

SCC/0045/23SE | Construction and operation of an anaerobic digestion facility, associated infrastructure and new access road, connecting pipeline and covered digestate lagoons | Land to the north of Spring Grove Farm, Withersfield, Suffolk, CB9 7SW

CONTAMINATED LAND

These comments have been prepared by EPS, on behalf of West Suffolk Council.

Submissions Reviewed:

- 1) Environmental Statement (ES) – Chapter 'Land Quality'
- 2) *Preliminary Land Quality Risk Assessment* – SLR Consulting Ltd, Ref: 404.11923.00002, February 2023 with associated appendices.

The ES utilises the findings of the SLR report, but also adds some useful context to the overarching requirements and framework around the management of contaminated land. It also ties in the risk assessment outcomes to overall impacts on land quality by the development.

The SLR report represents a Phase I Desk Study in accordance with the National Planning Policy Framework (NPPF), which requires adequate site investigation information, prepared by a competent person (paragraph 183c). It should be noted that any geotechnical and waste classification/management aspects have not been reviewed, as they are outside of the remit of this department.

The report concludes that the northern extent of the site represents a moderate/low risk of contamination impacts to human health associated with the former RAF use. A Phase II Site Investigation in this former RAF/proposed digestate lagoon area is recommended to assess if there is a risk to construction and future site workers from potential contaminants in shallow soils. Council held records also indicate this section of the site extends into the former RAF base (RAF Wratting Common) so that recommendation is welcomed.

No further investigation or remediation is recommended for the remainder of the proposed development, but a watching brief should be maintained for potentially unexpected contamination during development, which is supported.

Through the Preliminary Qualitative Risk Assessment, the report indicates the remainder of the site represents a low risk to human health and controlled waters as no potentially significant sources have been identified.

Although the end use is not sensitive in terms of contamination, there are some relatively low risk potential sources identified in the report in the southern main section which warrant targeted investigation. Typical sources of agricultural contamination associated with Spring Grove Farm in this area, including oil storage (even if the current storage is internally bunded) and typical sources associated with farms like made ground. The area also includes a section of disused railway, which is a potentially contaminative feature. Whilst only a small area of development covers this area and it will mostly be access road, the land does fall within the redline boundary and therefore some site investigation of these potential sources is also recommended and should be added to the scope intended for the northern section.

Both reports are thorough and the Conceptual Site Model (CSM) in Section 5 of the SLR is broadly agreeable subject to the point above about the southern area. The 'Summary of Impact Assessment' included in Table 9-5 of the ES is logical although it does assume that any subsequent remedial requirements are satisfactorily implemented.

The Environment Agency may wish to have some input on these assessments with regards to risks to controlled waters, and it is likely the proposed future usage including the lagoon will be the main interest, rather than any existing legacy contamination.

Both reports are therefore considered acceptable and to cover the remaining site investigation (and any remedial requirements), the following conditions must be applied to the decision notice.

CONDITIONS

1. No development approved by this planning permission shall commence until 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:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
2. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.
3. 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 all three conditions)

To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.