

Our ref: PCS/152396
Your ref: 17/00479/FUL

If telephoning ask for:
Paul Lewis

19 April 2017

Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

Dear Mr Herkes

Town and Country Planning (Scotland) Acts
Planning application: 17/00479/FUL
Erection of dwellinghouse.
Land North East of and Incorporating J Rutherford Workshop Rhymers Mill, Mill Road, Earlston, Scottish Borders.

Thank you for your consultation which SEPA received on 03 April 2017.

Advice for the planning authority

We **object** to this planning application in principle on the grounds of flood risk.

We objected in principle to a previous application for a dwelling house on this site. Please see our response of 20 December 2016 (our reference PCS/150362) to planning application 16/00385/FUL.

The limited information submitted as part of the current application does not allow us to alter our advice that a dwelling house on this site would increase the number of people and properties at flood risk.

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Paul Lewis
Senior Planning Officer
Planning Service

Continued....



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk • customer enquiries 03000 99 66 99

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Our ref: PCS/152943
Your ref: 17/00479/FUL

If telephoning ask for:
Paul Lewis

5 June 2017

Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

Dear Mr Herkes

Town and Country Planning (Scotland) Acts
Planning application: 17/00479/FUL
Erection of dwellinghouse
Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston, Scottish Borders.

Thank you for your consultation which SEPA received on 09 May 2017.

Advice for the planning authority

We **maintain our object in principle** to the proposed development on the grounds that it will place buildings and persons at flood risk contrary to Scottish Planning Policy.

Given the location of the proposed development within the undeveloped/sparsely developed functional floodplain, we do not consider that it meets with the requirements of Scottish Planning Policy and our position will not change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding this position we have included our review of the information supplied. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk - customer enquiries 03000 99 66 99

1. Flood Risk

Summary

- 1.1 We have received a revised flood risk assessment (FRA) in support of the erection of a single dwelling at Rhymers Mill in Earlston. The initial FRA entitled "Rhymers Mill, Earlston" dated 2nd December 2016, report number 1604-205, was submitted in support of the withdrawn application, 16/00385/FUL. For completeness we refer you to the original FRA.
- 1.2 We maintain our objection in principle to this application for a dwelling on this site. The site was subjected to flooding during the August 1948 event which we believe is a 0.5% annual probability (AP) event and, therefore, the site falls within the functional floodplain. Further details regarding the estimated return period of the August 1948 event can be found in our response of 20 December 2016 (our reference PCS/150362), particularly section 3. Scottish Planning Policy (SPP) clearly states that the planning system should promote flood avoidance by locating development away from the functional floodplain and medium to high risk areas (paragraph 255 of SPP). We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Enabling this development will increase the number of properties and people at risk of flooding, contrary to SPP and our shared duties under the Flood Risk Management (Scotland) Act 2009.
- 1.3 Furthermore we believe that the FRA shows that the site lies within the functional floodplain. Ignoring all the uncertainties regarding the hydrology, topographic information and roughness values used within the FRA, it is best practice to include a degree of blockage in any structure when determining the functional floodplain; as outlined within our "Technical Guidance for Stakeholders". We would have expected Terrenus to use the predicted flood level of 102.57mAOD as the 200 year event which includes 20% blockage of the bridge. Using a flood level of 102.57mAOD (0.5% AP event with 20% bridge blockage) would result flood water overtopping Mill Road and onto the development site. Therefore, even with significant issues with the hydraulic model the site falls within the functional floodplain hence another reason for our continued objection in principle. Notwithstanding this position we have included our review of the information supplied and the reasoning's why the FRA under predicts the risk of flooding at the site.

Technical Review

- 1.4 Firstly, we would highlight a significant inaccuracy within the revised flood risk assessment. Terrenus state that SEPA agrees that the August 1948 flood event was of a magnitude greater than 1 in 200 years. This is erroneous and we have consistently stated that the August 1948 event was a 0.5% AP (1 in 200 year) flood event within all our previous responses. The site flooded during this event to a depth of around 0.55m and therefore the site falls within the functional floodplain hence our continued objection in principle.
- 1.5 One of the largest uncertainties for assessing the risk of flooding to this site is the hydrology. We previously highlighted that our gauging station on the Leader Water in Earlston is bypassed by flows just above Qmed and therefore there is significant uncertainty attached to the high flow rating. As explained within our response of 20 December 2016, we would have expected the consultant to extend the high flow rating using the hydraulic

model. This has not been undertaken and there remains significant uncertainty over the hydrology used within the hydraulic model.

