



Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

Main Modifications consultation

1 June 2015 – 13 July 2015

For Shropshire
Council use

Respondent
no:

Main Modifications Consultation Form

The SAMDev Plan Schedule of Main Modifications includes a series of changes to the published SAMDev Plan. These suggested changes are being consulted on for a period of six weeks. For advice on how to respond to the consultation, and how to fill in this form please see the guidance notes on the Council's SAMDev Plan website at: <http://shropshire.gov.uk/planning-policy/samdev-examination/main-modifications-consultation/>.

Submitting comments:

Please fill in this form and return:

- Via email to: Programme.Officer@shropshire.gov.uk
- By posting to: Daphne Woof - Programme Officer
c/o Planning Policy Team
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND
- Comments must be received by 5pm on 13 July 2015. **Comments received after this time will not be accepted and will not be considered by the Inspector.**
- Please fill a separate for each Main Modification you are commenting on.
- Please clearly identify which Main Modification your comments refer to using the reference (i.e. MM1, MM2 etc) in the SAMDev Plan Schedule of Main modifications.
- Please do not repeat your previous comments as these have already been considered by the Planning Inspector. **Comments will only be considered that refer to a change as shown in the SAMDev Plan Schedule of Main Modifications.**

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- All comments received on the proposed changes within the time period will be considered by the Planning Inspector as part of the examination of the SAMDev Plan. The Inspector may wish to contact you to discuss your comments and concerns, prior to concluding the formal examination into the Plan.
- The personal information will only be used for purposes related to the consultation and the SAMDev Plan examination. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. However other information will be shared with the Planning Inspector.
- The information relating to your comments on the Main Modification (Part B) will be published on the Shropshire Council SAMDev Plan examination webpage.

A) Your details:

1) Who is making this representation?

Name:	
Organisation (if applicable):	Les Stephan Planning Ltd
Address:	
Email:	
Telephone:	

Client's details (only applicable if you are acting as agent on behalf of another person or business)

Name:	David Wilson Homes/Mowat Family
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

B) Your representations: What do you wish to object to/support?

Please use a separate form for each Main Modification you wish to comment on. Only comments relating to a proposed Main Modification will be considered.

1) Please give the Main Modification reference your comment relates to.

Main Modification reference - MM141

2) Do you consider the proposed Main Modification addresses the following issues in relation to the policies concerned?

	Yes	No
Legally compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3) If you have answered 'no' to any of the above please specify your reason for objecting below. You should make clear why the Main Modification is either not legally compliant and/or unsound having regard to whether the modification is not: positively prepared; justified; effective; or, not consistent with national policy. Please see guidance notes for explanation of these terms:

We still have a fundamental concern that ELL003 site has not been subjective assessed appropriately against the alternatives and also that the sequential test prepared by the promoters provides enough justification for the proposed uses to be located within the flood zone.

An application for this site was submitted in September 2014 (ref: 14/04047/OUT) and is still the subject of unresolved objections from English Heritage, Conservation, Natural England and Historic England. Little has progressed since April/May 2015

Interestingly, the Environment Agency (EA) in their comments on the application (copy attached), state that they aren't objecting but this is based on a number of assumptions set out during the SAMDev process:

- Reference was made to the LPA's FRA Update (July 2014) which states that development would be accommodated in the available Flood Zone 1.
- The FRA proposes to raise the floodplains as some of the vulnerable uses remains in Flood Zone 2.

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- They conclude that in the absence of detailed site layouts/levels there is vulnerability at this stage on the post-development situation.
- *“Your Council should be satisfied with the ST requirement with reference to the work undertaken to ST site allocations as part of your SAM Dev document, currently at examination. Provided you are satisfied that the ST has been passed then we would provide the following comments on the flood mitigation proposed within the FRA”*

Our concern remains that the sequential test undertaken is poor and vague; making assumptions about other available sites without detailed evidence and assertions that are contrary to other assessments that have been undertaken by Shropshire Council. The residential (vulnerable) development remains located in FZ3.

The sequential test concludes that this development is required here, in this form, to cover infrastructure costs for the link road. However, there does not appear to be any information provided on the financial implications of this facility to ascertain whether it is necessary to include residential development in area of high flood risk.

The Council have only concluded that only 40 dwellings (of the 250 allocation) have been included in the five year supply but at a Planning Committee on the 20th January 2015, the Planning Officers advised that these were also at risk.

