Local Area Planning Committee

Extra Information Item

Date of Meeting: 13/02/2024

Reporting Officer: Head of Development Management (Barrow)

Reference Number: B07/2023/0652

Location: Land south of Leece Lane, Barrow-in-Furness, Cumbria

Proposal: Full application for residential development comprising 19 dwellings with landscaping/biodiversity enhancements and associated works including access, car parking and SUDS (resubmission of B07/2022/0653)

Report:

Since the agenda was produced the following additional responses have been received:

1. Lead Local Flood Authority (LLFA) 5.2.24

"A further response from LLFA on this proposal will be issued in due course"

2. Local Highway Authority 5.2.24

"Our parking requirements for this development are 48 spaces along with 3 visitor spaces based on the number of bedrooms provided for each dwelling.

If any garages are to contribute the parking numbers, then these must be designed to the measurements in accordance with our Cumbria Development Design Guide so that they can accommodate a vehicle and so pedestrians can safely enter and exit them without obstruction. I can confirm my previous response made to this application should still apply."

3. Environment Agency response 12.2.24

The applicant has submitted further details of surface water sampling and the Environment Agency have been re- consulted and have responded as follows:

Thank you for re-consulting us on the above planning application.

We have reviewed the following documents:

- Phase 1 Preliminary Risk Assessment (PRA) prepared by bEk Enviro Ltd. (referenced: BEK 21959-1 Rev A; dated August 2023)
- Site Investigation & Ground Assessment prepared by bEk Enviro Ltd. (referenced: BEK-21959-2 Rev A; dated August 2023)
- Gadsen consulting Drainage Strategy
- BEK surface water sampling -5 May 2022

During the previous application for this development (B07/2022/0653 which was withdrawn) and in our letter NO/2023/115622/01-L01 dated 14 November 2023, the EA has responded with various conditions, including a condition for a SUD scheme integrated into the drainage plan. However, after a further discussion with the LPA and have been provided further background information of the site, we considered the use of SuDS is inappropriate for the site. We have therefore reconsidered our position.

Environment Agency position – SuDS

We object to this development because the information submitted with the application does not demonstrate that the risk of pollution to controlled waters is acceptable. We therefore recommend that planning permission is refused.

Reasons

The previous use of the proposed development site as landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is in close proximity to Mill Beck and is located upon a Secondary aquifer B.

The application's geoinvestigation reports demonstrate that it may be possible to manage the risks posed to controlled waters by this development providing further detailed information is submitted to help with conditional development of the site. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

In review of the Gadsden Drainage strategy document together with the Site Investigation & Ground Investigation report BEK-21959-2 RevA August 2023, it appears that p2.5 contradicts the findings of the BEK report with regard to made ground.

The BEK document reports a heterogenous mix of waste in all the borehole and trial pit logs and chemical testing that shows the presence of total and leachable contaminants.

The Gadsden drainage assessment states "Made ground – records suggest that there is little or no made ground".. this is incorrect.

The geotechnical properties of the fill material may be adequate, but there is insufficient evidence from the ground investigation and risk assessment to approve any soakaway scheme. Further examination of the potential leachability of made ground at locations where any soakaway discharge will be required.

Overcoming our objection

The applicant should provide information to demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The options for an acceptable soakaway drainage system to protect water quality will depend on either further investigations and risk assessment or removal/treatment of made ground. An alternative drainage scheme allowing surface water to discharge directly to surface water via impervious flood retention is acceptable.

Contaminated Land – advice to applicant

The Site Investigation conclusions outline the need for further ground investigation on the eastern periphery on the extra strip of land and monitoring of the surface watercourse, Mill Beck. Supplementary ground investigations should also be extended through the development plot as there is insufficient detail to determine the risk to water quality.

The Site Investigation and Ground Assessment report shows soluble contamination of metals in shallow groundwater and these results are deemed to represent the effect of leaching from made ground. In accordance with EA Remedial Target Methodology (RTM) for contaminated land, risk assessments where level 1 targets are exceeded require further levels of assessment to quantify fate & decay of pollutantsor remedial works to treat/remove source or remove flow pathway.

The surface water monitoring of Mill Beck undertaken on 5 May provides an indication of water quality. This information pre-dates the findings of the BEK August report which recommends extra monitoring .

The single set of samples in isolation of supporting evidence from quantitative risk assessment are inadequate .

Any water surface water sampling data should represent variable flow and/or seasonal fluctuations and can be used as a means of assessing the impact of dilution from predictive modelling of contaminants in groundwater baseflow to the watercourse. Hence the need for further comprehensive ground investigation to enhance the confidence of data and the findings of any quantitative assessment (as per the tiered approach outlined in RTM).

The impact on Mill Beck should be addressed with the appropriate siting of groundwater compliance points before groundwater enters the surface water system down gradient of landfilled areas. This is likely to require the installation of additional boreholes and additional groundwater monitoring sufficient to enable quantitative modelling to address risk. The single groundwater sample from each borehole is insufficient to represent groundwater conditions in the full extent of the drilling depth because the dual-purpose (gas/groundwater) slotting is restricted from 1-5m bgl. Replacement/new boreholes should be dedicated specifically to monitor groundwater.