- 1.6 As outlined in our response of December 2016 (our reference PCS/150362), we had serious concerns regarding the accuracy of the cross sectional information. As a result, additional topographic information has been obtained by Terrenus on 27 March 2017 and this has found that the topographic information contained within the original FRA by Terrenus (dated December 2016) was inaccurate. For example the bed level at cross section 742 (adjacent to the site) was originally modelled as 97.5mAOD, but using the updated survey information the bed is now 98.5mAOD; or, 1m higher. At section 982, the new survey information has the bed level of the Leader Water 2m higher than used within the original FRA. Interestingly, the bank and floodplain spot levels remain unchanged. The impact of having a higher bed level will mean a decrease in the channel size and in turn conveyance capacity resulting in higher flood levels and more frequent and extensive flooding
- 1.7 We would highlight that only a small area has been resurveyed as shown on drawing number 1601-205-003 entitled "Site Detail". Cross sectional details outwith the recently surveyed reach (both upstream and downstream of the site) are derived from Aerial photography DTM and will be inaccurate. As well as the examples described in section 3 above, floodplain topographic information will be incorrect. For example, a spot level taken to the south west of Rhymers View via a topographic survey is shown to be 101.9mAOD and the same spot is 102.83mAOD on the aerial photography DTM. This will ultimately affect the accuracy of the results in the hydraulic model and predicted flood extent. Photogrammetry has a use in undertaking indicative flood mapping but should not be used for site specific flood risk assessments where accurate flood levels and safe finished floor levels are required.
- 1.8 No revised cross sectional information has been provided and therefore we are unsure whether the cross sectional information has been altered within the hydraulic model. Review of the revised predicted 0.5% AP flood levels, generally flood levels have increased slightly compared to the December 2016 flood levels apart from cross section 552 where there has been a 100mm decrease which is unexpected.
- 1.9 The consultants have tried to increase the confidence in the hydraulic model by calibrating the model to the November 2016 flood event. It is best practice to calibrate hydraulic model, but it is more important to have accurate topographic information used within the model which does not appear to be the case in this hydraulic model.
- 1.10 No photographs have been provided of the November 2016 event within the report. Two flood levels have been established: one at section 552; and another at 742. The November 2016 flood level at section 552 was 102mAOD and at 742 the flood level was 100.8mAOD. Extremely limited out of bank topographic spot levels have been taken as shown on drawing 1601-205-003 and therefore it is likely the consultant has interpolated levels between two surveyed points to estimate the flood level which is not best practice. We would have expected the surveyors to take a specific level at the trash line as this is far more accurate than interpolating levels.
- 1.11 Initial calibration results showed that the hydraulic model was under predicting flood levels. To increase flood levels, blockage of the bridge was then included with the right archway blocked by 64% and the left archway blocked by 19%. Blockage to this degree is significant, however due to the nature of the catchment with tree lined banks, it is possible. We acknowledge that calibrating the hydraulic model in this area will be difficult as establishing

the degree of blockage on the bridge during the November 2016 event is near impossible. One modelling parameter which should be adjusted when calibrating the hydraulic model is roughness and we previously stated that the roughness values used within the hydraulic model were too low (section 11 of our response dated 20 December 2016, reference PCS/150362). By having more realistic roughness values, i.e. increasing the roughness, the flood levels would in turn increase.

