Contaminated Land Strategy - 2020 to 2025

MANCHESTER
CITY COUNCIL

Environmental Protection
Environmental Health
The Neighbourhoods Directorate

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1.0 Introduction

The contaminated land regime, was enacted by Part 2A of the Environmental Protection Act 1990 (Part 2A) on 1st April 2000. The overarching objectives of the Government's policy on contaminated land and the Part 2A 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 the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

More recently, in April 2012, the Government issued updated contaminated land statutory guidance, which describes how local authorities should implement the above regime. It elaborates on and explains further specific aspects of Part 2A and replaces previous statutory guidance, published as Annex 3 of the DEFRA Circular 01/2006.

Part 2A requires that Local Authorities inspect their areas from time to time with a view to identifying contaminated land, and to do this in accordance with the contaminated land statutory guidance (April 2012). The Council should also set out its approach to its inspection as a written strategy. The Council has formulated its strategy which is presented herein and, in line with the statutory guidance, will aim to update this document at least every five years.

1.1 Summary of the Risk Assessment Process

Contaminated land risk assessment is based upon the Source-Pathway-Receptor model. All three parts of the chain must be present to create what is known as a contaminant linkage.

1. Source: A substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution to controlled waters.
2. Pathway: A route by which a receptor is or might be affected by a contaminant.
3. Receptor: Something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.

All three elements of a contaminant linkage must exist in relation to particular land before the land can be considered to be contaminated land under Part 2A.

1.2 General Policy Manchester City Council

1.2.1 Background

The Council aims to continue to develop Manchester as a city of national and international significance, where people choose to live and in which companies want to invest. It aims to ensure that all citizens benefit from regeneration and have equal access to the wealth, employment and other opportunities which this brings. The Council is committed to securing the re-use of previously used land, and at the same time ensuring that any contaminated land is identified and, where necessary, remediated effectively.

The contaminated land strategy is underpinned by existing policies, particularly those relating to regeneration and the environment. The objective of the regeneration strategy, as set out in a series of strategic regeneration frameworks, is to secure the renewal and

regeneration of areas of the district in a way which provides employment opportunities, a wider range of quality housing and supporting facilities, and a substantially improved environment. To achieve this, it is the policy of the Council to pursue area-based regeneration, working with local communities, public sector agencies, the private and voluntary sectors, and central government, to deal holistically with economic, social and environmental problems.

The Council aims to develop and sustain a healthy, safe and attractive local environment which contributes to the economic and social well-being of all those who live and work in the district. In particular, it aims to:

1. Use land, energy and water efficiently
2. Improve and maintain the physical environment
3. Control pollution so that levels are not harmful to people, animals, ecosystems and the wider environment
4. Value green areas and wildlife, and protect biodiversity
5. Promote recycling and the reduction of waste.

The contaminated land strategy therefore forms an important and integral part of the Council's regeneration agenda and environmental objectives.

1.2.2 Environmental Issues

Over recent years, the environment and subsequent environmental issues have increased in priority for all members of society. As a result, people are demanding more information about their environment, the threats to it, the controls over it and how to ensure that something is done when they consider it to be at risk.

In order to facilitate this information exchange, the Council has a general policy to provide as much information as possible and in a variety of formats to support the concept of an inclusive society that is conscious of its immediate and wider environment and the impacts upon it.

1.2.3 Enforcement

Specifically, where land contamination issues fall under the remit of Part 2A, then the Environmental Protection Team, in consultation with other relevant sections of the Council will instigate enforcement action.

The action will have regard to the following issues:

1. The determination that land is by statutory definition ‘contaminated land’;
2. That the local authority is the relevant enforcing authority;
3. Whether the local authority has the power to carry out any works itself;
4. That all appropriate persons have been adequately consulted and involved;
5. The implications for personal or company hardship have been considered;

Where possible the Council will always seek the remediation of contaminated land through voluntary action by the ‘appropriate person’. However, if voluntary remediation is not forthcoming then the Council will seek to resolve the situation through action itself or with partners.

1.2.4 Land Contamination Generally

The Council's core strategy outlines the aim to protect the character, heritage, culture and environment of the City and to enhance the quality of life for its inhabitants.

To support this ideology it is important to appreciate how land use planning collaborates with the work of the contaminated land strategy and that quality of life is inextricably linked to the way we use land. Given that the City has an historical industrial heritage, there is a quantity of brownfield land within the area which should not be overlooked and the re-use of brownfield land should be a priority wherever possible.

This reuse of brownfield sites as a priority is described in the National Planning Policy Framework (NPPF) as one of its core planning principles. Therefore, as the use of brownfield sites for development increases, the collaboration between the contaminated land regime and the planning system must continue.

Prior to the introduction of the contaminated land regime contaminated sites were usually dealt with during redevelopment, by the imposition of conditions on planning permissions. This is continuing, and the policy is to ensure that brownfield land is suitable for its proposed new use, a method consistent with advice contained in the NPPF.

The contaminated land regime under Part 2A continues to develop this approach by allowing risk assessments to be made on the basis of the current use and condition of the land without waiting for a development proposal. This proactively identifies land where contamination is actually causing significant harm or has a significant possibility of causing such harm to human health and/or the environment.

With respect to remediation work, once a site has been determined as contaminated land the Council will adopt the suitable for use approach. This will limit the requirements of remediation work to that which is necessary to prevent significant harm or the significant possibility of such harm to human health or the environment while having regard to the current use of the land. This will therefore avoid attempting to predict future uses of the land that may result in premature or unnecessary work that is unduly burdensome to all parties.

1.2.5 Public Access to Information

The Council aims to achieve a policy of full transparency when dealing with contaminated land issues. The authority has a statutory obligation to maintain a written record of any determination of contaminated land in accordance with the legislation, and this is known as the contaminated land register. Any individual who wishes to obtain information held on the register can do so, free of charge, by appointment or by visiting the Manchester City Council website.

1.2.6 Consultation and Involvement of Community Groups and Business

The Council has contacts with community groups and interested parties. These include business partnerships, pressure groups, area committees and internal forums. The Council continues to operate in an open and transparent way providing relevant information to relevant parties.

1.3 Regulatory Context

Section 57 of the Environment Act 1995 amended the Environment Protection Act 1990 by inserting Part 2A. This part and its supporting statutory guidance and regulations gave the Council power and duty relating to contaminated land, one of which is the requirement to develop and publish a strategy for its identification and remediation. The Contaminated Land (England) Regulations 2000 were repealed and replaced by The Contaminated Land (England) Regulations 2006 which take into account a provision for radioactive contaminated land.

Updated statutory guidance for contaminated land was issued by the government in April 2012, specific statutory guidance for radioactive contaminated land was also issued at this time.

1.3.1 Role of Manchester City Council

Manchester City Council has a duty to:

- Act in accordance with guidance issued by the Secretary of State and inspect its area from time to time to identify contaminated land.
- Determine whether particular sites meet the statutory definition of contaminated land, and establish if they should be classified as 'special sites'.
- Act as the enforcing authority for all contaminated land, with the exception of 'special sites' where the Environment Agency assumes responsibility.

1.3.2 Role of the Environment Agency (EA)

The EAs role is to:

- Assist the Council to identify contaminated land by providing information and site specific guidance.
- Deal with special sites as the relevant enforcing authority.
- Provide information and advice to the Council in situations where water pollution is suspected.
- Publish periodic reports on the state of contaminated land nationally.

1.3.3 Definition of Contaminated Land

Contaminated land is defined 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:

1. Significant harm is being caused or there is a significant possibility of such harm being caused; or
2. Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused'

Where the Council is satisfied that one or both of the circumstances detailed above is being met then it must act in accordance with guidance issued by the Secretary of State.
However, in addition to the general definitions given above, the Council must have specific regard to further principles and definitions contained within the statutory guidance. These include:

1. Significant harm
2. Significant possibility of significant harm
3. Contaminant linkage
4. Risk assessment

Sections 4.1 and 4.2 of the statutory guidance detail the relevant criteria by which significant harm and significant possibility of significant harm should be considered for human receptors. Tables 1 and 2 of the statutory guidance outline the relevant criteria by which significant harm and significant possibility of significant harm can be established for non-human receptors. Issues relating to contaminant linkages and the concept of risk assessment are dealt with directly in the following Sections 1.3.4 and 1.3.5 respectively.

