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Client Ref: WIE20265-102_PO126773
Report Ref: WTM1-AOS-9ZT-WJ6-D8U
Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1964-1967**

Scale: 1:1,250

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1968**

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1970-1974**

Scale: 1:1,250

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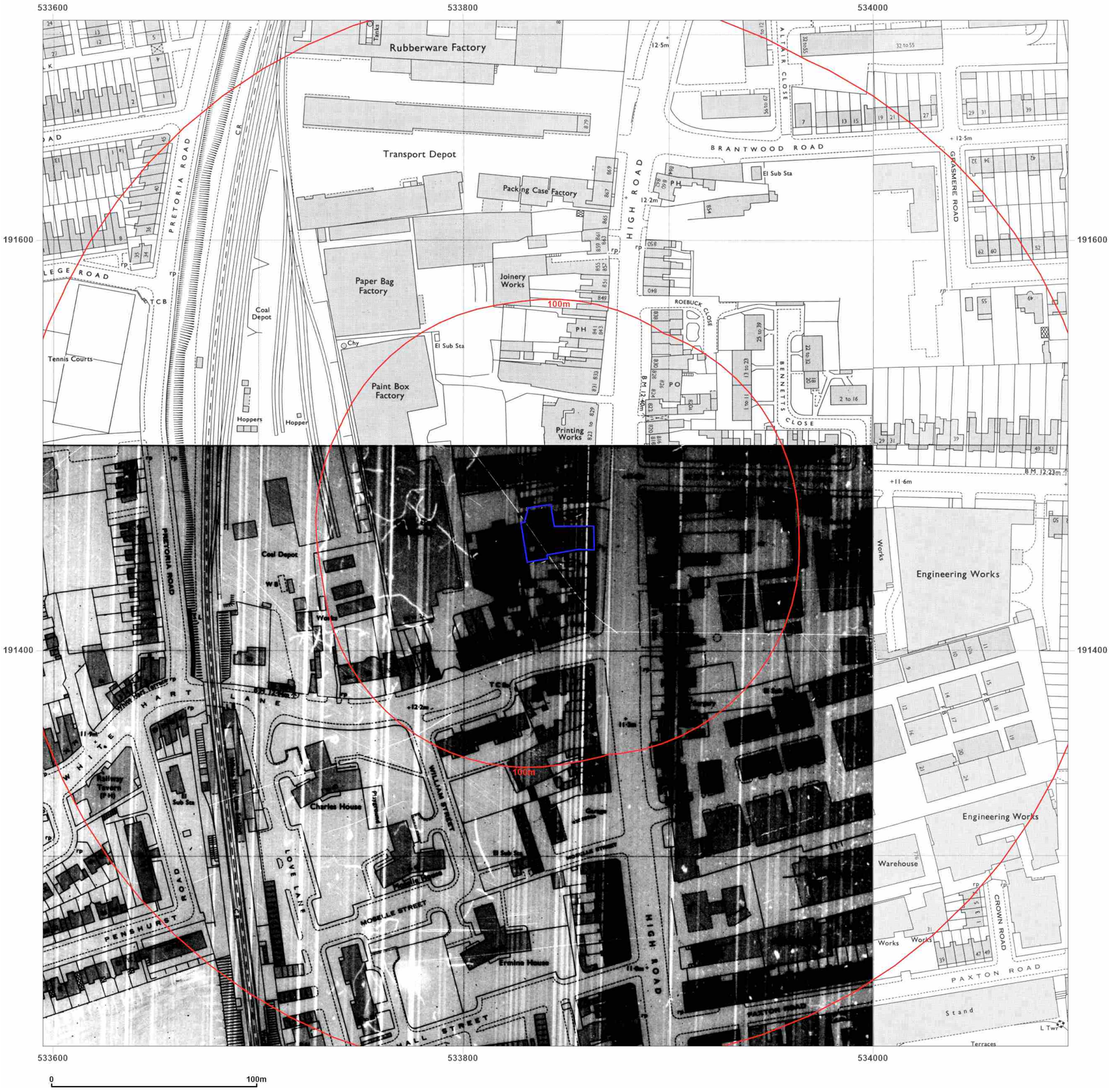

