

creating a better place



Tonbridge & Malling Borough Council
 Development Control
 Gibson Building Gibson Drive
 Kings Hill
 West Malling
 ME19 4LZ

Our ref: KT/2019/126001/01-L01
Your ref: 19/00979/FL
Date: 22 August 2019

Dear Sir/Madam

ERECTION OF NEW RETAIL UNITS, A "POD" BUILDING FOR RETAIL AND CAFE RESTAURANT PURPOSES WITH LOCAL AMENITY USES ABOVE, A NEW AREA OF PUBLIC REALM ALONG WITH ACCESS, CAR PARKING, SERVICING FACILITIES, LANDSCAPING AND ASSOCIATED WORKS

**SOUTH AYLESFORD RETAIL PARK QUARRY WOOD INDUSTRIAL ESTATE
 AYLESFORD KENT**

Thank you for consulting the Environment Agency on the above. We object to this proposal for the reasons set out below.

Groundwater and Contaminated Land

We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

Reason(s)

The previous use of the development site as a commercial/light industrial usage, and a drainage lagoon which receives effluents from a local industrial process site. Due to the potential need to break ground for the installation of foundations and drainage infrastructure, there is a possibility of disturbing historic contamination resulting from previous site activities.

This presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must

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demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures, if required.

We recommend that developers should:

- Follow the risk management framework provided [in Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) 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
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Land and Water

Furthermore, we also object as covering the lake may limit biological processes that will break down any pollutants that get into the surface water. Meaning that the lake underneath may become quite anoxic.

Similarly, the balancing pond may require regular desilting as silt and other materials settle out - they would have to ensure access was maintained to do this. As otherwise it could increase flood risk and there may be a build-up of pollutants and silt reducing the capacity of the balancing pond over time.

As Southern Water surface water drains go into this lake- it would be worth seeing if they have any objection to this proposal.

There is another discharge permit active that goes into this lake - P07863 for surface water discharge. The proposal should ensure that the construction would not impede the ability for this permit holder to discharge as per their permit.

The ecology surveys also did not carry out any fish surveys to determine whether fish are present in the lake.

Overcoming our objection

Please provide evidence that the construction will still enable access for maintenance of the balancing pond (e.g. de-silting) and provide evidence that covering the lake will not significantly affect flood risk or pollution to groundwater.

Please do not hesitate to contact me should you require any further information.

Yours faithfully

Ms Laura Edwards

Planning Advisor

Direct dial 02084749079

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Our ref: KT/2019/126001/02-L01
Your ref: 19/00979/FL
Date: 30 September 2019

Dear Sir/Madam

Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

South Aylesford Retail Park, Quarry Wood Industrial Estate, Aylesford Kent

Thank you for consulting us on the above. We withdraw our previous objection subject to the following conditions being applied to any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Groundwater and Contaminated Land

The Clarkebond Technical Note (dated 07/08/19) states that there is information available on site contamination risk assessment in the form of a preliminary risk assessment. We are pleased to see that this assessment, the Phase 1 Preliminary Risk Assessment (Desk Study) [WB04199/GR1/1, Clarkebond Ltd, December 2017], was uploaded to the Tonbridge and Malling Borough Council planning application website on 18/09/19 so that it could be reviewed.

Having now reviewed this document, we conclude that it has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the local planning authority before any site clean-up works are commenced.

The relevant planning conditions should not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the local planning authority. Any construction on site should not commence until this approval has been granted.

Condition

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in

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EXTENSION TO PEOPLE

writing, by the local planning authority:

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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition

No occupation shall take place until a verification report demonstrating 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. 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, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To ensure risks to groundwater within the underlying principal aquifer, from any historic contamination, are appropriately investigated, and if necessary, remediated, in line with the requirements of the National Planning Policy Framework.

Condition

Piling or any other foundation 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 that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

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Drainage

Condition

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 prevent any discharges to ground that could cause pollution of groundwater, contrary to the requirements of the National Planning Policy Framework.

Land and Water

Issues from the previous proposal have been addressed in the 'Environment Agency Technical Note' document and Phase 1 Desk study report. Including that maintenance access to balancing pond will be maintained and Southern Water and other private discharge permits will not be affected by the development.

Please do not hesitate to contact us should you require any further information.

Yours faithfully

Ms Laura Edwards

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