to be adversely affected by contamination. Any risk assessment should also consider the wider environment and whether any contamination of controlled waters may be taking place.

The various stages of risk assessment are detailed in many documents, including CLR11 'Model Procedures for the Management of Land Contamination' Contaminated Land Report published by DEFRA and the Environment Agency (2004) and the 'Guidance for the Safe Development of Housing on Land Affected by Contamination' report published by NHBC (2000). These documents provide clear outlines of the process of assessing land contamination risks.

## REMEDIATION STATEMENT

The Remediation Statement (RS) demonstrates how the site will be made suitable for use and must be prepared in line with the OL2 guidance leaflet. Where relevant, the following issues should be addressed and included in the RS:

**Unexpected Contamination** The RS should clearly outline how any significant unexpected contamination shall be dealt with. The RS should state that Oldham MBC will be notified immediately and consulted with regard to any necessary remediation measures that are required.

**Drinking Water Supply Pipes** Depending on the levels of certain contaminants (especially organic contamination) the developer may need to install water supply pipes, which are designed such that the contamination will not impact on the water supply. United Utilities should be consulted for further information.

**Waste Management Licensing (WML)** it is advisable for developers to consult with the Environment Agency WML section to discuss their requirements with regard to waste management issues associated with a site.

**Gas Protection Measures** Should gas protection measures be required for proposed residential buildings; details of this remediation measure must be clearly outlined in the Remediation Statement.

**Capping Systems** The overall design, depth and specification of the capping system will be based upon the findings of the risk assessment. The findings will determine the overall depth required and whether, for example, an identification/break/capillary/'hard to dig' layer/geomembrane is required. For garden areas where the underlying material is not deemed acceptable for garden use, Oldham MBC considers that, as a minimum, a 'double-dig' depth of 600mm should be provided, unless otherwise justified.

## REMEDIATION STATEMENT (cont....)

**Imported Material** - soils being imported to the site for placement in gardens, public open space and landscaped areas should be clean, free of deleterious material and suitable for the intended purpose. The RS should confirm the frequency of testing (1 per 50m<sup>3</sup> per soil source as a minimum unless otherwise justified and agreed), the suite of testing to be undertaken and a table of site specific import criteria against which analytical results will be compared to confirm suitability. Justification for the values selected must be presented.

**Phased Development** Where possible, proposed phasing of a development to allow various phases to be brought into use prior to the completion of a development should be outlined clearly in the RS.

**Alternative Remediation** Oldham MBC actively encourages the use of innovative remediation techniques to deal with land contamination as long as they are shown to be effective and can be validated appropriately. Alternative techniques can result in cost savings and more sustainable remediation projects being undertaken. If you wish to discuss possible remediation options at your site, please contact the Contaminated Land team to discuss your proposals.

**Validation of Remediation** The RS should clearly outline how all aspects of the agreed remediation works will be validated during the works. The report should describe the validation procedures for *inter alia* hotspots of contamination, gas protection measures, importation of soil and placement of garden areas. For garden areas, Oldham MBC requires at least 1 in 3 gardens (both front and back) to be validated to check that the agreed capping system and appropriate depths are in place. The report should clearly identify how this will be achieved, e.g. through trial pitting or soil augers to measure depth, collating photographic evidence, etc.

## VALIDATION REPORT

Proving that approved remediation measures have been implemented at a residential development through means of validation is a very important stage of the process. The validation report must be prepared in line with the OL2 leaflet.

The validation report must confirm that *all aspects* of the agreed remediation statement have been implemented. Where applicable, it should confirm that gas protection measures have been installed in line with the RS, that the capping layer has been satisfactorily placed, that any special requirements with respect to water supply pipes have been implemented and whether any unexpected contamination was encountered and how it was dealt with. Any photographic evidence of remediation/validation should also be included in the report.

Please note that Oldham MBC cannot provide a certificate to state that the land will never be determined as Contaminated Land as, for example, the environmental legislation may change and additional information may come to light.

## DISCHARGE OF CONDITIONS

Oldham MBC can only discharge the relevant land contamination conditions following the submission of satisfactory reports meeting the requirements of Oldham MBC's guidance leaflets: OL2, OL3 and OL1. To discharge conditions, Oldham MBC must be satisfied that, at all the relevant stages, satisfactory reports have been submitted to demonstrate that the residential development has been shown to be 'suitable for use'.