1.3.4 Contaminant Linkages

For land to meet the statutory definition of contaminated land, there needs to be one or more contaminant linkages. As detailed in Section 1.1, a contaminant linkage consists of three parts; a source, a pathway and a receptor.

1.3.5 Risk Assessment

Risk assessment forms the core of the contaminated land investigation and assessment process. The purpose of investigations is to obtain information on contaminants, pathways and receptors present on or adjacent to a site. The presence of a linkage between these may then constitute a risk, the significance of which must be assessed and is dependent upon a number of factors.

Essentially, the process seeks to determine what risk, if any, is created by the presence of contaminants through determining if there are pathways through which the contaminants may impact sensitive receptors and if the risk is acceptable or not.

The need to make judgements about the degree of risk is crucial in determining what action to take. In many cases it is often neither feasible nor realistic to think in terms of total clean-up of past damage. The overall approach in dealing with past land contamination is therefore one of risk assessment and management, identifying, assessing and judging risks, taking actions to mitigate them, as well as monitoring and reviewing progress.

The concept of risk assessment is fundamental to a wide range of legislative controls including health and safety and food hygiene. Therefore, its application is in current use and practice throughout a variety of organisations and agencies.
In essence risk may be defined as a combination of the following factors:

1. The probability, or frequency of a hazard occurring; and
2. The magnitude, or seriousness of the consequences.

For the purposes of contaminated land, risk assessment will involve the establishment of the extent of contamination in a piece of land i.e. the contaminants present and their concentrations, their tendency to migrate, the geotechnical ground conditions in the locality (and how these aid or abate the mobility of the contaminant), the likely effect of an escape or migration and, in particular, how quickly harm may be suffered after exposure to the contaminant. The risk assessment process should normally continue until it is possible for the Council to decide:

1. That there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
2. Whether or not the land is contaminated land.

There should be evidence that an unacceptable risk could reasonably exist for land to proceed to future stages of risk assessment. If the Council considers there is little reason to

consider the land may pose an unacceptable risk, inspection activities should stop at that point.

1.3.6 Requirements for a Strategic Approach

The written strategy is designed to ensure a consistent ordered approach to the task of inspection whilst taking into account information already held within the Council and any additional matters brought to its attention by third parties.

Overall the strategy should:

- Be rational, ordered and efficient;
- Be proportionate to the seriousness of any actual/potential risk;
- Be geared towards dealing with the most pressing and serious problems first with adequate resource allocation;
- Ensure that the Council effectively identifies requirements for the detailed inspection of particular areas of land; and
- Ensure that the Council ends investigations on land where significant harm or the significant possibility of such harm is found to be unlikely, and that efforts are redirected to other high priority sites.

This work will also ensure that information gaps will be readily identified and addressed through inter-agency working either on a day to day basis or through the relevant consultation requirements with both professional agencies and the local community.

1.4 Development of the Strategy

This strategy has been developed to meet the requirements of the statutory guidance and with specific reference to the statutory guidance.

In addition, Neighbourhood Officers (Contaminated Land) attend different working groups which, in conjunction with attendance by representatives of the EA, have provided valuable contributions to the production of this strategy document. Through these groups, questions have been raised and addressed, experiences have been shared and close working relationships have been developed that have continued throughout the ongoing issues of contaminated land.

Within the Council the issues of contaminated land will be widely disseminated through committee reports, seminars and day to day working. Successful experiences from previous contaminated land investigations will also be drawn upon such as working groups, open days, public meetings and information dissemination by leaflet and letter drops.

Responsibility for the production of this strategy document and the implementation of the contaminated land regime rests ultimately with the Environmental Protection Team, and they are the primary contact for contaminated land issues.

1.5 Objectives of the Strategy Document

1. To meet the requirements of the statutory guidance in producing a written strategy.
2. To detail a strategic approach to be followed for the inspection of land within Manchester and in accordance with criteria laid down in statutory guidance.
3. To make information available to all relevant sections of the Council and facilitate the consideration of contaminated land in policy making processes.

4. To make information available to all relevant sections of the Council to enable potential liability issues from land ownership to be assessed.
5. To minimise the potential for unnecessary blight of land.
6. To provide information to the EA for its report production requirements and to assist in the fulfilment of its regulatory functions.
7. To inform all stakeholders of the Council's intentions in circumstances of land contamination.
8. To provide a suitable review mechanism of the strategy in line with new information, guidance or statute.

1.6 Corporate Objectives

The Our Manchester strategy sets out the vision that the whole of the city, not just the Council, is working towards. Our vision is for Manchester to be in the topflight of world-class cities by 2025 and to be somewhere that is:

- A thriving and sustainable city
- A highly skilled city
- A progressive and equitable city
- A liveable and zero-carbon city
- A connected city

Further details of the Our Manchester objectives can be found on our website.

Our new corporate plan sets out the Council's contribution to the Our Manchester vision and in this way the contaminated land strategy seeks to directly contribute to 4 of the 7 plan's priorities for the next 2-3 years through the Our Manchester Strategy which can be found on our website:

- Healthy, cared for people
- Housing*
- Neighbourhoods*
- Growth that benefits everyone

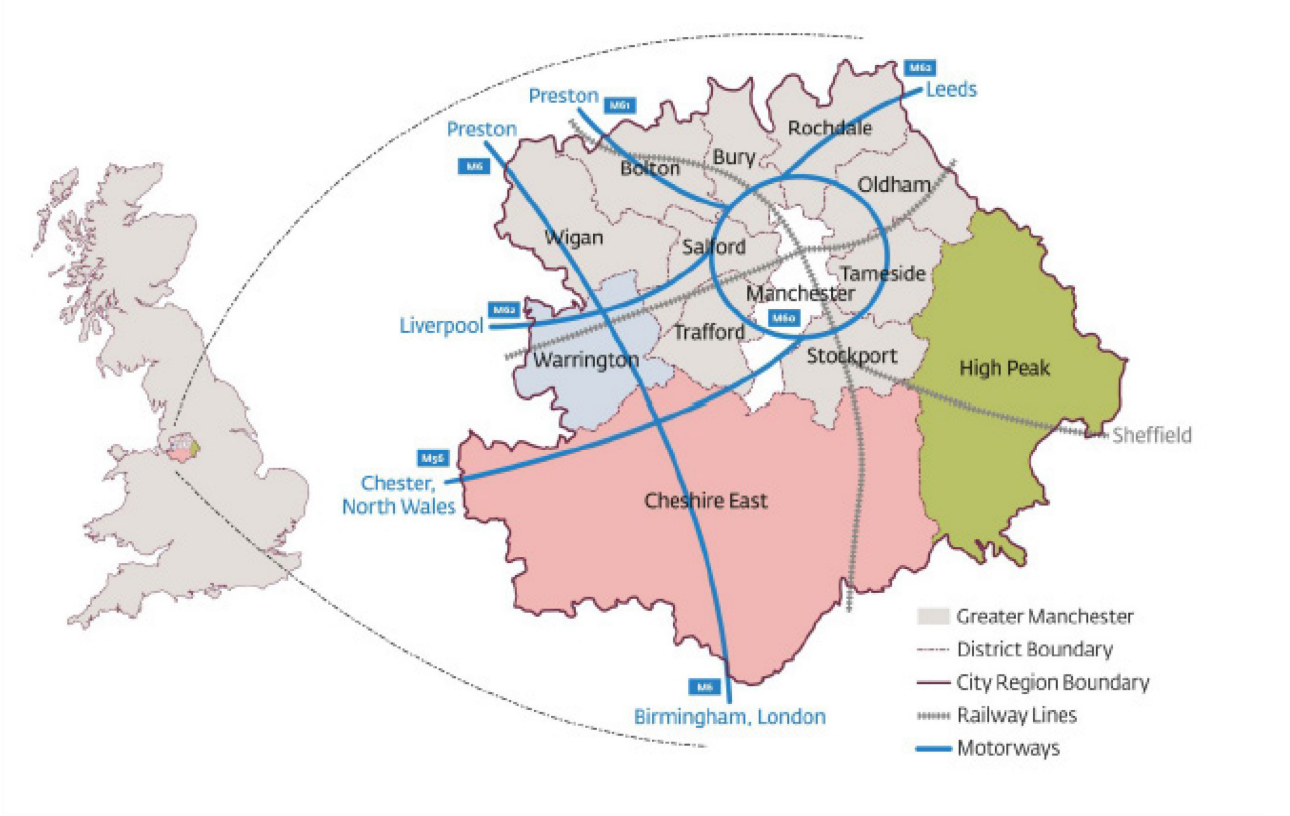
*The progress in achieving the Our Manchester Strategy is published every year in the State of the City Report which can be downloaded from our website.

