

Folkestone Hythe District Council
Development Control
Civic Centre Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Our ref: KT/2018/124698/02-L01
Your ref: Y18/0948/FH
Date: 13 November 2018

Dear Sir/Madam

Further information - Use of land for b1 (business) / b2 (general industrial) / b8 (storage and distribution) purposes, including retention of access, and car park and erection of industrial unit.

Land adjoining Holme View Farm, Dengemarsh Road, Lydd, Kent

Thank you for consulting us on the above. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

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

Condition: No occupation of any part of the permitted 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.

Reasons: To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon Secondary aquifers and groundwater is anticipated to be shallow at this location. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater.

To comply with the National Planning Policy Framework (2018) paragraphs 170 and 178-180.

Condition: 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.

Reasons: To reduce risk to controlled waters. To comply with the Nation Planning Policy Framework (2018) paragraphs 170 and 178-180.

Condition: The development hereby permitted shall not be commenced until such time as a scheme to connect the property to foul and or surface water drainage system has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework (2018).

Advice to applicant

Drainage

The following points should be noted wherever infiltration drainage (such as soakaways) are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An

unsaturated zone must be maintained throughout the year between the base of the system and the water table.

- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

Infiltration

The following criteria should be noted wherever infiltrations devices are proposed at a site:

- No infiltration device should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Disposal of soil

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is 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 our website at www.environment-agency.gov.uk for more information.

We record the outcome of planning decisions and request the decision notice is emailed to kslplanning@environment-agency.gov.uk

Yours faithfully

Ms Jennifer Wilson
Planning Specialist

Direct dial 0208 474 6711

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

Jones, Gaynor

From: Claw, Katy
Sent: 24 May 2019 09:36
To: Planning
Cc: Law, Zoe
Subject: FW: Y18/0948/FH - Davey Civils site
Attachments: 124698-02.rtf

Katy Claw
Planning Officer

Please click [here](#) for information regarding the [pre-application planning advice service](#) we offer at Folkestone and Hythe District Council.

T: 01303 853449
F: 01303 853501
Folkestone and Hythe District Council, Civic Centre,
Castle Hill Avenue, Folkestone, Kent. CT20 2QY
E: katy.claw@folkestone-hythe.gov.uk

Website: www.folkestone-hythe.gov.uk

From: Claw, Katy
Sent: 22 May 2019 11:29
To: Planning <Planning@folkestone-hythe.gov.uk>
Subject: FW: Y18/0948/FH - Davey Civils site

Pls add to file. Thanks.

Katy Claw
Planning Officer

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Website: www.folkestone-hythe.gov.uk

From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 22 May 2019 11:22
To: Claw, Katy <Katy.Claw@folkestone-hythe.gov.uk>

Cc: Davies, Owen <Owen.Davies@environment-agency.gov.uk>

Subject: RE: Y18/0948/FH - Davey Civils site

Dear Katy

Please find attached our response setting out the conditions which should cover this.

Thanks

Michelle

From: Katy.Claw@folkestone-hythe.gov.uk [<mailto:Katy.Claw@folkestone-hythe.gov.uk>]

Sent: 16 May 2019 16:55

To: Wilson, Jennifer <jennifer.wilson@environment-agency.gov.uk>

Subject: Y18/0948/FH - Davey Civils site

Hi Jennifer,

I refer to your comments dated 1st April , extract below.

Where you say that they will also be required to prove that area where the drainage field is to be positioned is free from contamination – do you need this upfront or as part of a condition? If you want it as a condition can you set out the wording please.

Thanks,

Thank you for consulting us on the above.

We have reviewed the Desk Study and Risk Assessment by Southern Testing (ref.J13917). The PRA provides a list of previous uses, potential contaminants of concern and a conceptual model, which highlights that there is a potential risk to controlled waters at the site. We agree that should intrusive groundworks be undertaken at the site then further investigation may be required to clarify the risk to the underlying groundwater as it is anticipated to be relative shallow in this area. This will also be required to prove that area where the drainage field is to be positioned is free from contamination. No infiltration device should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

Katy Claw
Planning Officer

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