Our ref: UT/2018/116950/01-L01
Your ref: R18/0186

Date: 26 February 2018

Rugby Borough Council
Development Control
PO Box 16
Rugby
Warwickshire
CV21 2LA

Dear Madam

DEMOLITION OF EXISTING BUILDINGS AND OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 137 DWELLINGS (USE CLASS C3) INCLUDING MEANS OF ACCESS FROM THE RUGBY ROAD, NEW OPEN SPACE AND ASSOCIATED INFRASTRUCTURE

COVENTRY STADIUM, RUGBY ROAD, COVENTRY, CV8 3JG

Thank you for consulting us on this application which we received on 5 February 2018.

We have **no objections** to this application.

Groundwater and Contaminated Land
We have the following comments to make regarding this application relating solely to the protection of 'Controlled Waters'. Matters relating to human health should be directed to the Local Authority.

According to the relevant 1:50,000 map, the site in question is located on the bedrock of the Mercia Mudstone Formation, designated as a Secondary B Aquifer by the Environment Agency. Superficial deposits are indicated to be present for the site, in the form of the Dunsmore Gravel (sands and gravels). These are designated as a Secondary A Aquifer. The River Avon is located approximately 1km from the site.

We have reviewed the following document in support of this application:
'Preliminary Appraisal Report (Desk Study) of land at Rugby Road, Coventry.' *Sirius* October 2014 ref. C5887.

The preliminary investigation has identified potential sources of contamination in the form of heavy metals, organic and inorganic contaminants associated with the current use of the site as motorsports racing stadium. The presence of made ground has also been identified, and known areas of infilling have also been identified, including a former

pond at the site. These potential sources of contamination may be currently impacting controlled waters receptors such as the underlying Secondary A Aquifer and linked surface water features. As such, we agree with the conclusions of the above referenced report that a Phase 2 Site Investigation should be carried out so that the risk to controlled waters can be determined. Furthermore that applicant should acknowledge that there is potential for remobilisation of any contaminants during site development.

The site investigation will include trial pitting and window sampling, with samples selected for chemical analysis. Due to the sensitivity of controlled waters receptors in the area, we recommend that the investigation should include the collection and analysis of soil, leachable and groundwater samples to determine the presence of any current contamination on site, and the risk posed to controlled waters receptors.

Therefore, we recommend the following planning condition should be attached to any planning permission granted:

Condition
No development approved by this planning permission shall take place until a remediation strategy 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 site investigation scheme based on the Preliminary Appraisal Report (Desk Study) of land at Rugby Road, Coventry.' *Sirius* (October 2014) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.

3. 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 (2) 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.

Reasons
To ensure the protection of controlled water receptors, namely groundwater within the underlying Secondary 'A' Aquifer and linked surface water receptors.

National Planning Policy Framework (NPPF) paragraph 109 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 of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Additionally, it should be noted that in accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 120), *'where a site is affected by contamination or land stability issues, responsibility for securing a safe development*

rests with the developer and/or landowner'. Therefore, should any significant contamination, not assessed by virtue of this report/project, subsequently become apparent responsibility remains with these parties.

Advice to applicant

Waste on site
The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position Statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

Waste to be taken off site
Contaminated soil that is, or must be, disposed of is 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 2010
- 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 waste material to be produced at or taken off site is hazardous waste and 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.

Yours faithfully

Cont/d..

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