2.0 Characteristics of the Council's Area

2.1 Geographical Location

Manchester is at the heart of Greater Manchester and the city region. The city region is an agglomeration, a built-up area with unique and connected neighbourhoods and employment centres as illustrated in Figure 1. Manchester is the North-West's regional centre for finance, commerce, retail, culture and leisure and is home to a major international airport and one of the largest student populations in Europe.

Figure 1 The location of Manchester City Council



2.2 Size and Population Distribution

The Council covers an area of 11564ha and had a population of 541,300 in 2016, with over 73,000 being students.

2.3 The History of the City

Manchester and the surrounding towns were the centre of the industrial revolution in England. The City has seen intense industrial activity in many places from the 19th century to the present day. The City's modern commercial and economic importance owes much to this industrial past.

Industrial activity in cities such as Manchester has had a significant impact on the local environment. In particular it has left a legacy of potentially contaminated land at former industrial sites and at infilled mineral excavations. In some cases significant risks from this contamination now have to be addressed to protect the health of all those who live and work in the City and to prevent damage to the environment.

Manchester's former industrial land provides great opportunities for the City. Such land is a major resource for:

- Regenerating and developing existing communities
- Meeting the demand for new housing using 'brownfield' land, thus preserving the nation's treasured countryside
- Developing new sustainable urban communities

In November 2001 the Council published its first contaminated land strategy. The strategy stated how the Council was:

- Tackling the legacy of contamination on former industrial land
- Encouraging the best use of this large urban land resource.

This current report provides a review of the progress that has been made to implement the contaminated land strategy and sets out our commitments for continuing this work.

2.4 Geology, Hydrology and Ground Conditions

The solid geology of the district includes important aquifer formations. A substantial proportion of the district overlies ground classified as a 'principal aquifer' by the EA. Groundwater is abstracted in places, and some areas are designated as source protection zones.

Substantial coal deposits are present in East Manchester and these have been extensively mined in the past. In such areas the local groundwater conditions may be radically altered by the action of mining because large void spaces will have been created, with excavated seams and access shafts opening up pathways for the movement of water underground.

Drift deposits of sands, gravels and clays are most commonly present. Some alluvial deposits and peat are also present. In places, sands, gravels and clays have been extracted for use, local clays having been extensively used for brick manufacture and the excavations remaining were often filled, forming some of the Councils main landfill sites. The predominant drift deposit is boulder clay, which can provide some protection for groundwater resources, although the exact nature of the deposits on any site must be understood in detail before their value in controlling the migration of contamination can be assessed.

Naturally occurring peat, worked coal seams and landfill sites can all be potential sources of ground gas, and this must be taken into account when planning any development in the areas concerned. Local geological conditions are an important factor in determining the risks from ground gases.

As a result of the intense development activity in Manchester since the industrial revolution, with some land having been redeveloped several times, a significant proportion of the land in the district now includes some made ground. Typical materials encountered are ash, demolition rubble, and reworked natural materials. It is not uncommon to find that buildings have been demolished into their own basement voids. Spoil from past mining and quarrying activities may also be encountered. More problematic, although far less common, is waste from former industries deposited without any form of control.

2.5 River Network and Key Water Bodies

There are four principal rivers:

1. River Irk, which flows into the district from the north;
2. River Medlock, which flows from east to west across the centre of the district;
3. River Irwell, which forms a short section of the western boundary of the district between the cities of Manchester and Salford, flowing at this point to the south;
4. River Mersey, which flows from east to west across the southern part of the district.

The Castlefield area of Manchester city centre is also the hub of the local canal network, with the trans-Pennine Rochdale Canal entering from the north east, the Manchester and Ashton-under-Lyne Canal entering from the east, and the Bridgewater Canal and Manchester Ship Canal, carrying the flows of the Rivers Irwell and Irk, leaving the Council to the west. The Council also contains a number of small lakes and reservoirs, and numerous brooks and streams.

All the water bodies in the district are significant local potential receptors, and the main rivers and canals are clearly of regional importance.

2.6 Council Owned Land

The Council owns a lot of land, some of this land is potentially contaminated land, and the Council may have some liability either as the original user or current owner/occupier.

2.7 Sites of Archaeological, Architectural and Historic Interest

There are within the Council boundary approximately 960 listed buildings, 6 ancient monuments, and 29 conservation areas, as well as other sites of archaeological and historic interest.

In some cases, contamination in the ground may threaten the long-term survival of structures or features, and these are therefore considered as potential receptors. The statutory guidance also notes that 'damage' at such sites includes any significant impairment of the interest represented by the sites. When planning any intrusive site investigation or remedial works, the presence of important archaeological or architectural features must be considered at an early stage.

2.8 Protected Ecological Receptors

Although the district is predominantly urban, with approximately 66% of its area built up and 18% improved amenity grassland such as formal parks and playing fields (from early 1990 figures), it nevertheless does support a rich biodiversity. This diversity includes a wide range of semi-natural habitats, which are important in a Greater Manchester and regional context.

2.9 Historical Background

The Manchester area has a long history of intense industrial activity and development, and this has had an enormous impact on the condition of much of the land. In common with all other major cities in the UK, Manchester now has a high proportion of land which has been redeveloped at least once, and on which some contamination may therefore be present.

2.10 Redevelopment History

As referred to above, many parts of the Council have a long history of development and redevelopment. The last few decades have seen enormous new investment as Manchester develops further as a modern international city. This has resulted in extensive regeneration and great changes in the city centre, including the conversion of many disused industrial buildings into attractive apartments and the emergence of the city centre as a highly desirable place to live.

Some examples are:

Manchester City Football Academy – Extensive remediation work was undertaken on the former Clayton Aniline Works site in Bradford to make way for the development of Manchester City's new state of the art training facilities. The facilities opened in 2014 and consist of 14 outdoor pitches, one indoor pitch and a reserves pitch within a stadium. Site investigations found hydrocarbon sheens and odours, nitrobenzene odours and unidentifiable chemical odours. What was derelict contaminated land has now been regenerated and has significantly improved the area.

Manchester Life – Regeneration works are ongoing in Ancoats on the city centre fringe to create 1000s of new homes within high rise developments. The first phases have now been completed and a second phase has begun. Development sites are all former industrial sites including the restoration of former mills such as Murrays Mills.

First Street – Developments have been occurring in phases on the former Gaythorne Gas Works. The site was remediated by National Grid back in 2008/09 and since it has become a vibrant part of the city with a mix of student accommodation, offices, bars and restaurants.

NOMA – Redevelopment is ongoing around the Co-op Head Office on the edge of the city centre. This is another mixed-use development bring in offices, bars, restaurants and apartments. Brownfield land that was used for temporary car parks is now being rejuvenated to create an area for people to live and work in.

New Cross/Angel Meadow - Construction work has now begun to develop around the Angel Meadow Park. This area was historically a slum area with a pauper's graveyard under part of the park. This area also encompasses the former Gould Street Gas works which has already been remediated by National Grid for a commercial end use (a planning application is now in for a residential development on this site which will require further remediation to be undertaken). This development will also create 100s of new apartments and regenerate an area which had been neglected.

2.10.1 Development Control

The figures in the table below relate to the hectares of contaminated land remediated via the planning process as reported in the State of the City Report

Table 1 Hectares of land remediated under planning applications

Year	Hectares remediated
2014/15	6
2015/16	57*
2016/17	7
2017/18	15
2018/19	25.5
2019/20	44

*The area of remediated land was high this year due to the completion of some large-scale developments.

