

**From:** James, Nick <[Nick.James@herefordshire.gov.uk](mailto:Nick.James@herefordshire.gov.uk)>  
**Sent:** 15 April 2020 10:22  
**To:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>  
**Subject:** RE: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Here you go Carl,

Take a look and let me know what you think (I'm not precious about it so if it doesn't work for you please let me know. I'm happy to give it another try).

To my mind these will effectively trump those which haven't been discharged as they've become a bit nonsensical given they're meant to be prior to development and occupation..

Cheers

Nick

**From:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>  
**Sent:** 15 April 2020 10:00  
**To:** James, Nick <[Nick.James@herefordshire.gov.uk](mailto:Nick.James@herefordshire.gov.uk)>  
**Subject:** RE: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Hi yea that's fine as you might conclude some aspects of original condition are discharged or all of it still applies, so whys needed to resolve will be added

**From:** James, Nick <[Nick.James@herefordshire.gov.uk](mailto:Nick.James@herefordshire.gov.uk)>  
**Sent:** 15 April 2020 09:56  
**To:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>  
**Subject:** RE: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Okay. Thanks Carl.

According to my notes, you said on the phone about preparing a variation of condition or bespoke condition to provide the info within 3 months (or whatever). If I prepare something in my memo to that end would you be happy to amend as you see fit?

Nick

**From:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>  
**Sent:** 15 April 2020 09:44  
**To:** James, Nick <[Nick.James@herefordshire.gov.uk](mailto:Nick.James@herefordshire.gov.uk)>  
**Subject:** RE: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Hi we had this from EA

**From:** James, Nick <[Nick.James@herefordshire.gov.uk](mailto:Nick.James@herefordshire.gov.uk)>  
**Sent:** 15 April 2020 08:31

**To:** Brace, Carl <[Carl.Brace@herefordshire.gov.uk](mailto:Carl.Brace@herefordshire.gov.uk)>

**Subject:** FW: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Hi Carl,

Can you take a look below just to re-affirm that Planning didn't receive any kind of formal reply to the email below?

I'm reasonably confident that nothing reached us but it'd be good to get that from you so I know how to construct our DoC reply.

Thank you

Nick

**From:** James, Nick

**Sent:** 16 September 2014 09:19

**To:** Prior, Andrew <[aprior@herefordshire.gov.uk](mailto:aprior@herefordshire.gov.uk)>

**Subject:** FW: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Good morning Andrew,

Given that one of the reports submitted for DoC identifies a risk to Groundwater. The EA have asked that they be consulted with regard to DoC. Contact at the EA is Graeme Irwin. Let me know if you need more details.

Kind regards

Nick

**From:** James, Nick

**Sent:** 11 September 2014 09:53

**To:** Prior, Andrew

**Cc:** Boreham, Marian

**Subject:** FW: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Good Morning Andrew,

I'm writing in response to the DoC request at this site. As you're probably aware, this has been on-going for a number of years with reports going back to 2007. As such its going to take a while to unpick and see where we're up to. However, in the first instance I can see that Philippa wrote to the Geotechnical Engineering on 27<sup>th</sup> March 2009 who were consultants working on site at the time, with some comments which needed addressing (attached). I cannot find a response to these on file so my current thought process is to work from this stage onwards.

I would mention that a letter report from Geotechnical to the site Engineers (Craddy Pitchers Davidson) has been included in the DoC documentation (Ref:22802/TAG01 22<sup>nd</sup>

March 2010) and although this post-dates Philippos letter and may address most of the points raised within it, I would think it worthwhile to receive confirmation that the letter was responded to directly (it is possible that a response sits on file with the site Engineers or Geotechnical Engineering).

In addition to these older reports, I am aware that a report was forwarded to me from Brownfield Solutions (consultants who have worked on the site in more recent years) in February this year in response to which I asked a couple of questions (copied below for ease of reference). I cannot find a reply to these.

I believe the majority of information required for DoC is contained within these reports but it may take a little time to make sure this is the case and to identify what specific remedial measures are proposed. In the interim I would ask that the attached letter is forwarded to the applicant for comment.

Kind regards

Nick

---

Email thread to/from Brownfield solutions. Last correspondence from me was 5/02/2014 to which I can find no response on file.

