Our Ref: 24/80414/COND
Your Ref: Condition 3 - Discharge

15 January 2025

Mr David Bridgens
White Towers
Wood End
Bluntisham
Cambridgeshire
PE28 3LE

Pathfinder House, St Mary's Street
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Dear Mr Bridgens

HUNTINGDONSHIRE DISTRICT COUNCIL
Application for Discharge of planning condition(s)

Proposal: Discharge of Condition 3A and 3B (Contamination) of 24/00535/PMBPA.

Site address: White Towers Wood End Bluntisham

Please find enclosed our formal decision notice relating to above application for approval of details relating to the above planning condition.

Yours sincerely

Clara Kerr
Chief Planning Officer

Pathfinder House, St Mary's Street
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15th January 2025

Dear Mr Bridgens

Town And Country Planning (Development Management Procedure) (England) Order 2015 (Amended).

Proposal: Discharge of Condition 3A and 3B (Contamination) of 24/00535/PMBPA.

Site address: White Towers Wood End Bluntisham

I refer to your application above received on 22 November 2024 and the plans, drawings and documents which form part of the application as described below.

The following condition is Refused:

Condition 3 - Contamination
Condition wording:

A. Site Investigation Information
No development (except demolition of above ground structures) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person and shall assess any contamination on the site, whether or not it originates from the site. Moreover, it must include;
(i) details of previous land uses;
(ii) a site investigation survey of the extent, scale and nature of contamination;
(iii) an assessment of the potential risks to;
a. human health,
b. property*,
c. adjoining land,
d. groundwaters and surface waters,
e. ecological systems and
f. archaeological sites and ancient monuments.
* Property (existing or proposed) includes buildings, crops, livestock, pets, woodland and service lines and pipes

B. Submission of Remediation Scheme
Where contaminated is found which poses unacceptable risks, as determined by the local planning authority in its response to (A), no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include;
(i) an options appraisal and remediation strategy;
(ii) remediation objectives and remediation criteria;
(iii) remediation works to be undertaken and the order in which the works will be progressed;(iv) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in (iii) have been completed and identifying any requirements for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action.
The scheme should be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

C. Implementation of Approved Remediation Scheme
Where a detailed remediation scheme has been required and approved under (B), no occupation of any part of the permitted development which has been identified in the scheme as being subject to contamination shall take place until the approved scheme has been implemented and the verification report, including the results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met, has been submitted to and approved in writing by the local planning authority. The report shall, if required by the local planning authority, also include a reassessment of the long-term monitoring of contaminant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance proposals shall be implemented as finally approved.

D. Reporting of Unexpected Contamination
If, during development, contamination not previously identified is found to be present at the site;
(i) it shall be reported in writing to the local planning authority within 1 working day;
(ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been undertaken and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;
(iii) the remediation strategy shall be implemented as approved;
(iv) no occupation of any part of the permitted development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until;
a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;
b. if required by the local planning authority, any proposals for long-term monitoring of contaminant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.
(v) the long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework 2023.

Submitted Documents/ Drawings:
-Phase 1 Land Contamination Risk Assessment with Exploratory Investigation" written by Castledine Environmental (report reference 3836D P1 Redwood - Bluntisham, dated 18 November 2024
- 3836D Appendix B (a)
- 3836D Appendix A
- 3836D Appendix B

Consultation:
-Environmental Health:
The report is acceptable in accordance with Condition 3 part A, so this part may be approved.
The report suggests a remediation option, however, a more detailed remediation scheme with verification methods is required in accordance with Condition 3 part B. Therefore Part 3 B cannot be discharged.

Officer Conclusion:
Officers have reviewed the submitted information in hand with the comments made by the Environmental Health Officer and conclude that the information submitted is insufficient and unacceptable to discharge both part (A) and part (B) of Condition 3. The information submitted pursuant to Condition 3 Part A is considered to be acceptable but the applicant has failed to respond to the Local Planning Authority's invitation to withdraw Condition 3 Part B from this application. The application must be considered in its entirety and Condition 3 Part A cannot be discharged in isolation of Condition 3 Part B, which is unacceptable.

Therefore Condition 3 is refused.

Yours sincerely



Clara Kerr
Chief Planning Officer
Date: 15 January 2025

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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse the approval of details required by condition, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

If an enforcement notice is or has been served relating to the same or substantially the same development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, OR within 12 weeks of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.
Further details can be found on the .GOV.UK website (https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries).