

**Applications delegated to Director of Planning,
Housing & Environmental Health to determine**

Borough Green **560249 156612** **8 August 2013** **TM/13/02358/RD**
Borough Green And
Long Mill

Target Determination Date: 3 October 2013

Proposal: Details of site investigation with regard to land stability and impact on the margins of the River Bourne and details of further investigations into the existence of soil and ground water contamination on and beneath the site, along with a scheme of proposed remedial and engineering measures to render the site suitable for the permitted end use, and prevent contamination of groundwater and air and water pollution of adjoining land, pursuant to conditions 7 and 25 of planning permission TM/11/01191/FL (Erection of 171 dwellings, creation of 6.82ha of public open space including local area of equipped play (leap), new vehicular access onto Haul Road. Provision of access roads, footpaths, landscaping and all associated infrastructure, removal of Bridge Deck to Isles Quarry East)

Location: Isles Quarry Quarry Hill Road Borough Green Sevenoaks Kent

Applicant: Crest Nicholson Eastern

1. Description of Proposal:

1.1 Details have been submitted pursuant to conditions 7 and 25 of TM/11/01191/FL.

1.2 Condition 7 of TM/11/01191/FL states

No development shall be commenced until:

a) a site investigation is undertaken to assess the risks of implementation of this permission with regard to land stability and impact on the margins of the River Bourne;

b) the results of that investigation together with a scheme to remove any problem and a methodology to resolve any issues with regard to part a) has been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved methodology.

c) No building shall be occupied until a letter from an authorised person notifying that the work has been carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy CP1 of the Tonbridge and Malling Borough Core Strategy and paragraph 120 of the National Planning Policy Framework 2012.

1.3 Condition 25 of TM/11/01191/FL states

No development shall commence until:

a) further investigations into the existence of soil and groundwater contamination on and beneath the site have been carried out, in accordance with a scheme first submitted to and approved in writing by the local planning authority, to supplement the information contained in Scott Wilson Report Geo-environmental and Geotechnical Ground Conditions Report 2010 dated April 2010; and

b) a scheme of proposed remedial and engineering measures to render the site suitable for permitted end use and to prevent contamination of groundwater and air and water pollution of adjoining land has been drawn up by and approved by an appropriately qualified environmental specialist and submitted to and approved in writing by the local planning authority. The scheme shall include a detailed risk assessment for identified components and sensitive receptors, plus suggested remedial targets. It shall also include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development (including arrangements for notifying the local planning authority of the presence of any such unforeseen contamination) and also validating imported soils as being fit for purpose.

Thereafter

c) the approved scheme of remedial and engineering measures shall be implemented and completed fully in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. On completion of the works, a completion report and certificate shall be provided to the local planning authority, certifying that the land is suitable for its permitted end use. The certificate shall be issued by the person responsible for the development and shall be endorsed by the environmental specialist who designed and specified the scheme of remedial works or another appropriately qualified environmental specialist. No dwelling shall be occupied unless and until the completion report has been submitted to and approved in writing by the local planning authority and the certificate has been provided insofar as it relates to that part of the development which will be occupied.

d) no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety in accordance with paragraphs 120 and 121 of the National Planning Policy Framework 2012.

2. The Site:

- 2.1 The site covers an area of approximately 12.35 hectares within the village settlement confines of Borough Green.
- 2.2 The site lies to the north of Stangate Quarry, which has a right of access through the application site. To the north of the site lies Hornet Business Park, with an office and 7 industrial/warehouse units. Hornet Industrial Estate is located on a higher level platform than much of the application site. There is planning permission at Hornet Business Park for the change of use of land for industrial/warehouse use and the erection of a terrace of four industrial warehouse units for use within use classes B1, B2 or B8, with associated access and parking provision (TM/09/01898/FL), dated 29 June 2010.
- 2.3 The land on the western part of the site is designated as a Site of Nature Conservation Interest. This land is included within the application as amenity space for the proposed dwellings to the east.
- 2.4 The site is a former quarry. Previously on the site was a range of commercial activities and development including a skip manufacturing business in the southern part of the site. This company appears to have now ceased operating from this site. Most of the site is now open scrubland. There are some remains of derelict buildings within the site, close to Hornet Industrial Estate.
- 2.5 The site has a lawful use for a General Industrial Use (Class B2), repair and maintenance of HGV's, plant and equipment, parking and storage and other purposes ancillary to general industrial use (TM/94/00207/LDCE).
- 2.6 The site is identified under policy CP18 of the Tonbridge and Malling Borough Core Strategy 2007 as a strategic housing location to meet housing needs in the more remote part of the Borough and is released from the Green Belt. Policy H2 of the Development Land Allocations Development Plan Document (adopted April 2008) (DLA DPD) defines the site and how it is to be developed.
- 2.7 The site of the housing does not cover the whole of the former quarry area. Immediately to the west of the proposed housing area, a landscaped amenity area would be provided in conjunction with the development. To the west and south of this, an SNCI is located (still within the confines of the former quarry site).
- 2.8 Policy CP12 of the TMBCS identifies Borough Green as a Rural Service Centre. The north of the site is located 800m from Borough Green village centre.
- 2.9 The site is accessed by the Haul Road, currently a private road, running from the A25 Dark Hill roundabout to the doctor's surgery in Quarry Hill Road. Originally the road carried vehicles from Isles Quarry whilst the quarry was open to enable vehicles to travel between the quarries and the A25 to the north without needing to access Quarry Hill Road. The Haul Road can be accessed by the existing road

