



D. Consultation Information

Appendices

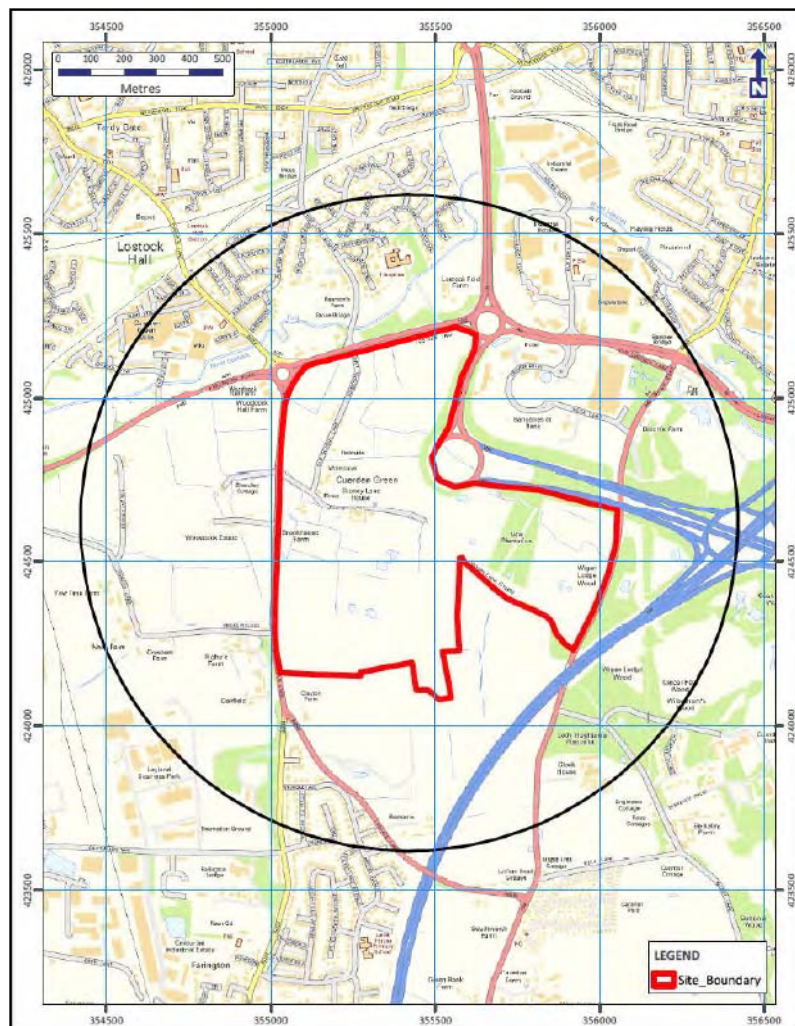
Ground Conditions - Preliminary Risk Assessment

Document Reference:

WIE11556-110-R-1.3.1-PRA

Preliminary Unexploded Ordnance (UXO) Risk Assessment

Meeting the requirements of CIRIA C681 'Unexploded Ordnance (UXO) – A guide for the Construction Industry' Risk Management Framework



6 Alpha Project Number: P5420

Site: Cuerden Strategic Site, Old School Lane, Cuerden, Preston, PR5 5XP

Originator: Sophie Meakin

Released By: Lisa Askham (26th July 2016)

Delivered By



Study Site

The Study Site is described as 'Cuerden Strategic Site, Old School Lane, Cuerden, Preston, PR5 5XP', and it is centred on National Grid Reference 355420, 424620.

Threat Potential

UXO PROBABILITY ASSESSMENT = 2 RATING, INDICATING A
LOW/MEDIUM PROBABILITY OF UXO ENCOUNTER

The rating scale can be seen on *Figure 2* (Probability of UXO Encounter). In accordance with current guidelines (*CIRIA C681 Chapter 5*), the highest risk rating has been determined at this specific site for UXO risk consideration and has been used for the final assessment and recommendations.

Summary

During WWII the Study Site was situated within *Preston Rural District* and *Chorley Rural District*, which both recorded less than one High Explosive (HE) bomb strikes per 100 hectares; a low level of bombing.

Luftwaffe aerial reconnaissance photography associated with the Site did not identify any primary bombing targets within 1,000m of the Site boundary. However, two mills, railway sidings and engineering works located in the vicinity may have been considered secondary bombing targets.

Air Raid Precaution (ARP) records could not be located. However, further research did not identify any bomb strikes on-Site, or within 1,000m of the Site boundary.

Official bomb damage mapping could not be located. Post-war mapping did not identify any potential bomb damage on-Site, or within close proximity.

As there was no bombing or bomb damage recorded in the Site's vicinity during WWII, there is no evidence to suggest that further investigation into UXO is warranted.

Recommendations

In accordance with *CIRIA C681 Chapter 5* on managing UXO risks, *6 Alpha* recommends that no further action is required to address the UXO risk at this Study Site. Should you have any queries, please contact *Envirocheck*:

Telephone: +44 (0)844 844 9952

Email: customerservice@envirocheck.co.uk

Using This Report

This Preliminary Assessment is designed to inform environmental and construction professionals of the potential threat of military related explosives and/or ordnance on, or in, the vicinity of the Study Site.

