



**Preston City Council**  
**Contaminated Land Strategy**  
**2012**



## Contents

	Page
1.0 Introduction	2
1.1 Publication and review of the existing contaminated land strategy (2001)	2
1.2 Overall aims	2
2.0 Strategic Approach in 2001 (Review)	3
2.1 Suitable for use	3
2.2 Major investigations since 2001	4
3.0 Strategic approach 2011 onwards	6
3.1 Development control and part 2A	6
3.2 Continuation of contaminated land enquiries and the public register	6
3.3 Reactive investigations	6
3.4 Strategy Review	6

## **1.0 Introduction**

In April 2000 the UK Government introduced Part IIA of the Environmental Protection Act (EPA) 1990, placing a duty on each local authority (LA) to inspect the land within its area and identify any areas that could be defined as "contaminated". It included a duty to ensure that any areas found to be contaminated are remediated to reduce or remove the risk to people and the environment. The Act also required that the LA's publish a document outlining the strategic approach to fulfilling this statutory requirement.

Government guidance also recognised that land potentially affected by contamination is a material planning consideration and that the development phase is the most cost-effective time to deal with the problem. This guidance associated with the planning process places the responsibility on owners and developers to establish the extent of any potentially harmful materials on their sites.

### **1.1 Publication and review of the existing contaminated land strategy (2001)**

Preston City Council published its strategic approach to managing contaminated land in June 2001. The document was produced by the "Environmental Services Directorate" and was entitled the Contaminated Land Inspection Strategy. This document will review the above strategy, detailing the Council's historic and future approach to the fulfilment of the Council's duties following the decision to reduce the resources committed to contaminated land.

### **1.2 Overall aims**

The overall aims of the Council's approach to these duties are no different to the original strategy. These aims are consistent with the UK legislative requirements and include:

1. The protection of human health and ecosystems
2. The protection of controlled waters from contamination
3. To prevent damage to property, including historic buildings and archaeology
4. To provide a public register of land that is determined as "Contaminated"

## **2.0 Strategic Approach in 2001 (Review)**

In the 2001 Strategy the Council detailed its strategic approach, which generally related to the gathering of information and the prioritisation of potential contaminated land within Preston. It involved the following stages detailed below:

- Stage 1: Identification of potential sites
- Stage 2: Collection of all known site information
- Stage 3: Collation of information in database format
- Stage 4: Assessment of risk posed by sites and given a numerical value
- Stage 5: Prioritise sites in order of numerical importance
- Stage 6: Review and refine further site information
- Stage 7: Take appropriate and proportionate action

With the outcome of this process being land that was "fit for its intended purpose" or suitable for use, as defined below.

### **2.1 Suitable for use**

The "suitable for use" approach focuses on the risks caused by land contamination and recognises that the risks presented by any given level of contamination will vary greatly according to the historical use of the land and a wide range of other factors, such as the underlying geology and hydro-geology of the site. Risks therefore need to be assessed on a site-by-site basis balanced against the intended reuse or existing use of the land. This "suitable for use" approach basically consists of three elements:

(a) Ensuring that land is suitable for its current use –

With the assessment of the current risks associated with any likely contamination and its current use. It may involve a scheme of remediation if contamination is identified.

(b) Ensuring that land is made suitable for any new use and permission is given for that new use –

The assessment is performed on the potential risks from contamination on the proposed future use, avoiding any unacceptable risks to human health and the environment. This may include a scheme of remediation where necessary.

(c) limiting the requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use or future use of the land for which planning permission is being sought –

In other words, there is recognition that the risks from contaminated land can be satisfactorily assessed only in the context of the specific uses of the land, whether this is a current or proposed use. Any attempt to guess what might be needed at some time in the future for other uses is likely to result in premature

work, thereby distorting social, economic and environmental priorities or simply carry out unnecessary work.

## **2.2 Major investigations since 2001**

Since the introduction of the strategy in 2001, the following major investigations have been undertaken in line with the current strategic approach.

### **Preston docks**

During the period of 2002/2003 an extensive investigation into soil and groundwater conditions at the Riversway, Preston Docks site was undertaken.

