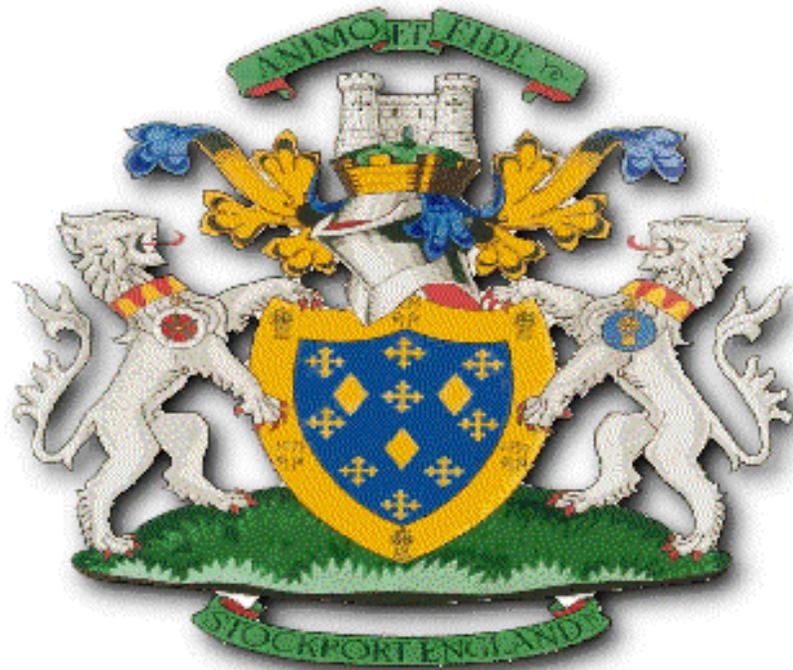


# **METROPOLITAN BOROUGH OF STOCKPORT**



## **CONTAMINATED LAND STRATEGY**

**2014 REVISION**

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## 1.0 INTRODUCTION

On April 1st 2000, Part 2A of the Environmental Protection Act 1990 (inserted into that Act by section 57 of the Environment Act 1995) came into force. The main objective underlying its introduction was to provide an improved regulatory regime for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment.

The lead role in operating this regime was assigned to Local Authorities who were statutorily required to take a "strategic approach" to inspecting their areas and to describe and publish this in a written inspection strategy by July 2001.

In response, Stockport MBC (hereafter referred to as the Council) developed an approved strategy document to meet its obligations imposed by virtue of Chapter B, Part 3, B12 of Circular 02/2000, as amended by Defra Circular 01/2006.

The strategy was formally adopted by virtue of resolution of the Corporate Policy and Strategy Committee made on the 12<sup>th</sup> July 2001 and was subject to further reviews in 2003, 2006 & 2009.

On 6 April 2012, new Statutory Guidance was published requesting that local authorities update or replace their Contaminated Land Inspection Strategies to reflect this new Guidance.

Key changes introduced by the new guidance which will be addressed in this revised strategy include:

- A four category test to help decide when land is and is not contaminated.
- Clarification of the status of technical screening levels (SGVs and GACs) and how to use them.
- Clarification that "normal" background concentrations of contamination would not be contaminated land.
- Clarification of what would constitute a "reasonable" level of remediation.
- Controlled waters are now part of Part 2A. The Government have introduced a requirement that when there is significant pollution of controlled waters or the significant possibility of significant pollution of controlled waters Part 2A can be used.
- Radioactively contaminated land is removed from the Statutory Guidance and the Department of Energy and Climate Change (who are

responsible for radioactively contaminated land) will be issuing separate statutory guidance for such land.

- There are updated rules on local authorities' inspection duties and their strategies.
- Risk summaries will need to be produced prior to deciding that land is contaminated. These will need to be understandable to the non-expert and can be used in helping decision making by senior council officers and members. They will of course be available afterwards and will aid residents to understand decision making process.
- Local authorities, once taking a decision that land is contaminated, may reverse that decision.

In accordance with the new Statutory Guidance, this document sets out Stockport Council's strategic approach to inspection of its district. It serves to present the council's aims, objectives and priorities for inspection, as well as the detailed procedures it will follow to identify Contaminated Land in the borough.

This document replaces the July 2001 Contaminated Land Inspection Strategy and all subsequent Annual Reviews.

This revised Inspection Strategy (hereafter referred to as the strategy) has been prepared by the Council's Environment Team within Public Protection, which is responsible for implementing Part 2A on behalf of the council.

Following approval by the council, this document was published, and the Strategy formally adopted, on 10<sup>th</sup> February 2015 by virtue of Stockport Council's Executive Committee.

The draft Strategy was sent to the consultees for consultation on 6<sup>th</sup> June 2014. The final date for receipt of comments was 31<sup>st</sup> July 2014.

This strategy is to be regarded as the Council's primary and overriding strategy with regard to dealing with contaminated land in the borough.

## 2.0 STOCKPORT COUNCIL'S MISSION STATEMENT AND REGULATORY ROLE

### 2.1 Mission Statement

The Council of the Metropolitan Borough of Stockport endorses this strategy as being an important contribution to the 4 agreed key priorities and associated outcomes for strategic development as described in the Stockport Partnership Stockport Strategy 2020 document and the Council plan 2013-15. More specifically:

#### STOCKPORT STRATEGY 2020 and COUNCIL PLAN 2013-15 - 4 KEY PRIORITIES:

- **A Thriving Stockport** - building on a strong and sustainable economy and high levels of educational attainment and skills
- **A Safer, Stronger Stockport** - a place that promotes respect for all its citizens by all its citizens
- **A Healthy Stockport** - increasing choice, control, independence and the adoption of healthy lifestyles as well as excellent services that offer value for money
- **A Greener Stockport** - building on a strong and sustainable economy and high levels of educational attainment and skills

#### SPECIFIC OUTCOMES SUPPORTED BY THIS STRATEGY INCLUDE:

- Safe, well-connected and attractive neighbourhoods, in which communities are integrated, resilient and healthy.
- A thriving, growing and sustainable local economy
- Protection from harm for vulnerable people of all ages

Under the Council Plan 2013-15, Each Executive Councillor has agreed to deliver a range of '**We Wills**' to deliver the outcomes which are supported by their budgets.

#### SPECIFIC 'we wills' SUPPORTED BY THIS STRATEGY:

- Ensure that buildings are developed in a safe and sustainable way.
- Ensure the risk of pollution is minimised.
- Strengthen relationships with partner agencies, AGMA, council services, the Borough's Schools, the Council's associated bodies and Health.

The contaminated land strategy will be implemented by the Place Directorate who will maintain overall responsibility.

The council's implementation of Part 2A aims to support a safe and healthy community to protect and promote the environment and heritage of Stockport now and for the future.

## **2.2 Other Key Environmental Policies**

Other key environmental policies adopted by Stockport MBC include:

- Woodland Strategy for Stockport
- Stockport Action Plan for Nature
- Core Strategy
- Unitary Development Plan
- Conservation and Heritage Strategy 2008
- Local Transport Plan 3 - 2011/12 to 2014/15
- Air Quality Strategy
- Park Management Plans

No other policies exist to deal entirely with the implementation of the contaminated land regime. This strategy document will therefore outline the approach that this authority will take to identify and address statutorily contaminated land within the borough.

## **2.3 Other Relevant Policies**

The appropriate sections of the following policies will be adhered to where necessary. Of particular relevance to the contaminated land regime will be the enforcement policies.

- Environment and Economy Directorate, Enforcement and Prosecution Policy
- Council Enforcement Policy
- Health and Safety Policy

## **2.4 Value for Money**

Since the last review of the contaminated land strategy Best Value Performance indicators have been withdrawn. However, the Council will strive to ensure that this Strategy will meet the Council Plan Outcome of a vibrant local democracy and transparent leadership that maximises value for money.

## 2.5 Regulatory Role of Stockport MBC

Part 2A of the Environmental Protection Act 1990 came into force on the 1<sup>st</sup> April 2000 (This will be referred to as Part 2A in this strategy). It created a regulatory means of dealing with unacceptable risks posed by land contamination to human health and the Environment.

The main regulators for contaminated land issues are local authorities and therefore Stockport Council is charged with the management of land contamination issues in its area.

Updated statutory guidance was published in April 2012 which explains to local authorities how they must implement the contaminated land regime. This guidance is legally binding and so the Council must be comply with its requirements and principles.

The guidance states that the starting point should be that land is not contaminated unless there is a reason to consider otherwise. The term 'contaminated land' is a legal definition contained within Part 2A of the Environmental Protection Act 1990. Only land where unacceptable risks are clearly identified, after a risk assessment has been carried out in accordance with the statutory guidance can be considered as meeting the Part 2A definition of contaminated land.

Stockport Council has specific duties placed upon it under the contaminated land regime of Part 2A of the Environmental Protection Act 1990; these are:-

1. Inspection of its borough to identify potentially contaminated land
2. Produce a written strategy and review it periodically
3. Prioritise the contaminated land sites for further investigation
4. Undertake detailed investigation of high priority sites
5. Identify 'SPECIAL SITES' for referral to the Environment Agency
6. Identification and notification of the appropriate person with respect to the contaminated land
7. Secure remediation where necessary
8. Maintain a public register of information and actions
9. Provide information to the Environment Agency to contribute towards their national report on the state of contaminated land in England.
10. Determine whether or not land is contaminated.

As well as the duties on local authorities, the Environment Agency also has a regulatory role.

## **2.6 Regulatory Role of the Environment Agency**

The specific duties of the Environment Agency under Part 2A of the Environmental Protection Act 1990 include:-

1. Enforcement of special sites, which is contaminated land that has been designated such a site by virtue of Section 78C(7) or 78D(6).
2. Enforcement of contaminated land sites where the pollution of controlled waters is being or is likely to be caused.
3. Provide information to assist in the development and implementation of local authority inspection strategies
4. To provide technical advice and support to local authorities regarding contaminated land.

## **2.7 Special Sites**

Special Sites are defined in full in the Contaminated Land (England) Regulations 2006 as amended by the Contaminated Land (England) (Amendment) Regulations 2012. These are sites which meet the definition of 'contaminated land' and fall within one of the descriptions given in the Regulations, which include:

- certain water pollution cases
- industrial cases
- waste acid tar lagoons
- oil refining
- explosives
- certain IPPC sites
- nuclear sites
- land owned by the Ministry of Defence
- all radioactive Contaminated Land

## **2.8 The Role of Other Bodies**

Other bodies whom will play a regulatory role in the contaminated land regime include Natural England, DEFRA and English Heritage. Each organisation should liaise with the Local Authority where it is in their interests to do so.

### **3.0 AIMS, OBJECTIVES AND PRIORITIES**

#### **3.1 Aims**

The AIMS of this Contaminated Land Strategy are to:

1. Meet the Councils statutory duty to produce a revised written strategy under the new guidance.
2. Demonstrate how the Council will meet the criteria set down in the Contaminated Land (England) Regulations 2006 and associated statutory guidance.
3. Identify and remove unacceptable risks to human health and the environment.
4. Inform stakeholders of the Council's methods and procedures in identifying contaminated land
5. Seek to bring contaminated land back into beneficial use as far as is practicable
6. Provide information on contaminated land in Stockport to the Environment Agency to contribute towards the national report on the state of contaminated land in England
7. Stop current and prevent future contamination as far as is practicable

#### **3.2 Objectives**

The OBJECTIVES of this contaminated land strategy are:

1. To confirm the Councils progress with work undertaken so far under the provisions of Part 2A of the Environmental Protection Act 1990
2. To address the effect of the government's recent declaration on funding to local authorities for part 2A work on the achievement of strategy aims and objectives
3. To outline our approach to strategic inspection of our area
4. To outline our approach to prioritisation of detailed inspection
5. To demonstrate how we will risk assess and determine whether land is contaminated or not
6. To outline how we will deal with sites that have been determined as being contaminated.

### 3.3 Strategy Implementation

The Land and Water team within the Public Protection Service have the responsibility for implementing this strategy as required under part 2A.

In order to fulfil the duties laid down by the regime, both internal and external liaison is essential with clear definition of responsibilities established.

The Council will continue to keep the strategy under review whilst having regard to changes in legislation and statutory guidance.

### 3.4 Priorities

The Council will seek to ensure that it's priorities reflect Government policy whilst taking account of the relevant characteristics of the Stockport area.

#### Government Policy

The overarching objectives of the Government's current policy on the contaminated land regime are:

1. To identify and remove unacceptable risks to human health and the environment
2. To seek to ensure that contaminated land is made suitable for its current use
3. To ensure that burdens faced by individual, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development

The Government considers the most effective way of delivering these objectives to be through the application of the 'suitable for use' approach. This recognises how risks presented by land contamination vary depending on what the land is used for, as well as its environmental setting.

Land will only be designated as contaminated if significant harm is being caused, or there is significant possibility of significant harm being caused by a contaminant in, on or under the land, or pollution of controlled waters is occurring or is likely to occur.

The main element of the 'suitable for use' approach is to ensure that where unacceptable risks to human health or the environment are identified, remediation requirements should be set on the basis of the current use or

proposed use as well as the circumstances of the land. Risks will therefore always need to be assessed on a site-specific basis.