This assessment is designed to be employed as a site-screening tool to meet with the requirement of Phase One of the *CIRIA UXO Risk Management Framework*; there are two broad prospective outcomes; either the threat level requires a Detailed Threat and Risk assessment; or no further action is required. In the former instance we can provide a report within 14 working days (or more quickly upon application).

Two figures accompany the report, the *Second World War* (WWII) High Explosive (HE) Bomb Density and the final Probability of UXO Encounter. The purpose of this approach is to demonstrate that whilst bomb density statistics give an indication for WWII bombing, they should not be relied upon exclusively to generate a holistic assessment.












For further information, please contact *Envirocheck*:

Telephone: +44 (0)844 844 9952

Website: <http://www.envirocheck.co.uk>

Email: customerservice@envirocheck.co.uk

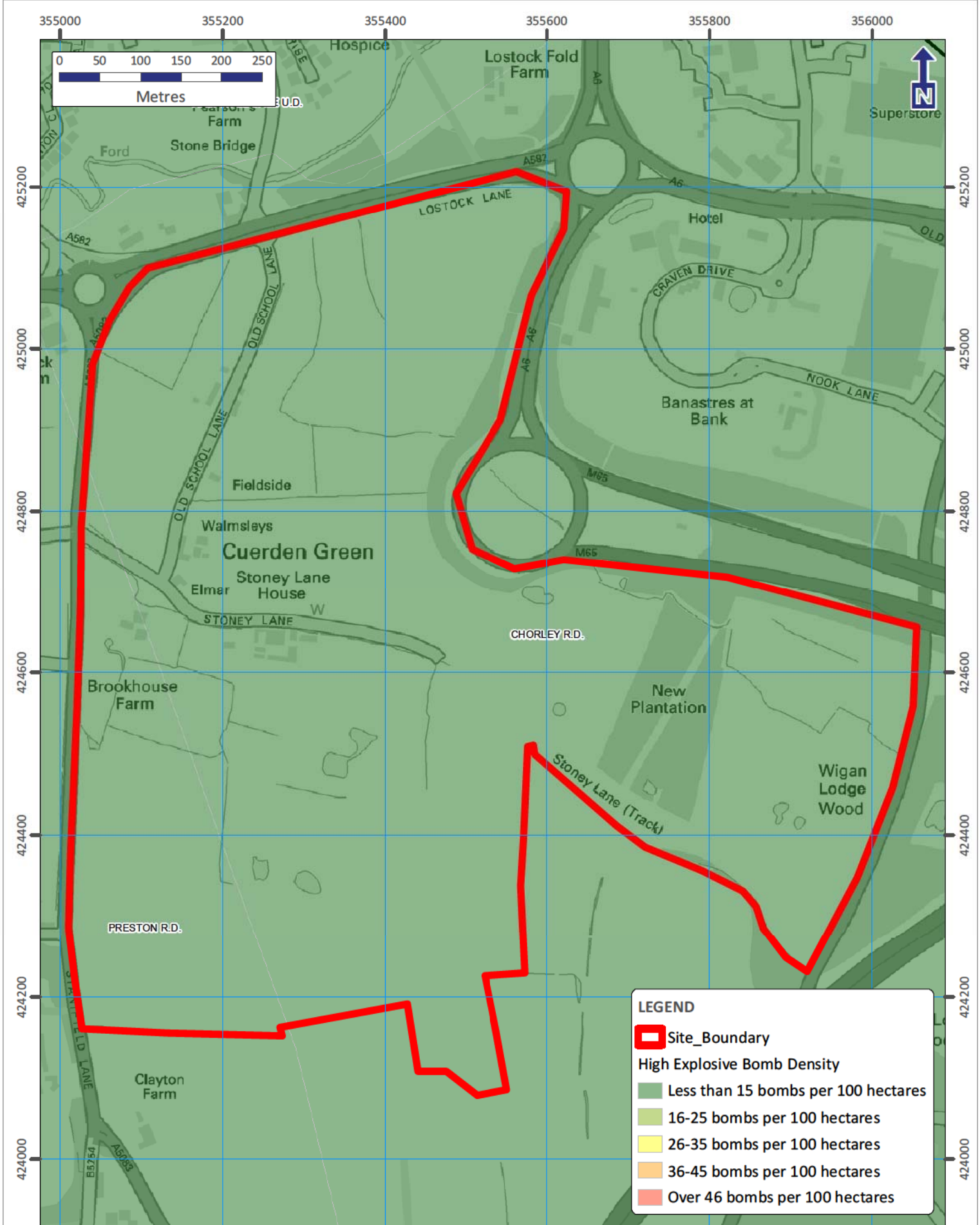
Data Findings

Threat Source (Within 1,000m)	Detail	
	Identified	Comments
 Airfields/Military Facilities	✗	None recorded within 1,000m.
 Ordnance Manufacture/Storage	✗	None recorded within 1,000m.
 WWII Decoy Bombing Sites	✗	None recorded within 1,000m.
 WWII Defensive Features	✗	None recorded within 1,000m.
 WWII <i>Luftwaffe</i> Designated Bombing Targets	✗	<i>Luftwaffe</i> aerial photography did not identify any primary bombing targets within 1,000m.
 Secondary Bombing Targets	✓	Two mills (275m north-west and 340m north-east), railway sidings (680m west) and engineering works (960m north-east).
 WWII Bomb Strikes Within Site Boundary	✗	ARP records could not be located.
 WWII Bomb Strikes Near Site Boundary	✗	ARP records could not be located.
 WWII Bomb Damage	✗	Official bomb damage mapping could not be located.
 Abandoned Bomb Register	✗	The official abandoned bomb list did not identify an abandoned bomb within 1,000m.
 WWII Bombing Density Per 100 Hectares	✗	<i>Preston Rural District</i> and <i>Chorley Rural District</i> , which both recorded less than one HE bomb strikes per 100 hectares.

Important Notes

1. The term 'Preliminary UXO Risk Assessment' has been used to describe this report, to fall in line with the CIRIA C681 guidelines. Whilst the term 'Risk' can be justifiably used at this stage, the reader should note that the 'Consequence' function of 'Risk' is not considered. Should it be required, this would be addressed in the 'Detailed UXO Threat & Risk Assessment' (Stages 2 and 3).
2. This report is accurate and up to date at the time of writing.
3. The assessment levels have been generated from historical data and third party sources. Where possible 6 Alpha have sought to verify the accuracy of such data, but cannot be held accountable for inherent errors that may be in third party data sets (e.g. *National Archives* or library sources).
4. 6 Alpha have exercised all reasonable care, skill and due diligence in producing this service.
5. Whilst every effort has been used to identify all potential UXO/explosive threats, there were a number of private facilities, which may not have released privately recorded information concerning UXO/explosive threats into the public domain. It is therefore possible that some of the aforementioned sites may not be included within the database.

