

PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

Date: 29th April 2014

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator
6	14/00030/OUT	Environment Agency

No Objection to the proposed development and recommend that the following comments and conditions be applied to any permission granted.

Groundwater and Contaminated Land: The site is located on a principal aquifer and within a Source Protection Zone (SPZ) for a public water supply borehole. The information provided in the Environmental Site Investigations also reveal that there may be a number of private groundwater supplies in the area.

The Phase II Investigation was designed to support a planning application for an extension to the existing factory. As a result only limited investigation has been undertaken and is not sufficient to demonstrate that the development will not result in remobilisation of any contaminants within the ground/groundwater system. The site walkover and desk study has revealed many potential sources of contamination on site such as the storage of DERV, oils, solvents, a non mains drainage system, waste storage, former fuel station etc.

It is acknowledged that the Desk Study (January 2014) recognises the limitations and further site assessment and risk assessment is to be undertaken to address these issues.

Targeted investigation would also be required in order to determine whether the proposed infiltration systems would be feasible or whether an adverse environmental impact is likely to arise.

There are a number of aspects that need further clarification, such as it is not clear from the information submitted whether the wooden pallets are treated on site.

It is essential that the redevelopment of the site would involve the removal and chasing out of any underground infrastructure such a fuel tanks, associated pipework, interceptors, drainage runs, machine pits, septic tanks etc.

Whilst groundwater is present at depth greater than 20mbgl, further groundwater investigations will be required in the event that contamination is identified at the site, particularly in relation to hydrocarbons and chlorinated solvents. To date the analytical suite has been rather generic and no analysis for SVOCs and VOCs has been undertaken. This must be included in future site investigation. It is also not clear as to whether there are any electricity transformers on site where PCBs may be of concern.

Environmental Site Assessment Phase I Desk Study notes that 'The identified main on-site potential contamination sources relate to organic contamination arising from the former petrol filling station and the storage and use of hydrocarbon oils and lubricants associated with historic and contemporary site operations (Section 4.2)'. However, given the limited site investigation to date, we do not think that it is possible to state this. It is for this reason we would also challenge the 'Table 5 risk classification for controlled waters (groundwater) of moderate/Low Risk'.

Any deep site investigation boreholes must be backfilled appropriately in order to prevent the creation of any contaminant migration pathways.

Condition: No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority

1) A site investigation scheme, based on Environmental Site Assessment Phase I Desk Study (Ref. 41636R1, dated January 2014) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. 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 and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. 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 and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Condition: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is

multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Condition: Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of controlled waters by controlling the potential for introduction of rapid contaminant migration pathways.

Flood Risk (Surface Water): The proposed development is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Maps. Whilst development may be appropriate in Flood Zone 1 Flood Risk Assessment (FRA) is required for development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. As the Lead Local Flood Authority (LLFA) responsibly for surface water management we would recommend you seek the views of your own Flood and Water Management Team.

However, given the history of the site there is the potential for ground contamination to exist. We would not wish to see any infiltration techniques used on the site until it can be demonstrated to our satisfaction that such methods would not result in the mobilisation of any contaminants within the soils or groundwater systems. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

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 protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Foul Drainage: In line with the Table in Schedule 5 (as amended by us) and in accordance with Article 16 - (1) (c) of the Town and Country Planning (Development Management Procedure) Order 2010, the Environment Agency (West Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'Foul Drainage Assessment Form' for your consideration.

In the planning system, the preparation of Local Plans should be the focus for ensuring that investment plans of water and sewerage companies align with development needs. If there are concerns arising from a planning application about the capacity of

wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.

When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated under a new appointment or variation. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency.

A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant. There may also be effects on amenity and traffic to be considered because of the need for sludge to be removed by tankers.

Notwithstanding the above it should be noted that the applicant would need to apply for an Environmental Permit (EP) for any discharge in excess of 20m³/d and that granting of planning permission does not compel the EA to grant any associated permits.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

Planning Officer Comment: The conditions with respect to identifying and remediating any contamination found have been addressed by the recommended condition 10, but delegated authority is sought to fine tune this condition to ensure that it addresses all the matters raised by the Environment Agency.

The conditions relating to storage of oils, fuels or chemicals and foundation design can be added to any outline consent issue. Surface water and foul drainage is covered by recommended condition 5.

AMENDED RECOMMENDATION:
Grant Permission as a departure and subject to the completion of a Section 106 Agreement relating to affordable housing, and to the conditions set out in Appendix 1.