2.11 Action Already Taken to Deal with Contaminated Land

1. High Legh Estate: In 2004, 136 properties were determined on the High Legh and Old Lane Estates in Openshaw following a stock transfer exercise from the Council to a housing association. The grounds for each determination was an unacceptable risk to human health arising from the presence of one or more of the following contaminants in the shallow garden soils: arsenic, chromium, nickel, cadmium, mercury, lead and polyaromatic hydrocarbons.
2. Harpurhey Tip: This site was identified as a priority after the initial prioritisation of potential contaminated sites. The high priority was assigned due to it being a gas works waste landfill with no signs of plant growth on the surface. The site was also located next to a series of reservoirs which were locally used for illegal fishing. During the initial site visit the reservoir nearest to the top was seen to be discoloured and it was suspected that the contamination was coming from the landfill. The site was determined as contaminated land in 2011 following a series of site investigations, due to risks from cyanide contamination in the near surface of the landfill. Remediation works were undertaken in 2013 to make the site suitable for use. The investigation and remediation cost £500,000 which was secured via grant money from Defra. The site now has an engineered grass cap with a surface water drainage system to direct clean water into the reservoir. By removing the pathway for leachate into the reservoir the water quality has improved. The site is now suitable for use as public open space and there are plans to create a formal cycle route through the site to connect in with the Irk Valley.

3.0 The Strategy: Overall Aims

The overall aim of this strategy document is to ensure that the Council identifies unacceptable risks (significant harm or the significant possibility of such harm) to human health as a priority, as well as addressing risks to other receptors such as controlled waters. In carrying out its inspection duty, the Council will take a strategic approach to the identification of land meriting detailed inspection. This approach will incorporate those requirements of the strategy contained within Section 1.3.6 of this document which is consistent with statutory guidance.

Further to this, the implementation of the contaminated land strategy will be carried out with the following aims:

1. To identify unacceptable risks to human health and the environment from the immediate and long-term effects of contaminated ground;
2. To ensure contaminated land issues do not affect internal and City wide policy developments;
3. To ensure that any past remediation of contaminated land is reviewed with current standards in mind, but is not unnecessarily prioritised;
4. To ensure sensitive developments are not affected by contaminated land issues; and
5. To protect historic sites and the historic environment from the effects of contaminated land.

The Council is also required to establish its own status, as a landowner, within the contaminated land regime and in general under due diligence requirements. To fulfil this, it will be necessary to establish any liability for contaminated land that it may have, with respect to current and previous land ownership and having particular regard to instances where there is a defined responsibility for the actual pollution.

3.1 Landfill Project Board

The Landfill Project Board was formed in June 2019 following soft market testing into the remediation and redevelopment of some former landfill sites in North Manchester. The board is formed of officers from Strategic Planning, Development Control, Environmental Protection, Corporate Estates, Legal and Finance with the aims of the group to work jointly to bring the sites from the soft market testing through to development and therefore removing the sites from the prioritised list. Funding may be secured from Homes England under the accelerated construction scheme to remediate the sites by March 2021. Preliminary site investigations have been undertaken on three former landfill sites.

The aims of the Landfill Project Board are to identify and bring forward Council owned former landfill sites for development through seeking partners and funding. In previous versions of the contaminated land strategy these were identified as priority sites for inspection and as such the Landfill Project Board was formed to take this work forward.

4.0 Priority Actions and Timescales

The requirements of the Act for a strategic approach to locating potentially contaminated land have been outlined in Section 1.4. The following section outlines how the Council intends to pursue a strategic approach. The contaminated land legislation does not set statutory timescales for achieving certain tasks, but merely states the authority has a duty to "inspect its area from time to time". The guidance also states the strategy and available information should be subject to periodic review and should be reviewed at least every five years.

4.1 Geographic Information Systems

The Council uses a Geographical Information System (GIS) for the identification and management of the large amounts of data associated with contaminated land. The GIS is fundamental to ensuring that the data collected is managed effectively and to ensure the land has been systematically reviewed for historic activities.

4.2 Identifying Sites

Sites have predominantly been identified from historical maps and landfill data. This has involved the systematic appraisal of all available historical maps, and the identification and digitisation of potentially contaminated land. Annotated industrial and commercial uses have been digitised, as well as other land uses such as areas of disturbed ground, quarries and landfill. Former water features have also been identified, as these have the potential to have been infilled in the past.

The final number of identified sites to be taken forward to prioritisation for the Council is 6420.

4.3 Prioritising Sites

The PG01 prioritisation tool has been applied to all of the sites in the district. This tool was adopted by all the Greater Manchester Authorities via the former Greater Manchester Public Protection Partnership Land and Water Group. A separate list has been formed for the former landfill sites. Both lists are in a dynamic state and as such we cannot publish them within this document or on our website.

4.4 Timescales and Reviews

As described above, the list of prioritised sites is dynamic and subject to change. Sites may move up or down this list based on information submitted to the Council under the planning regime for example. Sometimes, information on contaminated land is submitted voluntarily by landowners, this will also influence the position of certain sites on the final list. Review of the list is therefore ongoing.

5.0 Procedures

In order to implement this contaminated land strategy, various procedures have been and will continue to be developed. The procedures will ensure the information gathered is managed efficiently to enable accurate and effective risk assessments to be made and to ensure resources are directed to the most demanding sites. As with other aspects of this strategy, the procedures outlined in the following sections will be reviewed periodically to ensure they continue to be appropriate to the situations arising.

5.1 Internal Management Arrangements for Inspection and Identification

The Neighbourhood Officers responsible for the execution of contaminated land have the responsibility for the implementation of this strategy. In addition to gathering and collating all the necessary information needed to identify contaminated sites, the Neighbourhood Officers will also be responsible for carrying out initial site visits and preliminary investigations such as limited surface sampling. Assistance may also be sought from other service areas such as Corporate Property and Strategic Planning. This may particularly be the case where Notices have to be served on appropriate persons or landowners. Where land is found to meet the statutory definition of contaminated land, the designation of such land will fall to the relevant Head of Service. Elected members will be informed at the earliest opportunity of any plans to determine an area of Council-owned land as contaminated or of land where the Council is deemed to be the appropriate person and, therefore, potentially liable for remediation costs.

5.2 Considering the Council's Interest in Land

As stated in Section 2.7.5, the Council's Corporate Property department holds information relating to Council-owned land and buildings

It is considered the most appropriate action is to allow Corporate Property to ensure that the information held is up to date and correct. Once this information has been updated, rapid querying of the data can take place to produce information where Council-owned land is potentially at risk from contamination. In cases where the Council might be responsible for the contamination (i.e. the Council is classed as the Appropriate Person), data will probably have been available on the maps but further research using historical maps and other paper sources will have to be carried out.

It is envisaged the Council's most likely liabilities will be in respect of former Greater Manchester Council owned landfill sites which existed prior to Waste Management legislation being introduced in 1976, the pre-licence waste tips. The nature of these potential liabilities will have to be investigated further. Whilst information regarding the location of the majority of these waste sites is already available within the Council, there is very little accurate information on the nature of the waste deposited in them.

When dealing with each priority area, identified areas of Council owned/leased land or formerly owned/leased land will be considered simultaneously with other sites. Inspections will take place at sites as and when they are identified as being potentially contaminated. However, in terms of further site investigations and risk assessments, Council-owned sites will be identified separately. This will allow the Council to define its priorities for remediation

of any contaminated land liabilities it may have and therefore, identify any possible cost prioritisations.

5.3 New Development

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

For the redevelopment of land now taking place across Manchester, 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 land is properly assessed before any development work starts (pre-commencement condition), and that an appropriate standard of remediation is implemented in any new schemes.

Primarily it is the applicant/developers responsibility to ensure that the development is safe and the site is suitable for its proposed use and the Local Planning Authorities duty to ensure that the developer undertakes this assessment and implements any remedial requirements in a responsible and effective manner

5.4 Information Collection

The implementation of the contaminated land strategy is led by information which requires sufficient management in order for it to be of any use. In some instances, the pertinent sources of information have been identified and collated into existing data capture systems. These principal sources of information are detailed in Table 2, 3 and 4 below.