The carbon dioxide gas concentrations in CP2/3 reflect ongoing aerobic decomposition of hydrocarbons in made ground and this supports the view that made ground is continuing to release contaminants into groundwater and there is need for further assessment.

It should be noted, we normally object to piling proposals through landfill. Detailed design and mitigating measures to prevent piles from acting as a conduit for leachate migration into uncontaminated, superficial groundwater formations and the bedrock aquifer are required. These foundation proposals are required to assess the risk to groundwater resources. A separate risk assessment for deep piled foundations design and implementation will be required.

Model procedures and good practice

We recommend that developers should follow the risk management framework procedures in DEFRA publication 'Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)' when dealing with land affected by contamination.

Refer to our Guiding Principles for land contamination here: Land contamination: technical guidance - GOV.UK, for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health. Refer to the contaminated land contaminated land pages on gov.uk for more information.

4. In addition an amended landscape plan has been submitted (details attached).

TOPSOIL CULTIVATION In accordance with BS 3882. Apply glyphosate herbicide prior cultivation and allow the recommended period before further action. Ensure ground is free draining by breaking up subsoil and installation of land drainage as required. Do not work the soil in frozen or waterlogged condition. Remove any debris and stones greater than 50mm from surface and cultivate to suitable tilth for planting. Rake surface to achieve required level flush with adjacent paving for turf and 50mm below for planting to allow for mulch layer and smooth flowing contours for open space areas without hollows or soft areas. Topsoil depths to be minimum 150mm for grass and 450mm for planting and at least 300mm of suitable subsoil beneath the topsoil layer. Site topsoil to be supplemented with imported topsoil in accordance with BS 3882. Shrub beds in grass areas to be neatly cut to layout shown.

PLANTING Plant material shall conform to the National Plant Specification and be healthy, vigorous specimens, well rooted but not pot bound, free from pests and disease, hardy and undamaged by transport operations in accordance with HTA 'handling and establishing landscape plants'. Planting and turfing to be in accordance with BS 3936 and 4428. Plant species substitutes will be permitted to accommodate availability and to include stock of particular good quality in nursery provided these are of a similar habit, size, colour, value etc and that they are approved in advance by the Landscape Architect. Native species to be local provenance. Bare root and rootballed plants to be planted between November and March. Backfill of planting holes and tree pits to be excavated topsoil with 25% by volume tree and shrub planting compost. Shrub pits to be generally 300 x 300 x 300 x 300 mm or 75mm wider and deeper than the root spread. Tree pits to be 900 x 900 x 600mm or 150mm wider than the root spread. Stakes to be two 75mm diameter pointed stakes driven until firm and trimmed to 900mm above G.L. with 50 x 100mm crossbar screwed to stakes. Rubber tree cushion nailed to crossbar and rubber tree belting nailed to secure tree. Single 75mm diameter stake for bare-rooted trees with rubber tree belting with spacer. Apply slow release fertiliser (16:10:10) at rate of 100g/ sq.m. to planting areas and 250g per tree. Thoroughly water planting

PLANTING DENSITIES/ SETTING OUT Refer to the Planting Schedule for densities. Where a bed is indicated as mixed species on the plan, the area should be divided equally between the species shown and the relevant density for that species applied to that proportion of the bed. Taller species to the rear of the bed and smaller species to the front planted in bold groups of single species and not mixtures unless clearly requested on the plan annotations.

TREE RABBIT GUARDS If rabbit activity is noted in the area and guarding is authorised each bare-rooted native plant hedge plant to receive a 12/14 weight 900mm cane and 60cm clear spiral guard. Trees to receive 90cm spiral guard. If extensive rabbit activity is observed rabbit tencing to ornamental areas will be required as directed by the Landscape Architect.

MULCH Spread 50mm layer of general purpose bark mulch, free from large sticks, and debris over all shrub areas, 800mm wide strips for hedging and 800mm diameter circles for tree pits in grass with neatly trimmed edge.

TURFING Following cultivation preparation specified above supply and lay Rolawn Medallion turf or similar approved with staggered joints close butted to uniform levels to finish 25mm above adjacent paving levels once well tamped down. Use sharp sand spread on surface to achieve fine tuning of levels. Thoroughly soak turf on completion and ensure regular watering is arranged until the turf has rooted. Do not turf in waterlogged or frozen conditions.

SEEDING AMENITY GRASS. Following cultivation preparation specified above apply Cropwise low maintenance amenity mix or similar approved at a rate of 35gms/ sq.m. and roll with quad or hand drawn ballast grass roller. Apply water with sprinkler hose in dry conditions to ensure germination. Levels to be flush with adjacent paving following firming and settlement of topsoil. Further stone-picking, top-dressing and re-seeding of bare patches to ensure uniform, level grass is established. Re-roll as required at first cut stage.

