

Please find below our Objections/Comments/ against PA242269 - Discharge Condition 14 (Contamination)

We note that the submitted “Contaminated Land Watching Brief” whilst relevant to discharge of this Condition it is NOT a “Full Contamination Risk Assessment” required for discharge of this Condition (*Breach of Condition Notice 21 June 2024*).

Comments/Observations specific to the “Contaminated Land Watching Brief”

1.2 Purpose of Investigation

- *Identify the presence of unsuspected contamination during the development*
- *Determine the requirement for further investigation or remediation*

It has already been established that the site has the potential for high risk hazardous contamination unlikely to be visibly present (*unless a related object such as a discarded container or other object*) by virtue of the known unlawful/unregulated use of site edged red in PA222556, which includes land directly to rear of 306 London Road AND some of the land rear of 304 London Road including the access driveway to London Road.

1.3 Scope of Work

- *Establish context and setting of development*
- *... identify presence unsuspected contamination during the development a supporting Walkover Survey of visual or olfactory indicators during site work.*
- *in event of contamination to land and/or water ... during site works or Walkover Survey a Conceptual Site Model will be produced to categorise ... severity of consequence and probability of identified contaminant*
- *Reference to Appendix – Site Maps & Plans – Site Location*

The site is described in 2.1 as being a “vacant plot of land” ... bordered by dwellings and gardens and vehicle parking to west. There is no acknowledgement that this is a “Brownfield Site”, nor the associated use of the land prior to Enforcement and Planning Inspector Appeal Report.

A “walkover survey of visual or olfactory indicators” is extremely unlikely to be appropriate for risk of disturbing existing potential contamination that may be on and/or below the surface e.g. asbestos, brake fluid, batteries, solvent, car oil, hazardous waste containers. Nor is it likely to identify particles potentially distributed across the site by virtue of historical fires, at varying locations on the whole site, that produced thick, acrid smelling, black smoke and carried by wind, usually beyond the boundaries of the whole site.

The identification of any potential high risk contamination during construction is too late.

The Appendix Site Location plan shows boundary for ‘Watching Brief’ is ONLY the land directly rear of 306 and NOT the whole of the red outlined site subject of PA222556 i.e. it does not include land which will be disturbed by drainage excavation and we believe potentially a high risk of contamination.

1.4 Limitations

- *Any comments made on the basis of information obtained from the client or other third parties are given in good faith on the assumption that the information is accurate*
- *Prepared solely for the benefit of the client and any other parties using or placing reliance upon any information contained in this report does so at their own risk*
- *This report excludes consideration of potential hazards arising from any activities at the site other than normal use and occupancy for the intended land use*
- *cannot be held responsible for incorrect analysis of samples ...*
- *information and conclusions provided in this report are limited to, and representative of, the samples taken and cannot be extended to apply to the whole site*

The Contaminated Land Watching Brief has not identified that the Author is aware of historical non-residential, unlawful and unregulated use of the land subject PA222556, and the remainder of the whole site edged blue, associated with vehicle repairs, especially old and damaged vehicles (cars, old commercial vehicles and HGV) that have been present, on the whole site edged red and blue, associated with the publicly advertised for "MOT" failures and 'vehicle recovery'.

We note that no core samples have been taken, nor laboratory testing and that any conclusion in 5.1 of the 'Contaminated Land Watching Brief' pertinent to the hand-dug sample taken cannot be extended to apply to whole site.

3.1 Document Review & Evidence

- *During initial site preparations and the excavation of foundations for the proposed dwelling, a record of any identified visible or olfactory evidence of contamination was kept by the Client.*
- *In addition, a log of any pollution incidents was produced.*
- *Client has confirmed no visible or olfactory evidence of contamination was identified.*

The Client is the owner of the land, he has used the land for the purposes known to be high risk hazard regarding pollution without those activities being regulated and it is a self-build project.

The type of hazard associated with the historical use of the land must be identified in a laboratory and not relied upon visible and/or olfactory observation.

3.2 Site Inspection

- *Trial pit was hand dug to depth of 1m in the proposed rear garden*
- *No made ground or visible or olfactory evidence of contamination was identified in the trial pit.*

One trial pit hand dug for visible and/or olfactory contamination somewhere not identified in the proposed rear garden is not representative of the site, especially land where drainage is to be dug, and 1.4 Limitations apply.

We are aware that soil and/or other materials were removed from the site in 2023 at the start of construction work/clearing the site and that subsequently new soil was delivered to the site.

4. Evaluation of Risk and 4.2 Conceptual Site Model

The report appears to be based presumptively on 'normal residential use' and does not identify the historical use of the land. Evidence has relied inappropriately on visible and/or olfactory observation and there is only 1 hand-dug trial pit somewhere in proposed rear garden area.

5 Conclusions - 5.1 Risk Evaluation

Low Risk Level based on this report is, in our opinion, neither appropriate nor potentially accurate and that as already required it is ONLY a FULL CONTAMINATION RISK ASSESSMENT, we believe by use of Core Sample and Laboratory testing, that can give the reassurance that Construction is safe for those working on the site (particularly now digging of drainage), habitation and use of external amenities is safe for those who occupy the new build, and that if no Hazard Contamination is identified then surrounding residents will also be assured regarding potential transference of Contamination by migration off site.

Photograph Appendices

The outlined site subject of this report is neither the red-outlined site PA222556 NOR the area of the site outlined in Breach of Conditions Notice.

Gutter / roof drainage from East face of existing single dwelling into new dwelling rear garden is evident but not disclosed in any documentation previously provided in related Planning Applications.

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