

To:- Development Control
Mark Patterson

From:- Environmental Team
Mr Gareth Rees
Contaminated Land and Air
Quality Officer

Proposal:- Proposal: Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works, Land Adj HM Prison, Welland Avenue, Gartree
Reference: 21/01600/OUT Applicant: Ministry Of Justice
Land Adj HM Prison
Welland Avenue
Gartree

Location:- Lubenham
Leicestershire

Reference: 21/01481/CONDC

Date of Reply: 11th February 2022

the addition information has addressed my concerns and my comments should be updated as follows

For the following reasons

The findings of the Dunelm geo-environmental report

The permission should be conditioned as outlined below. If the applicant refuses the placement of a pre-commencement condition on the permission either the information outlined in the conditions below should be submitted prior to the decision being made or the permission should be refused on the grounds that the applicant has fails to show that

(a) the development prevents new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution (para 170(e) NPPF 2018) or

(b) that the site is suitable for its proposed use taking account of ground

conditions and any risks arising from contamination (para 178 NPPF 2018)

Suggested pre-commencement conditions

1 Risk Based Land Contamination Assessment

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Or any documents which supersede these.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, “Good practice on the testing and verification of protection systems for buildings against hazardous ground gases” CIRIA, 2014
- Or any documents which supersede these.

If, during the course of development, previously unidentified contamination

is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

{\ul Reason:-} *To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF*

2 Completion/Verification Investigation Report

Prior to occupation of the completed development, or part thereof, A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

{\ul Reason:-} To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

INF33 It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

Other Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays.

{\ul Reason:-} To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough Local Plan.

Yours sincerely

Mr Gareth Rees

Contaminated Land and Air Quality Officer