SEEDING WILDFLOWER GRASS
Prepare as for amenity seed. Sow BS7M @ 5 gms/ sq.m. in accordance with supplier recommendations in May or September.

LANDSCAPE MAINTENANCE. Any plants which fail within 5 years to be replaced in the season following failure to the original specification. Check and adjust stakes and ties every month, and remove stakes in year 5 when trees are suitably stable. Prune trees and shrubs once each year - formative prune to encourage good habit. Apply fertiliser once in Spring each year to grass 40gms/ sq.m. Apply fertiliser once in Spring each year to shrubs 20gms/ sq.m. Osmocote slow release. Top up bark mulch to 50mm depth annually. Check for pests and diseases - treat as required. Water as required all landscape areas. Mow grass 18 times annually and remove arisings, trim edges. Apply selective herbicide and moss killer to grass as required. Re-seed, top dress and aerate lawns as required to maintain grass in good condition. Cut and rake off wildflower grass twice annually. Collect litter from all landscape areas monthly. Apply Glyphosate herbicide to hard paved areas as

Type	ING SCHEI	Specification	No/S
TREES	,	- poomoution	110/30
INCLO	+		
Alnus glutinosa	AG	2-2.5m BR	N/A
Prunus Pink Perfection	PP	RB, 10-12cm, 3m	N/A
Prunus avium	PA	RB, 14-16cm, 4-4.5m	N/
Sorbus aucuparia	SA	RB, 14-16cm, 4-4.5m	N/
Betula pendula	BP	RB, 14-16cm, 4-4.5m	N/
		,	1,1/
SPECIMENS			
Amelanchier lamarckii	AME	C20	N/
Buddleia Lochinch	BUD	C10	N/
Hydrangea paniculata Limelight	HPL	C15	N/
Phormium tenax Variegatum	PHO	C10	N/
Skimmia confusa Kew Green	SKG	C10	N/
		0.0	147
SHRUBS & HERBACEOUS			
Aucuba japonica Variegata	Ajv	C3	3
Choisya ternata Sundance	Cts	C3	4
Cornus alba elegantissima	Cae	C3	3
Cytisus praecox All Gold	Cal	C3	4
Escallonia 'Red Elf'	Ere	C3	3
Euonymus Emerald Gaiety	Eeg	C2	4
Euonymus Emerald n Gold	Ego	C2	4
Hebe rakaensis	Hra	C5	4
Hebe Marjorie	Hma	C5	4
Hebe sutherlandii	Hsu	C5	4
Hebe Autumn Glory	Hag	C5	4
Hydrangea Blue Wave	Hbw	C3	3
Hypericum calicynum	Hca	C3	3
Ligustrum ovalifolium Aureum	Loa	C3	3
Lonicera Maygreen	Lma	C3	3
Potentilla Abbotswood	Pab	C3	4
Prunus otto luykens	Pol	C3	3
Pyracantha Red Cushion	Prc	C3	4
Senecio sunshine	Sen	C3	4
Skimmia japonica rubella	Sjr	C3	3
Spiraea japonica Goldflame	Sjg	C3	4
Viburnum davidii	Vda	C3	4
Vinca minor Atropurpurea	Vma	C3	4
PERENNIALS			
Astilbe Bressingham Beauty	Abb	C2, 20-30cm	6
Geranium Johnson's Blue	Gjb	C2, 20-30cm	7
Bergenia cordifolia	Bco	C2, 20-30cm	6
Heuchera Palace Purple	Нрр	C3, 20-30cm	4
HEDGES		4/m Double Staggere	ed Row
llex aquifolium	IAQ	C3, 75-90cm	N/
NATIVE BOUNDARY HEDGE	NBH	5/m Double Staggere	ed Row
Prunus spinosa		BR, 45-60cm	13
Crataegus monogyna		BR, 60-90cm	40
llex aquifolium		C3, 45-60cm	30
Corylus avellana		BR, 60-90cm	5
Sambucus nigra		C2, 45-60cm	5
Rosa canina		BR, 45-60cm	5
Lonicera periclymenum		C2, 60-90cm	2
NATIVE SCRUB MIX		0.25/ sq.m. undersown	% n
		with wildflower	1
Crataegus monogyna		BR, 45-60cm	30
Corylus avellana		BR, 45-60cm	20
Prunus spinosa		BR, 45-60cm	20
Cornus sanguinea		BR, 45-60cm	20
Viburnum opulus		BR, 45-60cm	10
HEDDEDOW TOTAL			
HEDGEROW TREES			
Acer campestre	Aca	2-2.5m BR	
Crataegus monogyna	Cmo	2-2.5m BR	
Malus sylvestris	Msy	2-2.5m BR	
	1/ 0	2-2.5m BR	
Prunus avium	Pav		
Prunus avium Sorbus aucuparia BULBS	Sau	2-2.5m BR	