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1974-1977**

Scale: 1:1,250

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1977-1981**

Scale: 1:1,250

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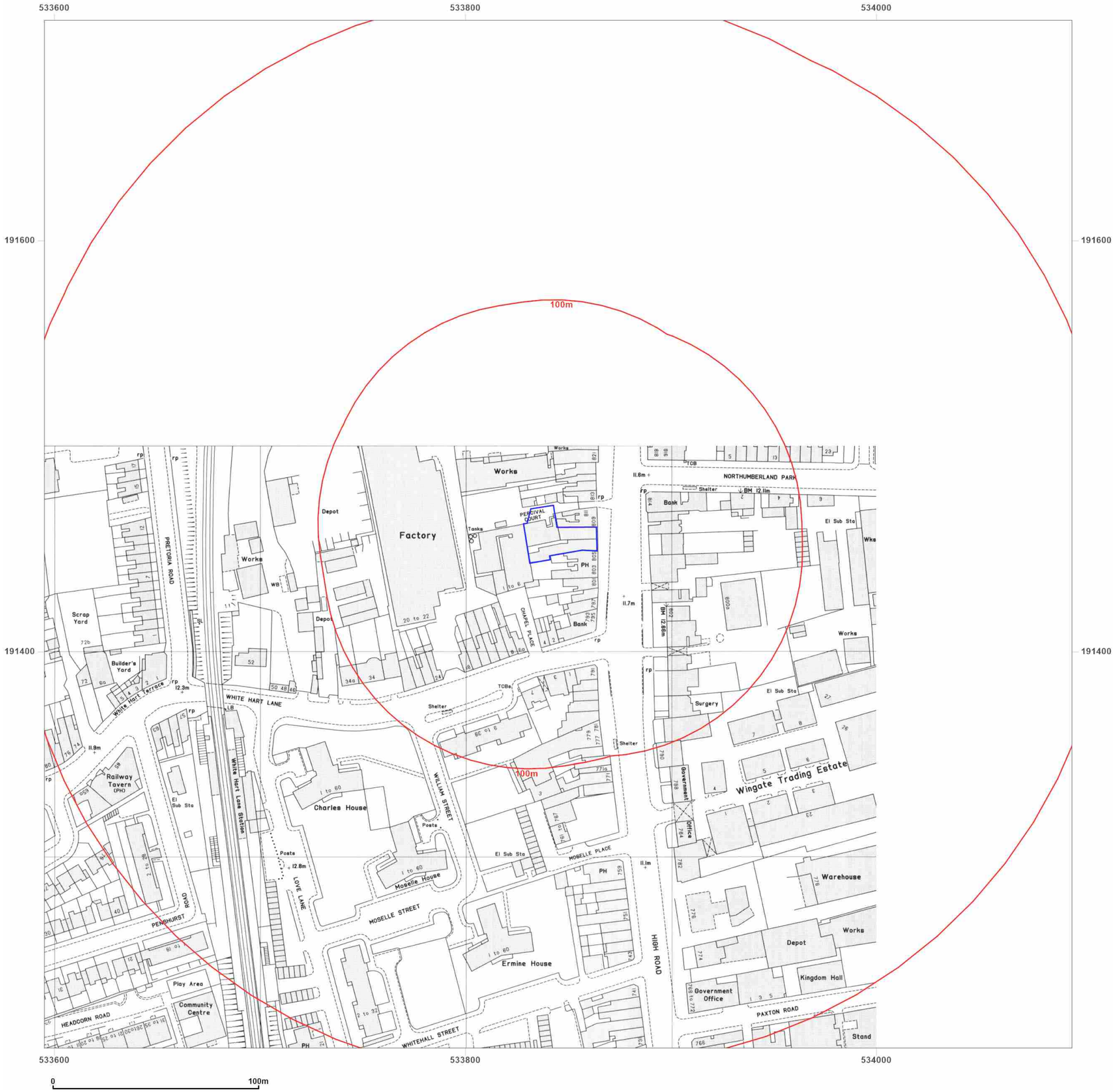

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Client Ref: WIE20265-102_PO126773
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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1983**

