

CONSULTATION UNDER TOWN AND COUNTRY PLANNING ACT 1990

PL/2023/01354/PPFL

Location: 53 Kingfisher Drive Smiths Wood Solihull B36 0RP

Proposal: Demolish the existing single storey vacant shop building on the corner of Kingfisher Drive and Eagle Grove and construct 2 No. two story affordable energy efficient residential dwellings.

Case Officer – Rebecca Hadley

Date comments sent	03.08.23
Name of consultee department	Public Protection – Contaminated Land
Consultation response author	M Williams

x

No Comments	
No Objection	
No Objection Subject to Conditions	x
Objection	
Further information Requested	

Comments:

(Please explain the reason for your response)

With reference to the planning application detailed above, Public Protection (PP) comment as follows:

Contaminated Land Matters

Public Protection have reviewed the supporting information and available files to determine any concerns in relation to contaminated land matters. We understand that development proposals include the demolition of an existing building and the erection of 2 No two storey residential dwellings.

A review of our mapping system indicates the presence of an area of infilled ground within 250m of the site, possibly a former sand extraction pit. The nature of the infill material is not known, however where it may contain putrescible material there is the potential for ground gases to be generated which could impact the proposed development.

Given the above and the proposed sensitive end use of the development, PP advise that full tiered contaminated land conditions are placed on any permission granted under PL/2023/01354/PPFL. The proposed wording and structure of the condition is detailed below.

Contaminated land risk assessment will need to be undertaken in line with Environment Agency LCRM guidance - Land Contamination Risk Management [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

For information the first part of the tiered condition requires a Phase I desk study or preliminary risk assessment (PRA) to be undertaken and submitted to the planning authority for approval. It should be noted that where the findings of the desk study may indicate that there are no potential contaminant linkages, and therefore no significant risks to receptors, Parts 2) to 6) of the condition can be discharged. In this situation the remaining part of the Condition, Part 7) 'Unexpected Contamination' should remain in place until the development is complete.

PP also consider that there is also the potential for asbestos to be present within the fabric of the current building/s. PP suggest an informative note to the applicant in relation to asbestos and the potential for asbestos/ asbestos containing material within the fabric of the building/s proposed for demolition. **PP advise that an asbestos survey is undertaken on the buildings and any mitigation measures identified as being necessary are implemented prior to demolition. Suggested wording for this informative / advisory note is included under the recommended conditions below.**

It should be noted that the above comments relate to contaminated land matters only and no other elements of Public Protection such as noise and air quality

Further information required (if applicable):

(Please explain the reason for your response)

Amendments recommended (if applicable):

(Please explain the reason for your response)

Recommended conditions (if applicable):

(Please provide justification for any pre-commencement conditions)

PP recommend the following contaminated land conditions be applied to any approval:

Full Tiered Contaminated Land Conditions (Modified)

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts (1) to (6) of the condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site to the extent specified in writing by the Local Planning Authority in writing until Part (7) has been complied with.

(1) Phase I Desk Study/ Preliminary Risk Assessment

A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall include an initial/preliminary conceptual site model (CSM) based on the information above and shall include details of all potential contaminants, sources and receptors and identify potential contaminant linkages to determine whether a detailed site investigation is required. Details of the risk assessment undertaken will need to be included in a report and submitted to the Local Planning Authority for review and approved in writing prior to any further stages of risk assessment being undertaken, including a detailed site investigation. Where no unacceptable risks are identified within the preliminary risk assessment, development should not proceed unless agreed with the Local Planning Authority.

(2) Submission of Scheme for Detailed Site Investigation

Where potentially unacceptable risks are identified following (1) above, a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority, prior to being implemented. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment (1) above, the initial CSM, and designed to test potential contaminant linkages identified within the CSM. The investigation and risk assessment scheme must be compiled by competent persons and designed in accordance with the [Environment Agency's "Land Contamination Risk Management" \(LCRM\) guidance](#) (and subsequent updates).

(3) Undertaking of Detailed Site Investigation

Detailed site investigation and risk assessment must be undertaken in accordance with the scheme approved by the Local Planning Authority (2). A written report of the findings, including an updated CSM, must be submitted and approved by the Local Planning Authority prior to (4) below. The detailed site investigation must be undertaken by competent persons in accordance with LCRM guidance.

(4) Submission of Remediation Scheme

Where necessary following (3) above, a detailed remediation scheme/ statement/ strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remedial objectives and remediation criteria, timetable of works, site management procedures, CSM, details of a verification plan and a discovery strategy. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(5) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

(6) Submission of a Verification Report

Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The verification works must be undertaken in line with the approved remedial scheme and verification plan (4) above.

(7) Reporting of Unexpected Contamination

If contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development halted on that area of the site. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy P14 of the Solihull Local Plan 2013.

Informative – Asbestos Survey (Prior to Demolition/ Conversion)

Consideration should be given to the presence of any asbestos/ asbestos containing materials (ACMs) in the building(s) proposed for demolition/ conversion. Prior to demolition/ conversion Public Protection advise that an asbestos survey is undertaken on all relevant buildings and any remedial/ mitigation measures deemed necessary should be implemented.

Any ACM/ asbestos removed prior to conversion should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date.

Appropriate asbestos surveys prior to demolition/ conversion and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs.

If the application is to DISCHARGE CONDITIONS, please confirm the list of documents you are approving below:

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If the application requires a S106 contribution/ requirement, please include the following information:

Please note: The legal tests for when a S106 contribution can be requested are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The regulations and guidance can be viewed here:

<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122> and <https://www.legislation.gov.uk/uksi/2010/948/contents/made>
and
<https://www.gov.uk/guidance/planning-obligations> and

The tests are:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

• Contribution description	
• Contribution amount £ (if applicable). Please provide justification.	
• Trigger point for payment (i.e. upon commencement of development, upon first occupation, upon 50% occupation...)	
• Trigger point for works to be undertaken (if applicable)	