Table 2 Information on Receptors

Receptor	Land use type	Information Source
Human beings	Residential property no garden Residential property with garden Schools/nurseries Allotments Recreational/Parks/Playing Fields/Open Space Commercial/Industrial	GIS Ordnance Survey Council's core strategy Google Maps MCC Planning portal
Ecological systems or living organisms	SSSIs SBIs Local Nature Reserves	Council's core strategy Council conservation officer Natural England
Property in the form of buildings	Ancient Monuments	English Heritage Greater Manchester Archaeology Unit Council Heritage Officer
Property in other forms (crops, livestock)	Agricultural land allotments	GIS Ordnance survey maps DEFRA Food standards agency Google Maps
Controlled waters	Surface waters	EA

Receptor	Land use type	Information Source
	Source Protection Zones Ground water vulnerability maps Private Water Supplies	GIS Google Maps

Table 3 Information on Sources

Source	Information Source
Historic use	GIS (Historical Maps)
Potential Contaminated Land	GIS (Historical Maps)
Permitted Processes	EA MCC records
Petrol Stations	GIS MCC Records Petroleum Officer
Pre-Licensed landfill sites	EA GIS (Historical Maps)
Waste Management Sites	EA

Table 4 Information on Pathways

Source	Information Source
Geology	GIS British Geological Society
Groundwater Vulnerability	GIS EA British Geological Society

Most of this information is mapped on the Council's GIS database. Where there are potentially contaminated sites these have been highlighted using polygons for each site. We have used this data to identify land of concern and to use the prioritisation methodology to score sites in the order of the potential risk.

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

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 the prioritised list
5. Carry our further reviews and revisions if necessary.

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

New sites may 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.

5.5 Information and Complaints

Complaints relating to potentially contaminated land are likely to be received from members of the public, businesses or community groups as well as individuals who are not directly affected by contaminated land. The following sections detail the Council's procedures for dealing with this level of information.

5.5.1 Complaints

The Environmental Protection Team has an established complaints procedure which will be maintained for complaints received in respect of contaminated land to ensure consistency of approach. This procedure will therefore;

- Log and record information supplied by the complainant;
- Contact by an officer regarding their complaint within the agreed target date from receipt of the complaint;
- Inform the complainant of progress in dealing with the complaint.

Given the nature of the complaint, further information will usually need to be obtained relating to site history by desk based investigation, and before any formal site visit is made. Land ownership details or title deeds will be sought as required and existing information will be obtained where available from both the GIS, Flare database and historic maps. Where it is felt that other departments of the Council may hold relevant information, they will be consulted directly. This information may then form the basis of a site visit to assess the level of any further work required.

5.5.2 Maintaining Confidentiality

All complainants will be asked to provide their name and address and if appropriate, the location of the site giving rise to the complaint. The identity of all complainants will remain confidential, as is the standard practice in both the Planning and Environmental Protection Teams.

Where information regarding complaints is being stored as part of a set of paper records, it will be clearly marked that any correspondence showing complainants' names or addresses must not be made available for general viewing. This is however unusual as most information is stored electronically on secure computer systems.

Where complainant information is stored electronically, the database may be formatted to prevent direct viewing of complainant details. Password protection of certain files or areas of the database may also be carried out.

5.5.3 Voluntary Information Provision

Information given that relates to potentially contaminated land will not be considered as a complaint where it is provided by an individual or organisation whose own health or property is not being directly affected by the alleged contamination. However, the information will be recorded and possibly acted on in a similar way to that described in Section 5.4.1, although the Council may choose to relax its obligation to keep the individual or organisation informed of progress.

5.5.4 Anonymous Provision of Information

The Council does not normally undertake any investigation based on anonymously supplied information due to the reliance on complainant participation throughout normal investigation procedures. However, where specific site details and precise information is given, further consultation with Officers within the Environmental Protection Team or Planning may take place to obtain any knowledge of relevant issues and to substantiate validity. If there is a likelihood of information relating to contamination being substantiated, a site visit may be carried out depending upon circumstances local to the site e.g. locality, proximity to possible receptors etc.

5.6 Information Evaluation

In each instance information on potentially contaminated land that is obtained and produced will be assessed using current UK Government technical guidelines. The documents used in the information evaluation process are presented, but not limited to, the following:

5.6.1 British Standards Documents

- BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites;
- BS 5930:1999 Code of Practice for Site Investigations; and
- BS 8485: 2015+A1:2019 Code of practice for the characterisation and remediation from ground gas in affected developments.

5.6.2 EA Documents

- Land Contamination: Risk Management (LCRM);
- Science Reports pertaining to contaminated land; and
- CLEA: Contaminated Land Exposure Assessment Model and associated documents.

5.6.3 Department of Industry

- Industry Profiles.

5.6.4 Regulations and Guidance

- The Environmental Protection Act 1990: Part 2A
- The Environment Act 1995; and
- Contaminated Land Statutory Guidance (April 2012).

Other relevant documents are also widely available and these will be utilised as and when is deemed necessary.

5.7 Evaluating the Effectiveness of Previous Actions to Deal with Contamination

So far, remediation of contaminated sites within the Council has mainly been carried out in support of their redevelopment under the planning process. Specific examples of this include the redevelopment of a former gas works for commercial use and the redevelopment of former railway sidings, petrol stations and engineering works for residential and retail purposes. Two sites have been formally determined as contaminated land and remediation and details have been given in 2.11.

There may, however, be existing developments on potentially contaminated land due to historical uses and where these sites may have either been previously unidentified, or where the degree of remediation might be considered inadequate by current standards and significant contaminant linkages may still exist.

In some circumstances there will also be outstanding enforcement issues to be considered relating to the discharge of planning conditions. In these circumstances, potentially contaminated sites can be cross-referenced against planning records to establish whether the following steps took place:

- The site in question was established as being potentially contaminated during the planning application process;
- Contamination-related planning conditions were recommended by the specialist section;
- Contamination-related planning conditions were applied; and
- The planning conditions were met and the necessary reports and information were provided to indicate remediation took place to a satisfactory level.

Further investigations may have to take place where reports are not present in the files, to establish whether they were undertaken or submitted. Evidence may have to be requested from the developer, in the form of a site investigation and remediation reports, to prove that remediation did in fact take place, and consideration will have to be given to further action if no evidence is forthcoming.

6.0 General Liaison and Communication Strategies

All communications relating to contaminated land will be directed to the appropriate officer within the Environmental Protection Team.

6.1 Land Searches

Land search enquiries containing questions on contaminated land will be dealt with in accordance with the contaminated land environmental information requests procedure.

6.2 Statutory Consultees

The collection of data on potentially contaminated land requires a high degree of liaison/consultation with both internal and external bodies.

6.2.1 Environment Agency

The Council's main consultee is the EA through their role as advisor on contaminated land issues. Contacts have already been established with the Council's EA area contact through communications regarding previous sites and through the Greater Manchester Contaminated Land Officer Group (GMCLOG) meetings

In addition, the EA is the first point of contact for the Council where it is believed the potential exists for a site to be designated as a 'special site'.

6.3 Transboundary Liaison Between Authorities

Transboundary liaison is being undertaken through the GMCLOG.

It has been recognised, however, that a formal notification procedure will be needed to be developed to deal with site-specific issues.

6.3.1 Notification

If an authority suspects any transboundary linkage may exist then it will notify the appropriate neighbouring authorities within ten working days. If the Council considers that urgent action may be required then this notification should take place immediately.

6.3.2 Liaison

The two (or more) authorities will agree an action plan identifying each authority's role in determining the status of the land and associated issues. The enforcing authority will be the authority in whose area the source is situated. If an authority boundary intersects a source, both authorities will work together to enforce the legislation.

6.3.3 Dispute

All parties accept that the above agreement is without prejudice to the statutory guidance and legislation and any legal advice received. The Secretary of State will be asked to determine any disputes.

