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Hello Mick

Thank you for consulting me on this application.

My comments were based on information submitted in the first place in 2022. This was the Phase 1 Geo-Environmental Desk Study – Low Moor Road, Sutton-in-Ashfield for Hallam Land Management Ltd by RLRE (Rodgers Leask Environmental), Ref P22-070 dated 8th February 2022.

I was then made aware after concerns were made by members that a Phase 2 scheme was essential before a decision was made.

The application was deferred by Members who requested further information. As no information was submitted and an Appeal lodged, I was asked to look at my comments in light of Members concerns. I found comments made by the EA on file of which I was not previously aware and this raised issues in respect of whether a Phase I report addressing controlled waters as well as contaminated land was sufficient and if a Phase II intrusive survey should be carried out in accordance with the Members' request. I was in the process of requesting the submission of an intrusive site investigation prior to a decision being made on this application but events overtook my actions.

The phase 2 survey was then submitted by the Appellants earlier this month and having reviewed this report: – “Geotechnical and Geo-environmental Site Investigation – Newark Road, Sutton-in-Ashfield for Harron Homes Ltd (Issue 2) by Eastwood Consulting Engineers Ref 46924-002 dated 24th May, 2022”, I consider that the development could be carried out subject to the appropriate mitigation measures.

On reviewing the following reports now submitted following the refusal of the application:

Geotechnical and Geo-environmental Site Investigation – Newark Road, Sutton-in-Ashfield for Harron Homes Ltd (Issue 2) by Eastwood Consulting Engineers Ref 46924-002 dated 24th May, 2022.

Letter Report – Hydrological Review and Piling Assessment – Newark Road, Sutton-in-Ashfield for Harron Homes Ltd by Eastwood Consulting Engineers Ltd Ref: KE/DN/46924-004 dated 29th July, 2022.

I am now happy that the development may go ahead subject to the installation of satisfactory mitigation measures as outlined in Section 9 of the Geotechnical and Geo-environmental report, above. However, the EA may also have their own comments, especially regarding information in the Hydrological Review and Piling Assessment.

I suggest the application should be conditioned as follows:

Land Contamination

1.

- a) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A preliminary risk assessment which identifies:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors; and
 - Potentially unacceptable risks arising from contamination at the Site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and

- v. If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.
 - vi. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.
- b) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- Or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim
- c. Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

Reason: To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 180, 189 and 190. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.

2. The development shall not be occupied until a post completion verification report demonstrating that the site remediation criteria have been met, has first been submitted to, and approved in writing, by the local planning authority.

Reason: To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 180,189 and 190.

Kind regards.

Sarah Gray
Contaminated Land Officer
Commercial and Environmental Protection
Place and Communities

PLEASE NOTE: I WORK PART-TIME AND CAN BE CONTACTED 10AM-12.00

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