Staffordshire Moorlands District Council
Development Control
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our ref: SV/2023/111806/01-L01
Your ref: DOC/2023/0052

Date: 09 August 2023

Dear Sir/Madam

DISCHARGE OF CONDITION 4 RELATING TO SMD/2022/0361 - ERECTION OF FREESTANDING RESTAURANT WITH DRIVE-THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) AND PLAY FRAME
MCDONALD'S CHURNET WAY CHURNET WORKS ABBEY GREEN ROAD LEEK ST13 8YQ

Thank you for referring the above application which was received on 20 July 2023.

We have the following comments to make on this discharge of condition application (DOC/2023/0052) regarding the discharge of condition 4 attached to SMD/2022/0361 which relate to the protection of controlled waters only. Queries relating to human health should be directed to the relevant department of the Local Authority.

We have reviewed the following information submitted in support of this application:

- Phase II Geo-Environmental Site Investigation, March 2022
- Remediation Strategy and Verification Plan, April 2023

We are able to recommend the discharge of condition 4 (the universal condition for land affected by contamination).

Background and summary

After a review of the above we understand that a site investigation was conducted in 2021, which included groundwater and soil sampling. During the works, olfactory evidence of contamination was noted from the groundwater across Site A and groundwater was encountered in levels ranging between 0-9 mbgl, which are thought to be separate superficial perched levels and deeper bedrock groundwater levels. It is not known if the olfactory evidence of contamination is from shallow or deep groundwater.

It is proposed to install piled foundations into the sandstone bedrock at a depth of 13-14 mbgl, this activity has the potential to create a pathway for any potential contamination to pollute the principal bedrock aquifer and potentially the River Churnet. However, of the soil and groundwater samples collected, there are very few and minor exceedances of the generic assessment criteria for both Site A and Site B, as a result there is little evidence of contamination that has the potential to affect controlled water receptors. Therefore, based on the available information we recommend the discharge of condition 4 (the universal condition for land affected by contamination).

Please note that the Environment Agency has not had any influence or control over the selection of site investigation locations, or any aspect of the sampling and analysis undertaken. Therefore, we must assume that the information submitted is both genuine and representative of site conditions and treat it in good faith.

Notwithstanding our comments above, should any unforeseen contamination subsequently become apparent during development, then this should be appropriately investigated, sampled, and remediated/excavated.

Finally, the developer should note the requirements of Government Policy detailed in the National Planning Policy Framework, where paragraph 184 states that ‘where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner’. Therefore, during the proposed re-development of the site should any significant contamination subsequently become apparent then responsibility will rest with these parties.

Yours faithfully

Miss Aileen Parry
Planning Officer

Direct e-mail Aileen.Parry@environment-agency.gov.uk

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