WWII High Explosive Bomb Density



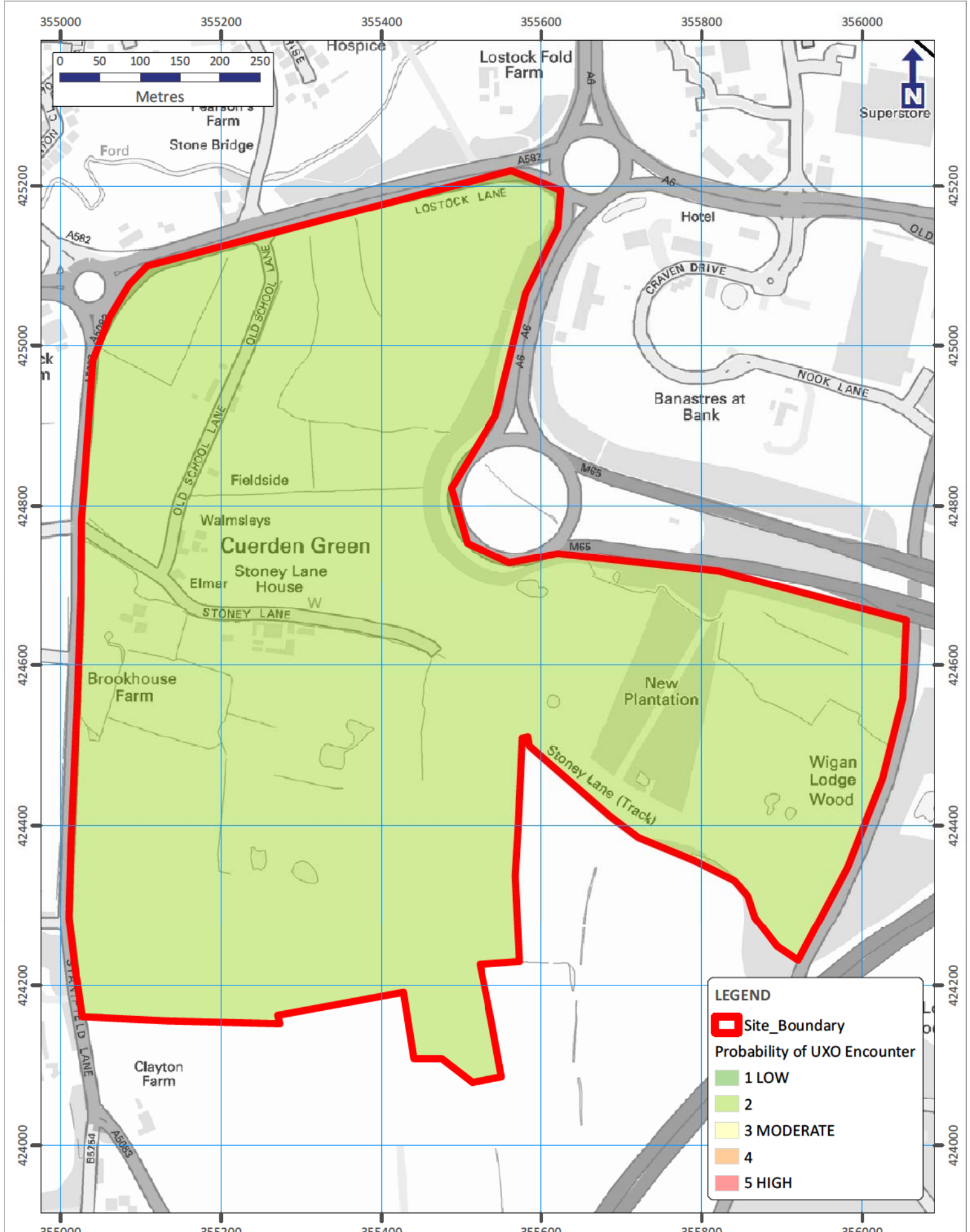
LEGEND

- Site_Boundary
- High Explosive Bomb Density
- Less than 15 bombs per 100 hectares
- 16-25 bombs per 100 hectares
- 26-35 bombs per 100 hectares
- 36-45 bombs per 100 hectares
- Over 46 bombs per 100 hectares

CUERDEN STRATEGIC SITE, OLD SCHOOL LANE,
CUERDEN, PRESTON, PR5 5XP



Probability of UXO Encounter



LEGEND

- Site_Boundary
- Probability of UXO Encounter
- 1 LOW
- 2
- 3 MODERATE
- 4
- 5 HIGH



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07/1987/0496 | Domestic garage. | Brookhouse Farm Stanifield Lane Lostock Hall Preston Lancashire PR25 4GA

Reference	07/1987/0496
Alternative Reference	Not Available
Application Received	Fri 10 Jul 1987
Application Validated	Fri 10 Jul 1987
Address	Brookhouse Farm Stanifield Lane Lostock Hall Preston Lancashire PR25 4GA
Proposal	Domestic garage.
Status	Unknown
Decision	Permitted Development
Decision Issued Date	Thu 23 Jul 1987
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

There is 1 property associated with this application.

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07/1999/0370 | First Floor Side Extension. | Brookhouse Farm Stanifield Lane Lostock Hall Preston Lancashire PR25 4GA

Reference	07/1999/0370
Alternative Reference	Not Available
Application Received	Tue 08 Jun 1999
Application Validated	Tue 08 Jun 1999
Address	Brookhouse Farm Stanifield Lane Lostock Hall Preston Lancashire PR25 4GA
Proposal	First Floor Side Extension.
Status	Decided
Decision	Approval
Decision Issued Date	Wed 10 Nov 1999
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

There is 1 property associated with this application.



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07/1992/0537 | Extension to front of bungalow. | Elmar Stoney Lane Cuerden Green Lostock Hall Preston PR5 5XQ

Reference	07/1992/0537
Alternative Reference	Not Available
Application Received	Wed 15 Jul 1992
Application Validated	Wed 15 Jul 1992
Address	Elmar Stoney Lane Cuerden Green Lostock Hall Preston PR5 5XQ
Proposal	Extension to front of bungalow.
Status	Decided
Decision	Approval
Decision Issued Date	Wed 09 Sep 1992
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

There is [1 property](#) associated with this application.



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07/1999/0009 | Single storey extension to side of garage. | Elmar Stoney Lane Lostock Hall Preston Lancashire PR5 5XQ

Reference	07/1999/0009
Alternative Reference	Not Available
Application Received	Tue 05 Jan 1999
Application Validated	Tue 05 Jan 1999
Address	Elmar Stoney Lane Lostock Hall Preston Lancashire PR5 5XQ
Proposal	Single storey extension to side of garage.
Status	Decided
Decision	Approval
Decision Issued Date	Fri 12 Feb 1999
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

There is 1 property associated with this application.



