

Simon Graham-Smith
London Borough of Richmond upon
Thames
Planning Department
Civic Centre (44) York Street
Twickenham
Middlesex
TW1 3BZ

Our ref: SL/2022/122163/01-L01
Your ref: 22/2204/FUL
Date: 10 August 2022

Dear Simon,

Demolition of existing buildings and erection of 1no. Mixed use building between three and five storeys plus basement in height, comprising 98 no. residential flats (class C3) and 1,172sq.m of commercial floorspace (class E); 1 no. three storey building comprising 893sq.m of commercial floorspace (class E); 14no. Residential Houses (class C3); and, associated access, external landscaping and car parking.

St Clare Business Park and 7 - 11 Windmill Road, Hampton Hill, TW12 1PZ.

Thank you for consulting us on the above application on 8 August.

As part of this consultation we have reviewed the following documents:

- Geo-environmental Site Appraisal, 29701-R02(00), prepared by RSK Geosciences, dated June 2022.

Environment Agency Position

We have **no objection** to the proposed development, subject to the inclusion of the **following conditions** on any permission granted.

The previous uses of the proposed development site present a medium risk of residual contamination that could be mobilised during construction to pollute Groundwater. Groundwater is sensitive in this location because the development site is located upon Principal aquifer (Taplow Gravels, which may locally feed into ditches/drains in Bushy Park).

Without these conditions we would consider the risk posed to the groundwater environment to be unacceptable and object in line with Paragraph 174 of the National Planning Policy Framework (NPPF) and Policy LP 23 of the Richmond Local Plan (2018).

Condition 1: Remediation strategy

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. The results of the RSK site investigation and the detailed risk assessment should be used to provide an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. 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 (1) 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 and should be in line with recommendations in S101.2 of the RSK report (ref: 29701-R02(00)).

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF and Policy LP 23 of the Richmond Local Plan (2018).

Condition 2: Verification report

Prior to any part of the permitted development being occupied 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.

Reasons

To ensure that the site does not pose any further risk to human health or 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 174 of the NPPF and Policy LP 23 of the Richmond Local Plan (2018).

Condition 3: Previously unidentified contamination

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF and Policy LP 23 of the Richmond Local Plan (2018).

Condition 4: SuDS

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF and Policy LP 23 of the Richmond Local Plan (2018).

Condition 5: Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF and Policy LP 23 of the Richmond Local Plan (2018).

Advice to Applicant

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste off-site

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.

Advice to Local Planning Authority and Applicant

Competent persons

The proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy as suggested in the RSK report, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

"(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

Advice to LPA

Condition Wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

Closing comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated

Should you have any queries regarding this response, please contact me.

Yours sincerely,

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Sustainable Places Planning Advisor

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