

ADDENDUM 1 – 17.01.2022

Application No: 21/02173/FUL Author: Jackie Palmer
Date valid: 11 October 2021 0191 643 6336
Target decision date: 10 January 2022 Ward: Killingworth

Application type: Full application

Location: Land To The West of Bellway Industrial Estate Benton NEWCASTLE UPON TYNE

Proposal: Construction of an underpass, works to public rights of way, construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works

Applicant: NCC, County Hall Morpeth NE61 2EF

RECOMMENDATION: Application Permitted

During further discussions with the applicant and consultees some minor amendments have been made to conditions 12, 13, 15 & 27. The updated conditions are set out below and replace those listed in the main agenda:

Conditions/Reasons:

12. Prior to commencement of any works beyond enabling works as agreed pursuant to condition 3, a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of

pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management (Environment Agency).

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Prior to the commencement of the development, and where remediation is shown to be necessary, a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. The affected part of the site will be agreed with the Local Planning Authority and work within that affected part must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management (Environment Agency).

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

27. No development shall commence beyond the enabling works as agreed pursuant to condition 3, unless and until details of skylark mitigation have been submitted to and agreed in writing by the Local Planning Authority. Details of the Plan shall include the location of the skylark mitigation area, habitat enhancement and management measures that build capacity for skylark within the site, survey and monitoring details management responsibilities and a timetable for its implementation.

The written approval of the LPA shall not be issued before the arrangements necessary to secure the delivery of the skylark mitigation scheme have been executed. The mitigation shall be implemented in full accordance with the requirements of the approved scheme for a minimum period of 30 years.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.