

Via e mail
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Worcestershire Regulatory Services

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Our Ref: 22/01504/PLAN

Your Ref: 21/01830/FUL

20th January 2022

Dear Paul,

PLANNING REF: Residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways. Sustainable urban drainage systems and all other ancillary and enabling infrastructure.

Land West of Hither Green Lane, Redditch. Worcestershire.

CONTAMINATED LAND CONSULATION

Thank you for your recent consultation regarding above referenced planning application.

WRS have reviewed the supporting information and available records to determine any potential contaminated land issues.

WRS understand that the site is an operational golf course and is proposed for redevelopment for residential use. Given the current and historic use of the site WRS consider there is the potential for Made Ground / infill material to be present at the site which, depending on its origin, has the potential to be contaminated. Typically, when golf courses are created, or extended, material/ soil is imported to site create differing levels for features such as greens and fairways. Given the sensitive nature of the proposed end use and uncertainty regarding ground conditions, contaminated land conditions are recommended where permission may be granted for the development

In addition to the above a review of our mapping system indicates that land within the north eastern area of the site is within 250m of an area of infilled land. Depending on the nature of the infill material there is the potential for ground gases to be generated which could impact part the proposed development site.

The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented. Little information is known or has been provided on this site and consequently a Phase I study is recommended.

Condition - Tiered Investigation

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Pre-commencement conditions for contaminated land risk assessment are considered necessary for the following reasons:

- There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing).
- Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, for example the removal from site of contaminated soils/underground structures, the design and incorporation of gas protection measures in any buildings etc. To carry out such work after construction has started/been completed, may require potentially expensive retro-fitting and in some cases the demolition of construction work already completed.

Paragraph 178 of the NPPF requires development to be suitable for its proposed use taking account of ground conditions, any risks arising from contamination, and any proposals for mitigation, including land remediation. Paragraph 178 goes on to state that after remediation, as a minimum, land should not be capable of being determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990.

If you have any further queries regarding this matter or information provided in support of the application requiring comment by the Land and Air Quality Team please do not hesitate to contact us via wrsenquiries@worcsregservices.gov.uk or 01905 822799 quoting the above reference number.

Yours sincerely

Land & Air Quality Team
Worcestershire Regulatory Services