network of Quarry Hill Road to the north and Thong Lane to the south.

3. Planning History:

TM/80/10516/OLD Application Withdrawn 21 May 1980

Tipping of builders rubble to infill former quarry workings.

TM/82/11095/FUL grant with conditions 16 April 1982

Erection of single storey portakabin amenity block (associated with workshop) including toilet and mess room facilities to replace two-storey building on same site.

TM/91/11377/OUT Refuse 2 December 1991

Outline application for use of land for Class B1(C) Business (Industrial), B2 General Industrial and B8 Storage or Distribution purposes with access and landscaping and removal of condition (xxi) of consent TM/80/0901 to allow for retention

TM/91/11378/OUT Application Withdrawn 11 November 1991

Outline Application for use of land for Class B1(C) Business (Industrial) B2 General Industrial and B8 Storage or Distribution purposes with access and landscaping and removal of condition (xxi) of consent TM/80/0901 to allow for retention

TM/94/00207/LDCE lawful development 22 March 1996
certifies

Certificate of Existing Lawful Development: General industrial use (class B2), repair and maintenance of HGVs, plant and equipment, parking and storage and other purposes ancillary to general industrial use.

TM/95/10000/FUL grant with conditions 30 March 1995

Construction of a single track haul road across Isles Quarry to connect onto the existing private access road at Dark Hill Farm with consequent amendments to conditions (xii), (xvi) and (xxii) of permission TM/80/901

TM/07/03307/FL Approved 19 October 2007

Alterations to existing access to Hornet Employment site

TM/08/01860/FL Approved 18 August 2008

Alterations to existing access to Hornet employment site (Revisions to planning permission TM07/03307/FL)

TM/09/01126/EASC screening opinion EIA 19 June 2009
not required

Request for Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to determine whether EIA is required for a proposed planning application for a residential development at Isles Quarry, Borough Green, including creation of open space and access

TM/11/01191/FL Approved 20 June 2013

Erection of 171 dwellings, creation of 6.82 ha of public open space including local area of equipped play (leap), new vehicular access onto Haul Road. Provision of access roads, footpaths, landscaping and all associated infrastructure, removal of bridge deck to Isles Quarry East

TM/11/03202/EASC screening opinion EIA 18 March 2013
not required

Request for screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) for residential development of 171 dwellings

TM/13/02723/RD Pending Consideration

Details of surface water disposal, scheme of disposal of foul water and a dormouse mitigation strategy and implementation timetable pursuant to conditions 21, 22 and 26 of planning permission TM/11/01191/FL (Erection of 171 dwellings, creation of 6.82 ha of public open space including local area of equipped play (leap), new vehicular access onto Haul Road. Provision of access roads, footpaths, landscaping and all associated infrastructure, removal of bridge deck to Isles Quarry East)

4. Consultees:

4.1 BGPC: Objects:

- The details submitted pursuant to these details are poor, with a thick pile of loose sheets;

