



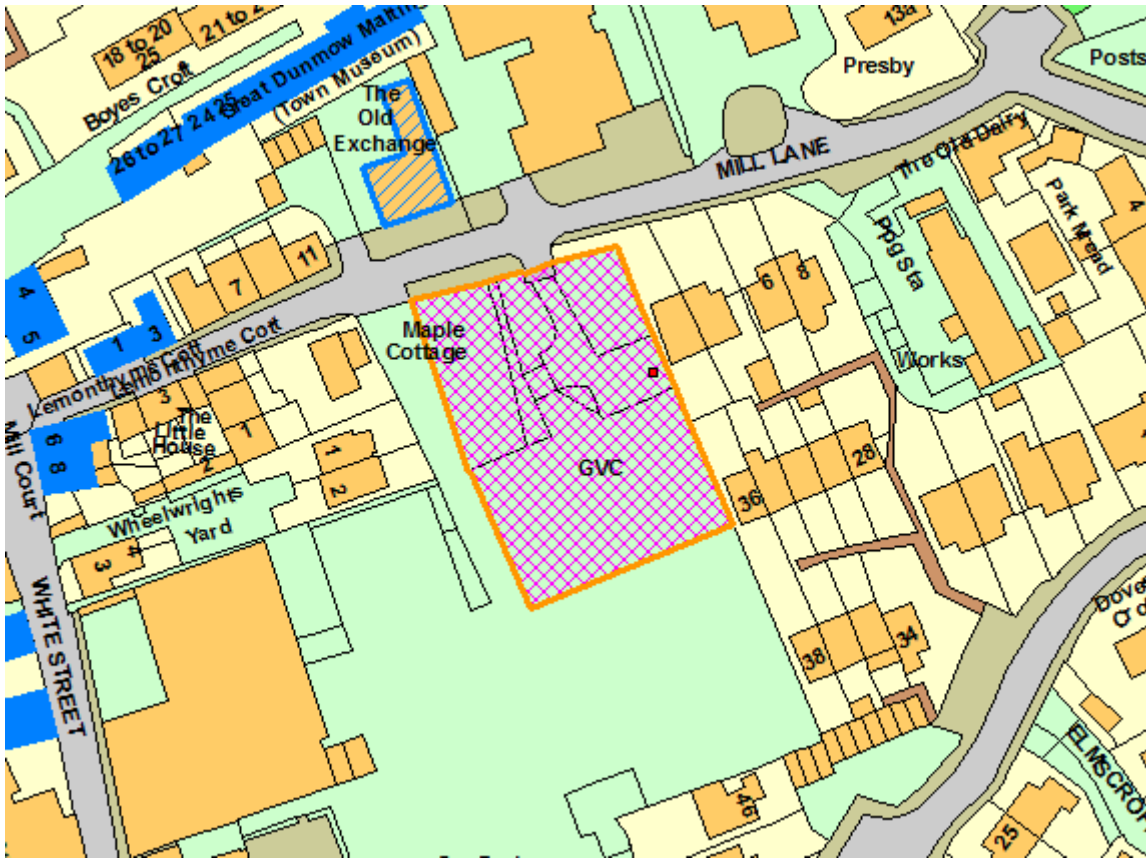
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 14 December 2022

REFERENCE NUMBER: UTT/22/0579/FUL

LOCATION: Former Gas Works, Mill Lane, Great Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: December 2022

PROPOSAL: Proposed engineering works to enable site remediation and associated restoration of land.

APPLICANT: Mr Gareth Taylor

AGENT: Mr Tim Waters

EXPIRY DATE: 27 April 2022

EOT Expiry Date 29 November 2022

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Within Development Limits. Groundwater Protection Zone. Contaminated Land. Conservation Area. Adjacent to Listed Building.

REASON THIS APPLICATION IS ON THE AGENDA: UDC Part landowners

1. EXECUTIVE SUMMARY

1.1 The application seeks planning permission to undertake the necessary initial engineering works, aimed at removing the contamination legacy arising from the historic use of the site as a gasworks. The proposals that are the subject of this application have been put forward voluntarily by the applicant in an effort to return the site into a viable and beneficial commercial use in the future.

