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Dear Deborah

Upper Rissington Liaison Group: LQM Peer Review of Report On Asbestos -RAF Upper Rissington 30 October 2017.

Further to our recent meeting and our consideration of this issue, I thought it appropriate to refer to GCC Officers this report, and to draw their attention to the comments in the final paragraph of the report on page 7:

.....presents *de facto* evidence that they are not *suitable for use* and may therefore represent waste. Strictly speaking, under the DOWCOP (CL:AIRE,2011) such wastes cannot be used on site if a capping layer is required to mitigate the potential risks as this would represent a waste disposal operation and require a suitable Environmental Permit. CDC may wish to discuss these issues with the relevant regulator and /or the administrators of the DOWCOP system, CL:AIRE.

GCC Officers have examined the relevant planning applications and attachments and commented as follows :

- Planning application 17/04151 is a variation of condition application to reserved matters planning application 12/03810/REM for 368 dwellings. Those reserved matters relate to the provision of open space and landscaping. It would appear from reading the application submissions, that CDC had effectively already discharged the original condition to 12/03810/REM. In that regard landscaping has started -if in part

-with the original condition. The latest application seeks to alter elements of that original consented scheme. GCC was not formally consulted on this latest application but CDC did raise issues related to soil/subsoil excavation with GCC planners in May 2017 and following investigation by officers, the conclusion made back to CDC was that it was a land contamination issue rather than anything for resolution for the Waste Planning Authority.

- In terms of a Waste Planning Authority when considering as to whether this sort of scheme represents a “ waste “ planning matter or district council determination, the key is the purposefulness of the development . What is it intending to do or achieve. In this case these proposals are a landscaping scheme /provision of public open space which relates to housing development. In that regard it could form part of the planning application for the housing or possibly be a stand -alone proposal (for landscaping bunding) but then classed as an engineering operation. In this case we know that it relates to an already permitted housing scheme. It therefore clearly falls for the district council to determine.
- With regards to the pollution aspects control aspects relating to the materials which may have been used, then that is a matter for CDC land contamination/ environmental health service to resolve in consultation with the Environmental Agency(EA). Normally such a landscaping scheme would use “recovered “material such as soils/sub soils and the EA would class it as recovery. If however “other” materials were used as might be the case here, then a formal environmental permit from the EA might be required. This of itself would not necessarily change the planning status of the proposal either way.
- In conclusion had GCC been consulted because this is a land contamination issue, the council would have advised that the advice of the EA should be sought along the lines indicated here.

Yours sincerely

Cllr Nigel Moor