

## MEMORANDUM

To : **EH Commercial**  
Email : **ehsPlanningAdm@herefordshire.gov.uk**

From : **Carl Brace, Planning Services**  
Tel : **01432 261947**

Date : **25 September 2019**

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|---|---|
| <b>APPLICATION NO &amp; SITE ADDRESS:</b> | <b>163755 - Land South of Church Road, Brampton Abbots, Ross-on-Wye,</b>                                      |
| <b>DESCRIPTION:</b>                       | <b>Construction of 10 no. residential dwellings, 10 no. car ports and 2 no. garages and associated works.</b> |
| <b>APPELLANT:</b>                         | <b>Mr Adam West</b>   |
| <b>APPEAL REFERENCE:</b>                  | <b>APP/W1850/W/19/3232124</b>   |
| <b>APPEAL START DATE:</b>                 | <b>19 September 2019</b>  |
| <b>WEBSITE LINK:</b>                      | <a href="https://www.herefordshire.gov.uk">https://www.herefordshire.gov.uk</a>                               |

I refer to the above details. An appeal has been made to the Secretary of State, against Herefordshire Council, for the following reason: Refusal of Planning Permission The appeal will be determined on the basis of a **hearing** and a site visit by an Inspector.

If you have any comments to make please reply to **Carl Brace** **cbrace@herefordshire.gov.uk** within 2 weeks of this e-mail so any comments can be included in the Council's Statement of Case.

Yours sincerely,

**Mrs J Norman**  
**Technical Support Officer**

### COMMENTS:

I've nothing more to add to comments made previously and copied here for ease of reference:

*"I refer to the above application and would make the following comments in relation to contaminated land and human health issues.*

*Having taken a look at our historic records it seems there was a pond on the northern boundary of the site up until the 1980's. It's not recorded on more recent mapping and as such may be considered an area of 'unknown filled ground'. Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation.*

*We're unaware of records to suggest the pond may have been filled with any potentially contaminative material but with the precautionary principle in mind I'd recommend a similarly precautionary condition such as below be appended to any approval to consider the above.*

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Planning Services, PO Box 4, Hereford. HR4 0XH

Herefordshire Council      Main Switchboard (01432) 260000      [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

### Recommended condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

*Reason: In the interests of human health.*

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

*Reason: In the interests of human health.*

3. 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 the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

*Reason: In the interests of human health.*

### Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2018.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Signed: N James  
Date: 7<sup>th</sup> November 2018

N James  
11<sup>th</sup> October 2019