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Our ref: AC/2015/123831/01-L01
Your ref: DC/15/2424/OUT
Date: 22 December 2015

Dear Mr Rand

OUTLINE PLANNING APPLICATION (MEANS OF ACCESS TO BE CONSIDERED) - CROSS BOUNDARY APPLICATION - CREATION OF UP TO 46,000 SQ M OF FLOOR SPACE FOR USES WITHIN B1,B2 AND B8 OF THE USE CLASSES ORDER, ROAD SIDE USES (PETROL FILLING STATION AND RESTAURANT/S, USE CLASS (A3/A5), CAR DEALERSHIPS(SUI GENERIS), ANCILLARY LORRY PARK FOR BUSINESS PARK OCCUPIERS, TOGETHER WITH LANDSCAPING, CAR AND HGV PARKING AND ASSOCIATED WORKS AND FACILITIES INCLUDING ACCESS. LAND ADJ HAVERHILL BUSINESS PARK BUMPSTEAD ROAD HAVERHILL SUFFOLK

Thank you for referring the above application which was received on 10 December 2015.

We have reviewed the Delta Simons Phase 1 Desk Study Parts 1 to 4; dated October 2015 and our comments are set out below.

Environmental Setting

The geology at the site comprises of Lowestoft Formation Diamicton (designated as unproductive) overlying the Lewes Chalk Formation in the southern half of the site and Lowestoft Formation Sand and Gravel (designated as Secondary A aquifer) overlying the chalk in the northern half of the site. The chalk is designated as principal aquifer. The groundwater is approximately 10 to 15m below ground level. The edge of a Source Protection Zone 3 encroaches into the site. The site is considered to be in an area of medium environmental sensitivity.

The information provided indicates that the site has had no previous potentially contaminative land uses. However, an old landfill site encroaches into the eastern boundary of the site associated with the old railway line and the conceptual model identifies a source of contamination associated with the adjacent industrial estate. This area has reportedly been investigated through intrusive investigation and no

contamination was identified (data not provided).

These areas should be considered in more detail. We recommend a phased approach is taken during investigation at the site. Initially soil samples should be taken to determine whether contamination is present and if so, whether it is likely to pose a risk to groundwater or surface water before the investigation is extended further.

Environment Agency Position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

CONDITION (1)

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
- 4) 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 (3) 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.

CONDITION (2)

No occupation of any part of the permitted development / of each phase of development 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.

CONDITION (3)

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

CONDITION (4)

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 for Conditions 1 - 4:

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection: Principles and practice (GP3:2013) position statements.

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

CONDITION (5)

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

REASON (5)

To reduce the risk of pollution to the water environment

Pollution Prevention

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations.

We advise that polluting materials and chemicals are stored in an area with sealed drainage

Additional information and guidance is available at:

- PPG2: Above ground oil storage tanks
- PPG7: Operating fuelling sites
- PPG26: Storing and handling drums and intermediate bulk containers
- Ciria: Containment systems for the prevention of pollution

Sustainable Drainage Systems (SuDS)

We support the use of sustainable drainage systems (SuDS). However, where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

We would like to refer the applicant to our groundwater policies in Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013), available at <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3> . The document includes our requirements with regard to SuDS. In particular, position statements G1 and G9 – G13 apply:

- G1 - Direct inputs into groundwater
- G9 - Use of deep infiltration systems for surface water and effluent disposal
- G10 - Developments posing an unacceptable risk of pollution
- G11 - Discharges from areas subject to contamination
- G12 - Discharge of clean roof water to ground
- G13 - Sustainable drainage systems

In brief, our general requirements with regards to SuDS are:

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level,

with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).

Please also refer to the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and the draft National Standards for SuDS (Defra, 2011) for more information.

Please forward a copy of this letter to the applicant.

We hope that this information is of assistance to you. If you have any further queries please do not hesitate to contact us.

Yours faithfully

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Awarded to Cambridgeshire and Bedfordshire Area