

Cherwell District Council North
Oxfordshire
Development Management
Bodicote
Banbury
Oxfordshire
OX15 4AA

Our ref: WA/2018/125605/01-L01
Your ref: 18/01253/F
Date: 29 August 2018

Dear Sir/Madam

Erection of hotel and conference facility with associated access, parking, and Landscaping

Bicester Heritage, Buckingham Road, Bicester OX26 5HA

Thank you for consulting us on the proposed development noted above. We have reviewed the information submitted with regards to our remit.

This includes the Phase 1 Land Contamination and Ground Condition Report Ref. CE-B1-1363-RP02-Final dated 6th July 2018 prepared by Crestwood Environment Ltd.

Environment Agency position

We have **no objections** to the proposed development, however it will only meet the National Planning Policy Framework (NPPF) if the following measures are implemented and secured by **planning conditions** as noted below. Without these conditions the proposed development on site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

Prior to each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, is submitted to and approved, in writing, by the local planning authority:

Cont/d..

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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.
- 3) The results of the site investigation and 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 identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

The proposed development should be in accordance with para 178 of the NPPF. Previous activities at this site may have resulted in contamination. In particular it is indicated that fuels storage and potentially underground fuel storage occurred at this site. The site is above the Cornbrash secondary aquifer. This would be a controlled water receptor which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that the development does not impacted on controlled water receptors. This may include remedial works to resolve contamination issues.

Condition 2

No occupation of each phase of development shall take place until a verification report demonstrating completion of works, as set out in the approved remediation strategy and reporting the effectiveness of the remediation is submitted 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

The proposed development should be in accordance with paras 178 and 179 of the NPPF.

To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters.

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 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

The proposed development should be in accordance with para 179 of the NPPF. To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

Advice to applicant

If underground storage of oils took place on site, then we disagree with the assessment that the risk to groundwater is low. It is not clear from the report if underground storage of hydrocarbons took place.

We highlight that leaks from underground fuel storage in particular can leave little trace or evidence of impact in the shallow soil, but can significantly impact groundwater.

The only way to comprehensively determine the impact on groundwater is to take direct groundwater sampling. As such we typically require groundwater sampling to be undertaken as part of site investigations, in order to satisfactorily characterise a site.

Final Comments

Once again thank you for consulting us. Our comments are based on our available records and the information as submitted to us.

Please provide a copy of the decision notice for our records. This would be greatly appreciated.

If you have any queries please feel free to contact me.

Yours faithfully

Mr David Rowley
Sustainable Places Specialist

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