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By Development Control at 3:42 pm, Dec 20, 2012

Planning Department
North Lincolnshire Council
Civic Centre
Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2012/116189/01-L01

Your ref: PA/2012/1399

Date: 20 December 2012

FAO Graeme Moore

Dear Sir/Madam

**Planning permission for the erection of a mixed use development comprising eight town houses, six flats and three shops
Land rear of 5-6 Market Place, Brigg**

Thank you for referring the above application, on 5 December 2012.

We have reviewed the Phase 2 Report by Humberside Materials Laboratory dated November 2007 with regard to the potential risk posed to controlled waters only. We recommend the following conditions:

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site would pose an unacceptable risk to the environment and we would object to the application.

Condition (1)

No development approved by this planning permission shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons (1)

The report submitted is incomplete as Sections 6 and 7 and some of the plans are missing. We have also not received the Phase I report which is needed as the first stage of assessing the potential risk posed to controlled waters. It appears that groundwater samples have not been collected and we would normally ask for at least two rounds of groundwater sampling to be undertaken on similar sites. We cannot determine if the potential risk posed to controlled waters has been adequately assessed based on the information provided.

Given that the report submitted is now over five years old, it is likely that an updated site investigation will be required. If additional investigation is undertaken, it may be prudent to collect some soil samples in areas where soakaways may be used to determine the suitability of the ground conditions. PPG27 'Installation, Decommissioning and Removal of Underground Storage Tanks' states that tanks that are no longer being used should be removed. If this is done, soil samples should be collected from the sides and base of the excavation. This pollution prevention guidance is available on our website.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition (2)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the

developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons (2)

To ensure that if any unsuspected contamination is encountered during the redevelopment, it is dealt with appropriately.

Condition (3)

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons (3)

To ensure that soakaways are not located in potentially contaminated ground.

Informative advice

There should be no direct discharge to groundwater.

All infiltration structures (permeable pavements, infiltration trenches, soakaways etc.) should be as shallow a depth as possible to simulate natural attenuation.

The base of the infiltration structures should be at least 1m above the highest seasonal water-table.

Advice to the applicant

We recommend that developers should:

- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
- refer to the [Environment Agency Guiding Principles for Land Contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
- refer to our website at www.environment-agency.gov.uk for more information.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

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