The Government requires that a balance between precaution and over precaution be struck to ensure that any necessary Part 2A intervention is likely to achieve a net benefit.

The Government requires that the authority should use its judgement to strike a reasonable balance between remediating the risks raised by contaminants and the potential impacts of regulatory intervention including financial costs, property blight and burdens on affected people.

#### Stockport Council's Priorities

Stockport is no different from many other urban areas of England in that it has a considerable legacy of historical land contamination involving a very wide range of substances. There are background levels of substances on all land; some of these are naturally present and some are there as a result of diffuse pollution from human activity such as road traffic. On some land there are greater concentrations of contaminants often associated with industrial use and waste disposal. In a minority of cases there may be sufficient risk to health or the environment for land to be considered contaminated land.

Stockport Council currently have a list of around 1300 sites that have been highlighted as potentially contaminated. These sites range from historic industrial use and closed landfill sites to small ponds. The Council recognises that the majority of these sites will not pose a significant risk and we will prioritise the sites for further inspection through a process of risk assessment.

Part 2A of the Environmental Protection Act will only be used to deal with contaminated land after other options have been explored.

We will take into consideration the financial impacts of carrying out investigations and ensure a balance is struck between removing the risk and the other impacts of regulatory intervention. This will include minimising potential property blight as far as is practicable.

The Council considers its priorities to be:

Priority 1	To protect human health
Priority 2	To protect controlled waters
Priority 3	To prevent damage to property
Priority 4	To protect ecosystems

Where it becomes apparent that a site is causing significant harm or there is a significant possibility of significant harm to health, the environment or controlled waters, the Council will take appropriate steps to ensure that unacceptable risks are removed.

The Council will only use Part 2A of the Environmental Protection Act 1990 to deal with unacceptable risks. We will not use it to deal with land with levels of contaminants that are commonplace and widespread and for where there is no reason to consider there is an unacceptable risk.

The Council will be open to any moves by the land owner or other interested parties to help resolve the status of the land themselves.

When determining whether or not land is contaminated we will take into consideration any information provided by the land owner or interested parties providing we are satisfied with the robustness of the information.

#### **4.0 DEFINING CONTAMINATED LAND**

Part 2A of the Environmental Protection Act 1990 defines contaminated land as:

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 a significant possibility of such harm being caused; or
- (b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused

Any land meeting this definition will hereafter be referred to as Contaminated Land.

The terms 'SIGNIFICANT HARM', 'HARM', 'SIGNIFICANT POSSIBILITY...' AND 'SIGNIFICANT POLLUTION OF CONTROLLED WATERS' are all defined in the 2012 Statutory Guidance.

The definition reflects the 'suitable for use approach' and is underpinned by the principles of risk assessment. These concepts will be discussed in more detail Chapter 7 of this Strategy.

It means that contamination must be having, or be very likely to have, a detrimental impact on humans or the environment before a site can be classed as Contaminated Land. Decisions on the determination of

contaminated land should be based on what is reasonably likely, not what is hypothetically possible

It is important to realise that a site will not meet the definition of Contaminated Land just because contamination is present.

## 5.0 CHARACTERISTICS OF THE STOCKPORT AREA

### 5.1 Geographical Location & Brief Description Of Stockport

Stockport stretches from the borders of the Peak District National Park and the Pennine foothills to the city of Manchester boundary, and borders the Cheshire plain covering an area of 126 km<sup>2</sup>. It is one of the ten metropolitan districts in Greater Manchester and lies at the southeast corner of the conurbation. According to the 2011 census it is home to 284,528 people and it is divided into 21 wards.

Environmentally, Stockport is essentially urban in character, but nonetheless 46% of its area is green space, mainly located (though not limited) to the east of the Borough. The main urban centre, Stockport town centre, is in the west and other urban centres are spread throughout the Borough.

The Borough benefits from a superb location at the centre of an international travel network. The M60 motorway enables easy access to the north/south and east/west motorway systems. The town is on the inter-city rail link and London can be reached within 2 ¼ hours. Manchester city centre is just seven miles to the north of the town centre and Manchester International Airport is only 10 minutes' drive away.

The location of the Borough is shown on Figure 1.

Figure 1



The urban area is served by the River Mersey passing close to the town centre. The course of the Mersey has been changed over time with parts of the former course infilled and diverted.

Greenspace is not distributed evenly within the borough. Open countryside on the eastern and southern parts of the borough and river valleys extending to the heart of the urban area provide valuable 'green lungs' and opportunities for informal recreation, walking and cycling.

Landscape character designations cover 13 areas in the Borough based on a local assessment (which built on the North West Joint Character Areas data) and results in designations of local distinctiveness, including biodiversity and heritage elements. The emerging Regional Landscape Character Types provide further information for local assessment.

There are two Sites of Special Scientific Interest, one within the Compstall Nature Reserve and Ludworth Intake at Mellor which is a Geological Conservation Review Site.

There are also 12 Local Nature Reserves and 65 Sites of Biological Interest.

## **5.2 Stockport's Industrial Beginnings**

Stockport grew from Saxon origins and spread during the eighteenth and nineteenth centuries in a congested mixture of industrial, commercial and residential development. Later growth was characterised by the spread of suburban housing and over the western half of the Borough (where four-fifths of the population now live) and expansion of the smaller relatively isolated settlements in the east which are still separated by significant breaks of open land.

An economic historian has described Stockport's rise from national obscurity to become one of the earliest and leading textile centres in the Industrial Revolution as a 'glorious epic'.

From the 13<sup>th</sup> to the 16<sup>th</sup> centuries the borough was mainly agricultural. Textiles and other industries only started to emerge toward the end of this period, starting with the cultivation of hemp and manufacture of rope. By 1610 the weaving of cloth had grown rapidly and Stockport was famous for a superior linen known as 'Stopport Cloth'.

In the early part of the 18th Century plentiful water from the River Mersey, which originates in Stockport, was harnessed for the first water powered silk factory in the North West. By the middle of the century silk production was the dominant industry, though felt hat making and cotton spinning were becoming well established.

Much industrial growth took place outside the old town centre in Portwood, Brinksway and Edgeley, Heaton Norris and Reddish where the Stockport branch of the Ashton Canal had a major influence on the location of the mills. By the middle of the nineteenth century there was a recognisable industrial area.

### Textile Industry

Stockport's development as a centre of textile production goes back into the sixteenth and seventeenth centuries, when the domestic manufacture of woollens and linens was widespread in south Lancashire and east Cheshire. By 1786, around 300 weavers were employed within the Stockport area and this figure continued to increase. Mills were concentrated in areas such as Portwood, Brinksway, Heaton Norris, Edgeley, Bredbury, Great Moor, Hillgate and Reddish.

The period after the First World War saw the beginnings of the decline in the textile industry. This greatly accelerated after 1945.

### Textile Finishing

Finishing trades including bleaching, dyeing and printing were also important in the Stockport area from the beginning of the Industrial Revolution. They were dependent upon supplies of good quality water and so the works were located in the river valleys. Sites were situated in the valleys of the Goyt, Tame, Etherow and Mersey in Edgeley, Heaton Mersey, Offerton and Reddish Vale.

Chemical bleaching was introduced at the end of the eighteenth century when both Edgeley and Heaton Norris works were started. In addition to these large works, numerous smaller bleaching and dyeing works existed. A number of print works also became operational around this time.

### Hatmaking

Stockport became a well-known centre of the felt hat trade in the eighteenth and nineteenth centuries. As well as a number of large well established hat works situated in Marple, Hillgate, Offerton and Cale Green, there was a number of smaller hat-making workshops, though it is now difficult to identify physical traces.

### Engineering And Metal Trades

The textile and other industries created a demand for machines, machine parts, steam engines, boilers, gear wheels and constructional iron work. In Stockport in the early nineteenth century there were a number of iron founders and machine makers. Many of the buildings to these works, situated in Portwood, Heaton Norris and Lower Hillgate still remain.

### Other Industries

Tanning was a traditional industry in the town in the eighteenth century, with works concentrated around Hillgate and Portwood. In addition to the tanneries themselves there were also works that made up leather goods.

Other industries prevalent in Stockport included a number of rope works, print works and chemical works. Again these were concentrated in Offerton, Brinksway, Reddish and Lancashire Hill.

Although Stockport's coal supplies came from outside the town there were a number of brickworks and brickfields in the nineteenth century. The last of these finally closed in 2010.

Looking at Stockport today, much evidence of this industrial history remains: many cotton-mill buildings, a number of former hat-works, engineering works, corn mills, breweries and railways, with the great Mersey viaduct near the centre of the town still a dominant feature of the landscape. But the industrial activity of the area has completely changed, with most mills being multi-occupied.

### **5.4 Current Land Use**

Built up areas make up around 50% of the overall area of Stockport, these are located predominantly on the western side of the Borough. The types of built environment range widely. Within and between residential areas are dispersed substantial shopping, industrial and commercial areas. Shopping and commercial premises are also located along roads, radiating from the town centre towards district centres, most notably the A6. Large areas of open land punctuate the built up areas. In particular river valleys extend as fingers of open land into the heart of the urban area. Other open land is spread throughout the built up areas and range from golf courses to children's play areas.

### Residential Land Use

According to the 2011 census, there are 121,979 households in the Borough of Stockport. 16,620 homes are socially rented, 13,852 are privately rented, 1,204 are privately let rent-free and 90,303 are privately owned. Housing is scattered throughout the borough, in both rural areas and closer to the town centre. Housing development is provided through a partnership between the Council, housing association and private developers.

There is an on-going drive to convert Stockport's legacy of former mills and older buildings, many of them listed, into contemporary living accommodation or office space.

The population and housing in the Borough has increased fairly continuously throughout most of this century, but this situation changed in the latter 1980's as the amount of greenfield sites available for housing declined. A tight green belt in the boundary has sought to encourage the reuse of previously developed or 'brownfield' sites both within Stockport and other parts of Greater Manchester.

Government policy on protection for the green belt is set out in chapter 9 of the National Planning Policy Framework (NPPF).

#### Industrial / Commercial Land Use

Since the mid 60's, Stockport's traditional industries went into decline. Many former industrial areas have undergone regeneration to create smaller industrial and commercial units.

A wide range of commercial development exists in Stockport both in the form of traditional centres and out of centre development. Over the last 20 years and particularly in more recent years, shopping patterns have undergone significant change. There has been an increase in large food stores, retail warehouses and larger scale forms of shopping moving out of the high street to locations at the edge of or well away from existing shopping centres. Planning policies are now, however seeking to limit out of centre shopping development to help improve accessibility and reduce congestion.

#### Transport

The town centre is on Junction 1 of the M60 motorway, linking up with the M62, M6 and M56. The motorways provide unrivalled access to all parts of Greater Manchester and direct connections to Merseyside, the Midlands, the South, Wales, Scotland, Yorkshire and the East Coast ports. Bus and coach operators provide well-established public transport facilities.

Stockport Rail Station is on the direct rail route between London and Manchester. In addition there are 17 other rail stations in the borough serving many destinations.

Being a thriving community with an extensive road network, traffic problems do exist. The Council sees the dealing with these problems as one of its priorities.

#### Agricultural Land Use

From the most recent research, in 1987 there were around 3,500 hectares of agricultural land in Stockport covering some 28% of the Borough area and around 60% of the green belt. There were about 180 holdings, most relatively

small and the majority worked on a part time basis. Full time holdings were dominated by dairy farming.

Agricultural Land Classification northwest region map from 2010 Natural England, shows no grade 1 (highest quality) land within the borough of Stockport. There are significant areas of grade 2 and 3a in the Goyt Valley (between Compstall and Woodbank Park) the Ladybrook Valley and Woodford areas. Land to the east of Marple and Romiley is mainly grade 4 with some grade 5. The rest of the agricultural land in the borough is largely graded 3b or 3c.

In summary the description of the grades of the current Agricultural Land Classification is as follows:

Grade 1- excellent quality land with no or very minor limitations to agricultural use.

Grade 2 - very good quality land with minor limitations, which affect crop yield, cultivation's or harvesting.

Grade 3 - good to moderate quality land with moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield.

Subgrade 3a – good quality

Subgrade 3b – moderate quality

Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or yields.

Grade 5 - very poor quality land, largely restricted to permanent pasture or rough grazing.

#### Open Space And Recreation

There are many areas of local open space within the built up parts of the Borough. These fall within the following categories:

- Public parks and recreation facilities
- Private recreation facilities
- School playing fields
- Allotments
- Small areas of woodland
- Unused / derelict land
- Churchyards and cemeteries
- Other areas of local amenity value

## Stockport Council Owned Land

The Council owns and manages a significant property portfolio, around 16% of land in total. This ownership is currently shown on the Council's GIS system which indicates:

- The land that the Council owns
- Who in the Council is responsible for it
- If any of this land has been sold or leased out

## **5.5 Key Water Resources / Protection Issues**

Stockport is situated within the Southern Area of the Environment Agency's Northwest Region. Stockport is covered by the three local environment agency plans. These include:

- Tame / Goyt / Etherow
- Mersey / Bollin
- Roch / Irk /Medlock

### Ground Water Resources

From 1 April 2010 the EA Groundwater Protection Policy has been using aquifer designations that are consistent with the Water Framework Directive. These designations reflect the importance of aquifers in terms of groundwater as a resource (drinking water supply) but also their role in supporting surface water flows and wetland ecosystems. The aquifer designation data is based on geological mapping provided by the British Geological Survey.

