

SCHEDULE 2

Requirements

PART 1

Requirements

Contamination land and groundwater: Part A - Stanlow

10.—(1) No intrusive works or any works which are likely to cause significant harm to persons or pollution of controlled waters or the environment, other than those necessary to undertake ground investigation for the purposes of identifying any contamination which may be present, can be carried out within plots 3-11, 3-12, 3-13, 3-14 and 3-15, unless and until either sub-paragraph (2) or sub-paragraph (3) has been complied with.

(2) The Environment Agency has confirmed in writing that any contamination of the plots listed in sub-paragraph (1) has been remediated to a standard which renders those plots fit for the use consented under this Order.

(3) The undertaker must:

- (a) carry out further ground investigations within plots 3-11, 3-12, 3-13, and within the highway verges within plots 3-14 and 3-15, to identify any contamination present. The investigations must include testing for per- and polyfluoroalkyl substances.
- (b) Where no contamination is identified under paragraph (a), the undertaker must submit a report of the investigations undertaken and the results thereof to the relevant planning authority; no works set out in sub-paragraph (1) may be undertaken unless and until the relevant planning authority, following consultation with the Environment Agency, has approved the report submitted.
- (c) Where contamination is identified under paragraph (a), a written risk assessment must be completed by the undertaker in order to assess the nature and extent of any contamination. Where having regard to that risk assessment—
 - (i) the undertaker considers that remediation is required, a detailed remediation scheme must be prepared and submitted by the undertaker for the approval of the relevant planning authority in consultation with the Environment Agency; or
 - (ii) the undertaker considers that remediation is not required, the risk assessment must be submitted to the relevant planning authority; or
 - (iii) remediation is determined by the relevant planning authority, following consultation with the Environment Agency, not to be required, the relevant planning authority must approve the risk assessment and Work Nos. 5 and 7 may commence; or
 - (iv) remediation is determined by the relevant planning authority, following consultation with the Environment Agency, to be required, a detailed remediation scheme must be prepared and submitted by the undertaker for the approval of the relevant planning authority in consultation with the Environment Agency.
- (d) Where a remediation scheme is required under paragraph (c), the remediation must be implemented by the undertaker in accordance with the approved detailed remediation scheme, and a verification report following completion of those remediation works must be submitted to the relevant planning authority for approval before Work Nos 5 and 7 may be commenced. Such approval shall not be unreasonably withheld or delayed.

Part B – other sites identified as requiring further investigation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) No intrusive works or any works which are likely to cause significant harm to persons or pollution of controlled waters or the environment, other than those necessary to undertake ground investigation for the purposes of identifying any contamination which may be present, can be carried out within plots 1-25, 4-12, 4-20, 8-10 and 8-12 unless and until sub-paragraph (5) has been complied with.

(5) The undertaker must:

- (a) carry out further ground investigations within plots 1-25 (adjacent to Ince railway), plot 4-12 (in the former gateway), plots 8-10 and 8-12, and groundwater testing in plot 4-20 (to the north of the M56 motorway) to identify any contamination present.
- (b) Where no contamination is identified under paragraph (a), the undertaker must submit a report of the investigations undertaken and the results thereof to the relevant planning authority; no works in the plots set out in sub-paragraph (4) may be undertaken unless and until the relevant planning authority, following consultation with the Environment Agency, has approved the report submitted.
- (c) Where contamination is identified under paragraph (a), a written risk assessment must be completed by the undertaker in order to assess the nature and extent of any contamination. Where having regard to that risk assessment—
 - (i) the undertaker considers that remediation is required, a detailed remediation scheme must be prepared and submitted by the undertaker for the approval of the relevant planning authority in consultation with the Environment Agency; or
 - (ii) the undertaker considers that remediation is not required, the risk assessment must be submitted to the relevant planning authority; and
 - (iii) remediation is determined by the relevant planning authority, following consultation with the Environment Agency, not to be required, the relevant planning authority must approve the risk assessment and Works in the plots listed in sub-paragraph (4) may commence; or
 - (iv) remediation is determined by the relevant planning authority, following consultation with the Environment Agency, to be required, a detailed remediation scheme must be prepared and submitted by the undertaker for the approval of the relevant planning authority in consultation with the Environment Agency.
- (d) Where a remediation scheme is required under paragraph (c), the remediation must be implemented by the undertaker in accordance with the approved detailed remediation scheme under sub-paragraph (5), and a verification report following completion of those remediation works must be submitted to the relevant planning authority for approval and such approval shall not be unreasonably withheld or delayed.

(6) Approval of the requirements of sub-paragraphs (4) and (5) may be sought and granted in stages provided that plots 1-19; 1-20; 1-21; 1-22; 1-23; 1-24 and 1-25 must all be contained within a single stage, plots 3-18; 4-19; 4-20; 5-01; 5-02; 5-03; 5-04 and 5-05 must all be contained within a single stage and plots 3-16; 4-11; 4-12; 4-13; 4-14; 4-15; 4-16; 4-17; and 4-18; must all be contained within a single stage. Nothing in this part of this requirement will prevent the commencement of works in any stage which does not contain any of the plots listed in sub-paragraph (4).

Part C – unexpected contamination

(7) In the event that contamination is found at any time when carrying out the authorised development it must be reported in writing to the relevant planning authority as soon as reasonably practicable.

(8) Where contamination has been reported to the relevant planning authority in accordance with sub-paragraph (7), an investigation and risk assessment must be completed by the undertaker in accordance with a contamination scheme to assess the nature and extent of any contamination on the

part of the Order limits within which works are being carried out, whether or not that contamination originates on that part of the Order limits and—

- (a) the contents of that contamination scheme are subject to the approval of the relevant planning authority; and
- (b) that investigation and risk assessment must be undertaken by the undertaker within timescales agreed with the relevant planning authority and in accordance with the approved contamination scheme, and a written report of the findings must be submitted to the relevant planning authority.

(9) Where remediation is determined by the relevant planning authority to be required having had regard to the results of an investigation and risk assessment carried out under sub-paragraph (8), a detailed remediation scheme must be prepared and submitted by the undertaker for the approval of the relevant planning authority.

(10) Unless otherwise agreed by the relevant planning authority, no intrusive works or other works which would disturb the contaminated land or groundwater can be carried out in the part of the Order limits in which the contamination is identified under sub-paragraph (7) until the investigation and risk assessment in accordance with sub-paragraph (8), and if required, a remediation scheme in accordance with sub-paragraph (9) has been submitted to and approved by the relevant planning authority.

(11) The remediation must be implemented by the undertaker in accordance with the approved detailed remediation scheme under sub-paragraph (9), and a verification report following completion of those remediation works must be submitted to the relevant planning authority for approval. Such approval shall not be unreasonably withheld or delayed.