

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

Our ref: WA/2023/130457/01-L01
Your ref: 23/00517/F
Date: 1 June 2023

Dear Planning Team

Redevelopment of the site to include the demolition of existing buildings and development of new accommodation across 5 buildings for employment uses (class e(g)(ii) and (iii)) plus ancillary amenity building, outdoor amenity space, car parking, cycle parking, landscaping and associated works

New Science Park Land West Of The Junction With The Oulevard, Oxford Airport, Langford Lane, Kidlington

Thank you for consulting us on the above. We have no objection subject to the following conditions being included in any permission granted.

Groundwater and Contaminated Land

Documents reviewed:

Civils Contracting Ltd Business Park, London Oxford Airport Baseline Condition Report. August 2022. Rev. 0. Fortitude Environmental.

LONDON OXFORD AIRPORT Gateway Project Outline Foul & Surface Water Drainage Strategy. 31 January 2023. Civils Construction & Property Solutions.

This is a large site with a prior use (as part of the wider site) that has the potential to have impacts to groundwater and soils. A baseline factual report has been prepared but this is not sufficient to evaluate the site's history and incident records nor does it include: a groundwater sampling programme, an initial conceptual model and risk assessment, or any rationale for the sampling that was done. This site's use will warrant a detailed desk study (including site record review) and potentially multi-staged site investigation to cover parts of the site that are currently covered by the buildings. The wider site use as an airfield also has a high potential for the historic use and spread of PFAS-containing substances and these must be considered when assessing the overall site condition and risks.

The previous use of the proposed development site as part of an airfield development presents a *medium* risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a *secondary aquifer A*.

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1: No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) 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. This should include an assessment of the presence or absence of PFAS-containing substances in soils and waters at the site.
3. The results of the site investigation and the 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition 2: Prior to any part of the permitted development being brought into use, a verification report demonstrating the 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.

Reasons: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

The submitted planning application and our review of the presented information indicates that boreholes will need to be installed at the development site to *investigate groundwater resources*. 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 the proposed development site is on a secondary A aquifer.

In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the following planning condition is imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

Condition 4: A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework *and Position Statement N of [‘The Environment Agency’s approach to groundwater protection’](#)*.

Sustainable Drainage Systems (SuDS)

The drainage strategy document states:

4.7. A borehole prognosis report has been commissioned by Nicholls Licensing and Consulting which determines soakaways are likely to be un-effective for this development due to a low, un-reliable infiltration potential. It is therefore expected that below ground geocellular attenuation will be introduced.

The report indicates that surface water drainage will therefore be to attenuation crates:

4.10. This surface water drainage strategy proposes to provide capacity by means of below ground attenuation and to restrict the rate of discharge to the existing Thames Water MH Ref. 6905 to 5 l/s for up to 1 in 100-year critical storm return providing at least a 40% allowance for climate change.

We are satisfied that there is no planned infiltration discharge to ground of either surface waters or foul drainage, into the Secondary A aquifer at this site. We do however, request to see the drainage strategy give some evaluation regarding pollution hazard indices for the surface water drainage from the site and total pollution mitigation indices before waters are discharged to the nearby surface water body (see SuDS manual, CIRIA).

The previous use of the proposed development site as an airfield development presents a *medium* risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a *secondary aquifer A*.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 5: No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Please provide a copy of the final decision document.

Yours faithfully

Miss Jennifer Wilson

Sustainable Places

Direct e-mail planning_THM@environment-agency.gov.uk