

Mr Sullivan Archer
Hinckley & Bosworth Borough Council
Development Services
Hinckley Hub Rugby Road
HINCKLEY
Leicestershire
LE10 0FR

Our ref: LT/2024/128709/02-L01
Your ref: 24/00610/OUT
Date: 24 February 2025

Dear Mr Archer

**THE ERECTION OF UP TO 195 DWELLINGS (INCLUDING AFFORDABLE HOUSING). ALL MATTERS ARE RESERVED EXCEPT ACCESS TOGETHER WITH LANDSCAPING AND OTHER INFRASTRUCTURE.
CADENT BRICK KILN STREET HINCKLEY LEICESTERSHIRE LE10 0NA**

Thank you for consulting the Environment Agency on the following application.

Environment Agency Position:

We have the following comment to make on this application, which relate solely to the protection of controlled waters. Matters relating to human health should be directed to the relevant department of the Local Authority.

Reference to the 1:50,000 scale geological map indicates that the site is located on the bedrock of the Mercia Mudstone formation, designated as a Secondary B Aquifer by the Environment Agency. Superficial deposits in the form of Wolston Sands and Gravels, designated as a Secondary A aquifer, and Wolston Clay (unproductive aquifer) are also indicated to be present. The Battling Brook is located within 100m of the site.

We have reviewed the following document submitted in support of this application: 'Phase I Desk Study – Brick Kiln Street, Hinckley' *Worley Consulting* (December 2024). The site was formerly occupied as a gasworks, with some remediation known to have previously been undertaken at the site. This included the known removal of tar wells and tar-impacted soils and materials in 1993. A hydraulic containment unit was subsequently constructed by Celtic in 2009 to treat dissolved and free-phase contamination in groundwater at the southern boundary and to mitigate off-site migration.

Following a review of previous investigation onsite, various data gaps were identified as part of the current Phase 1 assessment. Potentially unacceptable risks to controlled water receptors have been identified. We would agree with the conclusions that further site investigation is recommended with follow-on quantitative risk assessment to assess the risk to controlled waters receptors from the proposed re-development. We would therefore recommend that the following condition be attached to any planning permission granted for this development.

Condition (1)

The previous use of the proposed development site as a gasworks presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on a secondary aquifer A with potential linked surface water receptors.

The application's Phase I Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will be required, however, before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition (2)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the Phase I Desk Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.

Condition (3)

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate

that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Yours sincerely

Ms Huda Al Tahhan

Planning Advisor

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