

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

Our ref: WA/2018/125606/01-L01
Your ref: 18/01333/F
Date: 28 August 2018

Dear Sir/Madam

Extension to existing technical site to provide new employment units comprising flexible b1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping

Buckingham Road, Bicester, Oxfordshire, OX26 5HA

Thank you for contacting us regarding the proposed development noted above. We have reviewed the information submitted with regards to our remit and have the following comments to make.

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if the following **planning conditions** are included on any planning permission. Without these conditions, the proposed development on this 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 no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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.

Cont/d..

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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

Previous activities at this site may have resulted in contamination. In particular it is indicated that aircraft storage, maintenance and repairs have taken place over the past 30 years. There is the potential that these activities may have included fuel storage, potentially underground. In addition, some landfilling has also taken place.

We are concerned that the presence of this contamination could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is above the Cornbrash Secondary Aquifer. Surface water features are also present in this area, and these water receptors could be impacted by any contamination present on this site.

Further investigation is required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risks identified would need to be adequately resolved to ensure that controlled water receptors are not impacted. This may include remedial works to resolve contamination issues.

National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

Condition 2

No occupation of each phase of development shall take place until a verification report demonstrating 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. 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

National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

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

National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

Advice to Applicant

We note that the previous use of the proposed development site presents a high risk of contamination because of its use for the storage, maintenance, repair and salvage of aircraft and equipment.

Whilst no impact on surface water has yet been noted, the potential for contamination in the soils or Plume(s) of contaminants in the groundwater is significant. We are concerned that over time these could also impact on sensitive water receptors. Please note that we cannot accept potential degradation of large areas of the Secondary Aquifer, even if no receptors are currently being impacted.

If underground fuel storage has taken place onsite, leaks can leave little trace or evidence in shallow soils, but cause significant impact to the groundwater.

The only way to comprehensively determine the impact on groundwater is to take direct groundwater sampling. Please note, we often refuse to accept site investigations, if it is feasible to sample groundwater instead. In this case, we would be of the opinion that target groundwater sampling should take place on this site.

Please note that piling proposals may introduce new pathways for existing contamination, and therefore require additional remediation.

Final comments

Once again, thank you for contacting us. We ask to be consulted on any details submitted in compliance with these conditions.

If I can be of any further assistance, please contact me directly.

Yours faithfully

Mr Sam Pocock
Planning Advisor

Direct dial 0208 474 5075

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