The new aquifer designations are as follows:

- **Principal Aquifers:** (highly permeable) - previously designated as major aquifers.
- **Secondary Aquifers:** (variably permeable) - subdivided into two types:
  - **Secondary A** - These are generally aquifers formerly classified as minor aquifers.
  - **Secondary B** - These are generally the water-bearing parts of the former non-aquifers.
- **Secondary Undifferentiated** - In most cases, this means that the layer in question has previously been designated as both minor and non-

aquifer in different locations due to the variable characteristics of the rock type.

- **Unproductive Strata:** (negligibly permeable)

#### Stockport Principal Aquifer

The principal aquifer within the Borough is the Permo-Triassic Sandstone (including the Sherwood Sandstone Group) which occurs in the west and underlies approximately two thirds of the Borough.

The sandstones form part of a much larger outcrop, which extends north into Manchester and south into Macclesfield Borough. As a whole this aquifer unit (the Manchester and East Cheshire unit) is heavily exploited for both public supply and industrial abstraction. Within Stockport Borough are Robinson's Brewery abstraction at Stockport (Lower Hillgate) and the Woodford public supply abstraction. The Source Protection Zones for these, and other abstractions in the neighbouring Macclesfield borough, cover a significant area of the sandstone crop in Stockport.

The principal aquifer is generally covered by a sequence of superficial drift deposits although there are a number of sandstone exposures in and around Stockport (e.g. at Chestergate and High Bank Side) and along the River Mersey. Where drift deposits are thin or absent the groundwater will be highly vulnerable to pollution from surface activities, which, in the urban centres will be primarily industrial activities. Where present the drift deposits comprise intercalated glacial boulder clay, sands and gravel's, which whilst reducing the vulnerability of the groundwater pollution, should be considered capable of transmitting water to it.

#### Stockport Secondary A Aquifers

Secondary A aquifers in the Borough are dominated by rocks of Carboniferous age comprising Coal Measures and Millstone Grit. Unconsolidated drift deposits also form localised minor aquifers.

The Coal Measures mainly outcrop under the eastern third of the Borough. The majority of the groundwater flow in the solid rock will be concentrated as fissure flow within the sandstone units of the Coal Measures and the grit stone and flag units of the Millstone Grit. A major influence on groundwater movement is likely to be the presence of old coal workings within the Coal Measures of the Borough. These can give rise to complex and rapid groundwater flow. In general, groundwater levels in the higher permeability units sandstone, flagstone and grit stone units will be variable and may reach ground level giving rise to springs.

The Carboniferous rocks are mainly overlain by drift deposits, which are dominated by glacial boulder clay. Where thickly developed, such low permeability deposits may reduce the vulnerability of the groundwater to pollution from surface activities. Drift deposits of a granular nature may form minor aquifers. Such deposits include alluvium and terrace deposits, particularly along the Micker Brook, the River Mersey, Goyt and Tame. Glacial sand and gravel occurs in Stockport at the confluence of the Goyt and Tame, to the south of Hazel Grove, and in smaller deposits elsewhere. Fluvio-glacial gravel occurs near the Mersey in the west of the Borough. These deposits often occur as complex or mixed drift sequences. Groundwater quality in the drift deposits is variable and may be highly susceptible to surface pollution.

#### Unproductive Strata

The unproductive strata in the Borough is Manchester Marls. The Manchester Marls lie between the Sherwood Sandstone Group above and the Collyhurst Sandstone below and only outcrop in thin strips in the western part of the Borough.

Where low permeability strata such as glacial boulder clays are thickly developed and laterally extensive they may be considered as unproductive strata

#### Water Abstractions

There are 40 licensed groundwater abstractions in Stockport used for industrial and commercial use. There are also 40 private water supplies serving 57 commercial and domestic premises. These are mainly situated in rural areas of the borough and are monitored in accordance with statutory requirements laid down in the Private Water Supplies (England) Regulations 2009 to ensure that water sources are safe for human consumption.

#### Surface Water Resources

Four main watercourses along with their tributaries run through Stockport. These include the River Mersey, River Tame, River Etherow and River Goyt.

The River Mersey runs through a heavily urbanised area of Stockport. Water quality in the area is improving with one quarter of the water courses being classified as good and less than 2% being classified as having bad water.

Water quality in the Rivers Tame / Goyt and Etherow is affected by acid run off coming from the moorland above. Throughout the areas watercourses, the water quality is generally quite high, with nearly half the length of the watercourses being designated as 'good' quality.

The industrial base of the area, especially the River Tame area, was predominantly founded on the textile industry, with some chemical works and dye manufacturers. With the decline in manufacturing industry, contaminated land is likely to be a serious legacy. A scoping study carried out by the Environment Agency did not identify any major water pollution issues arising from contaminated land, however, this process will be repeated and considered in more detail as part of the Agency's input into Part 2A.

The Environment Agency assesses water quality using two classification systems. General Quality Assessment (GQA's) grades classify existing water quality along stretches of river on a scale of A to F, A being 'Very Good' and F being 'Bad'. River Quality Objectives (RQO's) are strategic targets with proposed standards set for certain stretches of River.

## **5.6 Protected Locations Within The Borough Of Stockport**

Biodiversity can be found throughout Stockport, from the smallest terraced house yard to the moors of Ludworth and Mellor. In order to afford areas containing significant biodiversity interest greater protection, a number of designations are used in Stockport.

### Sites Of Special Scientific Interest (SSSI's)

These are statutory sites designated and notified by Natural England for their national biological and/or geomorphologic importance. There are 2 sites in the borough:

- Ludworth Intake – 5 ha designated for its national importance as an isolated channel cut by glacial meltwater
- Compstall nature reserve – 33 ha designated for its biological and ornithological interest

### Sites Of Biological Importance (SBI's)

These are Non statutory sites designated and notified by Greater Manchester Ecology Unit for their county / regional biological importance. They are identified in the UDP/Core Strategy as Sites of Nature Conservation Interest (though annual changes are not shown following publication. Up to date records are held by planning / nature development).

There are currently 64 SBI's within the borough of Stockport.

Grade A Total:	365 ha	16 sites
Grade B Total:	217.9 ha	24 sites
Grade C Total:	116.5 ha	24 sites

### Local Nature Reserves (LNR's)

These are SMBC owned sites designated for wildlife or geological features of special local interest often incorporating SSSI's and SBI's in addition to community valued greenspace. These sites are places managed with the conservation of nature and/or the maintenance of special opportunities for the quiet enjoyment of nature, study and research as the priority concern.

To date, Stockport has designated 14 Local Nature Reserves.

### Local Wildlife Sites

There are many locations within Stockport offering significant opportunities to wildlife and requiring some degree of protection, that do not qualify as SSSI's, SBI's or LNR's. This category of sites is being developed for the future and will include for example significant private ponds, favoured buildings for house-martin nesting, ancient hedge banks surrounding community greenspace, farmyard barns and canal bridge bat roosting sites.

The authority will aim for any investigation into contaminated land and necessary remediation to have as little effect on the natural environment as possible.

Where the Council becomes aware of a piece of contaminated land that is affecting a protected location, the relevant officer with land management will be informed as soon as reasonably practicable.

### Key Property Types Within The Borough Of Stockport

The Borough has numerous sites, buildings and other remains of archaeological significance. It has six Scheduled Ancient Monuments, which have statutory protection. There are many other archaeological sites, which though not scheduled are important elements of Stockport heritage.

There are over 400 buildings and other structures in the Borough, which have been listed as being of 'Special Archaeological or Historic Interest'. These are an important part of the Borough's heritage.

In addition to those which are listed there are many other buildings that are of local significance and interest which the Council believes deserve recognition and protection.

Should the Council become aware of contaminated land that may have an effect on a key property type in the borough, the following bodies will be informed as soon as practicable.

1. SMBC Development Control Manager
2. Greater Manchester Archaeological Advisory Service  
Email: [gmaas@salford.ac.uk](mailto:gmaas@salford.ac.uk).

## **5.7 Geological Characteristics**

The geology of the Stockport region includes recent alluvial and glacial soils overlying various rock types. Indeed, much of the region is covered by clays together with sand and gravel of glacial and fluvio-glacial origin. The alluvial and fluvio glacial deposits predominate in and around river valleys.

The solid geology of the central and western parts of the borough consists of Triassic and Permian strata, being essentially sandstones and mudstones. The eastern part of the borough consists of more resistant Carboniferous strata that form hills and ridges.

The Triassic and Permian sandstones are principal aquifers yielding good quality water, and are exploited for commercial and domestic water supplies. The Carboniferous strata are minor aquifers that are used for commercial and domestic water supplies. Some of the fluvio-glacial deposits are minor aquifers that are locally exploited for water supplies.

Factories, quarries, water abstraction and former industries are localised and will require addressing on a site specific basis.

### Drift Deposits

The majority of Stockport Borough is covered with glacial tills that blanket most of the solid geological strata. There are also extensive deposits of glacial fluvial sands and gravels in the areas to the north west and south east of Stockport, and smaller deposits can be found along the courses of the local rivers and brooks. There are alluvial deposits along the flood plains of the local rivers and brooks.

### Alluvial Deposits

Alluvial deposits of clays, silts, with some sands and gravels occur along the flood plains of the rivers Mersey, Tame, Goyt and Etherow, and the Micker, Lady, Norbury and Poise brooks.

### Fluvio-glacial Sands and Gravels

Fluvio-glacial sand and gravel deposits can be found to coincide with various existing rivers of the region, e.g. along the courses of the rivers Mersey, Tame, Goyt and Etherow, and along the courses of the Micker, Lady, Norbury and Poise brooks. The most significant deposits are to be found along the rivers Mersey and Tame; the Poise Brook; and in areas to the north west and south east of Stockport, as far out as Heaton Moor and Heaviley respectively. These sands and gravels are relatively permeable and can locally act as secondary aquifers.

### Glacial Till

The tills in the Stockport area belong to a tripartite sequence consisting of an “Upper Boulder Clay” underlain by the “Middle Sand” which in turn rests on a “Lower Boulder Clay” (Taylor *et al* 1963).

The tills typically consist of poorly sorted clay to boulder sized fractions, with the fine-grained materials dominating. They may contain lenses or bands of sands and gravels or laminated clays.

Rock clasts within the tills are derived from local rocks, and from rocks exposed further to the north. The locally derived clasts consist of Carboniferous sandstones, grits, pebbles and fragments of coal. The clasts from further north consist of granites, lavas, tuffs, grits and greywackes from Cumbria and Southern Scotland.

The tills are generally of low permeability and will reduce groundwater recharge. The tills can act as an aquitard confining water (possibly under pressure) within underlying superficial or solid formations. Sand and gravel lenses within the tills may provide local minor aquifers with perched water tables.

### Solid Geological Formations

The majority of the region is underlain by strata of Triassic and Permian age. However, on the western edge of the region, Carboniferous strata are exposed. A typical sequence of strata is shown in the table below (from CIRIA/BGS 1998), and more details of the various strata are described.

### Triassic

The Sherwood Sandstone in Stockport Borough comprises the Wilmslow Sandstone (Upper Mottled Sandstone) and the Chester Pebble Beds (Bunter Pebble Beds).

The Wilmslow Sandstone is comprised of weakly cemented, cross-bedded, medium to fine-grained sandstones with some silts the or mudstone bands. They are of fluvial and aeolian origin, indicating a change of depositional environment. The Wilmslow Sandstone ranges in thickness up to approximately 280m, and acts as a principal aquifer.

Chester Pebble Beds are composed of well cemented, cross-bedded, medium to coarse-grained sandstones with conglomeratic lenses, layers of pebbles and mudstones. They are of fluvial origin, having formed in braided river systems and channels.

The Chester Pebble Beds are extensive and typically range in thickness between 100m and 300m. They act as a principal aquifer in which groundwater moves by inter-granular and fracture flow.

**Table 1: Geology Table**

<b>Age</b> Millions of Years Old	<b>Period</b>	<b>Group</b>	<b>Formation (Obsolete Name)</b>
206 to 248	3 Triassic	Sherwood Sandstone	Helsby Sandstone (Lower Keuper Sandstone)
			Wilmslow Sandstone (Upper Mottled Sandstone)
			Chester Pebble Beds (Bunter Pebble Beds)
			*Kinnereton Sandstone (Lower Mottled Sandstone)
248 to 290	Permian	Manchester Marl	
		Collyhurst Sandstone	
290 to 354	Carboniferous	Coal Measures	Upper Coal Measures
			Middle Coal measures
			Lower Coal Measures
		Millstone Grit	

NB: \* Not found in Stockport Borough

**Permian**

Permian strata comprises essentially the Manchester Marl and the Collyhurst Sandstone.