- Concerns about the remediation plan and the fact that the consultants seem to have a limited grasp of the ground and conditions they are dealing with;
- They have been given information about the history of the site and the fact that it is at odds with local knowledge and easily available evidence;
- There is a real danger of contamination of the extraction aquifer and local watercourses, aggravated by the need to pile through contaminated ground under the badly mistaken assumption that it is largely 70's-80's inert material;
- Nobody today can bear witness to what happened at Isles, but we have evidence that points in almost exactly the opposite direction to that the consultants assume;
- The applicant dismisses the possibility that groundwater intruded into the landfill site. The PC has strong evidence that both the filler plant lagoon and the rifle range contained substantial quantities of water;
- The PC do not know whether this was the natural water table and it could be possible that many recent dry years, and excessive extraction, have lowered the water table, but the pathway still exists. They also presume that any groundwater they reached was "perched" and not deemed to be connected;
- The applicant notes "cannot be determined if the principle aquifer is in hydraulic connectivity with the Bourne." The applicant notes that the ground is granular, so it seems likely that connectivity exists between the aquifer, the Bourne, groundwater and any other underground water. Piling will provide a direct pathway from pockets of identified contamination in the landfill into that connected water, and there is a high risk that it will reach the Principle Aquifer from which our local drinking water is extracted a scant kilometre away.
- The PC appended a newspaper report from 1950 about the Ashby lad who was drowned in the lagoon: proof that the water table intruded into the quarry void, and subsequently the landfill. The PC have an eyewitness to the event, and the man pictured in the report still lives in the village and has supplied a transcript of a Kent Messenger report of the same incident;
- The applicant is now proposing that surface water (52%), except residential (48%), is tanked and then introduced to the public sewers (*DPHEH: this matter is not for consideration as part of this application and forms part of another submission – TM/13/02723/RD*). BGPC had concerns about the inadequacy of the local sewage infrastructure when the proposal was just foul sewage from 171 houses, there was no mention in the past of diverting surface water in these volumes as well. The planned pathways used to divert residential runoff into the Bourne need careful monitoring to ensure this does not undermine the fragile steep banks.

- The Soil investigation attempts to make the case that the landfill is only inert quarry waste, despite evidence in earlier reports of PAH, clinker, etc etc, and now deny the existence of putrescence. The report then contradicts itself by noting that there are still exceedences of CO2 and Methane levels. These gases are direct evidence of landfill putrescence, 50 years after that landfill was capped, and long after any minor traces should have leached away: it is clear that landfill gas is still being generated.
- There has still been no investigation of the High Level Platform and Tarmac Plant that was subjected to decades of contamination by oil/ diesel/ tar/ creosote because of the material heaps excavated from the Hornet Access Road and fly-tipped strategically by Hanson. The reports just talk of lowering levels and removing. We believe this operation will need careful monitoring, and fresh sampling of the buried materials.
- The PC see no evidence of investigation by the consultants into the effect of rainwater entering ground, that has been dry since the 60s under the skip factory hardstanding. Water penetration here could find a pathway to the adjacent loose banks of the Bourne, and there is a conceivable risk of catastrophic collapse, blocking the Ightham flood relief path.
- The report states that landfill occurred intermittently between 1974 and 1992, but these dates are completely at odds with the evidence. The Vehicle Workshops, now known as the skip factory, was built as a factory for Fluostatic in the 60's, on top of the landfill that they say was not even commenced until 1972.
- The area of land to the north, the main residential area, was also filled at the same time in the 60's, save the filler plant lagoon. This open area, particularly to the west, was filled with bundled settlement lagoons taking slurry from the Stangate operation. The filler plant lagoon, and the rifle range were backfilled sometime around the 1987 with haddock, quarry waste, as evidenced by the 1988 aerial photo showing the fresh patch just to the right of the truck plant in the centre;
- The PC have enclosed aerial photos with excavation boundaries, the extent of the pre-60's landfill;
- The ground levels shown across what is now known as the Main Housing Area, was virtually level right across the site towards the west, whereas now it rises sharply to the west. It is clear that new material has been introduced since 1988, but it is unknown where this came from.

4.2 Ightham PC: No comment.

4.3 EA:

Condition 25

- 4.3.1 Agree in principle with the submitted remediation strategy. This condition should not be fully discharged until the scheme is fully implemented and completed (as per part (c) of this condition).
- 4.3.2 Additional assessment will have to be undertaken post demolition and removal of any sub ground structures, if any USTs, fuel lines or hotspots of contamination are identified. The main area of concern is being reduced in level so it is likely all significant contamination beneath the workshop area will be discovered and addressed as outlined in the remedial strategy. Appropriate verification reporting will be required for identified hotspots with validation samples taken as evidence of removal of significant contamination.
- 4.3.3 Any remediation must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site must be fully managed to ensure protection of the wider environment.
- 4.3.4 The use of band drains is specific to area 3. If band drains are required in the remaining areas then the risk assessment will need to be updated. The surface water drainage strategy indicates that the bulk of the drainage will drain via surface water gullies to a nearby watercourse. Such drainage, especially from areas of parking, would need to be appropriately protected by pollution prevention measures which may include interceptors.