It remains our view, that to place the entire proposed housing allocation for a District Centre on one site, which has little chance of early deliverability, for an entire plan period, prejudices the deliverability of housing and risks holding the house building industry to ransom. **This is not appropriate for a key settlement.**

Continue on a separate sheet if necessary

4) Please set out what change(s) you consider necessary to make the SAMDev Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Other sites should be included not only to provide flexibility but also to meet the housing aspirations for North-West Shropshire.

ELL004/ELL117/ELL008 should be reinstated as preferred housing allocations, in addition to some residential development on site ELL003 to cover long-term aspirations.

Continue on a separate sheet if necessary.

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Please note you should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change. After this stage, further submissions will only be accepted at the request of the Inspector.

You must return this form by 5pm on Monday 13 July 2015.

You can e-mail it to:

Programme.officer@shropshire.gov.uk

Or return by post to: Daphne Woof - Programme Officer, c/o Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

The Programme Officer will acknowledge receipt of comments submitted by e-mail.

Shropshire Council - Northern Office
Planning / Development Services
Castle View Arthur Street
Oswestry
SY11 1JR

Our ref: SV/2014/108028/01-L01
Your ref: 14/04047/OUT
Date: 29 October 2014

F.A.O: Ms Karen Townend

Dear Madam

OUTLINE APPLICATION FOR THE PROPOSED DEVELOPMENT OF A HOTEL, BOATING MARINA, LEISURE COMPLEX, PUB/RESTAURANT, 250 DWELLINGS TOGETHER WITH LAND FOR CABINS AND TOURING CARAVANS WITH ASSOCIATED INFRASTRUCTURE TO INCLUDE ACCESS AT PROPOSED MARINA SOUTH OF CANAL WAY, ELLESMERE, SHROPSHIRE

Thank you for referring the above application, which was received on 18 September 2014. We wish to make the following comments to assist your determination of the planning application.

Flood Risk

The application site is large and a significant part of it is located within Flood Zone 3 of the Newnes and Tetchill Brooks where there is a 'high probability' of flooding, based on our 'indicative' Flood Map for Planning (Rivers and Sea). The Tetchill Brook runs through the site and is culverted for a significant length. Our Flood Map is based on a national generalised mapping technique in this location which does not fully take into account structures such as culverts on watercourses.

Flood modelling has been undertaken by BWB Consulting to establish the existing flood risk and to inform a detailed Flood Risk Assessment (FRA), ref: BMW/2025/FRA rev B, dated May 2014. The work undertaken includes a series of various flood model returns, sensitivity tests and blockage scenarios. The modelling undertaken has confirmed that the extent of floodplain on site is similar to our Flood Map. During a flood, an increase in flows in the downstream Newnes Brook restricts any discharge from the Tetchill Brook, causing the Brook to back up and spill via an overland flood route across the site.

In considering flood risk mitigation, benefit could be gained from both a flood risk and ecological perspective by re-establishing open watercourse along the Tetchill Brook. However, it would be essential that existing flood storage areas are maintained and the mechanism of flooding is replicated. The FRA proposes to re-establish a watercourse corridor through the site with mitigation to provide overall flood risk betterment. Re-establishing the watercourse corridor would influence the shape and change the profile of the floodplain and flood extents. The post-development (flood mitigation) flood

Environment Agency
Hafren House Welshpool Road, Shelton, Shrewsbury, SY3 8BB.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

extents provided show the 1 in 100 year plus climate change floodplain would be left as public open space within a 'newly designed' floodplain corridor. However, parts of the built development would still be located within the 1 in 1000 year (Flood Zone 2) extent.

Sequential Test (ST)

We note that the site is identified as a potential allocation (ref. ELL003a & ELL003b) for mixed use (leisure, tourism & housing) development in the submission version of your Council's Site Allocations and Management of Development (SAM Dev) Local Plan document. Your Council's Strategic Flood Risk Assessment (SFRA) update (dated 31 July 2014), undertaken by CH2M Hill as part of the evidence base, confirms that their 'calculation has shown that the development can easily be accommodated within the available Flood Zone 1' for this development site. We are assuming that the site has been progressed as an allocation in the SAM Dev submission document on this basis. We understand that there were other residential sites available within Flood Zone 1 ('low probability') that were discounted, given the potential wider sustainability benefits and flood risk improvements identified for this site.

The proposed marina is classified as a 'water compatible' use within table 2 of the National Planning Practice Guidance (NPPG), which is considered appropriate within Flood Zone 3. However, the proposals also include holiday cabin and touring caravans ('highly vulnerable'), residential development, a hotel and drinking establishments classified as 'more vulnerable' uses and a leisure complex classified as 'less vulnerable' use. Based on the current post-development flood extents, an element of the 'more vulnerable' and 'less vulnerable' uses would be located within Flood Zone 2 ('medium probability') where the ST should be applied. The FRA proposes to raise the existing ground levels to move the residential element of the development out of the 1000 year floodplain, but to allow the external areas of the 'less vulnerable' development to flood to 'low depths' during this event. In the absence of a detailed site layout plan with confirmation of ground levels post-development, there is uncertainty at this stage on the post-development flood outlines and areas/depths of flooding.