The Manchester Marl comprises fossiliferous red mudstones and siltstones that contain thin limestone bands and sandstones in the lower and upper

parts of the sequence respectively. The Manchester Marl is of marine origin and is typically up to between 30m and 100m in thickness. It acts as an aquitard confining water in the underlying Collyhurst Sandstone.

The Collyhurst Sandstone is a fine to medium-grained well sorted poorly cemented sandstone. It contains a silty mudstone band, the Lower Stockport Marl, in its upper part. It is of aeolian origin and formed in a sand-sea with dune and inter-dune areas.

The Collyhurst Sandstone typically varies in thickness between 150m and 300m. It is a principal aquifer in which groundwater moves by inter-granular and fracture flow.

### Carboniferous

The Carboniferous in Stockport Borough comprises Coal Measures and Millstone Grit strata.

The Coal Measures strata contain typical cyclothems with alternating sandstone, siltstone, seatearth, coal and marine bands. They represent alluvial swamp environments, formed on top of delta sediments. The Coal Measures vary in thickness up to 1500m.

The Millstone Grit strata contains sandstones, mudstones and siltstones. The sandstones are often coarse-grained and there are occasional coal and limestone bands. They formed in a deltaic environment. The Millstone Grit varies in thickness up to 500m.

Both the Coal Measures and the Millstone Grit provide major / minor aquifers. Due to their cemented nature they have relatively poor inter-granular permeability and groundwater flow is dominated by fracture flow.

### Geological Structure

Stockport lies on the north east rim of the Cheshire Basin, and to the west of the Pennine Anticline. The geological dip of the Triassic and Permian strata is relatively shallow, and generally to the south west towards the centre of the basin. The Carboniferous strata dip towards the west and north west, and are generally steeper than that of the unconformable overlying Triassic strata.

The Romiley Anticline trends south west through Romiley towards the south west of the region, but its presence cannot be detected in the Triassic Permian strata. This anticline is responsible for the swing in the dip direction of the Carboniferous strata.

The dominant faulting in the borough has a north north west to south south east trend and are post Triassic (probably Tertiary). The principal faults are

the Alderley, Kirkleyditch, Cheadle Heath, Heaton Chapel and the Red Rock. Of these, the Red Rock is possibly the most significant as it is responsible for the juxtaposition of the Triassic and Carboniferous strata to the west and east of the fault respectively.

## **5.8 Known Information On Contaminated Land**

The council holds some information on areas of known contamination within the Borough:

### Landfill

Prior to the introduction of the Control of Pollution Act 1974 (COPA) whilst planning consent was required to consign waste to land this was ineffectively controlled and little thought was given to future impacts on the environment. The potential hazards associated with landfill including the production of methane and carbon dioxide gases and leachates.

Sites filled after 1974 required a licence issued by the Environment Agency under the Control of Pollution Act 1974. The authority has a database of information on all these sites which has been provided by the Environment Agency. All information has been added to the Council's Geographical Information System (GIS).

Within Stockport there 127 known landfill sites identified and prioritised under Part 2A. The majority of these sites are Pre COPA sites and therefore information regarding waste types and extent of fill is limited. Pre COPA sites are 'problem sites' because it is often unknown what material was placed in the ground and whether any gas and/or leachate is being produced.

Other areas of apparently filled ground that is mapped on the GIS and that may require investigation includes:

- Quarries and sand and gravel pits
- Ponds and lakes
- Natural depressions in the ground

### Contamination identified in the development control process

The Council may also become aware of other contamination issues through the development control process, e.g. if a development is proposed on a piece of land where past use may have resulted in contamination. Planning records will be an important source of information when identifying and prioritising sites within the borough.

## **6.0 STOCKPORT'S BROAD APPROACH IN DEALING WITH LAND CONTAMINATION**

Although Stockport Council has specific duties under Part 2A of the Environmental Protection Act 1990 to deal with land contamination, these will be used as a last resort. Other regimes exist to prevent new contamination and to deal with historical contamination. There are situations where Part 2A overlaps or supplements other regulations. This section outlines the other main regimes.

### **6.1 Planning and Development Control**

Land contamination is a material planning consideration and can be addressed when land is developed or redeveloped during the planning or building control processes. It will be Stockport's primary mechanism for ensuring remediation of contaminated sites.

Stockport must consider the implications of land contamination when preparing development plans and when dealing with planning applications. Some remediation activities may require planning permission.

Following the "suitable for use" approach, risks should be assessed and remediation requirements set on the basis of the current use of the land and any proposed new use.

Guidance relating to contamination and planning was previously contained in Planning Policy Guidance 23: "Planning and Pollution Control" (PPS23) but is now contained in the National Planning Policy Framework (NPPF) which was published on 27 March 2012. The NPPF is a material consideration in planning matters and it replaces almost all previous national planning policy statements (PPS) and planning policy guidance notes (PPG).

The NPPF introduces a presumption in favour of sustainable development.

The NPPF makes reference to contamination and in particular in the following paragraphs :

Paragraph 109 states :

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's

commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraphs 120 and 121 of the NPPF state :

120. “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

121. Planning policies and decisions should also ensure that: the site is suitable for its new use taking account of ground conditions and land instability, including natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.”

Planning decisions will be taken in accordance with the Core Strategy, unless material considerations suggest otherwise.

It is important to consider that although planning powers can be used to secure remediation, it is not a foregone conclusion that a planning permission will be implemented. In certain circumstances, regardless of the existence of a planning permission with conditions requiring the remediation of a site, further procedures may be needed under Part 2A of the Environmental Protection Act 1990.

## **6.2 Integrated Pollution Prevention and Control (IPPC) and Pollution Prevention Control (PPC)**

Pollution from industrial installations is regulated under the Pollution Prevention and Control regime. This is implemented through the Environmental Permitting Regulations 2008, which were made under the Pollution Prevention and Control Act 1999.

The purpose of this regime is to achieve integrated prevention and control of pollution from listed (prescribed) industrial processes. This is done by preventing or reducing emissions to the air, water and land from these processes by a system of prior permitting.

Any contamination occurring during the period of operation as a result of permitted activities will need to be remedied by the operator. Regulation of industrial processes under PPC may preclude a remediation notice being served under Part 2A, or may restrict the contents of the notice.

The prohibition relates only to serving a remediation notice not to the initial duty of inspection.

## **6.3 Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended)**

The regulations implementing the Environmental Liability Directive require operators causing environmental damage to remedy that damage and, where there is a risk of damage, to prevent that risk from occurring. Liability can be strict for certain higher risk activities. Standard of remediation varies depending on whether it's land or natural resources (water, protected species or habitats). This legislation does not apply to historic contamination (i.e. before March 2009).

## **6.4 Water Act 2003 / Water Resources Act 1991**

The Water Resources Act 1991/Water Act 2003 can be applied to deal with certain cases of water pollution not covered by Part 2A.

Under these acts the Environment Agency (EA) has powers to prevent or take action to prevent or remedy the pollution of controlled waters. This is usually done via the serving of a "works notice". In view of the potential for overlap between this and the Part 2A regime, the Council will have regard to the EA's policy statement "Environment Agency Policy and Guidance on the Use of Anti-Pollution Works Notices" and will liaise closely where contamination affects controlled waters.

Under section 78A(9) of Part 2A the term "pollution of controlled waters" means the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter. Waters, in summary, are relevant territorial waters, coastal, inland freshwaters (including lakes and ponds) and groundwaters.

## **6.5 Environmental Quality Standards Directive (2008)**

This Directive lays down environmental quality standards (EQS) for priority substances and certain other pollutants as provided for in Article 16 of the Water Framework Directive 2000/60/EC (WFD), with the aim of achieving good surface water chemical status.

A breach of a statutory surface water Environmental Quality Standard would be considered as significant pollution of controlled waters for the purpose of the Part 2A regime.

## **6.6 Groundwater Directives**

The groundwater directives aim to protect groundwater from pollution by controlling discharges and disposals of certain dangerous substances to groundwater.

Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants as defined in the Groundwater Daughter Directive (2006/118/EC) would be considered as significant pollution of controlled waters for the purpose of the Part 2A regime.

## **6.7 Building Control**

Building work is currently subject to Building Control under the Building Regulations 2010. Under Schedule 1 of the Regulations requirement C1 states that "Reasonable precautions shall be taken to avoid danger to health and safety caused by substances found on or in the ground covered by the building and any land associated with the building". If contaminating substances in the ground have the potential to attack building materials, it may lead to a breach of Part A of these Regulations which relate to structural safety.

## **6.8 Health and Safety**

Health and Safety Executive (HSE) and Local Authorities (in Stockport Public Protection) deal with risks to the public or employees at business or other premises where there is a work activity. Such risks could arise because of land contamination. Where mine gas is a public safety concern, the Coal Authority has safety hazard procedures which will be implemented in the case of such incidents.

## **6.9 Landfill Tax**

Previously, waste material generated from the reclamation of contaminated land and subsequently sent to a landfill site was exempt from Landfill Tax provided it had a relevant certificate from HMRC. However, exemption for waste arising from the reclamation of contaminated Land was abolished from 1 April 2012.

## 6.10 Major Accident Hazards

Operators of establishments handling prescribed dangerous substances are required to prepare on-site emergency plans and to agree off-site emergency plans with the local authority by the “Planning (Control of Major Accident Hazards) Regulations 1999 (as amended) ” (COMAH) These include provisions for the restoration and clean up of the environment following a major accident.

## 6.11 Food Safety

There may be instances where land contamination may potentially affect crops, vegetables, livestock etc. The advice of the Food Standards Agency (FSA) and the Health Protection Agency (HPA) will be sought as appropriate to determine the possibility of health effects to foodstuffs, crops, livestock and human health implications. Liaison with the Public Protection Teams will also be required to find out if these powers have been invoked and to assess the implications for Stockport.

It is the Government’s intention that Part 2A should be complementary to these existing regulatory regimes. Remediation of contaminated land should be enforced preferentially through these means, with enforcement through Part 2A only where no appropriate alternative solution exists

## 7.0 PRINCIPLES OF RISK ASSESSMENT AND CONTAMINANT LINKAGES

### 7.1 Contaminant Linkages

For land to be designated as statutorily contaminated land under Part 2A, the local authority must satisfy itself that a 'contaminant', a 'pathway' and a 'receptor' have been identified with respect to the land. This is also known as a 'contaminant linkage'

A contaminant linkage consists of three parts:



A **CONTAMINANT** is a substance which is in, on or under the land and which has the potential to cause harm to humans and the environment or pollution of controlled waters.

A **PATHWAY** is one or more routes or means by, or through, which a receptor is being or could be exposed to or affected by a contaminant.

A **RECEPTOR** may be human beings, ecological systems, controlled waters, a piece of property and others laid down in regulations.

(Under the radioactive contaminated land regime, a receptor is limited to human beings only).

A contaminant linkage, and hence a risk to the receptor from the contaminant, can only exist if all three elements are present.

The next step in deciding whether a site is Contaminated Land is to determine whether the contaminant linkage is 'significant'. This means demonstrating that it:

- is resulting in significant harm being caused to the receptor in the contaminant linkage,
- presents a significant possibility of significant harm being caused to that receptor, or
- is resulting in, or is likely to result in the significant pollution of controlled waters which constitute the receptor.

As indicated above, the terms ‘significant harm’, ‘harm’ ‘significant possibility...’ and ‘pollution of controlled waters’ are all defined in the Statutory Guidance.

A site needs at least one **‘SIGNIFICANT CONTAMINANT LINKAGE’** to exist to be determined as Contaminated Land.

## 7.2 New Guidance “Normal” Levels of Contaminants

The New Guidance states that the Part 2A regime should not apply to land with levels of contaminants in soil that are common place and widespread throughout England and for which in the majority of cases there is no reason to consider that there is an unacceptable risk.

Normal levels of contaminants should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise.

Normal levels of contaminants in soil may be the result of the natural presence of contaminants or the presence of contaminants caused by low level diffuse pollution, and common human activities other than past industrial uses.

In October 2012 Defra published a report and Technical Guidance Sheets on Normal Background Concentrations (NBCs) of Contaminants in English Soils. This work was undertaken by the British Geological Survey (BGS) on behalf of Defra and was commissioned to support the revised Statutory Guidance.

Normal levels of contaminants are considered to be those levels which are not significantly different to those likely to be typical or widespread within the authority’s area or other areas of England, e.g. resulting from soil formations or geology and have not been shown to pose an unacceptable risk to health or the environment, or, resulting from human activity such as the historic use of unleaded petrol or the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

## 7.3 New Guidance – Risk Categories

The most significant change included in the new statutory guidance is a new four category system to help local authorities determine whether land is or is not contaminated on the basis of a significant possibility of significant harm to human health.

The new guidance sets out a legal framework for taking decisions in the form of a category based test, whereby:

**Category 1:** sites are clearly contaminated and represent a high risk

**Category 4:** sites are evidently low risk and clearly do not qualify as 'contaminated land' under Part 2A of the EPA 1990.

**Category 2:** there is a strong basis for considering that the risks from contaminants poses a significant possibility of significant harm

**Category 3:** the legal test for significant possibility of significant harm is not met and therefore the land will not be determined as contaminated

The four risk categories are described in detail in Chapter 10 of this strategy and can also be found in the Statutory Guidance. This also includes the risk to controlled waters.