Submission from Borough Green Parish Council dated 12/09/2013

- 4.3.5 The EA does not hold full records of historic quarrying and tipping pre-1976 and in the main holds only detailed records for waste management of sites post 1994. However, it is understood that there was additional tipping of chalk tunnelling waste deposited at the Isles Quarry around 1996 under an exemption to waste licences.
- 4.3.6 We believe that the investigations and risk assessments, allowing for a suitable strategy of discovery under current hardstandings/ buildings, have been carried out adequately to date. As identified in the submitted strategy there is further work to do as demolition and site re-profiling takes place. A watching brief and sampling/ monitoring strategy is part of the proposed works, as required by the

relevant parts of the land contamination planning conditions. Any unexpected contamination will be addressed as part of that requirement.

4.3.7 With regards to the groundwater levels, there would appear to be some differences in evidence between historic anecdotal information and other monitoring from current investigations and monitoring. But this is not unusual given the timeframes involved as groundwater levels will fluctuate over time. The key think is current evidence and monitoring of groundwater around the site. Groundwater levels are known from other monitoring at the adjacent quarries. The monitoring of the nearby Brook or River Bourne could be required during site activities like piling to ensure any diverse effects are identified and if necessary actions taken to alter piling methods or change strategy. However, the depth or relatively inert fill, circa 19m and the limited identified presence to date of significant contamination hotspots does not mean that the approach submitted would not manage the site appropriately. With regards to historic fill, there is no clear evidence, other than the site investigations over the last few years to indicate significant putrescible fill from the early 1960's was deposited at the site in the quarry base. Evidence would suggest the main fill was quarry overburden from adjacent quarrying sites or quarry waste hassock materials. The gas monitoring date, including continuous gas monitoring devices would support this.

4.4 CPRE: Raises the following concerns:

- The developer has based investigations and consequently remediation strategy on the assumption that the back fill operation took place in the 1970's to 1980's using inert material in a regulated manner;
- Local people are of the opinion that most if the backfill occurred in the 1950's when there was little regulation. An examination of historic maps of the area shows advanced quarrying in the 1936 map. On the 1962 to 1966 1:2500 map Isles Quarry is flagged as 'disused', has clearly been backfilled with built development in the form of 'works', subsequently a skip factory.
- Exceedences of methane levels after such a long period is of concern and indicates the presence of putrescent materials
- The CPRE is concerned as to whether the intrusive testing has been sufficiently rigorous.;

4.5 Neighbours: One letter of objection received raising the following concerns:

- The details submitted pursuant to these details are poor, with a thick pile of loose sheets;
- Concerns about the remediation plan and the fact that the consultants seem to have a limited grasp of the ground and conditions they are dealing with;

- They have been given information about the history of the site and the fact that it is at odds with local knowledge and easily available evidence;
- There is a real danger of contamination of the extraction aquifer and local watercourses, aggravated by the need to pile through contaminated ground under the badly mistaken assumption that it is largely 70's-80's inert material;
- Nobody today can bear witness to what happened at Isles, but we have evidence that points in almost exactly the opposite direction to that the consultants assume;
- The applicant dismisses the possibility that groundwater intruded into the landfill site. There is strong evidence that both the filler plant lagoon and the rifle range contained substantial quantities of water;
- It is unknown whether this was the natural water table and it could be possible that many recent dry years, and excessive extraction, have lowered the water table, but the pathway still exists. It is also presumed that any groundwater they reached was "perched" and not deemed to be connected;
- The applicant notes "cannot be determined if the principle aquifer is in hydraulic connectivity with the Bourne." The applicant notes that the ground is granular, so it seems likely that connectivity exists between the aquifer, the Bourne, groundwater and any other underground water. Piling will provide a direct pathway from pockets of identified contamination in the landfill into that connected water, and there is a high risk that it will reach the Principle Aquifer from which our local drinking water is extracted a scant kilometre away.
- There is a newspaper report from 1950 about the Ashby lad who was drowned in the lagoon: proof that the water table intruded into the quarry void, and subsequently the landfill. There is an eyewitness to the event, and the man pictured in the report still lives in the village and has supplied a transcript of a Kent Messenger report of the same incident;
- The applicant is now proposing that surface water (52%), except residential (48%), is tanked and then introduced to the public sewers. There are concerns about the inadequacy of the local sewage infrastructure when the proposal was just foul sewage from 171 houses, there was no mention in the past of diverting surface water in these volumes as well. *(DPHEH note: this matter is not for consideration as part of this application. It will form part of the consideration of another submission – TM/13/02723/RD).* The planned pathways used to divert residential runoff into the Bourne need careful monitoring to ensure this does not undermine the fragile steep banks.
- The Soil investigation attempts to make the case that the landfill is only inert quarry waste, despite evidence in earlier reports of PAH, clinker, etc etc, and now deny the existence of putrescence. The report then contradicts itself by