1.2 There are no objections from the Environment Agency or Environmental Health Officers to the proposed remediation works.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The site, 0.19 hectares in area, is located adjacent to White Street carpark, in the centre of Great Dunmow. It consists of vacant land previously used a gasworks site and part of White Street car park (which historically formed part of the wider gasworks). The car park land is owned by Uttlesford District Council. The remainder of the site comprises of parcels of land owned by National Grid and Cadent Gas Ltd.
- 3.2** There are residential properties to the east, commercial properties to the north and a Council owned car park to the west and south with housing beyond.
- 3.3** The gasworks land is contained within a metal palisade fence. The land is predominantly concrete hardstanding, scrub vegetation and grass.
- 3.4** The Cadent Gas Land comprises a live gas pressure reduction station with its associated pipework and plant. This part of the site is primarily finished in gravel with a concrete access road.
- 3.5** The adjoining car park land comprises hardstanding and is currently separated from the wider former gasworks site by a combination of palisade and chain link fencing aligned over a retaining wall.

4. PROPOSAL

- 4.1** The application seeks to undertake the necessary initial engineering works, aimed at removing the contamination legacy arising from the historic use of the site as a gasworks and returning the site into a viable and beneficial commercial use.
- 4.2** The application is supported by the following documents:
- Planning Statement
 - Ecological Risks Assessment
 - Completed Biodiversity Checklist
 - Remediation Strategy
 - Preliminary Ecological Appraisal Report
 - Remediation Implementation and Verification Plan

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	UTT/16/1701/DEM	Prior notification of proposed demolition of former gas works building (office/store)	Granted

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 Further to the submission of the 'SAR – Traffic Management Plan' (Doc ref - C1817-TMP-01), from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

8.2 Environment Agency

- 8.2.1 We are satisfied the remediation proposals set out in the Englobe Remediation Implementation and Verification report should result in an overall betterment in the condition of the site where significant contamination has been found in both soils and shallow groundwater.
- 8.2.2 We consider that planning permission could be granted to the proposed development as submitted subject to planning conditions.

9. TOWN COUNCIL COMMENTS

- 9.1 No response received

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

- 10.1.1 The remediation of the site should be completed in accordance with the agreed methodology and a validation report submitted to demonstrate that this has been carried out.

10.1.2 Clarification has been received that Remediation work shall be carried out on, including deliveries and vehicles leaving the site between the following times Monday - Friday: 7.30am - 6pm Saturday: 8.30am - 1pm No working on Sunday and Public holidays:

10.1.4 The application proposal involves undertaking engineering works in the form of land remediation to address the historical below-ground legacies of the former gasworks use. I have no objection to this proposal in principle, and this service welcomes this voluntary measure to bring contaminated land back into use.

The application is supported by a remediation strategy.

In making this response I have reviewed the remediation and implementation plan ref. R1817/22/5126 dated February 2022 prepared by Englobe and submitted in support of the application. This builds on previous site investigations which have identified the areas and types of significant land contamination to provide a methodology of remediation and reducing the environmental impacts during the implementation phase.

10.2 ECC Place Services (Conservation and Heritage)

10.2.1 The site is a vacant area of hardstanding and gravel which was used as a gasworks. It lies just outside the boundary of the Great Dunmow Conservation Area. On the northern side of Mill Lane is a Grade II* listed building, the Maltings, now in museum use.

The proposals are for site remediation works to enable the future development of the site for a beneficial use. They would involve excavation, material sorting and processing, with the excavations backfilled to existing site levels.

The works are not considered to have a harmful impact on the setting of the Great Dunmow Conservation Area or the Maltings.

10.3 ECC Place Services (Ecology)

10.3.1 No objection subject to securing biodiversity mitigation and enhancement measures.

11. REPRESENTATIONS

11.1 No representations have been received. Expiry date 7th April 2022

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The

determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - b) any local finance considerations, so far as material to the application, and
 - c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan (ULP) 2005

- S1 – Settlement boundaries- Urban Areas
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy

GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV1 - Design of Development within Conservation Areas Policy
ENV2 - Development affecting Listed Buildings Policy
ENV14 - Contaminated Land
ENV12 –Groundwater Protection
ENV11 – Noise Generators

13.3 Great Dunmow Neighbourhood Plan

LSC1 –Landscape, Setting and Character
NE4 – Screening
DST1:TDA – TOWN Development Area

13.4 Supplementary Planning Document or Guidance

Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of development of this site for new use**
 - B) Access, parking and highway safety**
 - C) Impact on neighbour’s amenity, including noise**
 - D) Biodiversity**
 - E) Climate Change**
 - F) Flood Risk**

14.3 A) Principle of development of this site for new use

14.3.1 The site is located centrally in Great Dunmow, within development limits for which policy S1 of the Uttlesford Local Plan applies.