Defra has commissioned a research project with the aim of developing technical guidance to support the new Part 2A statutory guidance. It is proposed that Category 4 Screening Levels (C4SLs) will be developed to provide a test for deciding that land is suitable for use and definitely not contaminated land in the legal sense.

It is intended that the C4SLs will represent a new set of generic screening levels that are precautionary but more pragmatic than existing Generic Assessment Criteria (GACs), soil guideline values (SGVs) and other screening criteria.

## 8.0 STOCKPORT'S APPROACH TO STRATEGIC INSPECTION

Our approach to strategic inspection will be:

1. Be rational, ordered and efficient
2. Be proportionate to the seriousness of any actual or potential risk
3. Seek to ensure that the most pressing and serious problems are dealt with first
4. Ensure that resources are effectively targeted
5. Ensure the Council identifies requirements for detailed inspection of land

There are two principal aspects to the implementation of our strategy:

1. A relevant screening and prioritising of all the sites of concern.
2. Detailed Inspection

### Screening and Prioritising

Sites with possible contaminant linkages have been identified using prioritisation methodology. In Stockport there are two priority lists; one for landfill and one for all other sites. We recognise that the priority lists will need revising in light of the updated Statutory Guidance. This is aimed to be completed by 2016.

### Detailed Inspection

Further information on priority sites will be collated and analysed using a desk top based approach. Where this shows that contaminant linkages are reasonably likely, then an intrusive site investigation will be carried out to confirm or dismiss whether the land should be determined as contaminated.

The Council will endeavour to:

1. Identify potentially contaminated sites
2. Conduct priority assessments using the prioritisation methodology combined with site reviews, in order to rank sites for further inspection
3. Develop an inspection programme based on the priorities identified in 2

## 8.1 Prioritisation

The prioritisation of sites is achieved by using available information to identify contaminant linkages as described in Chapter 6 which must include source, pathway and receptor. The sources of information are shown in Tables 1 & 2 below:

**Table 2 Information on Receptors**

<b>Receptor</b>	<b>Land use Type</b>	<b>Information Source</b>
Human Beings	<ul style="list-style-type: none"> <li>• Residential property with gardens</li> <li>• Residential property no gardens</li> <li>• Schools/nurseries</li> <li>• Allotments</li> <li>• Recreational/Parks/Playing Fields/ Open Space</li> <li>• Commercial Industrial</li> </ul>	<ul style="list-style-type: none"> <li>• GIS</li> <li>• Ordnance Survey Map</li> <li>• Council's Core Strategy</li> </ul>
Ecological systems or living organisms	<ul style="list-style-type: none"> <li>• SSSI's</li> <li>• SBI's</li> <li>• Nature Reserves</li> <li>• Local Wildlife Sites</li> </ul>	<ul style="list-style-type: none"> <li>• Council's Core Strategy</li> <li>• LA Council's Conservation Officer</li> <li>• Natural England</li> </ul>
Property in the form of buildings	<ul style="list-style-type: none"> <li>• Ancient monuments</li> </ul>	<ul style="list-style-type: none"> <li>• English Heritage</li> <li>• Greater Mcr Arch Unit</li> <li>• Council's Heritage Officer</li> </ul>
Property in other forms (crops, livestock)	<ul style="list-style-type: none"> <li>• Agricultural land</li> <li>• Allotments</li> </ul>	<ul style="list-style-type: none"> <li>• GIS</li> <li>• Ordnance Survey Map</li> <li>• DEFRA</li> <li>• Food Standards Agency</li> </ul>
Controlled Waters	<ul style="list-style-type: none"> <li>• Surface Waters</li> <li>• Source Protection Zones</li> <li>• Ground Water Vulnerability</li> <li>• Private Water Supply Extractions</li> </ul>	<ul style="list-style-type: none"> <li>• Environment Agency</li> <li>• GIS</li> </ul>

**Table 3 Information on Sources**

<b>Source</b>	<b>Information Source</b>
Historic use	<ul style="list-style-type: none"><li>• GIS</li><li>• Landmark Information Systems</li></ul>
Potential Contaminated Land	<ul style="list-style-type: none"><li>• GIS</li><li>• Landmark Information Systems</li></ul>
Permitted Processes	<ul style="list-style-type: none"><li>• Environment Agency</li><li>• Local Authority Records</li></ul>
Petrol Stations	<ul style="list-style-type: none"><li>• GIS</li><li>• Local Authority Records</li><li>• Petroleum Officer</li><li>• Fire Service</li></ul>
Pre-Licensed Landfill Sites	<ul style="list-style-type: none"><li>• Environment Agency</li><li>• GIS</li></ul>
Waste Management Sites	<ul style="list-style-type: none"><li>• Environment Agency</li></ul>

**Table 4 Information on Pathways**

<b>Source</b>	<b>Information Source</b>
Geology	<ul style="list-style-type: none"><li>• GIS</li><li>• Landmark Information Systems</li><li>• British Geological Society</li></ul>
Ground Water Vulnerability	<ul style="list-style-type: none"><li>• GIS</li><li>• Landmark Information Systems</li><li>• Environment Agency</li><li>• British Geological Society</li></ul>

Most of the above information is mapped on the Council's GIS data base whereby series of digital historic land use layers has been created on the system. Where there are potentially contaminated sites these have been highlighted using polygons for each area. We have then used this data to identify land of concern and to use the prioritisation methodology to score sites in order of potential risk.

Procedure PG01 and undated version PG02 was developed by the old Manchester Area Pollution Advisory Council, using several references, as a preliminary (Phase 1) procedure for prioritising sites where potential contaminant linkages exist, for further phases of investigation work.

The procedure has been used by the Council to rank order sites according to their potential, but not actual, risk since the assignment of scores is empirical only. Site rankings are not absolute, but there is confidence that the worst types of sites are accentuated upwards and vice versa.

Following a phased approach, we aim to meet the requirement for a rational, ordered and efficient approach to inspection.

The ultimate aim of the prioritisation stage is to deal with sites in a justified order in accordance with the new guidance risk categories and the councils risk assessment tool.

We will review our list of prioritised sites using the following methodology:

For each site of concern we will:

1. Review the site location and nature of possible contaminants
2. Review the location and type of receptor
3. Confirm whether contaminant, pathway and receptor is likely to be present
4. Review the score and position in prioritisation list
5. Carry out further reviews and revisions as necessary

If additional information becomes available at a later date that may alter the position of a site in the prioritised list, the site will be reprioritised.

New sites may need to be added to the prioritisation list as they come to our attention. Reprioritisation of sites may take place at any stage during subsequent detailed inspection as further information is acquired and evaluated.

If urgent sites are brought to our attention, then these will be prioritised and assessed as necessary.

If sites are dealt with under the planning or any other regime then these will be removed from the prioritisation list.

## **8.2 Council Owned Land**

The Council recognises that there may be sites in the Borough for which it has particular responsibilities, through current or former ownership.

A layer of data showing all Council owned land is available as a layer on the GIS.

This has assisted the council in identifying land in its ownership with potential contamination and ranking it in the prioritisation scheme.

In line with priorities declared, the Council does not propose to put any particular arrangements in place with regard to its own land, and proposes to deal with any problems as they become apparent from the normal prioritisation scheme.

As and when such sites become known, appropriate notifications will be made to:

1. Head of Estate and Asset Management
2. Corporate Director and Head of Service responsible for appropriate piece of land.
3. Corporate Director Services to Place.

This list may alter dependent on the effects of any re-organisation of either political or operational functions.

## **8.3 New Development**

The contaminated land regime is designed to deal with contamination problems which cannot be addressed under other legislation such as the planning system.

For the redevelopment of land now taking place across the Stockport area, it is particularly important that any contamination problems at new development sites are identified straight away and not left for the future.

Standard planning conditions have been developed to ensure that land is properly assessed before any development work starts, and that an appropriate standard of remediation is implemented in any new schemes.

Primarily it is the applicants' / developers' responsibility to ensure that the development is safe and the site is suitable for its proposed use and the Local Planning Authority's (LPA) duty to ensure that the developer undertakes this assessment and implements any remedial requirements in a responsible and effective manner.

## **9.0 STOCKPORT'S APPROACH TO DETAILED INSPECTION**

When we have identified land where there is a reasonable possibility that a contaminant linkage exists then we will carry out a detailed inspection of the land to obtain sufficient information to decide whether or not it is contaminated land.

The prioritisation list will determine what areas undergo a detailed inspection and in what order. With the highest risk being given priority.

The first part of the detailed inspection will involve carrying out a desk top study. This will involve collating and analysing the available evidence and where necessary completing a data gap analysis. Guidance Document CLR6 includes methodologies for preliminary desk top surveys and site visits.

A conceptual site model will be developed to assess the presence and significance of contamination on the site as well as to identify the source(s) – pathway(s) – receptor(s) relationship. If this model does not indicate any significant contaminant linkages then no further action will be taken.

Where the conceptual site model indicates that there could be significant possibility of significant harm, then an intrusive investigation will be carried out to confirm or dismiss this. BS10175 : 2011 "Investigation of potentially contaminated sites – Code of Practice" is used to guide this process.

We will employ suitably qualified consultants to carry out intrusive investigations and we will ensure that they carry out this work in accordance with good practice technical procedures.

If at any stage during the investigation we consider that there is no longer a reasonable possibility that a contaminant linkage exists, then we will not carry out any further investigations in respect to that linkage

### **9.1 Powers of Entry**

Section 108 of the Environment Act 1995 confers powers on the Council which allow it to authorise a person to exercise specific powers of entry. However, before doing so, the Council will continue to ensure that;

- there is a reasonable possibility that a contaminant linkage exists on the land
- it is likely that the contaminant is actually present
- the receptor is actually present or likely to be

The Council will not carry out intrusive investigations if:

- it has already been provided with detailed information on the condition of the land sufficient to provide a basis for a determination
- a person offers to provide such information within a reasonable and specified time

If at any stage the Council considers that there is no longer a reasonable possibility that a contaminant linkage exists, no further investigations will take place.

## **9.2 Contacting ‘appropriate persons’ to arrange site investigation**

Before exercising its powers of entry the Council will endeavour to contact all ‘appropriate persons’ to inform them of the need to undertake intrusive investigations as well as to make appropriate arrangements for access.

The Council may be liable to pay compensation for any disturbance caused during an inspection using statutory powers of entry under paragraph 6, Schedule 18 of the Environment Act 1995.

## **9.3 Human Health Risk Assessment**

The Council will use a range of technical approaches to assess human health risk from land contamination which is in accordance with the phased approach set out in the DEFRA and Environment Agency (EA) Publication: CLR 11: Model Procedures for the Management of Land Contamination (Defra/ EA 2004).

### Generic Assessment Criteria (GACs)

Generic assessment criteria (GAC’s) are cautious estimates of levels of contaminants in soil at which there is considered to be no risk to health or, at most, a minimal risk to health. Generic assessment criteria and other technical tools are used as screening tools in human health risk assessment to help assessors decide when land can be excluded from the need for further detailed inspection and assessment, or when further work may be warranted.

Exceedences of GACs does not indicate that the land is contaminated. All soils contain substances that could be harmful to human or environmental receptors, although in the very large majority of cases the level of risk is likely to be very low. In conducting risk assessment under the Part 2A regime, the Council will only focus on land which might pose an unacceptable risk.

### Soil Guideline Values (SGVs)

To assist in the risk assessment process, the Council will refer to the Contaminated Land Exposure Assessment (CLEA) framework reports and

model software. These are technical tools used to assist in the assessment of human health risks from land contamination.

SGV's are 'trigger values' for screening-out low risk areas of land contamination. They give an indication of representative average levels of chemicals in soil below which the long-term health risks are likely to be minimal.

To date, SGVs have only been released for a limited number of chemical substances. However, the framework reports and CLEA software provide a starting point for the assessment of a much wider range of chemicals.

The CLEA Guidance is non-statutory and consequently other alternative risk assessment approaches can be used as they also satisfy the legislative requirements. If an SGV (or equivalent) is not available for a substance identified in soil at a site, alternative generic assessment criteria can be used using (where appropriate) the generic models used to define SGVs, based on appropriately sourced physical-chemical and toxicity data.

#### **9.4 Risk Assessment for Controlled Waters**

With regard to risk assessment for certain controlled waters matters, the Council consults the EA for advice. Regard will be had to "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" (Environment Agency R&D Publication 20, EA, 2006).

In order to assess the potential risks presented to controlled waters (both groundwater and surface waters) the soil leachate and groundwater concentrations will be compared against the following assessment criteria:

- The Water Supply (Water Quality) Regulations 2000, (as amended).
- Environment Agency (2002) 'Technical advice to third parties on pollution of controlled waters for part 2A of the EPA 1990', Saltwater Environmental Quality Standards (EQS).

Under section 78A(9) of Part 2A the term "pollution of controlled waters" refers to the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter.

The term "controlled waters" in relation to England has the same meaning as in Part 3 of the Water Resources Act 1991, except that "ground water" does not include waters contained in underground strata but above the saturation zone.