Your Council should be satisfied with the ST requirement with reference to the work undertaken to ST site allocations as part of your SAM Dev document, currently at examination. Provided you are satisfied that the ST has been passed then we would provide the following comments on the flood mitigation proposed within the FRA.

FRA

We note that the application is outline and that the final detailed layout of the scheme is still to be developed. The detailed design of the development must comply with the FRA by following on from the principles established at this stage in the planning process.

Flood Storage Area and Watercourse Corridor:

As part of the detailed design the developer would need to expand on the level of detail submitted in the FRA. The developer has shown that a strategy of re-opening the watercourse can provide appropriate mitigation, but the detailed design should confirm how the flood storage would be provided and flows downstream controlled. Detailed plans and sections would need to be provided showing the proposed improvements to the river corridor and ensuring that all mitigation is incorporated in the final detailed layout for the site. The proposal will also need to address the long term operation of this area and how it is to be maintained. The Tetchill Brook is classified as an 'ordinary watercourse', which falls under the jurisdiction of the Lead Local Flood Authority (LLFA). Therefore your Flood and Water Management team should be consulted, as the

consenting Authority, to confirm that they are satisfied with the proposed works to the Tetchill Brook.

Development Sequence:

Prior to commencing development on site a development strategy would need to be established in relation to sequencing the works proposed. This is to ensure that through the development of the site built development would be safe and would not increase flood risk for third parties, given the scale of the works proposed both during construction and post-development.

Finished Floor Levels (FFLs):

Based on the FRA the flood levels vary across the site, which is to be expected given the length of watercourse affected and the size of the development. Therefore, when completing the detailed design of the layout it is important that the precautionary upstream /adjacent flood level is referenced for specifying FFLs. The FFLs must have at least a 600mm freeboard above the relevant 100 year plus climate change flood level.

Safe Access Routes:

The FRA has indicated that the main spine road through the site would be raised in relation to the 1000 year flood level with culverts underneath to convey the extreme 1000 year flood to 'low vulnerability' areas of the site such as car parks. Maintenance regimes would be required to ensure that these culverts remain operational as there would be large periods of time when they would not be required. The FRA indicates that safe access would be available for all events via the access road to the east of the site. The FRA (section 3.5) details several of options for the access road to the west of the site, which would cross the Newnes Brook. Our preference would be for the access to be flood free up to the 1000 year event, whilst ensuring that there would be no obstruction to flood flows or loss of flood storage i.e. clear span as suggested in the FRA.

Flooding from Canals:

The FRA has provided comment on flooding from the adjacent canal. With this in mind it is important to ensure that, in taking the design forward for the site, the existing sluices and discharge points are protected. Also, as indicated in the FRA, all ground FFLs of the built development should be raised 150mm above the surrounding ground to allow for any potential overland flows. If there is a need to divert any channels which provide connectivity from the canal sluices to the Tetchill Brook, these will require formal approval from the LLFA and the Canal and River Trust. We would recommend that they are consulted on this application.

Conditions:

We would recommend that the following conditions are attached to any planning permission granted to secure the flood risk mitigation proposals and to ensure that there would be no significant impact on flood risk (both during construction and following completion of the proposed development):

CONDITION:

As part of the reserved matters application a Flood Risk Mitigation Strategy shall be submitted for approval to the Local Planning Authority in consultation with the Environment Agency. The strategy shall be based upon the principles detailed within Section 3 of the Flood Risk Assessment by BWB Consulting (ref: BMW/2025/FRA rev B, dated May 2014) and shall include but may not be limited to:

Details of ground levels pre and post development in relation to a fixed datum.

Verification of the flood model based upon the site levels to confirm flood outlines

and flood storage benefits post-development, including calculations and details of maintenance thereafter.

Confirmation of areas of the development site subject to flood depths during flood events up to the 1 in 1000 year flood event.

Details of finished floor levels for all built development.

Details of road levels and the design of the proposed Newnes Brook access crossing.

REASON: To ensure that there is no increase in flood risk and that flood betterment is provided post development. To ensure that the development and occupants are safe from flooding including climate change impacts for the lifetime of the development.

