

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

7<sup>th</sup> October 2009

**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager – Planning and Sustainable Communities

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### **S/2308/06/O - HAUXTON**

**Redevelopment of 8.7ha of Previously Developed Land for a Mix of Uses Including Up to 380 Dwellings, approximately 4,000 sq meters of Employment Use (Class B1), Retail Floor Space (Class A1), Open Space Provision and Access. At land to the East of the A10 Known as the Former Bayer CropScience Ltd Site**

**Recommendation: Approval**

**Date for Determination: 2<sup>nd</sup> March 2007**

#### **A. Update to the report**

##### **Agenda report paragraph number 36 – Environmental Health Protection Team Leader comments**

Further to the representations made in report paragraphs 41- 43 there appears to remain some confusion and uncertainties relating to the remediation that is to be undertaken before development is allowed to take place. The following points of clarification are therefore offered:

- **Remediation Methodology**

Remediation of the site is not through the use of a cover system. All contaminated soils on site will be subject to the remediation process. The site was determined as contaminated land under Part 2A of the Environmental Protection Act 1990 due to contamination of the groundwater and risk to controlled waters. Therefore, any remedial measure must address risk to controlled waters to satisfy requirements under Part 2A and this could not be achieved by simply capping or covering the site.

- **Remediation through Environment Agency Regulatory Powers**

Following determination as Contaminated Land in 2003, the site was designated a Special Site for regulation by the Environment Agency. This gives the Environment Agency powers to enforce the polluters, Bayer, to remediate the site. If remediation is undertaken through this regulatory route, the Environment Agency can only enforce remediation to a standard that addresses the risk to controlled waters and makes the site suitable for its current use i.e. industrial/commercial. They cannot enforce remediation to a higher standard such as would be required to make the site suitable for residential use.

- **Remediation through Redevelopment**

An alternative is to remediate the site through the redevelopment process. Planning Policy Statement 23: Planning and Pollution Control clearly states that the Developer is responsible for ensuring that the land is suitable for its proposed use. Since Bridgemere UK has bought the land for redevelopment purposes, it is therefore their responsibility to remediate the site to both address the risk to controlled waters and to make the site suitable for its proposed use.

- **Top 1m of Soils**

By applying human health targets to the top 1m, this takes into account that daily human exposure is generally to soils at or near the surface and the fact that the highest density of root depths, such as for home grown produce, occurs in the top 0.8m. Remedial targets for soils across the whole of the site have been derived to be protective of controlled waters to address the Part 2A status of the site, whereas remedial targets for soils in the top 1m have been derived to be protective of both controlled waters and human health to address the proposed end use.

- **Validation of the Site**

Once the remediation has been completed there will then follow a period of at least 6 months validation monitoring. These results will be used to confirm that there is no longer a risk to controlled waters and to ensure that the site is suitable for its proposed use.

The site will not be released from its Part 2A status, and the redevelopment will not commence, until both SCDC and the Environment Agency are entirely satisfied that the remediation has been successful and that the site is suitable for its proposed use.

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