## **9.5 Dealing with Uncertainty**

The Council recognises that there will be a degree of uncertainty for all risk assessments of land containing contaminants. We will seek to minimise this uncertainty as far as is practicable. Once we have completed our detailed inspection and assessment of a piece of land, we will then complete a risk summary.

A risk summary will only be completed for land that we believe may be determined as contaminated land.

## **9.6 Potential Special Sites**

Where it appears that a site could fall within the definition of 'special sites' as defined by the 1990 Act, the authority will seek relevant Cabinet approval and will notify the EA in accordance with the procedures laid down in S78C(3) of the 1990 Act. It will give notice in writing to:

- 1)Environment Agency
- 2)Owner of land
- 3)Occupier(s) of all or part of land
- 4)Appropriate persons

If the EA disagrees with the designation and notifies the Council within 21 days, the Council must refer its decision to the Secretary of State. If the EA fails to notify its disagreement within 21 days the site will be designated as a 'special site'.

Where the Council and the EA are in general agreement over the site's status, the Council will approach the EA to carry out the inspection of the land. The Council will authorise the person undertaking the inspection on behalf of the EA to exercise the powers of entry conferred by section 108 of the Environment Act 1995.

## **9.7 Triggers for Reviewing Inspection Decisions**

The Council may need to review its inspection decisions from time to time. The triggers for review are detailed on the next page.

### Triggers for reviewing inspection decisions

- Proposed changes in the use of surrounding area;
- Unplanned changes in the use of the land;
- The potential for contaminant linkages to become significant or urgent as a result of unplanned events, (e.g. localised flooding, accidents, fires, spillages) (where consequences cannot be addressed through other relevant environmental legislation);
- Reports of localised health effects which appear to relate to a piece of land;
- Reports of unusual or abnormal site conditions from the public, businesses or other;
- Information from other statutory bodies, landowners or other;
- Changes in legislation and / or guidance.

## **10.0 STOCKPORT'S APPROACH TO DETERMINING WHETHER LAND IS CONTAMINATED**

Although we will use consultants to carry out investigations it will be the Council's decision to determine whether or not the land is contaminated in accordance with the definition in the Environmental Protection Act 1990.

For a site to be determined as contaminated under the terms of Part 2A, the existence of a contaminant linkage or linkages must be proved. Therefore, the purpose of the determination is to confirm the existence of a contaminant linkage or linkages on the site.

### **10.1 Identification of the contaminant linkage or linkages**

The Council will identify a particular contaminant linkage or linkages as the basis for determination.

All three elements of the contaminant linkage will need to be identified. It will also consider whether:

- additive or synergistic effects between potential pollutants might result in a significant contaminant linkage
- a significant contaminant linkage might result from several different pathways
- there is more than one significant contaminant linkage on the land. If there are each should be considered separately
- different people are responsible for different contaminant linkages

The Council will take into account all relevant and available evidence and will carry out an appropriate scientific and technical assessment of that evidence.

### **10.2 Sub-division of land for the purposes of determination**

The Council may sub-divide the relevant land for the purposes of determination by issuing separate determinations for smaller areas of land which form part of a larger area of contaminated land. In deciding whether (and if so how) to do this, the authority should take into account: (i) the nature of the contamination; (ii) the degree of risk posed, and whether this varies across the land; (iii) the nature of the remediation which might be required; (iv) the ownership of the land; and (v) the likely identity of those who may bear responsibility for the remediation.

The Council will review its decision on the physical extent of the land to be determined (or that has been determined) if at a later date it becomes aware of relevant further information. For example this may be the case if, during remediation, it becomes clear that the extent of contamination is significantly greater or less than was thought when the determination was made.

### 10.3 Grounds for Determination

There are four possible grounds for the determination of land as contaminated land:

- (a) Significant harm is being caused to a human or relevant non-human, receptor.
- (b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor.
- (c) Significant pollution of controlled waters is being caused.
- (d) There is a significant possibility of significant pollution of controlled waters being caused.

In deciding whether or not land is contaminated on the grounds of significant possibility of significant harm to human health, the Council we use the categorisations described below. Categories 1 and 2 would include land which is capable of being determined as contaminated land and categories 3 and 4 which is not capable of being contaminated on such grounds.

### 10.4 Human Health Risk Categorisation

#### Category 1 Human Health

Land should be deemed to be a Category 1: Human Health case where:

- (a) the authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the UK
- (b) the authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the UK
- (c) the authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken.

Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either:

- (i) that there is insufficient evidence to be sure of meeting the “balance of probability” test for demonstrating that significant harm is being caused;

or

(ii) that the time needed to demonstrate such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.

#### Category 4: Human Health

The local authority will consider that the following types of land should be placed into Category 4:

- (a) Land where no relevant contaminant linkage has been established.
- (b) Land where there are only normal levels of contaminants in soil
- (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria or relevant technical tools.
- (e) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives).

The local authority may also consider that land other than the types described above should be placed into Category 4: Human Health if following a detailed quantitative risk assessment it is satisfied that the level of risk posed is sufficiently low.

#### Categories 2 and 3: Human Health

For land that cannot be placed into Categories 1 or 4, the Council will decide whether the land should be placed into either Category 2 or 3.

*(a) Category 2:* Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern that the land poses a significant possibility of significant harm. This may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.

*(b) Category 3:* Land should be placed into Category 3 if the authority concludes that the strong case does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include

land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.

## **10.5 Pollution of Controlled Waters**

### Significant pollution of controlled waters

The following types of pollution will be considered to constitute significant pollution of controlled waters:

- (a) Pollution equivalent to “environmental damage” to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations 2009, but which cannot be dealt with under those Regulations.
- (b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable that use.
- (c) A breach of a statutory surface water Environment Quality Standard, either directly or via a groundwater pathway.
- (d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC)5).

In deciding whether significant pollution of controlled waters is being caused, the local authority will consider that this test is only met where it is satisfied that the substances in question are continuing to enter controlled waters; or that they have already entered the waters and are likely to do so again in such a manner that past and likely future entry in effect constitutes on-going pollution.

Land will not be determined as contaminated land on grounds that significant pollution of controlled waters is being caused where: (a) the relevant substance(s) are already present in controlled waters; (b) entry into controlled waters of the substance(s) from land has ceased; and (c) it is not likely that further entry will take place.

### Significant Possibility of Significant Pollution of Controlled Waters

Before making its decision on whether a given possibility of significant pollution of controlled waters is significant, the local authority will consider:

(a) The estimated likelihood that the potential significant pollution of controlled waters would become manifest; the strength of evidence underlying the estimate; and the level of uncertainty underlying the estimate.

(b) The estimated impact of the potential significant pollution if it did occur. This should include consideration of whether the pollution would be likely to cause a breach of European water legislation, or make a major contribution to such a breach.

(c) The estimated timescale over which the significant pollution might become manifest.

(d) The authority's initial estimate of whether remediation is feasible, and if so what it would involve and the extent to which it might provide a solution to the problem; how long it would take; what benefit it would be likely to bring; and whether the benefits would outweigh the costs and any impacts on local society or the environment from taking action.

The authority will then decide which of the following categories the land falls into. Categories 1 and 2 will comprise cases where the authority considers that a significant possibility of significant pollution of controlled waters exists. Categories 3 and 4 will comprise cases where the authority considers that a significant possibility of such pollution does not exist.

### **10.6 Consulting and informing interested parties**

Before we determine land as contaminated we will consult with the Environment Agency, Public Health England and any other bodies we deem relevant to the decision. In addition, the Council will inform the owners and occupiers of the land and any other person who appears to the authority to be liable to pay for remediation of its intention to determine the land (to the extent that the authority is aware of these parties at the time) unless the authority considers there is an overriding reason for not doing so.

Where the local authority determines that the land is not contaminated we will inform the owners of the land of its conclusion. This will be done as soon as is practicable to minimise unwarranted burdens to persons likely to be directly affected.

### **10.7 Record of the determination of contaminated land**

The local authority will prepare a written record of any determination that land is contaminated land. The record will clearly and accurately identify the location, boundaries and area of the land in question, making appropriate

reference to Ordnance Survey grid references and/or Global Positioning coordinates.

The record will be made publicly available on request.

The record will explain why the determination has been made, including:

(a) The risk summary and where not already covered in the risk summary:

(i) a relevant conceptual model comprising text, plans, cross sections, photographs and tables as necessary in the interests of making the description understandable to the layperson; and

(ii) a summary of the relevant assessment of this evidence.

(b) A summary of why the authority considers that the requirements of relevant sections of the Guidance have been satisfied

The local authority will seek to ensure (as far as reasonable) that all aspects of the record of determination are understandable to non-specialists, including affected members of the public.

### **10.8 Postponing determination**

The Council may postpone determination of contaminated land if the land owner or some other person undertakes to deal with the problem without determination, and the authority is satisfied that the remediation will happen to an appropriate standard and timescale. If the remediation works are not carried out to the satisfaction of the Council then we may refer to original position of determination.

The Council may also postpone determination of contaminated land if a significant contaminant linkage would only exist if the circumstances of the land were to change in the future as regards to its current use e.g. a more sensitive receptor uses the land at a later date. Where this is the case, we will keep the status of the land under review and take reasonable measures to ensure that the postponement does not create conditions under which significant risks could go unaddressed in future.

Alternatively we may decide to determine the land but postpone remediation.

### **10.9 Reconsideration, revocation and variation of determinations**

The Council will reconsider any determination that land is contaminated land if further information comes to light which significantly alters the basis for our original decision. In such cases the authority will decide whether to retain, vary or revoke the determination.

Where remediation action has been successfully taken, the Council will issue a statement as soon as is practicable to confirm that the land is no longer determined as contaminated.

Where the Council varies or revokes a determination, or issues a statement in accordance we will record our reasons for doing so alongside the initial record of determination in a way that ensures the changed status of the land is made clear.

The Council will also ensure that interested parties are informed of the decisions and the reasons for it, including the owner of the land; any person who appears to the authority to be in occupation of the whole or any part of the land; any person who was previously identified by the authority to be an appropriate person; and the Environment Agency.

## **11.0 REMEDIATION**

To date Stockport Council has not determined any land as contaminated, but if we were to determine land as contaminated at some point in the future we will require that the land is remediated.

Remediation will involve removing or disrupting any significant contaminant linkages to ensure that the risk is reduced and that the land is suitable for use. In some cases this may be by changing the use of the land to protect the receptor.

Regard will be given to the Contaminated Land Statutory Guidance 2012, any other relevant technical documentation and the financial costs compared to the benefits when assessing the type and scale of remediation to take place.

### **11.1 Voluntary Remediation**

Wherever possible we will encourage landowners to carry out voluntary remediation. Where we are satisfied that this can be achieved successfully within an acceptable timescale, then we will not serve a remediation notice.

If an owner or occupier wishes to carry out voluntary remediation, then an official agreement will be negotiated with the relevant senior officers of the Council and the landowner.

### **11.2 Serving a Remediation Notice**

The Council will only serve a Remediation Notice when other avenues of resolution have been exhausted.

Before the service of any notice the Council will make reasonable endeavours to consult the following on the question of what should be done by way of remediation:

- the person on whom the notice is to be served
- the owner of the land to which the notice relates
- any person who appears to be in occupation of the whole or any part of the land
- any other person of any other description as may be prescribed.

### **11.3 Emergency Action**

The above consultation phase may be dispensed with in cases where there is imminent danger of serious harm or serious pollution of controlled waters being caused.

## **12.0 COMMUNICATION STRATEGY**

### **12.1 External Consultation Liaison with Other Bodies**

Contact and liaison arrangements are in place and are maintained with the following organisations:

- Environment Agency.
- Public Health England
- English Nature regarding protected organisms / ecosystems.
- DEFRA regarding agricultural receptors.
- English Heritage regarding historic / protected buildings and archaeological sites.
- Food Standards Agency regarding safety of food that may be affected by contaminated land.

It is the purpose of liaison with these organisations to:

- Collect site specific information.
- Consult with other regulating authorities.
- Carry out the duty to inform the appropriate persons of their potential liability under the regime.
- Appoint work to consultants.
- Contact those who may be effected by contamination and the remediation process.

Stockport aims to promote interaction and co-ordination between authorities and statutory bodies in order to develop a consistent approach to the regime.

### **12.2 Communication with Owners, Occupiers and other Interested Parties**

There are a number of stages within the implementation of this strategy where it will be necessary to communicate with site owners, occupiers and other interested parties. These instances may be:

- Prior to a detailed investigation
- During the inspection process
- Notification of the determination of contaminated land
- In trying to achieve voluntary remediation
- Prior to serving a remediation notice
- During the remediation of a site

Development of effective methods of communication to the layperson is essential to ensure that the process is understood and to prevent any unnecessary anxiety and blight.

At the outset of any significant site investigation a communication strategy will be required. In order to provide clarity and transparency as well as purpose throughout this risk communication process, the following ground rules will be applied:

1. What are the purpose and goals of the communication process?
2. Who are the stakeholders that need to be identified?
3. What is the frequency and depth of communication going to be?
4. How to communicate risk without causing unnecessary alarm or property blight.
5. What is the time horizon?
6. How is accountability and transparency to be ensured?
7. How often will the communication process be reviewed?
8. Who is supporting the communication process (financially or otherwise)?
9. How is the documentation of the process to be stored for future reference?

The communication process will be started early to ensure that maximum benefit is gained and adverse publicity is avoided. This early communication will involve a clear delineation of the site in order to fully identify potentially interested local parties. Collectively, this group of people can be regarded as the —**stakeholders** who have an interest in the contaminated land in question. Likely stakeholders will be:

- Residents
- Businesses
- Landowners
- Council Legal Team
- Council Land Management Team
- Environment Agency
- Public Health England
- Ward Councillors
- Any other relevant Councillors including portfolio holders
- Council Corporate/Service Directors

This is not an exhaustive list and each site will be considered on its own merits. When communicating risks, this group of people will be considered in the broadest context possible as it may include those with professional expertise and financial interests alongside those with local community knowledge or status.

Throughout the risk assessment and management of contaminated land, there will be on-going communication with the stakeholders identified. An assessment will be carried out into the on-going communication to assess whether the approach is effective and having the desired results. This will be done by seeking feedback and listening to the stakeholders involved.

Reference will be made to the SNIFFER publication, 'Communicating Understanding of Contaminated Land Risks' when developing communication strategies for individual sites. The document addresses,

- when to communicate ;
- whom to communicate with;
- what to communicate;
- how to communicate.

When a potentially contaminated site is identified it is vital that the Council act in a responsible manner to ensure that unnecessary concern is avoided.

Before conducting a site investigation all reasonable efforts will be made to contact the landowner and occupier. The Land Charges and Legal Services areas of the Council will check land ownership details.

Officers will seek the full co-operation of the landowner and occupier before undertaking a site investigation. However if this is not possible the Council may exercise its powers of entry under section 108 of the Environment Act 1995.

Once the landowner and occupier have been identified the Council will write to explain the legislation and why their land has been identified for inspection. Owners, occupiers and other interested parties will be kept fully informed at all stages of the investigation.

In some cases there may be interested parties. Early consultation is essential and may involve adjacent sites.

### **12.3 Notification of Special Sites to the Environment Agency**

The Council will notify the Agency to inform them that a potential special site has been identified. This will be in writing, stating that the site has been (or will be) declared as statutory contaminated land and the reasons for it to be declared a special site.

The Council will then expect to undertake close liaison and communication with the Agency whilst the status of the site is determined.

### **12.4 Trans-Boundary Contaminant linkages**

Stockport shares boundaries with the Metropolitan Boroughs of Manchester, Tameside, Macclesfield and High Peak. Where contaminant linkages exist across boundaries the Council will reach an agreement with the neighbouring authority to deal with the site in line with current legislation and guidance.

## **13.0 CURRENT SITUATION**

### **13.1 Progress to Date**

The objectives and achievements described in the 2009 version of the Contaminated Land Strategy are shown in Appendix I. In addition to the targets met in this table, the Council has made progress with its Contaminated Land Inspection Strategy having completed detailed inspections of sites ranked as a high priority during the initial prioritisation process.

Since publication of the first contaminated land strategy published in June 2001, the following detailed inspections have been carried out:

- 2008 Sykes Meadow – not determined as contaminated land
- 2009 Penny Lane Fields – not determined as contaminated land
- 2012 Whitehill Primary School and Parklands – not determined as contaminated land

We will review the sites that have undergone detailed inspection to classify them in accordance with the category system set out in the revised statutory guidance.

The original strategy has been reviewed and updated as required in 2003, 2006 and 2009.

This strategy is the most significant revision to reflect the governments new guidance on Part 2A.

At present there are no entries in the Council contaminated land public register determined as “Contaminated Land” under Part 2A of the Environmental Protection Act 1990.

In the region of 1300 potentially contaminated sites in the Stockport area have been identified under the strategy inspection programme. Many of the sites are very minor, including small garden ponds. There is also some overlap between potentially contaminated sites and sites which have been developed under the planning regime.

The Council recognise that the list needs to be rationalised and desk top studies will be carried out to highlight such sites that have already been dealt with under planning and sites that are likely to fall into category 4. This will reduce the number requiring further levels of inspection and ensure the Council’s resources are directed toward the higher risk sites.

The Council’s contaminated land GIS dataset layer will continue reviewed and updated as further information comes to light.

### 13.2 Outstanding Actions

ACTION	DATE
Review the strategy and republish as required	2019 (or earlier if required)
Review detailed inspections that have already been carried out and place in categories 1 – 4 as described in the Contaminated Land Statutory Guidance 2012	2016
Review the prioritisation list and carry out desk top studies to ensure the strategy is focused on the highest risk sites.	2017
Input historic and other relevant data into the GIS data set	On-going
Progress detailed inspections of the highest risk sites	On-going
Secure remediation to address unacceptable risks to human health and the environment as required	On-going

### 13.3 Inspection Strategy Review

The Inspection Strategy will be reviewed before May 2019, to take into account up to five full years of implementation. Thereafter, reviews will be carried out as and when necessary but at least every 5 years.

Particular matters that will be kept under review include:

- The content of the strategy generally
- Priorities for further investigation of potentially contaminated sites
- The potential for the introduction of new receptors
- The potential for new contamination
- Progress on voluntary remediation

- The enforcement process generally and the identification of appropriate persons particularly
- Identification of special sites
- Progress with the implementation

**APPENDIX 1 - OBJECTIVES AND TIMESCALES FROM SRATEGY PUBLISHED JUNE 2001 AND 2003, 2009**

OBJECTIVE	DETAIL		
<p><b>Make preliminary arrangements for the regime.</b></p>	<p>The introduction of the Contaminated land regulations and associated guidance meant that the local authority needed to make preliminary arrangements with respect to the regime.</p>		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Designate officer with responsibility for contaminated land.	August 1999	Achieved
	Report proposed regime to EED Committee.	Dec 1998	Achieved
<p><b>Obtain and develop the expertise necessary for the contaminated land regime.</b></p>	<p>As the contaminated land regime is entirely new to local authorities there is at present little expertise in the legal and technical aspects of the subject. Before progress can be made there will be a need to develop the necessary expertise which by necessity will have to be acquired in the main from external providers. The following courses have been identified as useful to the development process.</p>		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Contaminated Land: Site Characterisation (Environment Agency)	May 2000	Achieved
	Contaminated Land Risk Assessment (GMGU) Urban Vision	Aug 2000	Achieved
	Geology and Contaminated Land Strategies, GMGU	Nov 2000	Achieved
	Interpretation of Site Investigation Reports, GMGU	Nov 2000	Achieved
	Landfill Gas Contamination, GMGU	Dec 2000	Achieved
	Remediation of Landfill Gas Contamination, GMGU	Jan 2001	Achieved
	The New Regime & Interface with Planning, GMGU	Feb 2001	Achieved
Advanced Contaminated Land Risk Assessment, GMGU	May 2001	Achieved	

<b>OBJECTIVE</b>	<b>DETAIL</b>		
<b>Refine existing preliminary arrangement and secure necessary resources</b>	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Apply for additional funding as budget pressure.	August 1999	Achieved
	Re-organise team to form specialist land & water unit (dependent on above).	October 1999	Achieved
<b>Produce a Strategy Document</b>	Once sufficient expertise has been developed one of the first tasks will be to complete the statutorily required strategy. The Council will produce an inspection strategy detailing how it plans to meet its duties laid down in Part 2A.		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Working draft complete	30 <sup>th</sup> April 2001	Achieved
	Draft Strategy for internal consultation	1 <sup>st</sup> June 2001	Achieved
	Changes made following consultation	15 <sup>th</sup> June 2001	Achieved
	Committee Report & papers written and sent to Committee Clerk	29 <sup>th</sup> June 2001	Achieved
	Draft Strategy sent to the Environment Agency	29 <sup>th</sup> June 2001	Achieved
	Strategy goes before Corporate Policy and Strategy Committee	12 <sup>th</sup> July 2001	Achieved
	Accepted Strategy submitted to Environment Agency		Achieved

OBJECTIVE	DETAIL		
<b>Establish and obtain information required to assess the state of land in Stockport and fulfil duties under Part 2A</b>	Having explored and tested a wide range of options to purchase information to identify potentially contaminated land in the Borough and carry out the assessments of the land under Part 2A, decisions were made to obtain:		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Landmark Historical mapping and associated data sets	Nov 1999	Achieved
	Street Gazetteer	February 2000	Achieved
	OS 1:10000	February 2000	Achieved
	Landfill Sites	July 2000	Achieved
	Ground Water Source Protection Zones	October 2000	Achieved
	Contours	October 2000	Achieved
	Ancient Woodland	October 2000	Achieved
	SSSI's	October 2000	Achieved
	SBI's	October 2000	Achieved
	Aerial Photography	October 2000	Achieved
	Groundwater Vulnerability Maps	July 2001	Achieved
	June 2001	Paper maps converted	
		2007	BGS installed

OBJECTIVE	DETAIL		
<b>Establish an effective means of information management</b>	All purchased information and data need to be incorporated onto the corporate Geographical Information System, along with the creation of linked databases. This work will be carried out with the Cartography Section.		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Establish links with Cartography Section to get information purchased in Nov 1999 on to the MapInfo GIS	January 2000	Achieved
	Update the GIS with all information and data sets purchased	On-going	Achieved
<b>Identify potentially contaminated land sites</b>	The statutory requirement to identify potentially contaminated sites will be achieved using the information purchased from Landmark Information Systems.		
	<b>KEY TASKS</b>	<b>TARGET</b>	<b>CURRENT STATUS</b>
	Landmark Information purchased	November 2000	Achieved
Landmark Information on corporate GIS in preparation for prioritisation of sites	January 2000	Achieved – Late	

OBJECTIVE	DETAIL		
<p><b>Decide a methodology for the prioritisation of potentially contaminated land sites</b></p>	<p>In order to prioritise potentially contaminated sites for further inspection, a regional procedure note will be developed in conjunction with MAPAC. This will create a list of sites in ranked order of risk.</p>		
	KEY TASKS	TARGET	CURRENT STATUS
	<p>Trialling CLR6 method of prioritising potentially contaminated sites.</p>	<p>Approximately 650 sites were prioritised using the CLR6 methodology. After close assessment it became evident that the methodology was not adequate and that another means of prioritisation was required.</p>	
	<p>Development of the PG01 Prioritisation Methodology</p>	<p>July 2001</p>	<p>Achieved</p>
<p>All relevant staff to become competent in the use of the prioritisation methodology</p>	<p>August 2001</p>	<p>Achieved</p>	
<p><b>Prioritisation of potentially contaminated sites</b></p>	<p>Prioritisation of potentially contaminated sites will be carried out as per prioritisation methodology.</p>		

OBJECTIVE	DETAIL		
	KEY TASKS	TARGET	CURRENT STATUS
	All sites prioritised for further inspection	December 2004	Achieved
<b>Carry out detailed investigation of land identified as potentially contaminated.</b>	Once sites have been rank into priority order, inspections will be carried out, starting with the highest priority sites first. This will be achieved using internal / external information, physical investigative techniques and appropriate risk assessment packages to determine whether a site is statutorily contaminated.		
	KEY TASKS	TARGET	CURRENT STATUS
	Inspection procedure produced	???	???
<b>Secure remediation of contaminated land sites</b>	Once the Council is aware that a site is statutorily contaminated it must secure remediation.		
	KEY TASKS	TARGET	CURRENT STATUS
	All contaminated land sites requiring remediation identified and remediation complete or in progress.	July 2030	In Progress
<b>Carry out strategy review</b>	The strategy is a working document. As circumstances develop, for instance as a result of changes in the law or working practices then the strategy will need to be reviewed and possibly revised.		