*Okay, Thanks Richard,*

*Before I comment more formally on the report, can I ask whether previous SI reports been reviewed as part of this investigation or were used to inform it (I think we've got ones for the same site from 2007, 2009 and 2010)? A quick scan through doesn't seem to mention any.*

*Your email indicates this is a supplementary investigation and the report mentions that one of its aims is to investigate areas not previously accessible. Can I ask which report(s) cover the rest of the site and which this is supplementary to?*

*Kind regards*

*Nick*

**From:** Richard Wyatt [<mailto:r.wyatt@brownfieldsolutions.co.uk>]

**Sent:** 04 February 2014 15:51

**To:** James, Nick

**Cc:** 'James Jacob'

**Subject:** RE: Proposed Aldi Store, Brookend Street, Ross-on-Wye

Hi Nick,

The reference is:

LPA Reference: 131380/F (Replacement of permission DMS/102672/F)

Description of Development: Erection of Aldi foodstore with associated parking, access, landscaping.

We have not passed anything on to the EA.

Regards

Richard Wyatt MEng(Hons)  
Project Engineer

[r.wyatt@brownfieldsolutions.co.uk](mailto:r.wyatt@brownfieldsolutions.co.uk)

Mob: 07988 889225

Tel: 01606 334844

Fax: 01606 334843



**Brownfield Solutions Ltd**  
**Wychwood House**  
**1 Queen Street**  
**Northwich**  
**Cheshire**  
**CW9 5JL**

[www.brownfield-solutions.com](http://www.brownfield-solutions.com)

 Please ☐ consider the environment before printing this e-mail.

**From:** James, Nick [<mailto:NJames@herefordshire.gov.uk>]

**Sent:** 04 February 2014 10:10

**To:** 'r.wyatt@brownfieldsolutions.co.uk'

**Subject:** FW: Proposed Aldi Store, Brookend Street, Ross-on-Wye

Good Morning Richard,

Can I ask whether this is in support of a planning application? If so, could you let me know the application number? Has the EA been passed a copy of this for comment?

Apologies for bombarding you with questions, I'm just attempting to understand the context of the report.

Thanks and kind regards

Nick

**From:** Hargraves, Philippa

**Sent:** 30 January 2014 17:22

**To:** James, Nick

**Subject:** FW: Proposed Aldi Store, Brookend Street, Ross-on-Wye

Yes sorry here it is

**From:** Richard Wyatt [<mailto:r.wyatt@brownfieldsolutions.co.uk>]

**Sent:** 29 January 2014 16:15

**To:** Hargraves, Philippa

**Cc:** 'James Jacob'

**Subject:** Proposed Aldi Store, Brookend Street, Ross-on-Wye

Dear Philippa,

We have recently carried out supplementary ground investigation at the proposed development site.

Please can you confirm that you concur with our recommendations in particular the requirement to incorporate a hydrocarbon resistant membrane within the construction of the proposed store?

Kind Regards

Richard Wyatt MEng(Hons)

Project Engineer

[r.wyatt@brownfieldsolutions.co.uk](mailto:r.wyatt@brownfieldsolutions.co.uk)

Mob: 07988 889225

Tel: 01606 334844

Fax: 01606 334843

---

**From:** Hart, Peter

**Sent:** 15 August 2014 09:52

**To:** James, Nick

**Subject:** FW: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

**From:** Buttery, Helen

**Sent:** 14 August 2014 15:03

**To:** \_EHTS Planning Admin,

**Subject:** PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Dear Nick

We have a disc here at BSH if you wish to view it.

Thanks

Helen

## MEMORANDUM – DRAFT-

To : **CARL BRACE– PRINCIPAL PLANNING OFFICER- DEVELOPMENT CONTROL**

From : **NICK JAMES - PRINCIPAL TECHNICAL OFFICER (AIR, LAND & WATER PROTECTION)**

Tel : **01432 260159** My Ref : **NJJC/131380**

Date : **15<sup>th</sup> April 2020** Your Ref : **200620**

---

**131380 – GARDNER BUTCHER GARAGES, BROOKEND STREET, ROSS ON WYE. HR97EG.**

**DISCHARGE OF CONDITIONS 19 AND 20 DATED 3 AND 4 JULY 2014.**

**‘Brookend Street, Ross on Wye. Environmental Assessment Report.’ Prepared by Brownfield Solutions Ltd. Dated January 2014, Ref: RW/C2367/4277**

In consideration of risks to human health from potential contamination, having reviewed the above report, I would make the following observations:

The Brownfield Solutions Report appears to be one of a series of reports at the site which have been submitted over the years. Prior to and during 2014 we forwarded some queries to the technical specialists and via the allocated Planning Officer. Given the passage of time and recognition that the site has been in use for a number of years it is perhaps most necessary to address those matters identified and outstanding from the most recent Brownfield Solutions Report in an appropriate context to ensure they have been satisfied.

To my mind, the most reasonable way to achieve this would be to ask that the applicant commission an appropriate specialist to review all that they have on file, take a look at the measures required by all of the reports (clean cover and vapour membrane is recommended by Brownfield Solutions, others may not have been the same) and ensure any uncertainties identified in the email and memo referred to have been addressed by way of letter report including verification documentation.