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07/1999/0530 | Two storey front extension. | Fieldside Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/1999/0530
Alternative Reference	Not Available
Application Received	Mon 16 Aug 1999
Application Validated	Mon 16 Aug 1999
Address	Fieldside Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Two storey front extension.
Status	Decided
Decision	Approval
Decision Issued Date	Fri 17 Sep 1999
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/2007/0250/COU | Change of use of Agricultural Land Into Domestic Curtilage | Glenferm Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/2007/0250/COU
Alternative Reference	Not Available
Application Received	Mon 12 Mar 2007
Application Validated	Mon 12 Mar 2007
Address	Glenferm Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Change of use of Agricultural Land into Domestic Curtilage
Status	Decided
Decision	Approval
Decision Issued Date	Thu 26 Apr 2007
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/1991/0753 | Use of land for the storage of caravans. | Land At Glenfern Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/1991/0753
Alternative Reference	Not Available
Application Received	Wed 09 Oct 1991
Application Validated	Wed 09 Oct 1991
Address	Land At Glenfern Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Use of land for the storage of caravans.
Status	Unknown
Decision	Certificate Not Granted
Decision Issued Date	Tue 21 Jul 1992
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/1994/0085 | Single Storey Rear Extension, One Front Dormer and Three Rear Dormers. | Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/1994/0085
Alternative Reference	Not Available
Application Received	Mon 07 Feb 1994
Application Validated	Mon 07 Feb 1994
Address	Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Single Storey Rear Extension, One Front Dormer and Three Rear Dormers.
Status	Decided
Decision	Approval
Decision Issued Date	Fri 18 Mar 1994
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/2007/0839/FUL | Single storey extension to side to form garage | Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/2007/0839/FUL
Alternative Reference	Not Available
Application Received	Fri 17 Aug 2007
Application Validated	Fri 17 Aug 2007
Address	Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Single storey extension to side to form garage
Status	Decided
Decision	Approval
Decision Issued Date	Fri 12 Oct 2007
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/2008/0043/FUL | Erection of detached cattery building to rear | Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/2008/0043/FUL
Alternative Reference	Not Available
Application Received	Thu 17 Jan 2008
Application Validated	Thu 17 Jan 2008
Address	Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Erection of detached cattery building to rear
Status	Decided
Decision	Approval
Decision Issued Date	Tue 04 Mar 2008
Appeal Status	Unknown
Appeal Decision	Not Available