OBJECTIVE	DETAIL		
	KEY TASKS	TARGET	CURRENT STATUS
	Strategy reviewed and updated	On-going	and as necessary
	First full review	Jan 2003	Achieved
	Second Full Review	Jan 2009	Achieved
Third full review	Feb 2014	Achieved	

**Appendix 2: Internal Department's Responsibilities**

OFFICER	DUTIES
<b>ENVIRONMENT TEAM</b>	
<b>Environmental Health Officer (Land &amp; Water Group)</b>	<ul style="list-style-type: none"> <li>• Development, Implement and Review strategy document.</li> <li>• Ensure SMBC complies with regulations and guidance set down by the Secretary of State.</li> <li>• Liaise with relevant internal departments to achieve aims and objectives of the strategy.</li> <li>• Liaise with other authorities to ensure a standardised approach to the regulatory regime is adopted.</li> <li>• To assist in the completion of Supplementary Credit Approvals for investigation and remediation council owned land.</li> <li>• Co-ordinate the development of the GIS.</li> <li>• Aid EPO's with their duties.</li> <li>• Appointing consultants to carry out remedial work on contaminated sites.</li> </ul>
<b>Environmental Protection Officers</b>	<ul style="list-style-type: none"> <li>• Undertake inspections to identify contaminated sites.</li> <li>• Carry out prioritisation of sites.</li> <li>• Aid EHO in carrying out various responsibilities.</li> <li>• Develop GIS with Cartography Team.</li> </ul>
<b>DEVELOPMENT CONTROL</b>	
<b>Planning Officers</b>	<ul style="list-style-type: none"> <li>• Notification of development associated with known or potentially contaminated sites</li> </ul>

OFFICER	DUTIES
	at the earliest opportunity. <ul style="list-style-type: none"> <li>• Provide advice relating to issues of planning.</li> </ul>
<b>LEGAL SERVICES</b>	
<b>Solicitors</b>	<ul style="list-style-type: none"> <li>• Provision of legal advice.</li> <li>• Legal representation as necessary.</li> <li>• Liaison with external legal companies where necessary.</li> </ul>
<b>Relevant Officer</b>	<ul style="list-style-type: none"> <li>• Carrying out company searches and financial searches.</li> </ul>
<b>BUILDING CONTROL /ENGINEERS</b>	
<b>Relevant Officer</b>	<ul style="list-style-type: none"> <li>• Provision of information on sites of relevance to the regime.</li> </ul>
<b>ASSET MANAGEMENT</b>	
<b>Relevant Officer of Estates</b>	<ul style="list-style-type: none"> <li>• Property Valuation as necessary.</li> <li>• Provision of information relating to SMBC owned land.</li> </ul>
<b>I.T. / CARTOGRAPHY</b>	
<b>Relevant Officer</b>	<ul style="list-style-type: none"> <li>• Aid EHO in the development of GIS.</li> <li>• Update the GIS when necessary.</li> <li>• Aid EHO with data management.</li> </ul>
<b>CCDC</b>	
	<ul style="list-style-type: none"> <li>• Provision of advice relating to the likely medical effects relating to potential or</li> </ul>

OFFICER	DUTIES
	identified contaminants. <ul style="list-style-type: none"><li data-bbox="766 456 1554 488">• Provision of expert evidence in the event of legal action.</li></ul>

### Appendix 3: List of Contacts with Respect to Stockport Policies and Strategies

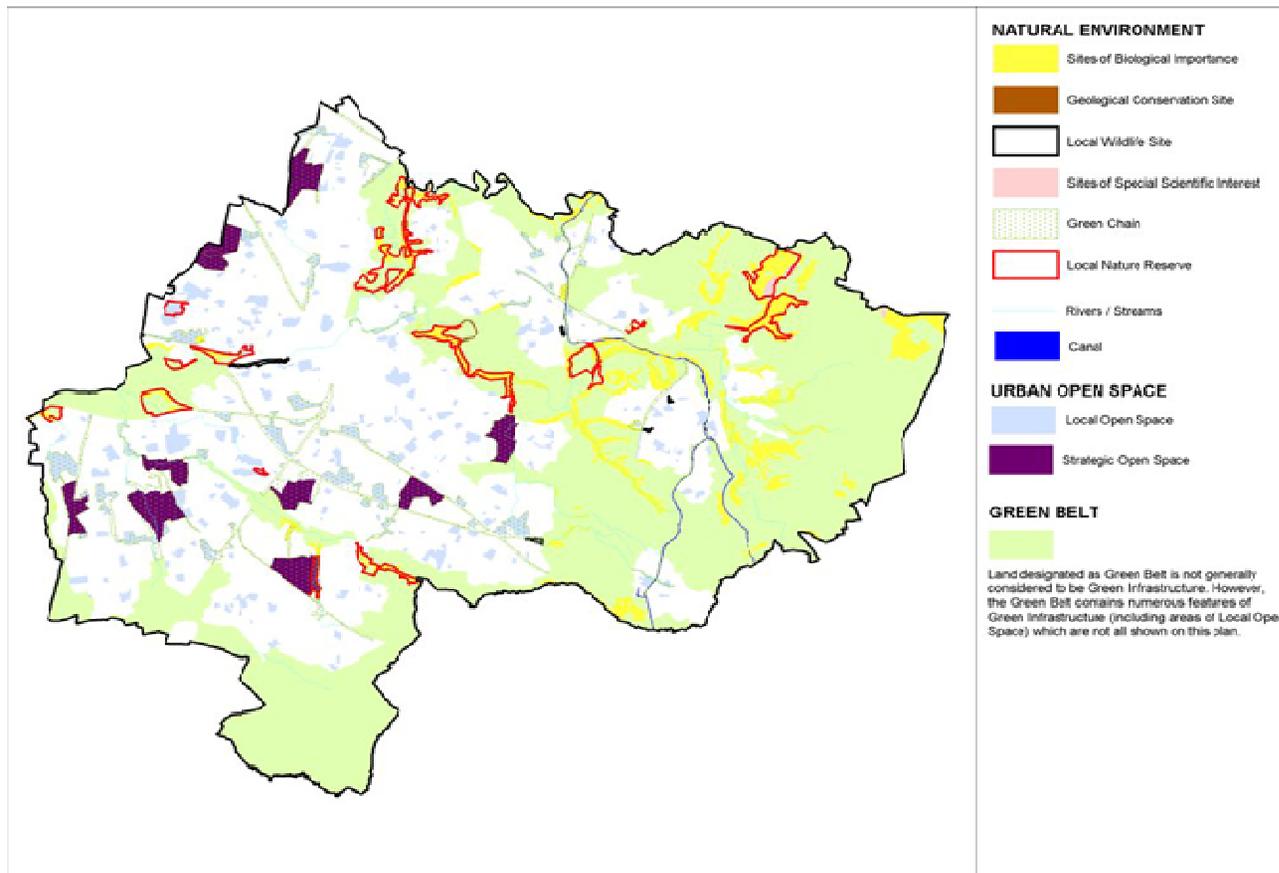
#### **Contact Points for the SMBC CONTAMINATED LAND STRATEGY:**

<p>Lisa Allott Environmental Health Officer Land and Water (Environment Team) 0161 474 4391 Email: <a href="mailto:Lisa.allott@stockport.gov.uk">Lisa.allott@stockport.gov.uk</a></p>	<p>Stockport Action Plan for Nature Nature Development Officer Greenspace Team Town Hall, Stockport. SK1 3XE T: 0161 217 6111</p>
<p>Karen Thorne Environmental Health Officer Land and Water (Environment Team) 0161 218 1631 Email: <a href="mailto:Karen.thorne@stockport.gov.uk">Karen.thorne@stockport.gov.uk</a></p>	<p>Conservation and Heritage Strategy Professional Support &amp; Conservation Manager, Planning Services Stopford House, Piccadilly, Stockport. SK1 3XE T: 0161 474 4563 F: 0161 474 4337</p>
<p>Woodland Strategy for Stockport and Park Management Greenspace Team Public Realm, Services to Place Town Hall, Stockport, SK1 3XE T: 0161 217 6111 F: 0161 474 4888</p>	<p>Local Transport Plan 3 - 2011/12 to 2014/15 Transport for Greater Manchester headquarters 2 Piccadilly Place, Manchester, M1 3BG Tel: 0161 244 1000 (9am - 5pm, Monday to Friday)</p>

#### Appendix 4: Statutory Bodies Contacts

<p>Environment Agency          Team Leader Helen Moorhouse          Contaminated Land Team          Appleton House, 430 Birchwood Boulevard, Birchwood          Warrington, WA3 7WD</p>	<p>Natural England          Foundry House, 3 Millsands          Riverside Exchange, Sheffield          Tel: 0300 0603900          E Mail: <a href="mailto:www.enquires@naturalengland.org.uk">www.enquires@naturalengland.org.uk</a></p>
<p>Public Health England          Greater Manchester Centre          0344 225 0562 (Option 1)</p>	<p>Food Standards Agency          Angela Towers          Regional Co-ordinator, North West and North East          Food Standards Agency          Mobile: 07881 717180</p>
<p>Animal Health DEFRA          Barton Hall, Garstang Road, Barton, Preston, PR3 5HE          01772 861144</p>	<p>The Plant Health &amp; Seeds Inspector (PHSI)          DEFRA, North Mercia RSC          Electra Way, Crewe, Cheshire, CW1 6GJ          01270 754258</p>
<p>English Heritage          North West Region          3rd Floor, Canada House, 3 Chepstow Street          Manchester, M1 5FW          0161 242 1400          Email: <a href="mailto:northwest@english-heritage.org.uk">northwest@english-heritage.org.uk</a></p>	

## Appendix 5 Stockport Map of Natural Environment



## Appendix 6 Bibliography

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## Appendix 7 Glossary of Terms

References to Section 78 relate to the Environmental Protection Act 1990.  
1990 Act: means the Environmental Protection Act 1990

**Appropriate person:** defined in Section 78A(9) as:  
“any person who is an appropriate person, determined in accordance with section 78F..., to bear responsibility for anything which is to be done by way of remediation in any particular case.”

**Assessment action:** a remediation action falling within the definition of remediation in section 78A(7)(a), that is the doing of anything for the purpose of assessing the condition of the contaminated land in question, or any controlled water affected by that land or any land adjoining or adjacent to that land.

**Class A liability group:** a liability group consisting of one or more Class A persons.

**Class A person:** a person who is an appropriate person by virtue of section 78F(2) (that is, because he has caused or knowingly permitted a pollutant to be in, on or under the land).

**Class B liability group:** a liability group consisting of one or more Class B persons.

**Class B person:** a person who is an appropriate person by virtue of section 78F(4) or (5) (that is, because he is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a particular remediation action).

**Contaminant:** a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.

**Contaminated land:** defined in section 78A(2) as

“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 a significant possibility of such harm being caused, or;

(b) pollution of controlled waters is being, or is likely to be, caused.”

Controlled waters: defined in section 78A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters.

Enforcing authority: defined in section 78A(9) as:

(a) in relation to a special site, the Environment Agency;

(b) in relation to contaminated land other than a special site, the local authority in whose area the land is situated.

**Contaminant linkage:** the relationship between a contaminant, a pathway and a receptor.

**EA:** means the Environment Agency

**Exclusion:** any determination by the enforcing authority under section 78F(6) (that is, that a person is to be treated as not being an appropriate person.

**Harm:** defined in section 78A(4) as:

“harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.”

**Hazard:** danger, risk, an element that possesses the ability to cause harm by virtue of the properties of the substance and the circumstance in which it exists.

**Intrusive investigation:** an investigation of land (for example by exploratory excavations) which involves actions going beyond simple visual inspection of the land, limited sampling or assessment of documentary information.

**Liability group:** the persons who are appropriate persons with respect to a particular significant contaminant linkage.

**Monitoring action:** a remediation action falling within the definition in section 78A(7)(c), that is “making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters”.

**Owner:** defined in section 78A(9) as:

“a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or where the land is not let at a rack rent, would be so entitled if it were so let.”

**Part 2A:** Part 2A of the Environmental Protection Act 1990.

**Pathway:** one or more routes or means by, or through, which a receptor:

(a) is being exposed to, or affected by, a contaminant, or

(b) could be so exposed or affected.

**Pollutant:** a contaminant which forms part of a contaminant linkage.

**Pollution of controlled waters:** defined in section 78A(9) as:

“the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter.”

**Possibility of significant harm:** a measure of the probability, or frequency, of the occurrence of circumstances which would lead to significant harm being caused.

**Receptor:** either:

(a) a living organism, a group of living organisms, an ecological system or a piece of property which:

- (i) is in a category listed in Table A in Chapter A as a type of receptor, and
  - (ii) is being, or could be, harmed, by a contaminant; or
- (b) controlled waters which are being, or could be, polluted by a contaminant.

### **Record of Determination**

**Register:** the public register maintained by the enforcing authority under section 78R of particulars relating to contaminated land.

**Remedial treatment action:** a remediation action falling within the definition in section 78A (7) (b), that is the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose:

(a) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land, or

(b) of restoring the land or waters to their former state.

**Remediation:** defined in section 78A(7) as

“(a) the doing of anything for the purpose of assessing the condition of -

“(i) the contaminated land in question;

“(ii) any controlled waters affected by that land; or

“(iii) any land adjoining or adjacent to that land;

“(b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose -

“(i) of preventing or minimising, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land; or

“(ii) of restoring the land or waters to their former state; or

“(c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.”

Remediation action: any individual thing which is being, or is to be, done by way of remediation.

**Risk:** the combination of:

(a) the probability, or frequency, or occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and

(b) the magnitude (including the seriousness) of the consequences.

**Risk Summary:**

**Significant contaminant:** a pollutant which forms part of a significant contaminant linkage.

**Significant contaminant linkage:** a contaminant linkage which forms the basis for a determination that a piece of land is contaminated land.

Significant possibility of significant harm: a possibility of significant harm being caused which, by virtue of section 78A(5), is determined to be significant in accordance with the statutory guidance in Chapter A.

Sold with Information: an exclusion test for Class A persons set out in Part 5 of Chapter D.

**Significant harm:** defined in section 78A(5). It means any harm which is determined to be significant in accordance with the statutory guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that Chapter).

**Special site:** defined by section 78A(3) as:

“any contaminated land –

“(a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...; and

“(b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4)...”.  
The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

**Substance:** defined in section 78A(9) as:

“any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour.”

**The guidance (2012):** Environmental Protection Act 1990: Part 2A ‘Contaminated Land Statutory Guidance’ published by Department for Environment Food and Rural Affairs - April 2012

**The regulations 2006:** The Contaminated Land (England) Regulations 2006