14.3.2 Policy S1 states that development within the existing built-up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built-up area, its countryside setting will be permitted. The National Planning Policy Framework section 11 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensure safe and healthy living conditions.

14.3.3 Paragraph 120 criteria c states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land

14.3.4 The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses.

- 14.3.5** Any proposal on contaminated land needs to take proper account of the contamination.
- 14.3.6** The site is located on previously contaminated land, where policy ENV14 applies. This states that before development, where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.
- 14.3.7** The application seeks to undertake the necessary initial engineering works, aimed at removing the contamination legacy arising from the historic use of the site as a gasworks. These works are proposed so that the site can, at a future date, be returned a viable and beneficial commercial use.
- 14.3.8** The site comprises a former gasworks, with a below – ground tar tank crossing between the national grid land and the adjoining car park boundary.
- 14.3.9** The site is also located in a Ground Water Protection Zone where policy ENV12 applies.
- 14.3.10** This policy outlines that development that would be liable to cause contamination of groundwater particularly in the protection zones, or contamination of surface water, will not be permitted unless effective safeguards are provided.
- 14.3.11** The site area to the south and southwest is contaminated by shallow asbestos.
- 14.3.12** The proposed works would involve excavation, material sorting and processing, sentencing materials for re-use, treatment (stabilisation/solidification) stockpiling/sampling and reuse or disposal off-site.
- 14.3.13** The segregation, processing, sampling and testing of materials would then follow with a materials management and tracking system put in place to record and verify any materials proposed to be reused. Any materials deemed unsuitable for reuse would be appropriately segregated, stockpiled and subjected to waste classification prior to safe off-site disposal.
- 14.3.14** The excavations would be backfilled to existing site levels with suitable materials and capped using site won granular stone and imported stone.
- 14.3.15** Groundwater, including perched waters and NAPL (non- aqueous phase liquid) within the ground and tar tank, would be removed prior to the commencement of any back fill works.

- 14.3.16** A water treatment system of sufficient capacity to separate NAPL, reduce suspended solids and treat water to agreed discharge criteria, will be required to facilitate the ground remediation works.
- 14.3.17** The NPPF paragraph 183, advises that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 14.3.18** In view of the above, Environmental Health officers and the Environment Agency have been consulted on the proposed remediation works.
- 14.3.19** The Environment Agency advise that based on the information provided, that they are satisfied the remediation proposals set out in the Englobe Remediation Implementation and Verification report should result in an overall betterment in the condition of the site where significant contamination has been found in both soils and shallow groundwater. Accordingly, neither the Environmental Health Service nor the Environment Agency raise objections to the proposed works, subject to conditions.
- 14.3.20** Environmental Health officers also have no objections subject to the implementation of the proposed remediation strategy and mitigation methods.
- 14.3.21** The site is located within Great Dunmow Conservation Area where policy ENV1 applies. Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a conservation Area. The proposed remediation works are not considered to have a harmful impact on the setting, character or appearance of the Great Dunmow Conservation Area or the Maltings a Grade II * Listed building.
- 14.3.22** The proposal is acceptable in principle.

14.4 B) Access, parking and highway safety

- 14.4.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.
- 14.4.2** The proposal part relates to car park land (historically formed part of Gasworks site). The below ground tar tank is situated between the National Grid site and the adjoining council car park. The existing site access off Mill Lane will be used during the enabling works. Part of the car park area will also be used as part of the operational site during the temporary period of the planned works.

14.4.3 A standard Traffic Management Plan will be deployed throughout the duration of the proposed works

14.4.4 Highway officers have no objections to this proposal.

The proposal would comply with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

14.4.5 The loss of the parking places during the works will only be temporary. The delivery of welfare cabins will be via Hiab lorries, and it is proposed to arrange for their delivery during quiet time and via the car park. The cabins can be lifted from the car park over the southern site boundary and directly into position. It is envisaged that some car park bays will be temporarily put out of use for this purpose.