6.4 Owners, Occupiers and other Interested Parties

In all aspects of its regulatory duties, and to incorporate issues of contaminated land, the Council's approach is generally to seek voluntary action before taking any necessary enforcement action.

The value of voluntary action cannot be underestimated and in many cases establishes more effective remediation.

The encouragement of voluntary remediation requires effective communication with all interested parties including owners and occupiers. The Principal Manager/Team Leader/Neighbourhood Officer must add this role to their responsibilities and ensure that all parties are kept abreast of each stage of an investigation.

6.5 The Wider Community

The Council already has several communication practices which may be used for providing information on issues associated with contaminated land. These would include one or more than one of the following:

- The Communications Team;
- Public meetings;
- Area Committees; and
- The Council's website.

These methods will be used in the public consultation exercise where it is discovered that a potentially large number of people are likely to be affected by a contamination issue, or an issue falls into the category of general public interest.

The SNIFFER document, *Communicating Understanding of Contaminated Land (May 2010)* and advice taken directly from Public Health England will be used to provide guidance on liaising and communicating with individuals and groups.

7.0 Programme for Inspection

Sections 3.2 and 4.2 detailed the information gathering programmes which provide the basis for the inspection of potentially contaminated sites.

Evaluation and prioritisation procedures (outlined in Sections 4.3 and 5.5) can be implemented when the information gathering is completed, producing a priority list of sites to be investigated on a 'rolling programme'.

7.1 Ensuring Compliance with Statutory Guidance

Section 2.2 of the Statutory Guidance describes in detail the difference between a strategic inspection and a detailed inspection.

In summary, strategic inspections comprise the aforementioned identification and prioritisation of sites within the district, whereas detailed inspections concentrate on sites where the local authority considers there is a reasonable possibility that a significant contaminant linkage exists. These sites will generally be at the top of the prioritised list of sites, in line with statutory guidance and this contaminated land strategy.

7.2 Methods of Detailed Inspection

7.2.1 Strategic Inspections

As described previously, the first stages of strategic inspections are the identification and digitisation of potentially contaminated land within the Council. Prioritisation is then undertaken, and a list of prioritised sites created.

Once this has been done, Neighbourhood Officers will then undertake further strategic inspections by way of desk-based research and a site walkover (in essence a Phase I Preliminary Risk Assessment), in order to collect further information for sites, which will enable the identification of land for priority detailed inspection.

The statutory guidance is clear in Section 2.8 with respect to minimising or reducing property blight during the strategic inspection stage. Therefore, the Council will not contact landowners, tenants or any other interested parties when a strategic inspection is undertaken, or when information on a particular site is collected (non-intrusive information). Contact will be reserved for detailed inspection stages only, unless the Council is approached with a request for information.

7.2.2 Detailed Inspections

The site identified at the top of the prioritisation list after the strategic inspection will then be subject to detailed inspection. Detailed inspections comprise intrusive investigations, and the Council will contact the landowner at the first opportunity. The reasons for this are twofold:

- Early involvement with the landowner will allow for the process to be explained and risks to be communicated, therefore reducing the potential for unnecessary worry; and
- The landowner may hold information on the site which may be useful during the investigation.

Depending on the landowner, they may want to resolve the status of the land themselves. The Council would welcome this situation and would work with the landowner to resolve the issues.

In line with the Statutory Guidance, if at any stage, the Council considers, on the basis of information obtained from inspection activities, that there is no longer a reasonable possibility that a significant contaminant linkage exists on the land, the Council should not carry out any further inspection in relation to that linkage.

7.2.3 Documentary Information Collection

Section 5.3 describes the general types of documentary information to be gathered and evaluated prior to any further detailed investigation. Further information regarding land ownership, or appropriate persons, will be obtained from the sources outlined in Section 7.7.

7.2.4 Visit to the Area and Visual Inspection

A site walkover is an important part of information gathering during the strategic inspection stage. Evidence which can be reasonably gathered during the course of a site walkover includes:

- Notes of the current site use, nearby site uses, visible services/drainage, any material/waste storage and environmental setting; and
- Pertinent photographs of any visual contamination present.

As these visits will generally be undertaken during the strategic inspection stage, landowners will not be informed prior to Officers attending site. As such, access constraints may prevent a detailed walkover; however any information obtained is useful during this stage of investigation.

7.2.5 Intrusive Site Investigation Works

The Council will carry out intrusive investigations in accordance with appropriate technical procedures in situations where it becomes necessary to perform detailed investigations on a site, for risk assessment purposes. Intrusive sampling can take many forms including the manual or mechanical digging of trial pits and auguring or various types of drilling. Samples of soil and water are usually recovered and submitted for laboratory analysis. These investigations will normally be followed up by monitoring during subsequent weeks.

As stated above, landowners and if necessary, tenants and interested parties will always be contacted prior to intrusive site investigation works as part of a detailed investigation.

7.3 'Normal' Contamination

The statutory guidance details that normal, or background, levels of contaminants in soil should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise.

Therefore, if it is established that land is at or close to normal levels of particular contaminants, it should usually not be considered further in relation to the Part 2A regime.

'Normal' levels of contaminants in soil may result from:

1. The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given

area and have not been shown to pose an unacceptable risk to health or the environment.

2. The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include diffuse pollution caused by historic use of leaded petrol and the presence of benzo(a)pyrene from vehicle exhausts, and the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

The British Geological Society has undertaken research into normal background concentrations of seven contaminants of concern as follows:

- Arsenic;
- Benzo(a)pyrene;
- Cadmium;
- Copper;
- Mercury;
- Nickel; and
- Lead.

The normal background concentrations are to be used in support of the progression of the Council's Part 2A strategy only and should not be used to justify elevated concentrations for sites under the planning system.

7.4 Final Assessment and Risk Categorisation

There is a four category system for classifying land under Part 2A, ranging from Category 4, where the level of risk posed is acceptably low, to Category 1, where the level of risk is clearly unacceptable. Category 4 Screening Levels (C4SLs) are intended to provide a simple test for deciding that land is suitable for use and definitely not contaminated land.

The C4SLs represent a new set of generic screening levels which are more pragmatic (but still strongly precautionary) compared to the soil guideline values (SGVs) and other similarly derived numbers and will be useful for the Council when we investigate sites under Part 2A.

After detailed inspection of land has been undertaken, in order to decide whether or not land is contaminated land, the local authority should categorise the land in accordance with Table 5 below:

Table 5 Categories for contaminated land

Category	Human Health	Controlled Waters
1	The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science-based evidence that significant harm would occur if no action is taken to stop it. 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	This covers land where the authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that

Category	Human Health	Controlled Waters
	suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or (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 United Kingdom or elsewhere; (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.	it is likely that high impact pollution would occur if nothing were done to stop it.
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, with all that this might involve. Category 2 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.	This covers land where: (i) the authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the available scientific evidence and expert opinion, the authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.
3	Land should be placed into Category 3 if the authority concludes that the strong case for placement into Category 2 does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land	This covers land where the authority concludes that the risks are such that (whilst the authority and others might prefer they did not exist) the tests set out in Categories 1

Category	Human Health	Controlled Waters
	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.	and 2 above are not met, and therefore regulatory intervention under Part 2A is not warranted. This category should include land where the authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	The local authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. The local authority should 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 or advice that may be developed. (d) 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.	This covers land where the authority concludes that there is no risk, or that the level of risk posed is low. In particular, the authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to certain types of pollution (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by “background” contamination.

Sites which fall into either Category 1 or Category 2 are capable of being determined as Contaminated Land on grounds of significant harm occurring to receptors or the significant possibility of such harm occurring.

Risk summaries (which are described in more detail in Section 9.2.2 later in this strategy) will be produced for land which is determined as contaminated land – i.e. sites falling into either Category 1 or Category 2.

Risk summaries will not be produced for Category 3 or Category 4 sites, however in line with Sections 5.2-5.4 of the statutory guidance, the Council shall issue a written statement detailing the grounds as to why this conclusion was reached. These written statements may be provided to owners of the land and any interested parties, including publication if considered to be reasonable.