Scale: 1:1,250

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1985**

Scale: 1:1,250

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1981-1986**

Scale: 1:1,250

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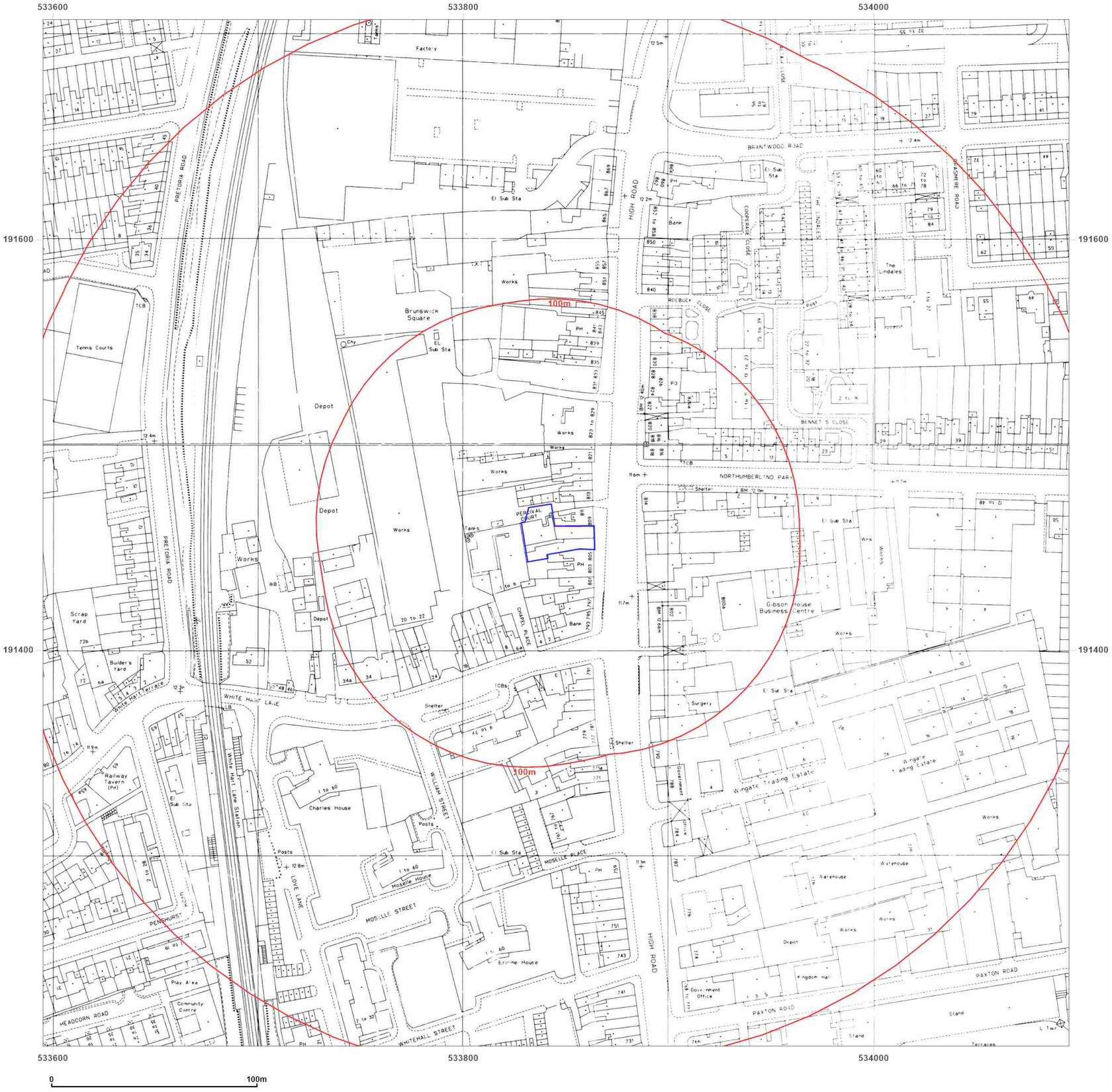

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Client Ref: WIE20265-102_PO126773
Report Ref: WTM1-AOS-9ZT-WJ6-D8U
Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1991**

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1991-1992**

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Grid Ref: 533845, 191457

Map Name: National Grid

Map date: **1991-1992**

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Client Ref: WIE20265-102_PO126773
Report Ref: WTM1-AOS-9ZT-WJ6-D8U
Grid Ref: 533845, 191457

Map Name: LandLine

Map date: **2003**

Scale: 1:1,250

Printed at: 1:1,250

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2003

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E. Regulatory Context

The National Planning Policy Framework (NPPF) 2023 sets out Government planning policy for England and how this is expected to be applied to development. Paragraphs 123 to 130 of Section 11 – Making effective use of land; Paragraphs 180, 189, 190 and 194 of Section 15 – Conserving and enhancing the natural environment relate to contaminated land matters. Specially the following paragraphs state the following:

124. 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;

180. 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.

189. 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.

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

194. 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 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.

F. Risk Rating Matrix

Table F.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 G.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.

(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 G.2: Significant harm to human health, ecological systems and property

Relevant types of receptor	Significant harm	Significant possibility of significant harm
Human beings	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; cardio-vascular 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	The risk posed by one or more relevant contaminant linkage(s) relating to the land comprises: (a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question. (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. In estimating the likelihood that a specific form of significant harm might occur the local authority should, among other things, consider: (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

Relevant types of receptor	Significant harm	Significant possibility of significant harm
	land would be in accordance with the broad objectives of the regime as described in Section 1 of the Contaminated Land Statutory Guidance.	Land Statutory Guidance. (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.
Any ecological system, or living organism forming part of such a system, within a location which is: • 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)); • 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.	The following types of harm should be considered to be significant harm: • 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 endangers the long-term maintenance of the population of that species at that location. In the case of European sites, harm should also be considered to be significant harm if it endangers the favorable 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).	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that: • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • 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. 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.
Property in the form of: • crops, including timber; • produce grown domestically, or on allotments, for consumption;	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	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

Relevant types of receptor	Significant harm	Significant possibility of significant harm
• livestock; • other owned or domesticated animals; and, • wild animals which are the subject of shooting or fishing rights.	property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. 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".	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.
Property in the form of buildings. 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.	Structural failure, substantial 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. 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. The Guidance states that this description of significant harm is referred to as a 'building effect'.	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 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.

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

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