14.4.6 The proposal will comply with Policies GEN1 and GEN8 of the Local Plan.

14.5 C) Impact on neighbour's amenity, including noise

14.5.1 Policies GEN2 and GEN4 require proposals to minimise the environmental impact on neighbouring properties by appropriate mitigating measures and development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:

- a) Noise or vibrations generated or
- b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants.

Would cause material disturbance or nuisance to occupiers of surrounding properties.

14.5.2 Given the nature of the proposed works and the proximity to existing residential dwellings consideration needs to be given to the minimisation of the effects of dust and odour and noise during the remediation works. Restriction on times of works including deliveries and vehicles leaving and arriving at the site will be required. A suitably worded condition has been proposed to restrict operations to between 7.30am and 6pm on Mondays to Fridays and between the hours of 8.30 am. to 1pm on Saturdays only; with no operations on Sunday, Public or Bank Holidays.

14.5.3 Dust control and suppression measures including the use of netting on boundary fences (where necessary and appropriate) would be utilised. Dust monitoring techniques will also be adopted with the aim of mitigating any impacts to below the identified threshold levels (and to prevent any harmful air quality impacts arising). The site excavations, stockpiles and vehicle routes will be damped down where necessary and, if required, asbestos fibre generation monitoring will be initiated to ensure that stockpiled and excavated material are controlled and handled correctly. The site contractor will also be responsible for ensuring adequate measures are in place for controlling odours, vapours and gases and a method statement will be prepared to this effect.

14.5.4 Outline measures for mitigation have been given in section 7 of the remediation and implementation plan ref. R1817/22/5126 and a Construction Management Plan and Traffic Management and Plan will be deployed for the duration of the planned works. These can be secured by an appropriately worded condition.

14.5.5 Local Plan Policy ENV11 also stipulates that noise generating equipment will not be permitted if it would be liable to affect the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.

14.5.6 The Environment Agency and Environmental Health officers have been consulted and consider that, subject to conditions the proposal would comply with Uttlesford Local Plan policies ENV11, GEN2 and GEN4.

14.6 D) Biodiversity

14.6.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. An Ecological Risk assessment has also been submitted in support of the application.

14.6.2 The application site comprises areas of hardstanding interspersed with gravel cover, tall ruderals, unmanaged grass land and scattered trees and bramble.

14.6.3 The trees on site have negligible potential to support roosting bats. The four silver birch trees would be retained.

14.6.4 The mitigation measures identified in the Ecological Risks Assessment (CSM Ecology, March 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly common reptile species and nesting birds.

14.6.5 Specialist ecology advice recommends that reasonable biodiversity enhancement measures such as the provision of bird boxes will need to be provided. They have no objections subject to conditions.

14.6.6 The councils landscape officer has raised no objections to the felling of silver birch trees growing just outside the current palisade fence on the boundary car park land.

14.6.7 As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

14.7 E) Climate Change

14.7.1 The proposal would need to comply with the adopted Interim Climate Change Policy when an application is submitted for the viable and beneficial commercial use of the site once the necessary initial engineering works, and the removal of the contamination legacy arising from the historic use of the site as a gasworks have been carried out if this application is approved.

14.8 F) Flood Risk

14.8.1 Policy GEN3 requires development outside risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within flood zone 1, therefore it is a site with the lowest risk of flooding (more than 1 in 1000 years).

14.8.2 The proposal would restore the land to the existing levels and finished in permeable gravel cover on completion of the remedial works. The site is at low risk of flooding and the proposed works are unlikely to increase the risk of flooding either on this site or any adjacent site. In this regard the proposed works are acceptable and would comply with Uttlesford Local Plan policy GEN3.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The proposal is considered to be acceptable and complies with relevant planning policies.

17. CONDITIONS

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be carried out in accordance with the approved plans and documents listed on this decision notice.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. With the exception of the works hereby consented and the uses already operating at this site, hereby consented, the site shall not be further used or occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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. It shall

also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON : To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 174 and 183), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018). National Planning Policy Framework (NPPF) paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution in accordance with the NPPF and policies ENV12 and ENV14 of the Uttlesford Local Plan 2005.

- 4** No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 174 and 183), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018). National Planning Policy Framework (NPPF) paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability in accordance with the NPPF and ENV12 and ENV14 of the Uttlesford Local Plan 2005.

