



Delegated Report

Approval of Conditions Application

Application No:	20250035
Location:	Land At Worcester Close, Istead Rise, Gravesend, Kent, DA13 9LB
Description:	Application for the approval of condition 4 attached to planning reference number 20230136 relating to a strategy to deal with the potential risks associated with any contamination of the site.
Applicant:	Elkins Construction

Submitted Documents/Plans

- Application Form – dated 14 January 2025;
- Contaminated Land Risk Assessment (Phase 1 Desk Study Report) by STM Environmental Consulting – dated 24 December 2024;
- Ground Investigation Report by Soils Ltd. – dated October 2022.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230136	Construction of 8 new affordable rent residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and landscaping.	PERMITTED	29.11.2023

Consultations, Publicity and Representations

Internal Consultees

GBC Environmental Protection – It appears that condition 4 may have been requested by the Environment Agency as the reason for the condition is to ensure that the development ‘does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution....’

Comments dated 28/02/2023 from Environmental Protection on the contaminated land reports submitted with original application advised that risk was low and there were no exceedances of any contaminants based on a residential end user. No further investigation or remediation works were therefore required. A watching brief condition was recommended.

The same ‘Main Investigation Report by Soils Limited (dated October 2020, Report Ref: 20374/MIR Rev 1.2) has been re-submitted with this application.

In addition, a ‘Phase 1 Desk Study Report’ dated 24/12/2024 by STM (Report Ref: PH1-204-000111) has also been submitted. No reference has been made in this report to the intrusive sampling and analysis that

was undertaken by Soils Limited. The report advises that 'Gravesham Borough Council's online planning portal was searched in an effort to identify any relevant planning applications. No relevant documents were identified for the site or within 25m.' This is somewhat strange as obviously reports were submitted with the full application for this site.

In terms of the risk to human health, based on the results of the intrusive sampling undertaken by Soils Limited, I'm satisfied that the risk of contamination on site is low and no further works are therefore required. Based on this, from Environmental Health's perspective, there is no objection to condition 4 being fully discharged.

However, as the condition relates to risk to water pollution, the Environment Agency should also be consulted for advice/opinion.

Officer's Analysis

This is an application for the approval of condition 4 attached to planning permission reference 20230136 relating to Contaminated Land.

Condition 4 states the following:

4. *No development approved by this permission shall be commenced until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:*
 - (a) *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; and potentially unacceptable risks arising from contamination at the site.*
 - (b) *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.*
 - (c) *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.*
 - (d) *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.*

The scheme shall be implemented as approved.

The condition was attached to ensure that the development does not contribute to unacceptable risk to levels of water pollution.

The application has been supported by a contaminated land risk assessment and soil investigation report. These reports have reviewed by Gravesham's Environmental Protection team who raise no objections and consider the risk of contamination on the site is low.

It is noted that Environmental Protection have stated that the condition was likely recommended by the Environment Agency and suggested that their advice/opinion is sought on that basis. However, the comment from the Environment Agency on the original application (ref. 20230136) only recommended the attachment of informative(s). The extract below is taken from the committee report and shows the Environment Agency's consideration of contamination (issued 03 March 2023):

Land Contamination

The Guiding Principles for dealing with Land Contamination is available on <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

We recommend as best practice that all site desk study, site investigation, remediation strategies and verification reports submitted for planning purposes are undertaken by a suitably qualified person, preferably registered as a SILC/SQP. We recommend that for brownfield site developments – especially on sites with higher risk previous uses – desk study reports, site investigations, remedial strategies and verification reports are signed off under the National Land Quality Mark Scheme (NQMS).

The NQMS is a system designed by the industry-led Land Forum to ensure that land contamination management work meets the necessary standards. It applies in particular to the presentation of environmental information to the regulator in the form of reports setting out both factual and interpretative information.

Under the scheme, reports are prepared in line with good practice and signed off by a suitably qualified and experienced person registered under the NQMS who aims to ensure that:

- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines*
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems*
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or regulatory bodies*
- The reports set out recommendations or conclusions that are substantiated by the underlying data and are based upon reasonable interpretations*
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations*

If developments are supported by NQMS reporting we can assume that the local planning authority has the necessary information to allow decisions to be taken without the need for additional site-specific advice from us. We can recommend that you take account of the conclusions and recommendations within an NQMS report.

If you need further support understanding the report, please seek advice from your Environmental Health/Environmental Protection Department who will be able to advise on the generic aspects of land contamination management.

Where planning controls are considered necessary, we recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by paragraph 174 of the National Planning Policy Framework and the Water Framework Directive, which places such duties on all public bodies.

We also recommend that you consider the merits of advising the developer to handle any further land contamination management work that may be required under the NQMS.

Any unexpected contamination encountered during development of a site should be reported to the Environmental Health Officer (EHO) in accordance with Building Regulations Approved Doc C.

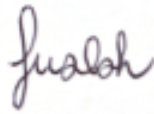
Therefore, based on their original comment, the Environment Agency have not been consulted on this basis they only required an informative, and the conclusion from Gravesham's Environmental Protection team is sufficient to discharge the condition.

Conclusion

The details submitted are adequate to discharge Condition 4 (Contaminated Land).

Recommendation

Approval of Details

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	21 st February 2025	Dated:	21 February 2025