7.5 Appointment of External Consultants

External consultants and contractors may be employed to carry out any intrusive investigations and undertake associated risk assessments where it becomes necessary for the Council itself to perform undertakings of the above nature.

Where the Council is required to employ contractors, provisions will be drawn up to ensure investigations are carried out in accordance with relevant British Standards (see Section 5.5.1).

Intrusive investigations must be overseen to ensure that investigations meet protocol requirements and that the investigations themselves do not cause harm to the surrounding environment. Officers from the Council will always endeavour to oversee intrusive investigations undertaken on behalf of the Council, in addition to the suitably qualified person employed by the Council.

Where it becomes necessary to make external appointments of consultants, the Council's procedures relating to contractual work will be followed. Decisions based on the outcome of external work carried out on behalf of the Council remain the sole responsibility of the local authority.

7.6 Site Specific Liaison

7.6.1 Owners

Once a site has been identified as requiring a detailed inspection, all reasonable efforts will be made to contact the landowner or occupier through:

- Land Registry records;
- Council records;
- Trade directories;
- Telephone directories;
- Visiting premises;
- Public and site notices.

Contact with the landowner must include a written explanation of the legislation and reasons why the land has been identified as requiring a detailed inspection. A joint site walkover shall be arranged for a mutually convenient time where, with the exception of urgent cases, 28 days will be allowed for a response to such a request and a subsequent appointment made.

Where the landowner fails to respond within 28 days or is unwilling to allow a Council Officer or representative to undertake an inspection, the Council will exercise its powers of entry under Section 108 of the Environment Act 1995; it is anticipated that in the majority of cases inspections will be undertaken with full co-operation.

In all cases the landowner will be kept informed of the findings of the investigation up to and including any decision that no further action needs to be taken.

7.6.2 Appropriate Persons

By definition, an appropriate person may not necessarily be the landowner or occupier, and where this appears to be the case reasonable effort must be made to contact the appropriate person in order to inform them of the need to conduct an investigation. Information passed

to this appropriate person will be consistent with that provided to any owner of land and co-operation of the appropriate person will be sought in the same way. However, as it is the landowner who ultimately gives consent for the inspection to take place, failure to respond by the appropriate person does not prohibit the inspection being enacted.

7.6.3 Environment Agency

Statutory guidance suggests that where information pertaining to a site indicates it may be designated as a special site then the EA should have a formal role at the detailed inspection stage. Primarily, contact will be made with the Area Contact of the Agency Contaminated Land Team and the owner or appropriate person by means of the procedure detailed in Section 7.6.1 to arrange a date agreeable to all concerned. Other instances exist where a local authority may request that the Agency carry out the inspection of the site. Particularly;

- Where there is reasonable possibility that a particular contaminant linkage is present on a site and the presence of that linkage categorises the land as a special site.
- Where former use of the site was by a process falling under the control of the Environmental Permitting Regime.
- Where land is occupied by the Ministry of Defence.
- Where land may be subject to radioactive contamination.

Where the EA carries out an inspection on behalf of the Council using the statutory powers of entry conferred by Section 108 of the Environment Act 1995, the Council shall authorise a person nominated by the EA to make the inspection.

7.6.4 Natural England/English Heritage

The Council will ensure that it takes all reasonable precautions to avoid harm, pollution or damage to natural resources or features of historical or archaeological interest which might be caused as a result of its investigation. Before carrying out intrusive investigations on any area identified as being a SSSI, the Council will consult Natural England on any action which, if carried out by the owner or occupier, would require their consent as well as to advise whether special measures may be required during investigation works. Any such advice will be incorporated into any tender document or contract for that specific investigation.

7.7 Statutory Powers of Entry

Section 108 of the Environment Act 1995 grants the Council the authority to authorise a person to exercise statutory powers of entry in connection with contaminated land investigation. Where the Council elects to undertake an inspection using these powers, it will be satisfied, on the basis of any information already obtained, that in all cases, there is a reasonable possibility that a significant contaminant linkage may exist; not only must the authority be satisfied that there is a reasonable possibility of the presence of a contaminant, a receptor and a pathway, but also that these would together form a significant contaminant linkage.

Further to this in cases involving an intrusive investigation, the Council must be satisfied that;

- It is likely that the contaminant is actually present, and
- Given the current use of the land, that the receptor is actually present or likely to be present.
- It has already been provided with appropriate, detailed information on the condition of the land (e.g. by the Environment Agency or some other person such as the owner

of the land) which provides sufficient information for the Council to decide whether or not the land is contaminated land; or
- A relevant person (e.g. the owner of the land, or a person who may be liable for the contamination) offers to provide such information within a reasonable and specified time, and then provides such information within that time.

7.8 Potential Special Sites

7.8.1 Identifying Potential Special Sites

A special site cannot be designated as such until the Council has determined that it is statutory contaminated land i.e. that at least one significant contaminant linkage exists. Evidence of information gathered and the results of any investigations performed prior to making the request to designate the site as a special site will be supplied to the EA for their consideration.

Where it is believed a site has the potential to be designated as a special site, the Council has a duty to contact the following *in writing*:

- The EA;
- The owner of the land;
- The person who appears to be the occupier of the land; and
- Each person who appears to be an appropriate person.

7.8.2 Notifying the Environment Agency

Upon receipt of notification from the Council declaring its intention to designate a site as a special site, the EA has twenty one days to respond. This response will state whether or not it agrees with the intended designation and where the EA disagrees it shall provide the Council with a written statement of its reasons. Failure by the EA to notify the Council of its disagreement within the twenty one days allowed, results in the automatic designation of that land as a special site.

7.8.3 Making Arrangements for Inspection

Where the Council already has sufficient information to suggest a site requires to be designated as a special site, it will seek to make arrangements with the EA to undertake an inspection of the site on its behalf. On these occasions the Neighbourhood Officer for contaminated land or another suitably qualified Council representative may arrange to be present at any subsequent site visit to provide any additional information as required.

7.9 Health and Safety Procedures

Any investigations undertaken by Council employees, such as sampling potentially contaminated ground, will be subject to good health and safety practices. The Council's Health and Safety Advisor will be consulted as appropriate and employees will be required to utilise appropriate protective equipment.

As part of the tendering process, external contractors will be required to submit a Health and Safety method statement to demonstrate that all investigative work will be carried out in a safe manner and to the requirements of the Health and Safety at Work Act 1974 and all other statutory requirements.

7.10 Risk Communication Strategy

The SNIFFER document, Communicating Understanding of Contaminated Land Risks (May 2010) will be used to provide guidance on liaising and communicating with individuals and groups to provide effective and transparent risk communication. Advice on communicating risk can also be sought from Public Health England, who may be available to attend any public meetings if required.

In addition, through the GMCLOG, the Council will have the benefit of advice from Officers in neighbouring authorities, many of whom have considerable experience in dealing with large-scale contaminated land issues. Through the work of the group, practical techniques and procedures for dealing with the communication of risk to local communities will be shared and developed.

8.0 Review Mechanisms

8.1 Review of Assumptions and Information

This strategy details the general approach which will be adopted by the Council during the inspection of land under the requirements of the contaminated land regime.

However, an element of flexibility should be incorporated into any strategy to ensure that changing and often increasing priorities are dealt with effectively and at the most appropriate time. In particular, circumstances may exist when inspections occur outside the general inspection framework and as a direct response to new information.

Triggers for undertaking non-routine inspections may include;

- Unplanned events e.g. flooding, spills and fires.
- Receipt of information on a particular site (information may be received from statutory agencies, owners/occupiers of land, members of the public or other interested parties).
- Re-designation of land use e.g. where housing may be built on a site not previously earmarked for this use.

The review of assumptions and information will become a rolling programme as more information becomes available on areas of actual or potentially contaminated land. Assumption based conclusions will subsequently become more refined on a site specific basis.

8.2 Review of the Strategy

In accordance with the statutory guidance this strategy will be reviewed at least every five years.

8.3 Audit of Inspection Procedures and Triggers for Early Review

To ensure that procedures outlined in this strategy are effectively identifying sites of contamination, an audit of inspection procedures will take place. The effectiveness of procedures may then be compared with those of other authorities within Greater Manchester.

