

To: Ian Ansell
From: Jack Dearman
Date: 26th February 2020

Your ref: EPF/2131/19

My ref:



Epping Forest District Council

Address: Land to the South of Chigwell Rise, IG7 6BN

Proposal: Permission for use of site as a burial ground with associated landscaping, access improvements and ancillary storage and reception buildings.

Updated memo

The phase I desk study report has now been thoroughly reviewed by the council's external consultant. The phase I has been found to meet the requirements of a desktop study & preliminary risk assessment. It is noted that controlled waters are to be addressed through a separate groundwater report. The feedback in full and what is required for submission to the council is provided below:

When originally submitted to EFDC, the GeoSmart report was initially confused as representing just an environmental information search, rather than a fully interpretative Phase 1 preliminary risk assessment. This confusion may be attributable to the report title (EnviroSmart) and the report style, which at first appearance is similar to commercially available environmental information search products.

I have reviewed the GeoSmart report and can confirm that it constitutes a preliminary risk assessment report and that it is mostly compliant with the requirements of the Environment Agency Land contamination: risk management (LCRM) guidance. The report includes a review of available records pertaining to the land use history of the site; it identifies nearby sensitive environmental receptors and includes a site reconnaissance. The report is interpretive and includes a preliminary conceptual model, listing the possible pollutant linkages identified and a qualitative assessment of the risks posed by each linkage using the CIRIA C552 report risk screening matrix.

It is considered that the submitted report has satisfactorily identified and assessed the risks posed by land contamination with respect to human health, ecological systems and property receptors.

The recommendations of the report are agreed with and if a limited intrusive site investigation is not undertaken, a watching brief should be maintained during all proposed redevelopment activities and associated ground works (which would include a thorough inspection of any exposed sub surface soils/Made Ground).

Land contamination conditions SCN57 & SCN58 are recommended for discharge. SCN59 should remain attached to the application for the possible instance that previously unidentified contamination is discovered.

The applicant is required to submit suitable information requested by the Environment Agency as it is currently unclear whether the risks to controlled waters from the cemetery development

m e m o

can be adequately managed to the satisfaction of the Environment Agency. This point is expanded upon below.

Informative – Controlled Waters

In terms of the risks posed to controlled waters, it is noted that the Environment Agency has lodged an objection.

The Environment Agency in their letter (reference NE/2019/131172/01-L01) dated 20th December 2019, has objected to the proposed application on the grounds that the applicant has not provided sufficient information to demonstrate that the level of risk posed to controlled waters receptors from the proposed cemetery development is acceptable. The Environment Agency state: *“....while the results of an environmental search have been supplied in support of the development, these documents are not considered sufficient to address the requirement for a Phase 1 contaminated land report.”*

This statement suggests that the Environment Agency may also have confused the GeoSmart report for an environmental information search product, rather than a LCRM compliant Phase 1 preliminary risk assessment report.

The Environment Agency has specific guidance relating to cemetery developments, which set out the minimum requirements to ensure that controlled waters (including groundwater) are not put at risk of pollution. The Environment Agency requires that all applications for cemeteries are supported by a Tier 1 risk assessment (as a minimum) and details of the information they require to be provided with are included in their letter. The Environment Agency has indicated that if the required information is forthcoming and providing that it demonstrates that the risks to controlled waters can be satisfactorily managed, they will be able to withdraw their objection.

Memo – 23rd January 2020

Contaminated Land have been consulted on this application due to the revised layout and submitted supporting information.

As no acknowledged additional information pertaining to the contaminated land investigation has been submitted, our comments remain unchanged from those made on 23rd October 2019 below.

Original memo – 23rd October 2019

I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. These indicate the entirety of the site has no acknowledged potentially contaminated land. There are nearby acknowledged uses of land that are deemed to be potentially contaminative including landfill, a farm and a gas transfer station.

I have noted the documents listed on the council's online planning system. Within the planning statement, it is noted that the applicant was advised via pre-application advice to submit a Phase 1 desk study report in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance.

m e m o

Regrettably, it is apparent that the document in question does not constitute a phase 1 report. The document consists of an environmental search and as such it does not include a site walkover, undertaken by a 'competent person', i.e. Environmental Consultant. Such a professional must undertake a site reconnaissance and report back their findings in the form of a written report. In accordance with best practice the report should further include a preliminary conceptual model and risk assessment, conclusion and any recommendations for further site investigation work. Information from the environmental search document can be used to supply the report with the necessary background on environmental issues and historic contaminated land.

The requirements for a phase 1 investigation are stated in section 2.4, 2.6 to 2.11 of the Council's guidance document for applicants and developers entitled "Land Affected by Contamination: Technical Guidance for Applicants & Developers", available as a download online.

With reference to the above it is therefore recommended that the following standard contaminated land conditions are attached to this application: -

SCN57 - Contaminated Land (PC)

SCN58 - Contaminated Land - Approval of Verification Report

SCN59 - Contaminated Land - Not Previously Identified

Reason

To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

m e m o