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Environment Agency

Amber Valley Borough Council -
Development Control
RIPLEY, DE5 3SZ

Reference: LT-2022-127322/08
Customer reference: AVA/2022/0863
14 September 2026

Proposed restoration and conversion of existing warehouse and stables building into apartments (resubmission of AVA/2021/0421)

Former Fuchs Site, Derby Road, Belper, Derbyshire

Dear Ms Anne Arkle,

Thank you for re-consulting us on the additional information submitted in support of the proposed development at the Former Fuchs Site, Derby Road, Belper.

We have reviewed the following additional information in relation to risks to Controlled Waters:

- GEA Groundwater Remediation Validation Report, Former Fuchs Mill, Derby Road, Belper, Ref. J24314B, Rev 0, dated 4 June 2026;
- Remediation Assessment Report; and
- Flood Risk Assessment.

The Groundwater Remediation Validation Report provides information on the remediation works undertaken and subsequent groundwater monitoring.
Whilst this information partially addresses matters previously raised regarding the implementation and validation of the groundwater remediation works, the following information remains outstanding or has not been provided:

- Confirmation of the requirements for, and arrangements relating to, any longer-term groundwater monitoring, maintenance and contingency action following completion of the remediation works.
- A detailed assessment of the risks to Controlled Waters associated with any proposed infiltration of surface water to ground.
- A site-specific assessment of the risks associated with piling or other penetrative
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Having reviewed the information submitted, we maintain our previous consultation response.

We have included a copy of our previous response is provided below for context.

Previous Response, Dated 31 July 2025

We have been provided with the following report to provide comments regarding the risks to Controlled Waters at the site:

- *GEA Groundwater Remedial Targets for Former Fuchs Mill, Derby Rd, Belper for GC Developments (Midlands) Ltd. December 2024, Reference J24314, Revision No.: 0, Status: Final, Project Number 90018.582997. Issue 2: Final, dated: 24/12/2024.*

Summary:

The proposal is to carry out a pump and treat operation combined with application of RegenOx to initiate insitu oxidation and desorb hydrocarbons from soil surfaces to allow them to be extracted more efficiently. Following the removal of the free product the groundwater will be treated with oxygen release compound to accelerate attenuation of the dissolved hydrocarbon contamination.

Information previously requested, but still outstanding:

- *No information was contained in the appendix of the provided report, therefore we were unable to read the Contractor's Remediation Method Statement (Rake Environmental) and therefore the approach to be taken could not be reviewed or agreed.*
- *It's not clear whether any data gaps and uncertainty were taken account of and provide justification for the approach taken with multiple lines of evidence to demonstrate meaningful remediation and environmental betterment at the site to the targets agreed with the EA.*
- *A separate Delta Symonds Remediation Method Statement was stated to have been produced by was not provided in the appendices so that we could confirm we have reviewed it or have seen the most recent version (if applicable).*

Based on the information provided, most of the Environmental Betterment Targets are higher than concentrations of the maximum recorded values of contaminants, which means that limited remediation will be undertaken for those contaminants.

Overall, it looks as if the Environmental Betterment Targets aren't very ambitious. Therefore, there is a risk that they are unlikely to result in meaningful environmental betterment. Whatever approach is undertaken will need to show that "environmental betterment" is meaningful and demonstrates a clear benefit to the environment and controlled water receptors, through treatment and validation sampling.

We welcome the use of direct push injection of RegenOx to achieve enhanced NAPL recovery which depending on site conditions, may have a beneficial effect on the NAPL and result in its reduction / removal after several treatment steps.
We request that further information and clarification outlined above is provided and once we have reviewed this, we can provide further comments protective of controlled waters to progress the remediation of the site.

A copy of our previous response is below:
Thank you for consulting us on the proposed development at the Former Fuchs Site, Derby Road, Belper.

