

South Derbyshire District Council
Development Control
Civic Offices Civic Way
Swadlincote
Derbyshire
DE11 0AH

Our ref: LT/2021/126560/01-L01
Your ref: DMPA/2021/1378
Date: 12 November 2021

Dear Sir/Madam

**ERECTION OF FOOD STORE (USE CLASS E), WITH CAR PARKING,
LANDSCAPING, AND ASSOCIATED WORKS**

LAND NORTH OF DRIFT ROAD, CASTLE GRESLEY, SWADLINCOTE DE11 9FW

Thank you for consulting us on the above application and please find our response detailed below.

Environment Agency position

We have the following comments to make on this application which relate solely to the protection of controlled waters. Matters relating to human health should be directed to the Local Authority.

The site is located on the bedrock of the Pennine Middle Coal Measures, designated as a Secondary A Aquifer. Superficial deposits are indicated to be absent. The Darklands Brook is approximately 550m from the site, with an unnamed stream in closer proximity.

We have reviewed the following report submitted in support of this application:
'Aldi Drift Road, Castle Gresley – Geo-environmental Appraisal' *Groundtech Consulting* (January 2021).

The above reference report details a limited investigation of the site. Samples of soils were analysed for an appropriate contamination suite. Significant contamination was not identified within soil samples analysed, however the investigation was limited in its assessment of risk to controlled waters as leachable analysis or groundwater sampling was not conducted.

We note the conclusions of the above referenced report that significant contamination has not been identified in soils within the current investigations. The proposed redevelopment therefore does not appear to represent a significant risk to controlled waters receptors. However we recommend that the following condition is included in the event that significant contamination be identified during redevelopment, in order to ensure that controlled waters receptors are appropriately protected.

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Condition

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.

Reason

To ensure that the development does not contribute to, and 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. This is in line with paragraph 170 of the National Planning Policy Framework.

APPENDIX – Advice to Applicant

Model Procedures and good practice

We recommend that developers should:

- Follow the risk management framework provided in LCRM – Land Contamination Risk Management when dealing with land affected by contamination.
- 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.
- 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.
- Refer to the [contaminated land](#) pages on GOV.UK for more information.

‘The Environment Agency’s approach to groundwater protection’

We would like to refer the applicant/enquirer to our groundwater position statements in [‘The Environment Agency’s approach to groundwater protection’](#), available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Drainage

Yours faithfully

Mr Paul Goldsmith

Planning Advisor

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