

Committee: 18th May 2005 **Ward:** Oldbury
DC/04/42934

Mintworth Ltd Phoenix House Castle Street Tipton DY4 8HY	Infill of lagoon with inert material. Apollo Lagoon Shidas Lane Oldbury West Midlands
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Date Valid Application Received 7th February 2005

1. Recommendations

A verbal recommendation will be made in the light of further information to be provided by the applicants.

2. Observations

The application refers to the Apollo Lagoon, a former liquid waste tip. The site is about 2.88 hectares in area and is bounded by Rounds Green Road, Shidas Lane and Portway Road. The surrounding area is predominantly industrial/commercial in character.

It is proposed to reclaim the site by infilling the lagoon using inert materials. The application is supported by a ground investigation and hydro geological assessment prepared by Sladen Associates on behalf of the applicants. A noise assessment prepared by Hoare Lea has also been submitted.

The lagoon area had been used for 50 years for the disposal of liquid effluent from the former Apollo factory. The acidic water from the works was neutralised in the lagoon by the addition of sodium hydroxide. This is likely to have led to the precipitation of metal hydroxides, which are likely to be present in the lagoon base sediments. The infilling operation will involve the placement of a 0.5m – 1.0 layer of sand over the sediments. The lagoon will then be infilled using inert, but as yet unspecified, material that is geotechnically suitable. The rise in water levels will be dealt with by discharge to the sewer system under agreement with the

drainage authority. It is likely that the proposed works will cause disturbance of the lagoon base sediments, and it is therefore proposed to construct form of settling tank/ lagoon on site to allow reduction in suspended solids.

The finished levels would be up to those of the surrounding land. Additional intrusive investigations include sampling and testing of lagoon base sediments and a groundwater-monitoring programme during the infilling works.

The application has been publicised by press notice, site notice and neighbour notification letters with no response.

The consultation responses received to date are as follows:-

Environment Agency – no objection but the applicants will require a Pollution Prevention and Control Permit and there should be adequate pollution control measures to prevent contaminated lagoon water being discharged into either groundwater or any surface waters.

Building Consultancy – No objection in principle but a method statement and remediation report should be submitted and details of the fill materials should be provided.

Contaminated Land Team – Further information is requested regarding the effects of dewatering and filling the lagoon on the sediments and the surrounding hydro geological regime. Also there are no details of the inert materials to be used or how contamination from the sediment is going to be avoided.

Traffic and Road Safety Section – Objection due to insufficient information having been provided regarding access arrangements, signage, parking, and highway maintenance and road sweeping/cleaning.

Architectural Liaison Officer/ Crime Reduction Officer (West Midlands Police) – The removal of this potentially dangerous feature is to be welcomed.

Further consultation responses are awaited from Severn Trent Water, the Environment Agency and the Environmental Health and Trading Standards Division.

The proposed reclamation of the site by infilling is acceptable in principle, but further information is necessary to ensure that it will not have an adverse effect on groundwater, the highway network and adjacent property. In addition the applicants need to clarify the fill materials to be used. A verbal recommendation will be made in the light of further information to be provided by the applicants.

3. **Relevant History**

None.

4. **Central Government Guidance**

PPG23: Planning and Pollution Control

5. **Unitary Development Plan Policy**

POLICY PC4.POLLUTION CONTROLThe Council will only permit pollution sensitive developments in close proximity to potentially polluting uses where it can be shown that there would be no detrimental impact on the health or amenity of future occupiers. Where appropriate, conditions or planning obligations will be applied to ensure any impacts are minimised.

POLICY PC8 SURFACE WATERThe Council recognises the importance of the natural watercourse system for providing essential drainage, which will be protected when considering any form of development. Therefore, the Council will: Ensure that new development constructed in areas susceptible to flooding should be protected to an appropriate standard to ensure that it is safe. Flood defences required as a result of development should be fully funded by developers as part of the development; Endeavour to ensure that adequate foul and surface water provision is available to serve new development, and that the ultimate discharge does not cause an environmental problem; Resist development that poses an unacceptable threat to the quality of surface and ground waters; and Ensure that adequate pollution control measures are incorporated into new developments, to reduce the risks of water pollution. The Council will encourage developers to consult the Environment Agency for any advice concerning floodplains, before submitting applications for planning permission.

6. **Contact Officer**

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