- 5** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 174 and 183), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018). National Planning Policy Framework (NPPF) paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with policies ENV12 and ENV14 of the Uttlesford Local Plan 2005.

- 6** The remediation shall be undertaken in accordance with the remediation and implementation plan ref. R1817/22/5126 dated February 2022 prepared by Englobe. The remediation of contaminated land shall be undertaken in accordance with the details contained in section 5.

The effectiveness of this remediation scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), to be approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works. This shall be done in accordance with section 6 of the report.

REASON: To protect human health and the environment in accordance with policies ENV12 and ENV14 of the Uttlesford Local Plan 2005.

- 7** Mitigation measures for the minimisation of dust shall be done in accordance with section 7.1. Mitigation and assessment methods for Vapour and gases shall be done in accordance with Section 7.2. A method statement shall also be submitted for prior approval before the commencement of any remediation works.

Mitigation measures for the minimisation and assessment of odour shall be done in accordance with the detail in section 7.3.

Mitigation measures to monitor and mitigate the effects of noise should be one in accordance with the detail in section 7.4

The approved Statements shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and the control of environmental Impact, in accordance with Policies GEN4, GEN2, and ENV14 of the Uttlesford Local Plan 2005.

- 8** No remediation works hereby permitted shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 7.30am and 6pm on Mondays to Fridays and between the hours of 8.30 am. to 1pm on Saturdays.

REASON: To safeguard the amenities of the occupiers of neighbouring properties and to accord with Policies GEN2, and GEN4 of the Uttlesford Local Plan 2005.

- 9** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Risks Assessment (CSM Ecology, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority.

This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan 2005.

- 10** No loading, unloading, deliveries or collections shall take place, except between the hours of 7.30am and 6pm on Mondays to Fridays and between the hours of 8.30 am. to 1pm on Saturdays.

REASON: To safeguard the amenities of the occupiers of neighbouring properties to accord with policies GEN2, and GEN4 of the Uttlesford Local Plan 2005.

Appendices

Highways

Further to the submission of the 'SAR – Traffic Management Plan' (Doc ref - C1817-TMP-01), from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

i. Some vehicular access to the site is to be taken via the White Street / Coop car park. It is assumed that appropriate permission is sought from the car park landowner, with traffic management as required.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Environment Agency

Our ref: AE/2022/127174/02-L01

Your ref: UTT/22/0579/FUL

Date: 20 July 2022

Dear Ms. Jones

PROPOSED ENGINEERING WORKS TO ENABLE SITE
REMEDICATION AND ASSOCIATED RESTORATION OF LAND
FORMER GAS WORKS MILL LANE GREAT DUNMOW

Following the submission of our previous response, reference AE/2022/127174/01, dated 1 July 2022, we have received further information from the applicant. We have reviewed the submitted information and are able to remove our previous holding objection, subject to the conditions detailed in our response being appended to any future planning permission.

Contaminated Land

We have been provided with the reports relating to work undertaken on the former Gas works site (planning application UTT/22/0579/FUL). Based on the information provided, we are satisfied the remediation proposals set out in the Englobe Remediation Implementation and

Verification report should result in an overall betterment in the condition of the site where significant contamination has been found in both soils and shallow groundwater.

We are pleased to see a commitment to undertake groundwater monitoring before, during and after remediation. Please can a short summary be provided showing the location of the boreholes to be monitored and the frequency proposed. We recommend groundwater sampling is undertaken before, during and at least 3x post remediation.

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 2

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Conditions 1,2 and 3

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 174 and 183), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018). National Planning Policy Framework (NPPF) paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 183). We trust this information is useful.

Yours Sincerely

Mr. Pat Abbott

Planning Advisor

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We recommend that developers should:

- 1) Refer to our 'Groundwater Protection' website;
- 2) Refer to our CL:AIRE Water and Land Library (WALL) and the CLR11 risk management framework provided in <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks-when-dealing-with-land-affected-by-contamination>, and also includes the 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, for example human health;
- 3) Refer to our Land Contamination Technical Guidance;
- 4) Refer to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
- 5) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites – code of practice
- 6) Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
- 7) Refer to our 'Good Practice for Decommissioning Boreholes and Wells'.
- 8) Refer to our 'Dewatering building sites and other excavations: environmental permits' guidance when temporary dewatering is proposed.