

FAO Rae Gee
Ashfield District Council
Development Management
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA

Our ref: LT/2021/126379/01-L01
Your ref: AVA/2021/0880
Date: 19 August 2021

Dear Rae

**Residential development for up to 250 dwellings including landscaping, open space, sustainable urban drainage system, with details of access from Lower Somercotes Road (all matters reserved except means of access). This is a departure to the development plan
Amber Valley Rugby Club Lower Somercotes Somercotes Alfreton Derbyshire
DE55 4NQ**

Thank you for referring the above application, which was received on 11 August 2021.

The Environment Agency have no objections to the application as submitted, and recommend that the following planning conditions are included on any planning permission granted:

Condition

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 shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that any previously unexpected contamination is addressed appropriately in order to protect controlled waters.

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 ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Environment Agency

Customer services line: 03708506506
www.gov.uk/environment-agency

Cont/d..

Condition

No drainage system for the 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.

Reason

The site is likely to contain residual contamination during and post redevelopment. As such we would expect any infiltration type drainage to be into clean and uncontaminated ground to ensure the mobilisation of any contamination does not occur.

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.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed condition(s) meets the requirements of paragraph 4 of the Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition(s), to allow further consideration and advice.

In accordance with the Planning Practice Guidance (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

Information

We have recommended these conditions after reviewing the following reports:

1. Phase 1 Desk Study Report, GeoDyne Limited, 31st March 2016.
2. Ground Condition Report, GeoDyne Limited, 31st March 2016.
3. Geophysical Survey Report, GeoDyne Limited, 31st March 2016.
4. Geo-Environmental Report, GVR Geo Services, 31st January 2021.

From a controlled waters point of view we have no immediate concerns given the relatively low levels of contaminants identified in both the soils and groundwater associated with the lack of any controlled water receptors. Low to trace concentrations of TPH, PAH, Chromium VI and dioxins/furans have been identified in groundwater in BH1, BH5 and BH9. The groundwater that was sampled from these three boreholes is not thought to be a continuous body of groundwater underlying the site. We agree with this conclusion following a review of the groundwater level data and the cross sections provided and as such I would agree that there is no significant risk posed to controlled waters by this site.

It must be noted that my comments are solely related to the protection of controlled waters and human health issue will be addressed by the Environmental Health Department at Amber Valley Borough Council.

We understand from the GVR Geo Services report (31st January 2021) that further work will be undertaken at the site. If any further investigation works encounter site conditions that alter the conclusions of the current conceptual understanding of the site, all regulatory authorities should be made aware and appropriate assessments and

Cont/d..

strategies agreed prior to the continuation of the development of the site.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact Lydia Bond.

Yours faithfully

Kerrie Ginns

Planning Specialist

Team email planning.trentside@environment-agency.gov.uk