NOTE TO ABOVE: As set out in the proposed mitigation measures within the FRA, all floor levels should be set a minimum of 600mm above the relevant 100 year plus climate change flood level with all road access a minimum of 300mm above this level. The Flood Risk Mitigation Strategy will confirm the extent of flood risk improvement provided as a result of the development. Depending on the outcome, additional flood risk improvements (e.g. further culvert removal) could be provided on adjacent third party land to the west of the site. We have discussed this option at the pre-planning application stage with the applicant's consultants. For a site of this scale and nature, off site proposals would assist in offering wider flood risk betterment and other enhancements.

CONDITION:

Prior to development commencing, a scheme for the phasing of development shall be submitted for approval to the Local Planning Authority. The scheme shall include details on timing and delivery of the Tetchill Brook watercourse engineering works and how this work relates to the phasing of development on the remainder of the site. The phasing scheme shall be informed by the pre and post development flood outlines approved under condition x *[insert number for above condition]*. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that, during all stages of construction, development will not increase flood risk elsewhere.

FLOOD DEFENCE CONSENT INFORMATIVE: The works to the Tetchill Brook would require the formal consent of the LLFA as the watercourse is classed as an 'Ordinary Watercourse'. The proposed access over the Newnes Brook will require the formal consent of the Environment Agency as this watercourse is classed as 'Main River'. Each application must contain detailed sections and plans as well as supporting model data to verify the watercourse diversions and confirm crossings are adequately designed. We would look to ensure that the crossing over the Newnes Brook has a minimum freeboard of 600mm above the relevant 1 in 100 year plus climate change flood level.

Flood Evacuation Management Plan (FEMP):

The FRA confirms that areas of the site would be allowed to flood post-development during greater than 100 year plus climate change flood events and that the access via the west of the site could be lost (subject to final design). The applicant would need to set out a FEMP to manage the site and evacuation procedures during a flood of this nature. It should be noted that due to the site being high up the catchment there are no site specific flood warnings available from the Environment Agency to inform a FEMP.

We would highlight that we do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood.

The NPPG (Paragraph 057, Reference ID: 7-057-20140306) places responsibilities on Council's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect Council's to formally consider the emergency planning and rescue implications of new development in making their decisions.

The following condition is included for consideration by you in conjunction with your Emergency Planning officer/Emergency Services:

CONDITION:

Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles); and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

REASON: *To minimise the flood related danger to people in the flood risk area.*

Surface Water Drainage:

The FRA highlights the scale of attenuation required for the site. We would look for your Flood and Water Management Team as the LLFA to respond on this section of the FRA. The FRA has provided calculations on the amount of attenuation storage required, but the report is already alluding to space taken by the flood mitigation strategy as justification for potentially limiting swales and treatment of the surface water runoff (SuDS) etc. on the site. We would suggest that the site should be designed to incorporate both the fluvial mitigation and SuDS that are effective at providing adequate treatment of the surface water before it discharges to the watercourse. This is particularly important given the emphasis placed on opening up the watercourse to improve its Water Framework Directive (WFD) category and water quality, as well as managing the rate of discharge.

WFD Assessment:

We acknowledge the provision of a WFD assessment within section 5 of the FRA. The assessment has identified potential impacts and mitigation, including positive measures to improve the Tetchill Brook and contribute towards overall WFD objectives for this stretch of watercourse.

Biodiversity

The development has potential for ecological gain for the area. The Phase 1 and 2 Environmental survey by Greenscape Environmental Ltd. (dated July 2013, ref. 896 01 003R) is comprehensive and has identified that the site is of low conservation value. The report concluded that the development would not impact upon the conservation status of any protected species. The proposal to de-culvert the Tetchill Brook running through this site is particularly welcome and should have significant benefit and gains for the ecology. As well as wetland plants, invertebrates, birds and fish, de-culverting would aid water vole.

Water Vole – The water vole is Britain’s fastest declining mammal and has been lost from 95% of its former range across Britain. Water voles are present in the Newnes Brook catchment North of Ellesmere. A group of local volunteers have formed the Ellesmere Water Vole group and are surveying the catchment for water voles. The Environment Agency, RSPB and The Meres and Mosses Landscape Partnership Scheme and Nature Improvement Area are undertaking practical measures, such as fencing off buffer strips along the Newnes Brook and enhancing a farm lake to provide more habitat for water voles in the area. New pools previously created in the area have been rapidly colonised by water voles. If open wetland habitat is developed along the Tetchill Brook through this development it would help to contribute to the expansion of the water voles range, a target of the Biodiversity Action Plan for the Species.

