

Policy EM6: Redevelopment of Previously Developed Land

1. Development will be permitted where proposals do not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of waste water by whatever means.
2. Prior to any potential development, consultation must be held with Severn Trent Water to ensure that the required wastewater infrastructure is in place in sufficient time. In line with the objectives of the Water Framework Directive, development must not affect the water bodies' ability to reach good status or its potential as set in the Humber and Severn River Basin Management Plans and should support, where possible, to improving the status class.
3. Developers and operators must provide adequate information when submitting their proposals so that the potential impact on groundwater resources and quality can be adequately assessed'. This should include a risk assessment demonstrating there would be no adverse effect on water resources.
4. Development will not be permitted within a groundwater Source Protection Zone 1 which would physically disturb an aquifer. This will include situations where proposed waste water infrastructure could pose an unacceptable risk of pollution of the underlying aquifer or receiving watercourse.

When promoting land affected or potentially affected by contamination developers and site promoters are actively encouraged to engage with the Environment Agency as early as possible in the planning process to follow the risk management framework provided in CLR11 - Model Procedures for the Management of Land Contamination (2004). Furthermore, it is advised to refer to the Environment Agency's Guidance on Requirements for Land Contamination Reports (2005) for the specific type of information that we require to assess the risks to Controlled Waters.

The Environment Agency require the risk to groundwater of any significant contamination to be considered by a desk study, site investigation and subsequent conceptual model and risk assessment, where necessary leading to suitable remedial action and related method statement. This is in accordance with the NPPF (Para 109 -112), which indicates that where development is proposed on land that is known or suspected to be affected by contamination then the risks to human health and the wider environment should be assessed by the applicant for consideration by the LPA prior to determination.

The assessment should provide such information as is necessary to determine whether the proposed development can proceed. Where such assessment shows that remediation is required then the standard of remediation that should be achieved through the grant of planning permission for new development is the removal of unacceptable risk and making the site suitable for its new use, including the removal of existing pollutant linkages. All receptors relevant to the site should be protected to an appropriate standard. As a minimum, after carrying out the development and commencement of its use, the land

should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Development proposals will need to comply with the Environment Agency publication 'Groundwater Protection: Policy and Practice' (GP3) which may require development to be restricted at certain locations with a need to give careful consideration given to the potential water quality risks and impact on flooding and surface water drainage.