- 1.12 In the conclusion of the revised FRA, it is stated that without constriction of Clatteringsford Bridge, the flood level at 742 is 101.76mAOD. This statement could be misleading as it could imply that the bridge has not been included within the hydraulic model as the bridge naturally acts as a constriction on flows. We presume that the consultant means that the 0.5% AP flood level with no blockage on Clatteringsford Bridge is 101.76mAOD. Ignoring all the uncertainties regarding the hydrology, topographic information and roughness values, we would have expected Terrenus to use the predicted flood level of 102.57mAOD as the 0.5% AP event. This 200 year flood level is derived when both archways are blocked by 20%. As outlined within section 4.9 of our "Technical Flood Risk Guidance for Stakeholders", *'it is the view of SEPA that all land liable to flooding during a flood event up to and including the 200 year flood, even if caused by the blockage of a structure should be considered functional floodplain.'* There is clearly a history of blockage on this bridge and therefore a degree of blockage should be included within the bridge when determining the functional floodplain. Using a flood level of 102.57mAOD (0.5% AP event with 20% bridge blockage) would result flood water overtopping Mill Road and onto the development site. Therefore, even with significant issues with the hydraulic model (topographic information, roughness and hydrology), the site falls within the functional floodplain hence another reason for our continued objection in principle.
- 1.13 As well as direct flooding from the Leader Water at Clatteringsford Bridge, another flow path could exist which has not accurately been assessed. Between sections 0 to 552, the left bank is significantly lower and there is significant out of bank flow. For example at section 330 there will be 1m depth out of bank flow on the left bank (flood level of 105.02mAOD and bank level of 104.1mAOD). There is a risk of this flood water reaching the site via overland flow. Although the consultants have looked into this risk for section 552 (see comments below), this source of flooding has not been assessed for out of bank flow at the upstream sections. Based upon the review of figure A, spot levels at the 'works' are higher than surrounding ground levels and therefore a flow path could exist to the north of this area and enter the site via Mill Road at Nether Willows.
- 1.14 To assess the likely flow path at section 552, Terrenus have again used aerial photography DTM. As highlighted above in this response, it is clear that spot levels derived from the aerial photography DTM are overestimated and a topographic survey is required to accurately measure the topography in this area. Furthermore, we have serious concerns with regards to the accuracy of the 0.5% AP flood level at section 552. Although the bed levels of the cross sections within the model have increased by between 1 to 2m, the flood level at section 552 has reduced by 100mm compared to the December 2016 FRA flood levels. This is inconstant with every other cross section flood level which have all increased in light of the higher bed levels of the Leader Water.
- 1.15 The consultant proposed a finished floor level for the property of 102.1mAOD. This is lower than the August 1948 flood level and we cannot support it. We therefore continue to object in principle to this planning application.

Caveats & Additional Information for Applicant

- 1.16 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 1.17 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Paul Lewis
Senior Planning Officer
Planning Service

ECopy to:

Stuart Herkes, Scottish Borders Council – SHerkes@scotborders.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

EARLSTON COMMUNITY COUNCIL



Stuart Herkes
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

01 May 2017

Dear Mr Herkes

Re: Planning application: 17/00479/FUL

Erection of dwelling house J Rutherford Workshop and Land North East of J Rutherford Workshop, Rhymers Mill, Earlston, Scottish Borders

The above planning application was discussed at the Earlston Community Council meeting on Thursday 20th April 2017.

Scottish Borders Council requested our observations on the application and they are as follows:

The Community Council wishes to express and have our concerns noted over the possible impact on both Rhymers Avenue and houses nearby - both for residents and for access.

The Community Council have also noted the comments made to Scottish Borders Council by SEPA and wish to highlight the content of that response.

Yours sincerely

Mrs S M Gibb
Secretary
Earlston Community Council

ENVIRONMENT AND INFRASTRUCTURE**To:** HEAD OF PLANNING AND REGULATORY SERVICE**FAO:** Stuart Herkes**Your Ref:** 17/00479/FUL**From:** HEAD OF ENGINEERING & INFRASTRUCTURE**Date:** 5th April 2017**Contact:** Lauren Addis**Ext:** 6517**Our Ref:** B48/2313

Nature of Proposal: Erection of dwellinghouse**Site:** Land north east of and incorporating J Rutherford Workshop, Rhymers Mill,
Mill Road, Earlston, Scottish Borders

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

Review of the application shows that the proposed site lies within the 1 in 10 year flood extent of the Leader Water and therefore at high risk of flooding. Earlston has a long history of flooding from the Leader Water and Trufford Burn, with the flood event of 2002 inundating the garden ground of Rhymers Mill Cottage. This area was also affected by flooding in 1948, 1984 and 2012. Given the location of the proposed development within the functional floodplain and compelling historical evidence of flooding I object to the proposed development on the basis that the proposal is contrary to SPP which promotes flood avoidance (Paragraph 255) and states 'piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity' (Paragraph 256).