noting that there are still exceedences of CO₂ and Methane levels. These gases are direct evidence of landfill putrescence, 50 years after that landfill was capped, and long after any minor traces should have leached away: it is clear that landfill gas is still being generated.

- There has still been no investigation of the High Level Platform and Tarmac Plant that was subjected to decades of contamination by oil/ diesel/ tar/ creosote because of the material heaps excavated from the Hornet Access Road and fly-tipped strategically by Hanson. The reports just talk of lowering levels and removing. We believe this operation will need careful monitoring, and fresh sampling of the buried materials.
- There is no evidence of investigation by the consultants into the effect of rainwater entering ground, that has been dry since the 60s under the skip factory hardstanding. Water penetration here could find a pathway to the adjacent loose banks of the Bourne, and there is a conceivable risk of catastrophic collapse, blocking the Ightham flood relief path.
- The report states that landfill occurred intermittently between 1974 and 1992, but these dates are completely at odds with the evidence. The Vehicle Workshops, now known as the skip factory, was built as a factory for Fluostatic in the 60's, on top of the landfill that they say was not even commenced until 1972.
- The area of land to the north, the main residential area, was also filled at the same time in the 60's, save the filler plant lagoon. This open area, particularly to the west, was filled with bundled settlement lagoons taking slurry from the Stangate operation. The filler plant lagoon, and the rifle range were backfilled sometime around the 1987 with haddock, quarry waste, as evidenced by the 1988 aerial photo showing the fresh patch just to the right of the truck plant in the centre;
- There are enclosed aerial photos with excavation boundaries, the extent of the pre-60's landfill;
- The ground levels shown across what is now known as the Main Housing Area, was virtually level right across the site towards the west, whereas now it rises sharply to the west. It is clear that new material has been introduced since 1988, but it is unknown where this came from.

5. Relevant Policies & Determining Issues:

Land Stability - Condition 7

- 5.1 Details have been submitted of a site investigation with regard to land stability on the margins of the River Bourne, pursuant to condition 7 of TM/11/01191/FL.

- 5.2 The stream is not shown on the development proposal plans, but the letter from URS of 25/07/2013 states that the development (except access road) is more than 100 metres from the stream and is clearly not going to have any effect upon the stability of the stream banks.
- 5.3 The Parish Council points out that the stream banks are difficult to access if the stream were to become blocked but this is the existing situation which is unchanged by the development. The eastern (Quarry Hill) branch of the Bourne is 'main river' and maintenance of flow would be enforced by the EA. The western branch (as above) is an ordinary watercourse and any blockages would (should) be enforced by KCC as Lead Local Flood Authority.
- 5.4 The Parish queries evidence of an investigation by the consultants into the effect of rainwater entering ground that has been dry since the 60's under the skip factory hardstanding. They are concerned that water penetration could find a pathway to the adjacent loose banks of the Bourne, which would increase the risk of collapse, and in turn, block the Ightham relief path.
- 5.5 The applicant has advised that investigations determined the ground to typically comprise a heterogeneous mixture of granular materials comprising slightly clayey to clayey silty gravelly sands, occasionally with cobbles and cohesive soils comprising very sandy, sometimes gravelly clay. Groundwater levels were generally determined to be below the former quarry base. Permeabilities are highly variably in lateral as well as vertical direction and will generally allow for a downwards percolation of the water following gravity due to the predominantly free draining character of the materials. As a result, the applicant considers that the overall heterogeneity of the ground and the very small volumes of rainwater it can be ruled out that preferential flows with associated internal migration of material towards the River Bourne or excess porewater pressures along its margins will develop.
- 5.6 No changes will be undertaken to soil materials or the groundwater regimes with the slopes along the River Bourne.
- 5.7 Following consideration of the details by the Council's specialist engineers I am of the opinion that the submitted information is satisfactory to discharge condition 7. The developer has clearly identified that the risks in this context are insignificant and the developer carries the obligation to maintain integrity. (See paragraph 120 of NPPF which reads: "*Where a site is affected by...land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*")