Hedges removed by the development should be replaced with hedging in a suitable alternative location on site. However, this should not be adjacent to the Tetchill Brook or the Newnes Brook as water voles require an open, un-shaded habitat. As part of the detailed design: the bank profile of the Tetchill Brook should be 30-40 degrees; there should be a shelf of 50cm at water level; a margin of 3m of damp marsh/ fen habitat; and a minimum of 10m of undeveloped and undisturbed banks beyond the Brook for water voles to retreat to if the site is flooded. The current ‘indicative’ site layout plan, although not to scale, shows a good buffer strip which should be implemented and sympathetically designed and managed as previously mentioned. The proposed watercourse crossings should be high enough to prevent shading to allow vegetation to develop underneath. We would recommend the following condition to secure the detail:

CONDITION:

No development approved by this permission shall be commenced until an Ecological Management Plan for the management and long term maintenance of the Tetchill Brook watercourse corridor has been submitted to and approved in writing by the Local Planning Authority.

The plan shall incorporate the recommendations of the Phase 1 and 2 Environmental survey (dated July 2013, ref. 896 01 003R) and include detail of the watercourse channel design for ecological benefits, including improving habitat for water voles. Details of the treatment of a buffer strip adjacent to the watercourse banks shall also be submitted. The plan shall detail timing and provision for implementing and updating the plan.

The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the design of the new section of open channel on the Tetchill Brook conserves and enhances the ecological value of the watercourse and it’s corridor through the site.

NOTE TO ABOVE: The above condition is recommended to secure details of the proposed channel design in ensuring that ecological conservation / benefits and WFD objectives are met. However, the LLFA would comment on the proposed channel design in relation to flood risk and they may wish to recommend a similar condition to cover flood risk.

Adequate attenuation (such as surface swales and SuDS pools) for surface water runoff should designed into the scheme to protect / improve water quality before it is discharged into the Tetchill Brook; helping to meet the water quality targets set by the WFD. SuDS features and the watercourse corridor must be appropriately maintained to

maximise ecological value at the site, which could be compromised by a weed choked channel or blocked culvert exit.

INFORMATIVE: During the development an ecological clerk of works must be appointed and appropriate surveys and checks undertaken to ensure that legally protected species are not harmed.

The England Biodiversity Strategy 2020 has a target of creating at least 200,000 ha of priority habitat, which includes rivers and wetlands, by 2020. With more, bigger and less fragmented areas for wildlife. This development could contribute to this target. The site if designed and maintained appropriately, has the potential to mature into a local wildlife site and be managed for the benefit of wildlife and people as an amenity for the town.

Please note – the above comments relate to the water environment and are provided in the interest of meeting WFD objectives. We would recommend that your Biodiversity Officer is also consulted on the application.

Contaminated Land

The site is underlain by the Wilmslow Formation, classed as a Principal Aquifer. The majority of the site is overlain by glacial till deposits, with glaciofluvial and alluvial deposits in the west of the site; these are classed as Secondary A aquifers. The site is not located within a Source Protection Zone.

We have reviewed the Phase 1 Geo-environmental Assessment Report by BWB Consulting (dated July 2013, ref BMW2025/01/V2). The site covers approximately 31 hectares of predominantly arable land; the report proposes a Phase 2 investigation is undertaken. The canal sediments should be sampled as part of the Phase 2 investigation work in the area of the proposed marina and this should be included in the scope of site investigation. We would recommend that the following conditions are imposed on any permission granted to secure this additional work:

CONDITION:

No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the Local Planning Authority:

- 1) A site investigation scheme, based on the Phase 1 Geo-environmental Assessment Report by BWB Consulting (dated July 2013, ref BMW2025/01/V2) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.
- 4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion

of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. 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 and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

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, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. 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 and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

CONDITION:

No 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: To protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

CONDITION:

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.

REASON: To protect ground and surface waters (‘controlled waters’ as defined under the Water Resources Act 1991).

CONDITION:

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding associated with the marina, leisure complex, hotel and pub/restaurant shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the

site being drained, unless otherwise agreed in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Informative (Advice to applicant): We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Reference should also be made to: "Investigation of Potentially Contaminated Sites – Code of Practice (BS10175), published by the BSI.

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. The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

It is recommended that developers should refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice'.

Please note – the above comments relate to the protection of controlled waters (ground and surface waters). We would recommend that your Public Protection team is consulted in relation to human health matters.

Pollution Prevention

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Our PPG's can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
Boaters using the marina should be educated on the prevention of oil pollution, for example with signage, leaflets and the use of oil booms at the marina.

Yours faithfully

Mrs Rachel Whiteman
Senior Planning Advisor
Direct dial 01743 283505

cc Nigel Thorns Planning Consultancy

End