Situations may occur, however, that trigger an early review of the strategy, ahead of the intended schedule including the following examples;

- Significant changes in Government legislation;
- The revision of national guideline values for exposure assessment;
- The establishment of significant case law or other precedents;
- Where larger areas of contaminated land are discovered within the Council than originally anticipated.

9.0 Information Management

9.1 General Principles

The Environmental Information Regulations 2004 detail the nature and extent of environmental information which can be disclosed once a request is received. Knowledge of this legislation is of paramount importance during the contaminated land process to ensure that information provided to both the public and commercial agencies is appropriate and in line with confidentiality policies.

The list of potentially contaminated sites that the Council holds is not available for dissemination as the list is incomplete, details potential areas of contamination rather than known areas of contamination, and is subject to continuous change. However, the Council will still respond to individual enquiries in line with Section 5.

9.2 Information Content

9.2.1 Public Register of Contaminated Land

Under section 78R(1) of the Act, the Council is required to maintain a public register of contaminated land. The contents of such registers are specified in the regulations to include information concerning:

- Remediation notices;
- Appeals against remediation notices;
- Remediation declarations;
- Remediation statements;
- Appeals against charging notices;
- Designation of special sites;
- Notification of claimed remediation;
- Convictions for offences under section 78M; and
- Guidance issued under section 78V(1).

Remediation of land covered by the imposition of planning conditions, within the development control system, are not included in the requirements for the maintenance of a register.

9.2.2 Risk Summaries

The statutory guidance describes that the Council should prepare a written record of any determination that land is contaminated land (i.e. for land which falls either into Category 1 or Category 2, described in more detail earlier).

The record should clearly and accurately identify the location, boundaries and area of the land in question, making appropriate reference to Ordnance Survey grid references. The record should explain why determination of the land as contaminated land has been made, including:

1. A summary of the Council's understanding of the risks, including a description of: the contaminants involved; the identified contaminant linkage(s), or a summary of such linkages; the potential impact(s); the estimated possibility that the impact(s) may occur; and the timescale over which the risk may become manifest.
2. A description of the Council's understanding of the uncertainties behind its assessment.

3. A description of the risks in context, for example by setting the risk in local or national context or describing the risk from land contamination relative to other risks that receptors might be expected to be exposed to in any case. This need not involve a detailed comparison of relative risks, but the Council should aim to explain the risks in a way which is understandable and relevant to the layperson.
4. A description of the Council's initial views on possible remediation. This need not be a detailed appraisal, but it should include a description of broadly what remediation might entail; how long it might take; likely effects of remediation works on local people and businesses; how much difference it might be expected to make to the risks posed by the land; and the Council's initial assessment of whether remediation would be likely to produce a net benefit. In the case of land which (if it were determined as contaminated land) would be likely to be a special site, the Council should seek the views of the Environment Agency, and take any views provided into account in producing this description.

The Council will place these risk summaries on the public register of contaminated land alongside the other required information.

9.3 Information Storage

The database currently utilised for the storage of contaminated information is Civica APP (Flare) and GIS.

These records will continue to be maintained by the Council and will hold:
1. Sources of information identified and reviewed;
2. Decisions made following review of information and records;
3. Details of liaison with other departments and organisations; and
4. Responses to information provided by members of the public.

The information and record management system maintained by the Council will continue to satisfy the following criteria:
1. Be transparent;
2. Have security of access and editing;
3. Record details of information providers and reviewers;
4. Have methods of ensuring that there is no duplication of information;
5. Have check systems which ensure that all relevant information is reviewed for all areas;
6. Have a clear audit trail for quality assurance purposes; and
7. Be user friendly.

It is envisaged that the information and record management system will continue to evolve as ways are identified to improve it.

As the Council strives towards a paperless system, any key documents such as site investigation reports will be requested as electronic copies. Paper copies will be scanned when they are received.

Information provided by members of the public will be dealt with through the Environmental Protection Team's existing Flare service request procedure for recording information. Each case is allocated a unique reference number and this will be used to cross-reference the request to the specific site in question. The existing system allows for the investigating officer

to be clearly identified, and for the setting of a response time. It will also provide the necessary level of data management.

9.4 Administration

Administrative requirements to support the strategy and its information gathering processes e.g. the development of computer led databases and contaminated land registers will be the responsibility of the Neighbourhood Officers (Contaminated Land).

9.5 Use by Other Local Authority Departments

The Flare database is accessible by all sections within the Neighbourhoods Service. The GIS and associated database is owned and managed by the Environmental Protection Team. Information contained in the database is shared with other departments on request.

9.6 Confidentiality of Information

Section 5.4 outlines the current Council policy on the preservation of confidentiality following the supply of information from either an individual or organisation.

However, in line with other Environmental Legislation i.e. The Environmental Protection Act 1990, the Act prescribes instances where certain details shall be excluded from general public register information where it meets the following criteria;

1. The inclusion of such information would be against the interests of national security; and/or
2. The information relates to the affairs of any individual or business and is commercially confidential to that individual or the person carrying on that business.

In line with current protocol adopted for public registers, applicable to permitted processes under Part I of the EPA 1990, any information excluded from a public register on grounds of commercial confidentiality will be labelled as such and held separately. In addition, where information is withheld from the public domain it will be clearly indicated within the register that this is the case.

9.7 Arrangements for Access to Information and Dealing with Requirements for Information

Where a site has been identified as contaminated land, details relating to the condition of the land, the risk summary and the remediation actions undertaken will be detailed within the public register. This information will be available for public inspection subject to any exclusions, for example, on the grounds of national security or commercial confidentiality. Appropriate legislation and guidance from DEFRA will be followed in respect of the details included on the public register and access provisions.

It is envisaged that requests will be made for access to information relating to the review process, for example, information on whether land has been inspected and details of any site investigation reports prepared. It is our intention that the release of any information will be carefully controlled until the review process is complete, given that risk factors may change as we proceed through the process. The early release of information may also lead to a level of incomplete information being released to third parties. In cases of uncertainty,

legal opinion will be sought to avoid any breach of the Environmental Information Regulations 2004.

In addition, a specific question relating to the public register and remediation notices is included on the Enquiries of Local Authority Local Search Form CON.29.

Dependent upon the extent of any requests for information a charge may be made to the client. Where this is the case full details of the costs involved will be supplied to the client, for agreement prior to any work being completed.

9.8 Information Provided to the Environment Agency

The Environmental Protection Act 1990, Section 78U(2) requires the Council to provide the EA with the information necessary to write and publish an annual report on the State of Contaminated Land in England. Such information is requested by The EA by consultation when the report is due to be compiled. In addition, The EA needs to be informed when land is determined as contaminated land. The council will fulfil this requirement by forwarding a copy of the notice and record of determination to the relevant EA Officer.

Appendix A Glossary of Terms

The following terms and abbreviations are used throughout this document.

Contaminated land: Any land whose condition meets the definition of 'contaminated land' set out in section 78A(2) of Part IIA of the Environmental Protection Act 1990. This is discussed in more detail in Appendix I.5 of this strategy document.

Environmental Protection: The team within the Environmental Health Department responsible for the day-to-day management of land contamination issues and the strategy required under Part IIA.

The Council: Manchester City Council.

DEFRA: Department for Environment, Food and Rural Affairs.

DETR: The former Department of the Environment, Transport and the Regions. Following the recent restructure of some national government departments, the relevant functions of the former DETR are now carried out by the new Department for Environment, Food and Rural Affairs (DEFRA).

EA: Enviroment Agency

The district: The area within the boundary of Manchester City Council.

New regime: The new statutory regime for contaminated land, in force from 1/4/2000, implemented by Part IIA of the Environmental Protection Act 1990.

Part IIA: Part IIA of the Environmental Protection Act 1990, as inserted by section 57 of the Environment Act 1995.

Statutory guidance: The statutory guidance published in 2012.

Stakeholder: Any person or body with a clearly defined interest in any issue, process, or particular site. Depending on the context, the term 'stakeholder' may, for example, refer to a statutory body such as the EA, an individual site owner, members of the local community who may be affected by the presence of contaminated land, or anyone who may have an interest in specific schemes for remediating or developing such land.