With this memorandum I have provided (below) the last email for which I cannot find a reply to both the Planning Officer and the Technical Specialist. I believe you will have a copy of the letter on file (Philippa Day, 2009).

In order to reasonably facilitate the supply of information perhaps the following amendment or variation of condition could be used to ensure what's required is provided.

1. A review of all contaminated land and site investigation technical reports associated with the development should be carried out by a suitably qualified person as described in the NPPF. The information within these should be used to prepare an interpretative report to collate and include all recommendations and conclusions of the reports. A validation and verification plan shall be included which will explain how each conclusion and recommendation has been or will be addressed so as to demonstrate that risk to human health and the wider environment has or will be mitigated. This shall be submitted and approved in writing by the Local Authority to be submitted within 3 months.

Reason – In the interests of Human Health.

2. Pursuant to (1) above, within 3 months of submission of element (1) suitable verification and/or validation to confirm all required works have been carried out in accordance with the agreed details shall be submitted to an approved in writing by the Local Authority.

Reason – In the interests of Human Health.

Depending on whether or not further works are required, elements 1 and 2 may be carried out concurrently. The conditions have been split in such a way so as to address those items for which suitable validation is readily available whilst allowing for unforeseen oversights or uncertainties.

Please note that consultations should be made with the Environment Agency with regard to controlled waters for which we have not provide any comments.

I would be grateful if the contents of this memorandum are passed to the applicant/agent for their attention.

**N James**

Emails of 2014 to Planning Officer and Technical Specialist

---

**From:** James, Nick

**Sent:** 11 September 2014 09:53

**To:** Prior, Andrew <aprior@herefordshire.gov.uk>

**Cc:** Boreham, Marian <mboreham@herefordshire.gov.uk>

**Subject:** FW: PHA - Passed to NJA - SRU 157129 - fao Nick James 131380/F Gardner Butcher Garages, Brookend Street, Ross-On-Wye, Herefordshire, HR9 7EG

Good Morning Andrew,

I'm writing in response to the DoC request at this site. As you're probably aware, this has been on-going for a number of years with reports going back to 2007. As such its going to take a while to unpick and see where we're up to. However, in the first instance I can see that Philippa wrote to the Geotechnical Engineering on 27<sup>th</sup> March 2009 who were consultants working on site at the time, with some comments which needed addressing (attached). I cannot find a response to these on file so my current thought process is to work from this stage onwards.

I would mention that a letter report from Geotechnical to the site Engineers (Craddy Pitchers Davidson) has been included in the DoC documentation (Ref:22802/TAG01 22<sup>nd</sup> March 2010) and although this post-dates Philipppas letter and may address most of the points raised within it, I would think it worthwhile to receive confirmation that the letter was responded to directly (it is possible that a response sits on file with the site Engineers or Geotechnical Engineering).

In addition to these older reports, I am aware that a report was forwarded to me from Brownfield Solutions (consultants who have worked on the site in more recent years)in February this year in response to which I asked a couple of questions (copied below for ease of reference). I cannot find a reply to these.

I believe the majority of information required for DoC is contained within these reports but it may take a little time to make sure this is the case and to identify what specific remedial measures are proposed. In the interim I would ask that the attached letter is forwarded to the applicant for comment.

Kind regards

Nick

---

Email thread to/from Brownfield solutions. Last correspondence from me was 5/02/2014 to which I can find no response on file.

*Okay, Thanks Richard,*

*Before I comment more formally on the report, can I ask whether previous SI reports been reviewed as part of this investigation or were used to inform it (I think we've got ones for the same site from 2007, 2009 and 2010)? A quick scan through doesn't seem to mention any.*

*Your email indicates this is a supplementary investigation and the report mentions that one of its aims is to investigate areas not previously accessible. Can I ask which report(s) cover the rest of the site and which this is supplementary to?*

Kind regards

Nick

**From:** Richard Wyatt [<mailto:r.wyatt@brownfieldsolutions.co.uk>]  
**Sent:** 04 February 2014 15:51  
**To:** James, Nick  
**Cc:** 'James Jacob'  
**Subject:** RE: Proposed Aldi Store, Brookend Street, Ross-on-Wye

Hi Nick,

The reference is:

LPA Reference: 131380/F (Replacement of permission DMS/102672/F)

Description of Development: Erection of Aldi foodstore with associated parking, access, landscaping.

We have not passed anything on to the EA.

Regards

Richard Wyatt MEng(Hons)  
Project Engineer

[r.wyatt@brownfieldsolutions.co.uk](mailto:r.wyatt@brownfieldsolutions.co.uk)  
Mob: 07988 889225  
Tel: 01606 334844  
Fax: 01606 334843