

CIRCULATED PRIOR
TO THE MEETING



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EAST AREA PLANNING COMMITTEE
19 MAY 2022**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	22/00071/FUL
Location	Sunnyside, Stoney Hills, Essex, CM0 8QA
Proposal	Demolition of existing house and ancillary structures and the erection two new dwellings
Applicant	Mr and Mrs Kevin Levins
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	18.03.2022
Case Officer	Nicola Ward
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

This member's update relates to the imposing of a pre-commencement condition regarding land contamination. Additional information has been received from the Council's Environmental Health department stating the following:

'Whilst the site has been in residential use since the 1970's I think it's safe to say that the controls on land contamination in respect of planning and more generally were not what they are now. When we consider land contamination risk you not only look at the development site itself but at the risk of contamination from off-site sources. The uncertainty of the extent and nature of the historic landfill at Stoney Hills leads me to think that a precautionary approach would be best.

You could impose the condition you've suggested, but a great number of contaminants that pose a risk to health would not be apparent during construction, which is why I'd suggest sampling.'

The extent and nature of the investigations of the historic landfill at Stoney Hills would not necessarily have been as thorough in the 1970s as the modern day investigations. There are a great number of contaminants that pose a risk to health would not be apparent during construction therefore, it is considered that an investigation and risk assessment should be submitted and approved in writing by the Local Planning Authority prior to commencement.

9. PROPOSED CONDITIONS

CONDITION 13

No development shall take place, other than that required to carry out necessary investigation, which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the local planning authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'

REASON:

To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.