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Our ref: WA/2023/130341/02-L01
Your ref: 23/00733/DISC
Date: 27 May 2023

Dear Richard Greig

Email dated 17 May 2023 - Discharge of condition 6 (full specification details) and 8 (verification report) of 19/00446/F

Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD

Thank you for your email of 17 May 2023. We have the following comments to make which we hope will clarify our position.

We stated in our response on 30 April 2023, WA/2023/130341/01-L01:
“Firstly in order to discharge condition 8 for phase 8a and 8c, condition 4 must be discharged.”

Part of condition 4 requires:

- 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 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Following receipt of your email, you advised us that *“within your [Environment Agency] response you refer to Condition no4 (i.e. the remediation strategy) to the parent permission (ref: 19/00446/F) having been discharged under planning reference 20/02393/DISC – but only in respect of one of three parcels of land, namely the ‘Trenchard Circle’ Phase.”*

You advised us that Condition no4 of the parent permission was also discharged in respect of the two other parcels of land, namely ‘Phase 5D’ and ‘Phase 8C’ under planning application reference 20/00128/DISC. For ease of reference you attached the approved ‘Remediation Strategy (Ref: R1742-R01-v3)’.

We assume therefore that condition 4 (remediation strategy) has been discharged for all areas of the site including **Phase 8a**. **Please confirm if this is not the case?**

In our previous response we also stated:

“The validation report submitted Upper Heyford – Dorchester Phase 8a & 8c Validation Completion Report. Ref: R1742B-L12. 15th June 2021 covers only Phase 8a & 8c. Therefore other phases are not discussed below.”

We reiterate that the our comments below only refer to Phases 8a and 8c, and condition 8 cannot therefore be discharged entirely because validation reporting for other areas has not been presented or reviewed by the Environment Agency.

Any validation works must be in line with the remediation strategy and verification plan. To the best of our knowledge the accepted form of these are set out in:

Upper Heyford, New Settlement Area (Planning Consent 10/01642/OUT) Remediation Strategy R1742-R01 - V3 17th April 2014, with part 6. covering Inspection and Verification.

In this Remediation Strategy it states in sections:

“3.6.1. The investigations have targeted the key concern at the site which is the release of petroleum hydrocarbons into the shallow aquifer from the various fuel stores and ancillary equipment located throughout the site. This work has demonstrated that whilst source removal is necessary, groundwater remediation is not required generally, although any occurrences of free product will be removed to the extent practicable.

AND:

4.6.8. Assuming that no significant groundwater contamination is identified, specific measures to remediate the groundwater on the site are not required at this time.”

The validation report states that UST removal for phases 8a and 8c were: *“subject to remediation in 2014 with validation samples collected from the sidewalls following tank removal with hydrocarbon concentrations generally below analytical detection limits with no exceedances of the assessment criteria reported.”*

The validation report states that the soil sampling/testing rate was exceeded, with 1 sample per 215m³ achieved (for non-hotspot areas the requirement was stated as: *“Taking a nominal soil screening test frequency of 1 sample per 500m³, the residual 400mm depth equates to 1 sample per 1250m² plan area of development”*)

Exceedances of other determinants (other than pH) was *“limited to a single minor exceedance of arsenic in sample Ph8-S1 with a concentration of 33 mg/kg compared to the criteria of 32 mg/kg.”*

The validation report states: *“No significant contamination or potential contaminative sources have been identified through historical and current uses within this part of the site”*

Given the above, we are satisfied that this validation meets the expectations of the verification plan and has not revealed the need for further work (other than: *“Independent depth validation of the soil cover system within this area will also be required to confirm the appropriate thickness of soil cover has been placed.”*) These phases (8a & 8c) have now been investigated, and validated. The residual risks to controlled waters from these phases can be considered to be low. We therefore can recommend the discharge of condition 8 for phases 8a and 8c only. We will expect further reporting for the outstanding phases of the site.

Yours faithfully

Miss Jennifer Wilson
Sustainable Places

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