- 5.8 Details have been submitted of further investigations into the existence of soil and groundwater contamination on and beneath the site, along with a scheme of proposed remedial and engineering measures to render the site suitable for the permitted end use, and prevention of groundwater and air and water pollution of adjoining land, pursuant to condition 25 of TM/11/01191/FL.
- 5.9 The submitted details have been submitted in conjunction with the Geotechnical Report submitted with the main application. They have been reviewed by both the Council's in house contaminated land scientific specialist and the EA.
- 5.10 Within the 2010 study trial pits/ boreholes were dug at various places across the site. Supplementary boreholes have now been dug in areas more prone to hotspots.
- 5.11 The applicant proposes to use hollow end steel piles in hotspots, which carry a lower risk than driven steel piling. The quarry is not sealed and contaminants are not leachable.
- 5.12 Borough Green Parish Council has raised concerns that there is an assumption in the report that landfill was carried out between 1974 and 1982. The skip factory was permitted under MK/4/61/254 and MK/4/62/366, and therefore these permissions imply that the area was landfill some time before 1961. The ground investigations carried out on the site have tested for a wide range of contaminants to test for regulated and unregulated fill. Clearly it has not yet been possible to test specifically under existing buildings, such as the skip factory and its surrounding concrete apron: I am satisfied with the *methodology* submitted by the applicant for dealing with further testing once the land has been cleared.
- 5.13 The Parish Council is concerned that there is a real danger of contamination of the extraction aquifer and local watercourses, aggravated by the need to pile through contaminated ground under the assumption that it is largely 70's – 80's inert material.
- 5.14 A Controlled Waters and Piling risk assessment has been undertaken and was submitted to the Environment Agency for their review in July 2013, which concluded a low risk to surface water and groundwater receptors.
- 5.15 The Parish Council consider that " *'the filler plant lagoon' and 'the rifle range' contaminated substantial quantities of water. It is unknown if this is the natural water table, and it could be that due to the many recent dry years and excessive extraction, the water table has lowered, but the pathways still exist. The PC are concerned that the applicant presumes that any groundwater reached was perched and not deemed to be connected'*". On the basis of the technical advice of the Environment Agency, I am satisfied that the approach adopted in the study is the correct one.

- 5.16 The Parish Council appended a newspaper report from 1950 about a boy who drowned on the site in support of their comments about standing water on the site. However, as they state in those comments, nobody alive today can bear witness to what happened on the site at that time. In any event there is no evidence of the source of the water body concerned at the time of that sad event.
- 5.17 Localised "Area 1" contamination has the *potential* to impact upon Controlled Waters. It is proposed that localised hotspots will be excavated from Area 1, which would remove the contamination hotspot 'sources'. It is also proposed to carry out subsequent validation of additional materials should evidence of fuel related hotspot contamination remain following re-profiling, excavation.
- 5.18 Whilst Made Ground, of thicknesses in the order of approximately 19m, has been identified at the site, leachable concentrations of contaminants have been shown to be low. Measured contaminants in water passing through the landfill materials have low concentrations. The amount of surface water passing through soil would be reduced, with surface water drainage design being via a network of surface water gullies, channels and pipes into storage tanks.
- 5.19 Whilst there appear to be some differences in evidence between historic anecdotal information and the results of monitoring from current investigations, in accordance with the most up-to-date guidance, there is an appropriate mechanism set out within the submitted documents for dealing with any situation should further fill or other unexpected factors emerge.
- 5.20 The soil investigation states that the landfill which has emerged through the survey thus far is only inert quarry waste. Whilst there is evidence of PAH (Poly Aromatic Hydrocarbons) and clinker, exceedences in these do not necessarily suggest putrescible waste. These are typical components of old inert fill material.
- 5.21 Whilst there are exceedences in CO² and methane, these do not necessarily suggest putrescible waste. These exceedences are likely to be as a result of the depth of some of the material and the possibility of pockets containing wood, soils and vegetation.
- 5.22 Vertical band drains are to be installed to help the settlement process and gas monitoring will occur after this to ensure gas production has stabilised at a safe level prior to construction beginning.
- 5.23 I note and understand the Parish Council's concerns that there has not yet been any invasive investigation of the high level platform and tarmac plant/ skip factory site. The applicant recognises that such areas could pose a potential risk in the undeveloped state. However this seems unlikely given the fact that the EA has raised no objection or concern and has not found it necessary to intervene in the past. The structures in this area are to be demolished, the site will be lowered by 2-6m (removing the most likely affected material for remediation), and the whole

