

# Agenda Item 5.



## LINCOLNSHIRE COUNTY COUNCIL

### PLANNING AND REGULATION COMMITTEE UPDATE – 26 July 2021

- Attached letter from Environment Agency
- Attached county map showing location of applications

#### ITEM

- 6.1 **Local Residents/Landowners** - four further representations have been received which largely reiterate objections and concerns as already set out in the report. It is claimed insufficient testing and evidence has been provided to show this development would be safe and that the previous investigations were conducted by Lincs Lab and so are not independent. The outline Remediation Strategy and minor amendments made to the site are not considered sufficient or adequate to alleviate the concerns which remain regarding the contents of the site, the potential for gas emissions and contamination and discharges into the nearby water courses, including River Bain, etc.

**Environment Agency** – the Agency has reviewed the additional information and outline Remediation Strategy submitted by the applicant. Some comments and advice is provided regarding its content and recommendations made regarding further information and monitoring that should be incorporated into the Strategy . It is recommended that these be taken into account and incorporated into the development (see attached letter).

#### Head of Planning Response

Conditions have already been recommended (in line with the Agency's original response) which include a requirement to submit a Remediation Strategy for approval. It is recommended that the conditions as set out in the report be retained and an Informative added which draws the applicant's attention to the latest response and advice from the Agency. This will ensure that the Remediation Strategy submitted pursuant to that condition reflects and takes into account the additional advice of the Agency and ensure that the risks to the environment are appropriately mitigated.



FAO: Marc Willis  
Lincolnshire County Council  
Development Control, Planning &  
Conservation  
Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

**Our ref:** AN/2021/131740/03-L01  
**Your ref:** PL/0051/21  
**Date:** 19 July 2021

Dear Marc

**To construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building/office, canopies, improved site access/entrance and surface water attenuation pond**

**Former Landfill Site, Kirkby Lane, Tattershall Thorpe**

Thank you for re-consulting us on the above application on 29 June 2021 following the submission of remediation details.

We have reviewed the following documents with regard to the potential risk posed to controlled waters only:

- Tattershall Household Waste Recycling Centre - Remediation Strategy dated 28 June 2021
- Remedial Strategy (ref: 784-B030132) dated June 2021

Based on the information provided, we can provide the following comments and advice in addition to our response (ref: AN/2021/131740/01-L01) dated 10 May 2021.

**Information for applicant**

Further comments on contamination

We recommend that upstream and downstream samples are collected before, during and after the development work. This is to ensure that the development has not changed our understanding of water quality in the Old River Bain. We also recommend that the drainage ditch to the north of the site is sampled before and after the development work to ensure that any discharges from the site are not impacting controlled waters. We would like a proposal for a monitoring program to be produced by the developer. All results should be provided in the Verification Report (see condition 2 from AN/2021/131740/01-L01).

In addition to the above, we consider it would also be beneficial to prepare a contingency plan should any adverse impact be detected in surface waters during or after the work. This should include any mitigation measures that can reasonably be put in place to deal with any impacts detected.

**Environment Agency**

Nene House (Pytchley Lodge Industrial Estate),  
Pytchley Lodge Road, Kettering, Northants, NN15 6JQ  
Email: LNplanning@environment-agency.gov.uk  
www.gov.uk/environment-agency

*Customer services line: 03708 506 506*

*Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02).*

Based on section 6.4 of the Remedial Strategy, we understand that some further geotechnical work is proposed to be undertaken. We would like this to include an assessment of whether or not compacting the waste in the lagoons is likely to occur and if so, an assessment of any effect this may have on contaminant migration towards surface waters.

It may be of benefit if the additional testing proposed in section 6.4 of the Remedial Strategy is extended to include some leachability testing. This applies if ground conditions are encountered that are not consistent with those previously identified. Further leachability testing may also be beneficial to identify potential source areas or areas of concern that may have been disturbed by development, should any impacts be detected in surface waters during or after the work.

We would like the watching brief described in section 6.9 of the Remedial Strategy to include a visual watching brief of the drainage ditch to the north of the site and the Old River Bain to check for potential impact from contaminants or run off from the site.

We note that import criteria proposed in Appendix B is in some instances based on human health criteria. We recommend that any imported soil is suitable for use in terms of any leachable contaminants and risk assessed for purposes of controlled waters. Additionally, under the principles of CL:AIRE Definition of Waste Code of Practice (DoWCoP), it must be ensured that imported soil does not contain potential contaminants at levels exceeding those already present on-site.

#### Further comments on waste on and off-site

Thank you for informing us you intend to use the CL:AIRE Definition of Waste Code of Practice (DoWCoP) for materials re-use on this site. Providing that the DoWCoP is followed in full we have no objections to materials use, in accordance with our Regulatory Position Statement. Materials not used in accordance with the DoWCoP process in full may be deemed waste and will require a relevant permit for deposit. A formal declaration must be submitted by a qualified person before any use of materials on site or transfer is permitted.

The current bunds surrounding the lagoons are considered ‘made ground’ and are therefore within scope of DoWCoP. However testing would be required to ensure suitability for onsite use as at Section 6.4 of the Remediation Strategy. Any area of the bund below current ground level should not be disturbed.

Section 6.1 talks about the commencement of excavation with regards to the DoWCoP. There should be no excavation below current ground level except for pipe runs, the interceptor, attenuation pond and the cess pool tank, with the waste from these being stockpiled separately to all other waste until testing confirms /denies the presence of hazardous properties.

For clarification with the cesspool, attenuation pond and interceptor tanks all being outside any of the lagoons on the plan we have seen (ref: CA105369), the pipes running through the lagoons would seem to be the most likely to be contaminated. With this in mind ‘separately’ means the cess pool/ pond /inceptor arisings in one area and the pipe run arisings in another with both being chemically tested / classified before reuse /disposal.

Section 6.4 mentions further chemical analysis at a rate of one per 1000m<sup>3</sup>. This effectively means one test looking at the plans and is not sufficient. At least two will be

required to satisfy testing requirements for the suitability of the site. Other similar sites quote 250 or 500m3. We note imported soil being tested at 250m3.

Gas monitoring is mentioned, at fortnightly intervals, however there is no mention of a gas membrane underneath the proposed welfare building.

In Section 6.4.1. extracted asphalt could be re-used on site as a sub base for road or paths, even if it contains coal tar. We recommend reading Regulatory Position Statement 075 and 157, along with Specification for Highways Works Series 900 and 800.

In the event that any chemical testing of material arising from the site is found to be hazardous please could a copy of the test result be forwarded to  
[stu.cooke@environment-agency.gov.uk](mailto:stu.cooke@environment-agency.gov.uk).

### **Information for applicant**

#### Land contamination: risk management and good practice

We recommend that developers should:

1. Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination
2. 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
3. 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
4. Refer to the [contaminated land](#) pages on gov.uk for more information

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

**Keri Monger**  
**Sustainable Places - Planning Adviser**

Direct dial 020 847 48545

Direct e-mail [keri.monger@environment-agency.gov.uk](mailto:keri.monger@environment-agency.gov.uk)



This page is intentionally left blank