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09/1980/0526 | Garage and store (including workshop). | Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	09/1980/0526
Alternative Reference	Not Available
Application Received	Fri 25 Apr 1980
Application Validated	Fri 25 Apr 1980
Address	Mayflower Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Garage and store (including workshop).
Status	Decided
Decision	Approval
Decision Issued Date	Mon 09 Jun 1980
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/1994/0410 | (Listed Building Consent) Demolition of Existing Extensions and Erection of Single Storey Extensions to Front and Two and Single Storey Extension to Rear. | The Old School House Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/1994/0410
Alternative Reference	Not Available
Application Received	Thu 16 Jun 1994
Application Validated	Thu 16 Jun 1994
Address	The Old School House Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	(Listed Building Consent) Demolition of Existing Extensions and Erection of Single Storey Extensions to Front and Two and Single Storey Extension to Rear.
Status	Unknown
Decision	Consent Granted
Decision Issued Date	Wed 03 Aug 1994
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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07/1994/0411 | Demolition of Existing Extensions and Erection of Single Storey Extensions to Front and Two and Single Storey Extension to Rear. | The Old School House Old School Lane Lostock Hall Preston Lancashire PR5 5XP

Reference	07/1994/0411
Alternative Reference	Not Available
Application Received	Thu 16 Jun 1994
Application Validated	Thu 16 Jun 1994
Address	The Old School House Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Demolition of Existing Extensions and Erection of Single Storey Extensions to Front and Two and Single Storey Extension to Rear.
Status	Decided
Decision	Approval
Decision Issued Date	Wed 03 Aug 1994
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

There are [4 properties](#) associated with this application.



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07/2010/0617/FUL | Siting of a static caravan for residential use | Stoney Lane Farm Stoney Lane Lostock Hall Preston Lancashire PR5 5XQ

Reference	07/2010/0617/FUL
Alternative Reference	Not Available
Application Received	Tue 31 Aug 2010
Application Validated	Mon 25 Oct 2010
Address	Stoney Lane Farm Stoney Lane Lostock Hall Preston Lancashire PR5 5XQ
Proposal	Siting of a static caravan for residential use
Status	Decided
Decision	Approval
Decision Issued Date	Wed 15 Dec 2010
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.

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Summary

Reference	07/2017/0211/ORM
Alternative Reference	PP-05675353
Application Received	Fri 27 Jan 2017
Application Validated	Mon 06 Feb 2017
Address	Cuerden Strategic Site, East Of Stanfield Lane, North Of Clayton Farm, West Of Wigan Road Lostock Lane Lostock Hall Lancashire
Proposal	Hybrid planning application comprising of Full and Outline development - Environmental Impact Assessment (EIA) development Part 1 FULL - Retail floorspace (Use Classes A1 & A3) and associated car parking, site access, highway works, drainage and strategic landscaping; Part 2 OUT - Employment floorspace (Classes B1, B2 & B8), hotel (Class C1), health and fitness and leisure (Class D2), creche/nursery (Class D1), retail (Classes A1, A2, A3, A4 & A5), car showrooms (Use Class Sui Generis), residential (Classes C2/C3) and provision of associated car parking, access, public open space, landscaping and drainage (Access applied for) and affecting the setting of a Listed Building
Status	Unknown
Decision	Approval with Conditions
Decision Issued Date	Wed 20 Dec 2017
Appeal Status	Unknown
Appeal Decision	

Further Information

Application Type	Outline with some matters reserved
Decision	Approval with Conditions
Actual Decision Level	Committee Decision
Expected Decision Level	Committee Decision

Case Officer	Mr Jonathan Noad
Parish	Farington Parish Council
Ward	Farington East
District Reference	
Applicant Name	Lancashire County Council & Maple Grove Developments Limited
Agent Name	Mr Paul Newton
Agent Company Name	Barton Willmore LLP
Agent Address	7 Soho Square London W1D 3QB
Agent Phone Number	
Environmental Assessment Requested	No

Contacts

Agent

Mr Paul Newton

Phone 02074466888

EMAIL paul.newton@bartonwillmore.co.uk

Ward Councillors

Councillor Paul Wharton

Address 18 Mill Street Farington Leyland PR25 4QJ

Cllr Jacky Alty

Address C/o Civic Centre West Paddock Leyland Lancashire PR25 1DH

Important Dates

Application Received Date	Fri 27 Jan 2017
Application Validated Date	Mon 06 Feb 2017
Expiry Date	Thu 24 Aug 2017

Actual Committee Date

Latest Neighbour Consultation Date	Thu 03 Aug 2017
Neighbour Consultation Expiry Date	Thu 24 Aug 2017
Standard Consultation Date	Thu 30 Nov 2017
Standard Consultation Expiry Date	Fri 22 Dec 2017
Last Advertised In Press Date	
Latest Advertisement Expiry Date	
Last Site Notice Posted Date	

Latest Site Notice Expiry Date

Internal Target Date Mon 29 May 2017

Agreed Expiry Date Wed 20 Dec 2017

Decision Made Date Wed 20 Dec 2017

Decision Issued Date Wed 20 Dec 2017

Permission Expiry Date Tue 20 Dec 2022

Decision Printed Date Wed 20 Dec 2017

**Environmental Impact Assessment
Received**

Determination Deadline Mon 08 May 2017

Temporary Permission Expiry Date

Related Information

There are 276 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.

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Summary

Reference	07/2017/0333/FUL
Alternative Reference	PP-05742701
Application Received	Thu 09 Feb 2017
Application Validated	Fri 10 Feb 2017
Address	Cuerden Strategic Site, East Of Stanfield Lane, North Of Clayton Farm, West Of Wigan Road Lostock Lane Lostock Hall Lancashire
Proposal	Excavation of land to create five ponds and associated landscaping
Status	Unknown
Decision	Approval with Conditions
Decision Issued Date	Thu 20 Apr 2017
Appeal Status	Unknown
Appeal Decision	

Further Information

Application Type	Full Application
Decision	Approval with Conditions
Actual Decision Level	Committee Decision
Expected Decision Level	Committee Decision
Case Officer	Mike Atherton
Parish	
Ward	Farington East
District Reference	
Applicant Name	Lancashire County Council
Agent Name	Mr Paul Newton
Agent Company Name	Barton Willmore
Agent Address	7 Soho Square LONDON W1D 3QB
Agent Phone Number	
Environmental Assessment Requested	No

Contacts

Agent

Mr Paul Newton

EMAIL paul.newton@bartonwillmore.co.uk

Phone 02074466888

Ward Councillors

Councillor Paul Wharton

Address 18 Mill Street Farington Leyland PR25 4QJ

Cllr Jacky Alty

Address C/o Civic Centre West Paddock Leyland Lancashire PR25 1DH

Important Dates

Application Received Date	Thu 09 Feb 2017
Application Validated Date	Fri 10 Feb 2017
Expiry Date	Sat 04 Mar 2017
Actual Committee Date	Wed 19 Apr 2017
Latest Neighbour Consultation Date	Fri 17 Feb 2017
Neighbour Consultation Expiry Date	Sat 11 Mar 2017
Standard Consultation Date	Fri 10 Feb 2017
Standard Consultation Expiry Date	Sat 04 Mar 2017
Last Advertised In Press Date	
Latest Advertisement Expiry Date	
Last Site Notice Posted Date	
Latest Site Notice Expiry Date	
Internal Target Date	Fri 12 May 2017
Agreed Expiry Date	
Decision Made Date	Thu 20 Apr 2017
Decision Issued Date	Thu 20 Apr 2017
Permission Expiry Date	Mon 20 Apr 2020
Decision Printed Date	Thu 20 Apr 2017
Environmental Impact Assessment Received	
Determination Deadline	Fri 12 May 2017
Temporary Permission Expiry Date	

Related Information

There are 20 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.

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Summary

Reference	07/2021/00335/FUL
Alternative Reference	PP-09672760
Application Received	Fri 26 Mar 2021
Application Validated	Thu 15 Apr 2021
Address	Fieldside Old School Lane Lostock Hall Preston Lancashire PR5 5XP
Proposal	Erection of one two storey detached property, formation of new access and domestic waste treatment plant.
Status	Unknown
Decision	Approval with Conditions
Decision Issued Date	Wed 09 Jun 2021
Appeal Status	Unknown
Appeal Decision	

Further Information

Application Type	Full Application
Decision	Approval with Conditions
Actual Decision Level	Delegated Decision
Expected Decision Level	Delegated Decision
Case Officer	Mrs Catherine Lewis
Parish	Farington Parish Council
Ward	Farington East
District Reference	
Applicant Name	Mr. Michael Anthony
Agent Name	Mr Mark Stephenson
Agent Company Name	Middleton Top Architects
Agent Address	8 Pink Street Haworth Keighley West Yorkshire BD22 8AX United Kingdom
Agent Phone Number	

Environmental Assessment No
Requested

Contacts

Agent

Mr Mark Stephenson

EMAIL middletontoparchitects@gmail.com

Phone 07943197025

Ward Councillors

Councillor Paul Wharton

Address 18 Mill Street Farington Leyland PR25 4QJ

Cllr Jacky Alty

Address C/o Civic Centre West Paddock Leyland Lancashire PR25 1DH

Important Dates

Application Received Date Fri 26 Mar 2021

Application Validated Date Thu 15 Apr 2021

Expiry Date Fri 07 May 2021

Actual Committee Date

Latest Neighbour Consultation Date Thu 15 Apr 2021

Neighbour Consultation Expiry Date Fri 07 May 2021

Standard Consultation Date Thu 15 Apr 2021

Standard Consultation Expiry Date Fri 07 May 2021

Last Advertised In Press Date

Latest Advertisement Expiry Date

Last Site Notice Posted Date

Latest Site Notice Expiry Date

Internal Target Date Thu 10 Jun 2021

Agreed Expiry Date

Decision Made Date Wed 09 Jun 2021

Decision Issued Date Wed 09 Jun 2021

Permission Expiry Date Sun 09 Jun 2024

Decision Printed Date Wed 09 Jun 2021

Environmental Impact Assessment
Received

Determination Deadline Thu 10 Jun 2021

Temporary Permission Expiry Date

Constraints

Name	Constraint Type	Status
Central Lancashire New Town Multiple	New Towns Local Plans	Confirmed
Smoke Control Order No 24 (Leyland/Farington)	Smoke Control Orders	Confirmed
Advertisement Control Area	Advertisement Control	Confirmed

Related Information

There are 17 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.

E. Regulatory Context

The National Planning Policy Framework (NPPF) 2019 sets out Government planning policy for England and how this is expected to be applied to development. Paragraph 118 of Section 11 – Making effective use of land and paragraphs 170, 178, 179 and 183 of Section 15 – Conserving and enhancing the natural environment of the NPPF relate to contaminated land matters and state the following:

118. Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

178. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

In order to assess the contamination status of the Site, with respect to the proposed end use, it is necessary to assess whether the Site could potentially be classified as “Contaminated Land”, as defined in Part IIA of the Environmental Protection Act 1990 and Contaminated Land Statutory Guidance 2012. This is assessed by the identification and assessment of potential pollutant linkages. The linkage between the potential sources and potential receptors identified needs to be established and evaluated.

To fall within this definition, it is necessary that, as a result of the condition of the land, substances

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may be present in, on or under the land such 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 significant possibility of such pollution being caused.

It should be noted that DEFRA has advised (Ref. Section 4, DEFRA Contaminated Land Statutory Guidance 2012) Local Authorities that land should not be designated as “Contaminated Land” 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 that further entry will take place.

These exclusions do not necessarily preclude regulatory action under the Environmental Permitting (England and Wales) Regulations 2016, which make it a criminal offence to cause or knowingly permit a water discharge of any poisonous, noxious or polluting matter to controlled waters. In England and Wales, under The Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009, a works notice may be served by the regulator requiring appropriate investigation and clean-up.

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F. Risk Rating Matrix

Table G.1: Risk rating for contaminated land qualitative risk assessment

Level of Severity	Likelihood		
	Most Likely	Reasonably Foreseeable	Unlikely
Acute harm or severe chronic harm. Direct pollution of sensitive water receptors or serious pollution of other water bodies.	High	High	Low
Harm from long-term exposure. Slight pollution of sensitive receptors or pollution of other water bodies.	Medium	Medium	Low
No significant harm in either short or long term. No pollution of water that is likely to affect sensitive receptors. No more than slight pollution of other water bodies.	Low	Low	Low

G. Environmental Receptors

The Contaminated Land Statutory Guidance has a four category system that considers harm to human health, controlled waters, flora and fauna, property, livestock and crops. The Categories are broadly defined as follows:

- 1 Contaminated Land – similar to land where it is known that significant harm has been caused or significant harm is being caused
- 2 Contaminated Land – no significant harm being caused but there is a significant possibility for significant harm to be caused in the future
- 3 Not Contaminated Land – there may be harm being caused but no significant possibility for significant harm to be caused in the future
- 4 Not Contaminated Land – no pollutant linkage, normal levels of contaminants and no significant harm being caused and no significant possibility for significant harm to be caused in the future.

Table H.1: Significant pollution to controlled waters

Pollution of 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. 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 waters” does not include water contained in underground strata but above the saturation zones. (Paragraph 4.36)

Given that the Part 2A regime seeks to identify and deal with significant pollution (rather than lesser levels of pollution), the local authority should seek to focus on pollution which: (i) may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems; (ii) which may result in damage to material property; or (iii) which may impair or interfere with amenities and other legitimate uses of the environment. (Paragraph 4.37)

Significant pollution of controlled waters

Paragraph 4.38 states that “The following types of pollution should 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”.

Paragraph 4.39 states that “In some circumstances, the local authority may consider that the following types of pollution may constitute significant pollution: (a) significant concentrations⁶ of hazardous substances or non-hazardous pollutants in groundwater; or (b) significant concentrations of priority hazardous substances, priority substances or other specific polluting substances in surface water; at an appropriate, risk based compliance point. The local authority should only conclude that pollution is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime as described in Section 1 (of the Contaminated Land Statutory Guidance). This would normally mean that the authority should conclude that less serious forms of pollution are not significant. In such cases the authority should consult the Environment Agency”.

