Mr Philip Metcalfe
Hinckley & Bosworth Borough Council
Development Control
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Our ref: LT/2008/106910/01-L01
Your ref: 08/01022/FUL

Date: 03 December 2008

Dear Mr Metcalfe

DEMOLITION OF EXISTING DWELLING, GARAGE AND WORKSHOP AND ERECTION OF A1 USE RETAIL STORE AND TEN APARTMENTS WITH ASSOCIATED CAR PARKIN, LANDSCAPING AND ACCESS
59 HIGH STREET BARWELL LEICESTER.

Thank you for referring the above application which was received on 17 November 2008.

We **OBJECT** to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable.
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. PPS 23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.
- Under PPS 23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

REASON
Former activities on the site will have had the potential to contaminate the site. The site is located on aquifer and development of the site may have the potential to re-mobilise contaminants.

For the avoidance of any doubt, and to assist you in considering other issues at this stage, I can advise you that should the objection set out above be resolved to the satisfaction of the Environment Agency the Agency will also be recommending the imposition of the following conditions and informatives.

The proposed development will only be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

CONDITION
The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON
To prevent pollution of the water environment.

Severn Trent Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in paragraph F7 of Annex F of PPS25 Development and Flood risk and in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than

an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

According to Environment Agency records there is a historic landfill site within 250 metres of the proposed development.

As of 22 June 2007, the Environment Agency will not make comment with reference to landfill sites. Please refer to the National Historic Landfill Data Layer CD which your Authority has received.

I have sent a copy of this letter to the agent.

Yours sincerely

Mr Nick Wakefield
Planning Liaison Officer

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cc Andrew Martin Associates

End