If the applicant can show through a Flood Risk Assessment that the site is out with the functional floodplain and not at risk of flooding during the 1 in 200 year flood event then I would be in a position to remove my objection. However I would note that undertaking an FRA may only further support the evidence indicating the site is at risk of flooding. It should also be noted that an FRA for a new dwellinghouse on this site was recently submitted in December 2016.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Lauren Addis
Technician
Flood Risk and Coastal Management

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Stuart Herkes

Your Ref: 17/00479/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 6th June 2017

Contact: Lauren Addis

Ext: 6517

Our Ref: B48/2313

Nature of Proposal: Erection of dwellinghouse
Site: J Rutherford Workshop and land north east of J Rutherford Workshop
Rhymers Mill, Earlston, Scottish Borders

Further to our previous response for this application an addendum letter has been provided in support of the Flood Risk Assessment, completed by Terrenus Land and Water, provided for a previous application at this site (16/00385/FUL).

The addendum letter provides details of steps taken to revise the hydraulic model developed for the FRA and address concerns raised in our previous consultation response. A topographic survey has been undertaken and additional hydrometric data obtained from SEPA.

Having spoken with Terrenus Land and Water on 16th May 2017, clarification of a number of points within the FRA and addendum letter has not been forthcoming. Given the concerns with this site which have been detailed my previous response to this application and application 16/00385/FUL, I find I cannot support the proposed development due to the uncertainties regarding the flood risk to the site which the FRA has not adequately explained. It is my opinion that the proposed site is within the functional floodplain of the Leader Water and that approval of the application would be contrary to SPP.

I also note that SEPA have maintained their objection to the proposal and highlight a number of issues with the content of the Flood Risk Assessment.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Lauren Addis
Technician
Flood Risk & Coastal Management

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: 12 April 2017

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: 6637

Ref: 17/00479/FUL

**Subject: Erection of Dwellinghouse, Land North East of And
Incorporating J Rutherford Workshop, Rhymers Mill, Mill
Road, Earliston.**

Whilst I have no objections in principle to this proposal, there are some issues that concern me. The proposed access appears to be along Rhymers Avenue, which is a private road and is not included within the applicant's ownership boundary. It is also narrow with no passing provision or turning area. Furthermore, the junction onto Mill Road suffers from poor visibility due to the road side wall when looking northwards, has no radii and does not have sufficient width for two vehicles to pass. The submitted site plan is also unsatisfactory as I require a minimum of two parking spaces to be provided within the curtilage of the plot, the site plan currently shows one full space and the second space being impinged upon by the site boundary.

Until the applicants demonstrate an ability to upgrade the existing Rhymers Avenue to a satisfactory standard and include two parking spaces within the curtilage of the site I am unable to support this proposal. It should be noted that a new access from Mill Road to serve this property is an option that is also likely to be acceptable and easier achieved.

AJS

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Service Director Assets & Infrastructure
Contact: Neil Hastie, Estates Manager

To: Head of Planning & Building Standards

Date: 31st March 2017

Contact: Stuart Herkes ☎ 01835 825039

Ref: 17/00479/FUL

PLANNING CONSULTATION

Name of Applicant: Austin Travel

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of dwelling house

Site: Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road
Earlston, Scottish Borders

OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)

CONSULTATION REPLY

I refer to your request for Educations view on the impact of this proposed development, which is located within the catchment area for Earlston Primary School and Earlston High School.

A contribution of £2,438 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £5,866.

Rolls over 90% place strain on the schools teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index – therefore, we reserve the right to vary the level of the contributions.

If you require any further information please do not hesitate to contact me by emailing estatementagement@scotborders.gov.uk

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00479/FUL
Uniform Ref	17/00844/PLANCO
Proposal	Erection of dwellinghouse
Address	Land North East Of And Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earliston
Date	10th April 2017
Amenity and Pollution Officer	Forbes Shepherd
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

*Odour
Air Quality*

Wood Burning Stoves

It was noted from the plans that a stove was to be installed and so long as it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

Informative

Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note
--

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which was previously a 'works' and which appears to have held a license for the storage of petroleum. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note
--

Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent

revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.