

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/J0350/W/25/3366043

DETAILS OF THE CASE

Appeal Reference	APP/J0350/W/25/3366043
Appeal By	MANOR FARM PROPCO LIMITED
Site Address	Manor Farm and land north of Wraysbury Reservoir Poyle Road Slough SL3 0AA Grid Ref Easting: 502958 Grid Ref Northing: 176233

SENDER DETAILS

Name	THE ENVIRONMENT AGENCY
Address	Environment Agency Red Kite House Howbery Park WALLINGFORD OX10 8BD
Company/Group/Organisation Name	EA

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground

☒ Interested Party/Person Correspondence

☐ Other

YOUR COMMENTS ON THE CASE

We have been notified of this Appeal by Slough Borough Council. The Environment Agency did not object to the proposed development but did recommend planning conditions to be imposed on any permission granted for the proposed development. We understand our representations would have been forwarded to you by the LPA but for completeness our suggested conditions are reproduced below.

Groundwater quality

The previous use of the development site for vehicle repairs 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:

- within source protection zone 2
- located upon a Secondary A aquifer and likely to be hydraulically connected to underlying Principal aquifer

Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if the following planning conditions are included.

Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1: No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.

Land remediation strategies should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework

Condition 2: Prior to any part of the permitted development being occupied, a verification report demonstrating the 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.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 3: The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring prior to, during and following development, and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 4: 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

Piling

Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site:

- is within source protection zone 2
- is located upon Secondary A aquifer and likely to be hydraulically connected to underlying principal aquifer

Condition 5: Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

Borehole decommissioning

The submitted planning application indicates that boreholes will need to be installed at the development site to investigate and monitor groundwater resources. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality.

Condition 6: A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development/.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework and Position Statement A of 'The Environment Agency's approach to groundwater protection'.

Condition 7: No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework.

Flood Risk

Informative – advice to LPA/applicant:

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

<https://www.ciria.org/ItemDetail?iProductCode=C790F&Category=FR>
EEPUBS

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=0000000000302996>
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Informative:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activity which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Please note further comments regarding the management of surface water pollution risks will follow as soon as we're able.

We understand this appeal will be determined on the basis of an Inquiry. We regret that the Environment Agency Sustainable Places Team - Thames Area is under significant resource pressure and therefore we are unable to attend or be involved in this Inquiry. If the Inspector has any questions regarding the proposal we are happy to answer them.