

David Pedlow
Redcar & Cleveland Borough Council
Development Management
Redcar & Cleveland House
Kirkleatham Street
Redcar
Redcar and Cleveland
TS10 1RT

Our ref: NA/2021/115392/01-L01
Your ref: R/2020/0166/FFM
Date: 13 April 2021

Dear David,

ENGINEERING OPERATIONS ASSOCIATED WITH GROUND REMEDIATION AND PREPARATION OF THE SITE PHASE 4 GRANGETOWN PRAIRIE SITE

Thank you for consulting us on the above planning application which we received 24 March 2021.

Environment Agency position

We have reviewed the proposals and have **NO OBJECTION**.

Please note our additional informative comments to consider in your decision making:

Ground contamination and protection of controlled waters – Advice to LPA/Applicant

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

Please be aware that whilst we consider the site to be located within a lower environmental sensitive area, **we are not stating in any way that the pollution risk to controlled waters underlying the site is acceptable, should not be considered further by appropriate investigation and assessment.**

We would kindly remind the LPA that they are responsible for ensuring that the applicant appropriately investigate and address the risk to controlled waters, both surface waters and groundwaters. In doing so, this would promote remediation where required and an enhancement of the water environment through the planning regime. We would kindly

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ask the LPA to take into consideration our comments above with respect to controlled waters risk assessment.

We would highlight that the applicant be reminded of our current guidance which can be found on gov.uk and include Groundwater Protection, EA Approach to Groundwater Protection, Land Contamination Risk Management and the Guiding Principles of Land Contamination.

Model procedures and good practice – Advice to LPA/applicant

We recommend that developers should:

- Follow the risk management framework provided in [CLR11, Model Procedures for the Management of Land Contamination](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Waste on-site – Advice to applicant

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:

- The [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site – Advice to applicant

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:



- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Should you require any additional information or clarity please don't hesitate to contact me.

Yours sincerely,

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Planning Adviser

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