The following types of circumstance should not be considered to be contaminated land on water pollution grounds:

- (a) The fact that substances are merely entering water and none of the conditions for considering that significant pollution is being caused set out in paragraphs 4.38 and 4.39 above are being met.

Significant pollution of controlled waters

- (b) The fact that land is causing a discharge that is not discernible at a location immediately downstream or down-gradient of the land (when compared to upstream or up-gradient concentrations).
- (c) Substances entering water in compliance with a discharge authorised under the Environmental Permitting Regulations.

Significant pollution of controlled waters is being caused

In deciding whether significant pollution of controlled waters is being caused, the local authority should 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 ongoing pollution. For these purposes, the local authority should:

- (a) Regard substances as having entered controlled waters where they are dissolved or suspended in those waters, or (if they are immiscible with water) they have direct contact with those waters on or beneath the surface of the water.
- (b) Take the term “continuing to enter” to mean any measurable entry of the substance(s) into controlled waters additional to any which has already occurred.
- (c) Take the term “likely to do so again” to mean more likely than not to occur again.

Land should 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

In deciding whether or not a significant possibility of significant pollution of controlled waters exists, the local authority should first understand the possibility of significant pollution of controlled waters posed by the land, and the levels of certainty/uncertainty attached to that understanding, before it goes on to decide whether or not that possibility is significant. The term “possibility of significant pollution of controlled waters” means the estimated likelihood that significant pollution of controlled waters might occur. In assessing the possibility of significant pollution of controlled waters from land, the local authority should act in accordance with the advice on risk assessment in Section 3 and the guidance in this sub-section.

In deciding whether the possibility of significant pollution of controlled waters is significant the local authority should bear in mind that Part 2A makes the decision a positive legal test. In other words, for particular land to meet the test the authority needs reasonably to believe that there is a significant possibility of such pollution, rather than to demonstrate that there is not.

Before making its decision on whether a given possibility of significant pollution of controlled waters is significant, the local authority should 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.

Reproduced from DEFRA (2012) Contaminated Land Statutory Guidance pursuant to section 78YA of the Environmental Protection Act 1990 as amended by Section 57 of the Environment Act 1995.

Table H.2: Significant harm to human health, ecological systems and property

Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>Human beings</p>	<p>The following health effects should always be considered to constitute significant harm to human health: death; life threatening diseases (eg cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions. Other health effects may be considered by the local authority to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardiovascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the local authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm. The authority should only conclude that harm is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime as described in Section 1 of the Contaminated Land Statutory Guidance.</p>	<p>The risk posed by one or more relevant contaminant linkage(s) relating to the land comprises:</p> <p>(a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.</p> <p>(b) The estimated impact if the significant harm did occur – i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.</p> <p>In estimating the likelihood that a specific form of significant harm might occur the local authority should, among other things, consider:</p> <p>(a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use” in Section 3 of the Contaminated Land Statutory Guidance.</p> <p>(b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate.</p>
<p>Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> a site of special scientific interest (under section 28 of the Wildlife and Countryside Act (WCA) 1981 (as amended) and Part 4 of the Natural Environment and Rural Communities Act 2006 (as amended)); 	<p>The following types of harm should be considered to be significant harm:</p> <ul style="list-style-type: none"> harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or harm which significantly affects any species of special interest within that location and which 	<p>Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that:</p> <ul style="list-style-type: none"> significant harm of that description is more likely than not to result from the contaminant linkage in question; or

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Relevant types of receptor	Significant harm	Significant possibility of significant harm
<ul style="list-style-type: none"> • a national nature reserve (under Section 35 of the WCA 1981 (as amended)); • a marine nature reserve (under Section 36 of the WCA 1981 (as amended)); • an area of special protection for birds (under Section 3 of the WCA 1981 (as amended)); • a “European site” within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 (as amended); • any habitat or site afforded policy protection under Section 15 of The National Planning Policy Framework (NPPF) on conserving and enhancing the natural environment (i.e. possible Special Areas of Conservation, potential Special Protection Areas and listed or proposed Ramsar sites); or • any nature reserve established under Section 21 of the National Parks and Access to the Countryside Act 1949. 	<p>endangers the long-term maintenance of the population of that species at that location.</p> <p>In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).</p>	<ul style="list-style-type: none"> • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
<p>Property in the form of:</p> <ul style="list-style-type: none"> • crops, including timber • produce grown domestically, or on allotments, for consumption • livestock • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In the Guidance states that this description of significant harm is referred to as an “animal or crop effect”.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
<p>Property in the form of buildings.</p>	<p>Structural failure, substantial</p>	<p>Conditions would exist for</p>

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Relevant types of receptor	Significant harm	Significant possibility of significant harm
<p>For this purpose 'building' means any structure or erection and any part of a building, including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p> <p>The Guidance states that this description of significant harm is referred to as a 'building effect'.</p>	<p>considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>

Reproduced from DEFRA (2012) Contaminated Land Statutory Guidance pursuant to section 78YA of the Environmental Protection Act 1990 as amended by Section 57 of the Environment Act 1995