The report concluded no further remedial work was required to protect the main receptor the River Ribble, due to low chemical concentrations. A cost – benefit analysis on the recovery of the remaining hydrocarbon product, would have proved prohibitively expensive with little benefit to the environmental quality of the river. Therefore in light of the findings and agreement with the Environment Agency this investigation was concluded.

Future planning development proposals will still require site specific investigation to ensure that any given site is “fit for purpose”

### **Mellings tip**

Following further investigations and consultations the former Mellings Tip and London Road Landfill has now been remodelled and landscaped. Among its attractions are a National Standard B.M.X. track, soccer pitch and baseball diamond. The site also includes footpath connections to the Fishwick Nature Reserve, which brings together the wetland habitat of the former watercress farm and also includes areas of interest in the former Melling’s landfill. This landfill has been monitored and is now considered safe for its intended use.

### **Allotments**

A desk based risk assessment was carried out in line with the Councils 2001 strategy. This also involved a screening exercise using a rapid analysis instrument called XRF (X-Ray Fluorescence), with no suggestion that any of the sites were at risk of contamination.

### **Red scar works**

Following investigations at sites in Coventry and Carrick Fergus in Northern Ireland, Akzo Nobel the Dutch owners of the former Courtaulds Group approached the Council with regard to undertaking a full site investigation at the former Red Scar Rayon Works. This investigation was primarily aimed at identifying any source of residual concentrations of carbon disulphide. Nothing of any significance was found and no remedial works were required. Other more localised investigations have been carried out as a result of conditions

applied to planning approvals on the site, with it presently considered fit for purpose.

### **Deepdale Retail Park**

Deepdale Retail Park is partially built on a former gas producing landfill. The original design into the properties included the maximum levels of gas protection which was supported by a Town and Country Planning Act 1990, 106 Agreement, which included the installation and use of gas detection alarm systems. Following a number of false alarms and emergency response situations the Council carried out in conjunction with consultants a study into the current gas regime. Following a rigorous re-evaluation the level of the required gas protection was down graded, but still exceeds that which would be normally required for the current level of landfill gas monitored.

### **Landfills**

All landfills have been risk assessed and mapped on the corporate GIS. This dedicated layer allows visual identification of areas or properties within the Councils area that can be considered inert or inactive and those that warrant further precaution. This GIS map layer, not only aids the planning development process, significantly reduces planning consultations but also provides reliable information for the most common contaminated land enquiry.

### **3.0 Strategic approach 2011 onwards**

As discussed earlier the duties imposed by the legislation and therefore the aims of the Council in undertaking these duties have not changed. However the resource available to focus on contaminated land has been reduced, requiring an alternative strategic approach

#### **3.1 Development control and Part 2A**

Any future inspection, identification and remediation of land to a suitable use will be undertaken via the development control process. Since the production of the Contaminated Land Strategy in 2001, it has been recognised that the most appropriate and efficient way to address the issues associated with contamination is through the planning process, with the onus on the developer/applicant to provide a sufficient detailed assessment produced by competent consultants.

#### **3.2 Continuation of contaminated land enquiries and the public register**

With the introduction of the Freedom of Information Act 2005 and the Environmental Information regulations 2004 since the issue of the strategy in 2001, the Council now has an obligation to disclose information held on file, via a request, with regard to "contaminated land". Therefore the Council will continue to deal with these enquiries as and when they are received. All the information requested will be disclosed unless it is covered by the exclusion test of commercial confidentiality or an intellectual property right. The public registers will continue to be maintained and updated.

#### **3.3 Reactive investigations**

Although the Councils approach to part 2A will be via the development control process, there may still be a need to investigate potential areas of contamination that have been notified to the Council from members of the public. In these circumstances the Council will undertake any necessary investigation to establish whether there is any contamination and who is responsible for the remediation.

However, there are financial implications if those responsible are not determined and the site then being declared as orphaned. In these circumstances, the financial responsibility for any remediation may fall upon the Council.

#### **3.4 Strategy Review**

It is the intention that this updated strategy will be updated and reviewed in 5 years from its adoption date.