We have been provided with the following report to provide comments regarding the risks to Controlled Waters at the site:

- *DeltaSimons Remedial Options Appraisal & Verification Report Former Fuchs Site Belper Project Number 90018.582997. Issue 2: Final, dated: 12/07/2023.*

<u>Previous reports submitted:</u>
- *DeltaSimons Geo-environmental Assessment, dated November 2021, ref: 21-1612.01_REP_Fuchs-Site_Belper_GEA_211126;*
- *DeltaSimons Additional Environmental Risk Assessment, dated March 2022, 21-1612.02_REP_Former_Fuchs-site_Belper_GEA_220315;*
- *DeltaSimons Additional Environmental Risk Assessment, Former Fuchs Site, Derby Road, Belper. Issue 02, Final 21/10/2022. Client: AG Group Ltd. No: 21-1612.02;*
- *DeltaSimons Remediation and Verification Strategy, Former Fuchs Site, Belper • Client: AG Group Ltd, Issue 1: Final, dated: 08/12/2022., Project No: 21-1612.02;*
- *DeltaSimons Oil Impacted Stonework - Remedial Strategy Addendum Fuchs Site Belper Delta-Simons Project Number 21-1612.03 / 90018.551598. Issue 1: Final, dated: 08/12/2022; and*
- *DeltaSimons Additional Environmental Assessment and Detailed Quantitative Risk Assessment (DQRA) Fuchs Site Belper Delta-Simons Project Number 90018.557496. Issue 1: Final, dated: 28th April 2023.*

In principle we agree with the proposals within the report, however consideration and engagement with the EA will need to be undertaken in relation to the following:
- *The EA will have to be consulted and discussions entered into to agree the procedures and targets for the remediation.*
- *A Contractor's Remediation Method Statement will need to be prepared and the approach to be taken on site agreed with the EA.*
- *Take account of any data gaps and uncertainty and provide justification for the approach taken with multiple lines of evidence to demonstrate meaningful*

remediation and environmental betterment at the site to the targets agreed with the EA.

It should be noted that the report references the previous planning reference AVA/2021/0421 however the current planning application is AVA/2022/0863. We look forward to further updates and progress in relation to the site remediation and discussions on how to progress on the site.

<u>Previous consultation response comments below for context:</u>
The DQRA report recommends that a betterment approach is taken with respect to the derived site-specific target levels (SSTLs) because Delta Symonds consider that they are unlikely to be achievable within a reasonable cost for remediation.

In terms of sustainability of the development, it is not appropriate for NAPL to be left un-remediated on the site and therefore it needs to be addressed. The identified NAPL and product needs to undergo meaningful remediation at the site and further information will need to be provided on the remediation and removal of this NAPL contamination. In principle we support the concept of "environmental betterment", however it remains to be seen what the proposals are in relation to this approach.

We will require that the remediation method statement detailing the options for how the removal of NAPL will be undertaken on the site, showing and describing the areas this work is to be undertaken in and specific details on how this work will be monitored and validated in addition to long term monitoring to address the risks. Specifically, where will monitoring be undertaken before, during and after these works to demonstrate success of the remediation methos and to ensure protection of environmental receptors?

Further information should be provided in forthcoming reports

We look forward to receiving the Remediation Options Appraisal report to assess the viability of appropriate remediation techniques for removing LNAPL (and other contaminants) and betterment of dissolved phase groundwater concentrations.

We recommend the following conditions be imposed to ensure that risks to controlled water receptors are appropriately assessed and mitigated:

Condition 1: Land Contamination Conditions
No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority.
This strategy will include the following components:

1. The results of the site investigation and the detailed risk assessment undertaken 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.
2. 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 (1) 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.

Reason
To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Condition 2 Verification Report
No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason
To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 3 Unexpected Contamination
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
The site has been subject to a significant potentially contaminative industrial activity and is located above Secondary A and Secondary B aquifers and the above conditions will ensure that the risks to the aquifers and surface water are adequately assessed and mitigated.
To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework

Condition 4 - Piling Risk Assessment
Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details. Therefore a piling risk assessment will be required to be submitted in relation to the proposed development.

Reason
Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. A site specific pilling risk assessment will also be required to be undertaken ensure that no creation of preferential pathways occurs during the piling works.

To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:
http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf

Condition 5
No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

Advice to LPA / Applicant
Waste on site
Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
The Environment Agency recommends that developers should refer to our:
•Position statement on the Definition of Waste: Development Industry Code of Practice and;
•website at https://www.gov.uk/government/organisations/environment-agency for further guidance.

Waste to be taken off site
Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

• Duty of Care Regulations 1991
• Hazardous Waste (England and Wales) Regulations 2005
• Environmental Permitting (England and Wales) Regulations 2010
• The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at https://www.gov.uk/government/organisations/environment-agency for more

information.

Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again. In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you have any questions regarding our response, please contact planning.trentside@environment-agency.gov.uk.

Yours sincerely,
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