



Preston City Council

Contaminated Land Strategy

2023



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

Preston City Council first published its strategic approach to managing contaminated land in 2001, followed by a updated strategy in 2012. This document will review our approach so far, detailing the Councils historic and future approach to the fulfilment of the Council's duties.

1.2 Overall aims

The overall aims of the Council's approach to these duties are no different to the original strategy back in 2001. 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 2001 to 2012

In the 2001 Strategy the Council detailed its approach, which primarily focused on 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

Suitable for use is a risk-based approach. Any risk to human health presented by 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 hydrogeology 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.
- (b) Ensuring that land is made suitable for any new use and permission is given for that new use.
- (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 carrying out unnecessary work.

2.2 Major investigations (2001 -2012)

During the period between 2001 and 2012, the following major investigations had been undertaken in line with the strategic approach at the time.

2.3 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, 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 the investigation was concluded.

Future planning development proposals will still require site specific investigation to ensure that any given site is "Suitable for use"

2.4 Mellings tip

Following further investigations and consultations the former Mellings Tip and London Road Landfill was 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.

2.5 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.

2.6 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.

2.7 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.

2.8 Landfills

All landfills were 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.

2.9 Strategic approach 2012 onwards

Following the period of austerity, the Council agreed an alternative strategy to fulfil its aims in relation to the regulation of contaminated land. Therefore the following strategy was introduced in March 2012.

2.10 Development control and Part 2A

The 2012 Strategy changed the approach to:

The inspection, identification and remediation of land containing contamination via the use of the development control process.

This was deemed the most appropriate and efficient way to deal with the Council's duties in addressing areas of contamination within the City. With bringing an onus on the developer/applicant in providing sufficient detailed assessment of any areas of land that were proposed for development.

During the period between 2012 and 2023, the Environmental Health Department of the Council has been consulted on 3600 planning applications, the majority of these will have involved the submission of a desk top study, with the need for further work to inspect or improve the land before development.

2.11 Contaminated land enquiries and the public register

The Council continued to meet the requirements of Freedom of Information Act 2005 and the Environmental Information Regulations 2004 to disclose information held on file, via a request, with regard to "contaminated land".

2.12 Reactive investigations

Although the 2012 strategy put a focus on dealing with contaminated land through the development control process. This strategy also included the need to carry out reactive investigations if concerns about a particular area were notified to the Council. Over the period since the introduction of this strategy, there have only been a few requests made to the Council, which after investigation did not lead to any remediation or declaration of contaminated land.

3.0 Contaminated land strategy 2023 (Continuation of 2012)

Following on from the above, it is the intention that the Council will continue with the current strategy agreed in March 2012 detailed in sections 2.10, 2.11 and 2.12 above.

From a review of the work carried out under this strategy, we believe the development control process is the most efficient mechanism of dealing with the inspection, identification and remediation of land to a suitable use.

The work undertaken as part of the 2001 Strategy identified, prioritised and assessed the areas of concern with the City.

4.0 Strategy review

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