

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During the previous application for this development (B07/2022/0653 which was withdrawn) and in our letter NO/2023/115622/01-L01 dated 14 November 2023, the EA has responded with various conditions, including a condition for a SUD scheme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 pollutants or 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).

