

Cherwell District Council  
Planning & Development Services  
Bodicote House White Post Road  
Bodicote  
Banbury  
OX15 4AA

**Our ref:** WA/2023/130309/01-L01  
**Your ref:** 23/00415/DISC  
**Date:** 31 March 2023

Dear Sir/Madam

**Discharge Of Conditions 15 (Contamination), 16 (Contamination Remediation), 22 (Construction Phasing Plan), 23 (Surface Water Management Strategy), 24 (Flood Exceedance Plan), 25 (Infiltration Testing), 26 (Drainage Layout), 27 (Water Quality), 32 (Permeable Paving) And 33 (Suds Maintenance And Management Plan) Of 22/01144/F**

**OS Parcel 5700 South West Of Grange Farm, Street Through Little Chesterton, Chesterton**

Thank you for consulting us on the proposed development noted above and thank you for agreeing an additional timeframe for the provision of our comments.

### **Environment Agency position**

We requested conditions 15 and 16 at the full planning application stage. We have reviewed the submitted Ground Investigation Report (prepared by Tier Environmental Ltd. Report ref: TE1585-TE-00-RP-GE-004-V04). The intrusive site investigation report by Tier Environmental Ltd has not identified any major concerns from groundwater quality or land quality perspectives. Although the groundwater monitoring and sampling is limited, the site history and setting does not suggest that there are any major sources of contamination of concern. The site report has not identified and sources that would require a remediation plan and a verification plan and report. Therefore, we are satisfied that conditions 15 and 16 can be discharged.

### Material disposal – advice to applicant

The Tier Environmental Report discusses the need for any materials taken off site to be assessed. Contaminated soil that is (or must be) disposed of as waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

#### Boreholes – advice to applicant and Planning Authority

As part of the investigation multiple boreholes were installed across the site. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because it is very shallow. Once these are no longer required, there must be a factual report documenting the decommissioning of these to prevent any migration of contaminants to depth.

#### Infiltration testing (Condition 25) and Infiltration (Condition 6) – advice to applicant and Planning Authority

Shallow groundwater depths were measured across the site (in October 2021), and infiltration SuDS were also not deemed viable from the infiltration testing data: *None of the soakaway tests demonstrated sufficient reduction in water height to be considered viable.* Therefore, if the applicant seeks to discharge condition 6 (infiltration) in the future, we will not be able to be discharge the condition.

#### Storage of oils and fuels – advice to applicant

Since the groundwater at this site is very shallow and vulnerable, any storage of oils or fuels should be very precautionary, with adequate controls and mitigations in place. More information on oil storage regulations are available at GOV.UK here: <https://www.gov.uk/guidance/storing-oil-at-a-home-or-business>.

#### **Final Comments**

Thank you again for consulting us on this application. Our comments are based on the best available data and the information as presented to us. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me. Please quote our reference number in any future correspondence.

Yours faithfully

**Miss Chloe Alma-Daykin**  
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