

creating a better place



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

**Our ref:** KT/2019/126054/01-L01  
**Your ref:** 19/01814/OA  
**Date:** 05 September 2019

Dear Sir/Madam

**OUTLINE APPLICATION: ERECTION OF UP TO 250 NEW HOMES (40% AFFORDABLE), NEW COMMUNITY BUILDING, PROVISION OF A NEW COUNTRY PARK AND OTHER AREAS OF PUBLIC OPEN SPACES, AREAS OF PLAY, UPGRADE OF EXISTING FOOTPATHS, TOGETHER WITH NEW VEHICULAR ACCESSSES ONTO LONDON ROAD AND WINTERFIELD LANE CREATING A NEW LINK ROAD AND ASSOCIATED PARKING AND LANDSCAPING**

**DEVELOPMENT SITE LAND WEST OF WINTERFIELD LANE, EAST MALLING, WEST MALLING, KENT**

Thank you for consulting the Environment Agency on the above. Due to the previous use of land, the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

#### **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 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.

#### **Reasons**

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 from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

NOTE: any hotspots of identified contamination, (tipped materials) surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

#### **Condition**

No infiltration of surface water drainage into the ground is permitted other than with

Environment Agency  
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH  
Customer services line: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



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the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### **Reasons**

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 in line with paragraph 170 of the National Planning Policy Framework.

We understand foul drainage will connect to the local foul drainage network. No other foul option is likely to be acceptable at this location.

Any planning permission must ensure that adequate provision in existing sewer capacity or any required upgrades are tied in to development timetables.

### **Condition:**

Development here by approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any phase of development can take place until the installed scheme is confirmed as meeting the agreed specifications and connections are made to the SW network.

### **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 in line with paragraph 170 of the National Planning Policy Framework.

### **Informative**

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and

the Environmental regulations page on GOV.UK.

**Decision notice**

We require decision notice details for this application, in order to report on our effectiveness in influencing the planning process. Please email decision notice details to [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

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

Yours faithfully

**Ms Laura Edwards**

**Planning Advisor**

Direct dial 02084749079

Direct e-mail [KSLPLANNING@environment-agency.gov.uk](mailto:KSLPLANNING@environment-agency.gov.uk)