area will be validated. The adopted methodology is intended to deal with such circumstances in the same way as described above in respect of the skip building.

- 5.24 In light of the technical assessment by specialist TMBC staff and the EA, I am of the opinion that the methodology set out for further monitoring of the site during exploratory/ construction works is satisfactory.
- 5.25 Paragraph 120 of the NPPF states that *“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.
- 5.26 Paragraph 121 of the NPPF states that planning permission should ensure that after remediation, land should not, subsequently, be capable of being defined contaminated land under Part 2A of the Environmental Protection Act 1990 (EPA). This is crucial, for as the extracts from the EPA below explain, this will ensure that safe standards are achieved both for incoming residents and the protection of ground water. The reports/methodology submitted are confirmed by the Council’s scientific officer to meet this essential criterion.
- 5.27 Paragraph 122 of the NPPF states *“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”*
- 5.28 The *Draft Planning Policy Guidance* states that *“Local authorities can use planning conditions, where the relevant tests are met, to ensure that development (other than that required to be carried out as part of an approved scheme of remediation) should not commence until the identified states in delivering a remediation scheme have been discharged. These stages and the factors to consider in framing appropriate planning conditions include:*
- *site characterisation – what is required, including what sort of survey, assessment and appraisal, by whom and how the work is to be presented;*
 - *submission of the remediation scheme – what it should include;*
 - *implementation of the approved remediation scheme – notification to the local planning authority of when the works will start, validation that the works have been carried out and reporting of unexpected contamination; and*
 - *monitoring and maintenance – what is required and for how long.”*

5.29 Section 78A(2) under Part 2A of the Environmental Protection Act 1990, defines contaminated land 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:

(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 a significant possibility of such pollution being caused.

5.30 A site will be designated as contaminated land *only* if there is one or more active contaminant linkages, consisting of a source, pathway and receptor. The risks should be considered in relation to the current land use of a site, or a proposed future use. Subject to the additional survey work as a result of the removal of structures and subsequent appropriate remediation. Isles Quarry would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in its current state or the future given that the submitted remediation strategy will make the site suitable for residential use by ensuring there are no active contaminant linkages and groundwater is protected. It will therefore not be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 once development is complete.

5.31 I am satisfied with the methodology and procedures set out within the submitted documentation. In light of the fact that the Council's retained contamination specialist and the Environment Agency I find the proposed methodology and procedure for dealing with assessing spoil in currently inaccessible areas will be appropriate for the Local Planning Authority to approve these details once these investigations have been carried out.

5.32 In light of the above, and in light of the advice provided by the Council's specialist advisors, I am satisfied that the information provided by Crest is satisfactory to discharge the relevant parts of conditions 7 and 25.

6. Recommendation:

6.1 **Approved** in accordance with the following submitted details:

Letter BARTONWILLMORE dated 08.08.2013, Letter URS dated 08.08.2013, Email EA dated 08.08.2013, Email EA dated 08.08.2013, Email TMBC dated 08.08.2013, Letter URS dated 08.08.2013, Drawing SK-001 dated 08.08.2013, Assessment GROUND GAS dated 08.08.2013, Other REMEDIATION STRATEGY dated 08.08.2013, Report ADDITIONAL GROUND INVESTIGATION dated 08.08.2013, Details dated 20.09.2013

Officer Delegated Report

Informative

1. The applicant is reminded of the obligation to submit the additional information set out in the submitted documents as soon as possible, at the relevant stages of further investigations. Such details shall include the location of sites (including any off-site locations) for the disposal of any extracted contaminated material which is in need of disposal.

Signed
Glenda Egerton

Endorsed By

Dated