Item No.	Application No.	Originator
6	14/00030/OUT	Planning Officer
<p>Following discussions with the Councils Planning Ecologist the recommended condition relating to badgers is amended to state that no works shall take place within 30m of the badger setts until the licence is obtained. This gives flexibility on starting work without harming ecological interests as licences to close badger setts are only issued for between July and end of November. Condition 11 is amended to read:-</p> <p>No site clearance works within 30 metres of the badger setts shall commence until the badger setts affected by the development hereby approved has been closed under licence in Accordance with details given in the Ecological Appraisal by SLR dated December 2013</p>		
Item No.	Application No.	Originator
7	14/00062/OUT	Planning Officer
<p>The comments of SC Archaeology have now been received and are set out below:</p> <p>No Objection: The development proposal involves land to the south-east of Shifnal adjacent to and south of the Shrewsbury & Birmingham Railway (Shrewsbury to Wolverhampton). There are some known non-designated heritage assets within the proposed development boundary and a number of non-designated heritage assets located within the immediate area. Shropshire Council's Historic Environment Team commented on a screening opinion (13/04548/SCR) for the proposed development, requesting that a heritage assessment for the development be undertaken. An Archaeological Desk Based Assessment (Report No. CSa/1988/10 December 2013) and a Landscape and Visual Assessment (Report No, CSa 1988/07a) have been submitted in support of the application. These documents assess all heritage assets that may be directly or indirectly affected by the development and addresses any issues of setting of heritage assets that may arise. In respect of archaeological remains the report notes the possibility of remains relating to brick manufacture based on evidence derived from tithe mapping and records of ridge and furrow (now largely ploughed out) in the east of the site. A small number of medieval findspots within the development boundary, not included in the report, have been recorded through the Portable Antiquities Scheme. The report concludes that this paucity of evidence may reflect the comparative lack of previous investigations beyond the historic core of Shifnal rather than a true absence of archaeological activity. Therefore, although the potential for previously undetected buried archaeological remains being impacted remains low, further evaluation would be considered appropriate as this would provide a level of confidence regarding the actual potential for archaeological remains to be encountered. In respect of the visual impact, the assessment concludes there will be no impact by the development upon the settings of any designated heritage assets I concur with both these findings.</p> <p>RECOMMENDATION: In view of the above and in accordance with NPPF Section 141 I would recommend that Programme of Archaeological Work in accordance with a written scheme of investigation (WSI) be undertaken prior to work commencing on the site. This should make provision for additional evaluation of the site using geophysical survey followed by series of targeted trial trenches to determine the presence or absence of un-recorded archaeological deposits and establishes a level of confidence regarding the actual potential for archaeological remains to be encountered. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.</p> <p>Officer Comment: This additional Condition is recommended:</p>		

No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation – WSI) submitted to and approved in writing by the Planning Authority. Findings from the evaluation may determine that additional archaeological mitigation would be necessary and a further programme of archaeological work would then need to be undertaken. The programme of archaeological work shall thereafter be carried out in complete accordance with the approved specification.

Reason: The site has the potential for archaeological interest and to satisfy the requirements of paragraph 141 of the NPPF.

Item No.	Application No.	Originator
7	14/00062/OUT	2 Objectors

Additional comments have been received from two objectors relating to Shropshire Council's Traffic Survey findings that were presented to the public on 20th March, and other matters, which are summarised below:

Proposed measures will not work

Petition presented to Shropshire Council requesting a proper and real traffic survey be carried out so that adequate solutions can be designed.

Traffic modelling is proof that the current road network will be way over capacity, which constitutes a material objection which Shropshire Council and the NPPF cannot deny.

Shropshire Council's Traffic Modelling based on 25% growth in traffic, but Town will grow by 63% if all applications are granted.

Travel to work figures taken from 2001 Census despite 2011 Census being available July 2013 traffic counts not representative.

Pedestrian route from development through Silvermere Park/Mead Way/ public footpath to Aston Street not suitable to pedestrians and cyclists due to unlit railway tunnel and narrow footways leading to the town centre and Idsall and Curriers Lane schools.

Also questions why area for development has decreased but the number of units remain at 250; asks if Shropshire Council is allowing land banking here, whilst not achieving targets for houses built, which in turn leads to further areas of land grabbing

Flooding issues still not properly addressed at this site.