



**PLANNING COMMITTEE:** 17<sup>th</sup> December 2015

**DIRECTORATE:** Regeneration, Enterprise and Planning

**DIRECTOR:** Steven Boyes

**REPORT TITLE:** Variation of Section 106 agreement dated 15<sup>th</sup> March 2005 pursuant to planning permission N/2004/930 (development of car/coach and disabled parking, construction of new service road and provision of associated development including foot/cycle ways, foot/cycle bridges and landscaping) on land west of Harvey Reeves Road

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## **1. RECOMMENDATION**

- 1.1 That the Committee **AGREE** to vary the Section 106 agreement to remove Clause 6.4 of Schedule 2 of the agreement relating to the retention of an easement strip originally required as a potential contingency remediation corridor in relation to ground water remediation measures associated with the development of the former landfill site.

## **2. BACKGROUND**

- 2.1 The relevant S106 dated 15<sup>th</sup> March 2005 relates to planning application N/2004/0930 for the development of an area of land, formerly a landfill site, for areas of parking, construction of a new service road and provision of foot/cycle ways and associated bridges and landscaping. The scheme has since been implemented with the new road forming Edgar Mobbs Way and the site now situated within the Northampton Waterside Enterprise Zone and known as Site 7C.
- 2.2 The development of the site incorporated a number of mitigation measures relating to remediation measures formulated in consultation with the Environment Agency to control potential groundwater contamination to adjacent receptors which included the River Terrace Deposits along the River Nene, Storton's Pits water bodies and Westbridge Brook. These remediation measures included a number of barriers along the eastern, western and southern boundaries of the site to mitigate contaminant levels in groundwater leaving the former landfill site.
- 2.3 Clause 6.4 of Schedule 2 of the relevant S106 required an area of land adjacent to these barriers to be retained undeveloped to provide a potential

contingency remediation corridor for the possible installation and subsequent maintenance of a remediation drain and any other necessary equipment or structures as approved in a drainage monitoring and maintenance strategy for the proposed development. The proposed Deed of Variation relates to this area of land.

### **3. PROPOSED VARIATION**

- 3.1 Section 106A of the Town and Country Planning Act 1990 allows a planning obligation to be modified by agreement between both parties. As a consequence Cotham Management Service Limited, who have exchanged contracts with the Homes and Communities Agency to purchase the site, have requested the Borough Council voluntarily agree to a variation of the planning obligation in relation to the retention of the easement strip.
- 3.2 The proposed modification is accompanied by a letter from the Environment Agency dated 22 July 2014 confirming that it considers the 'Harvey Reeves Road Monitoring Report' dated July 2014 submitted by the applicant sufficiently demonstrates that no further remediation works were justifiable or needed at the site. The Environment Agency also confirmed that the easement strip alongside the barrier was no longer considered necessary for the potential installation of pumping equipment as a back-up should the barrier fail.

### **4. CONCLUSION**

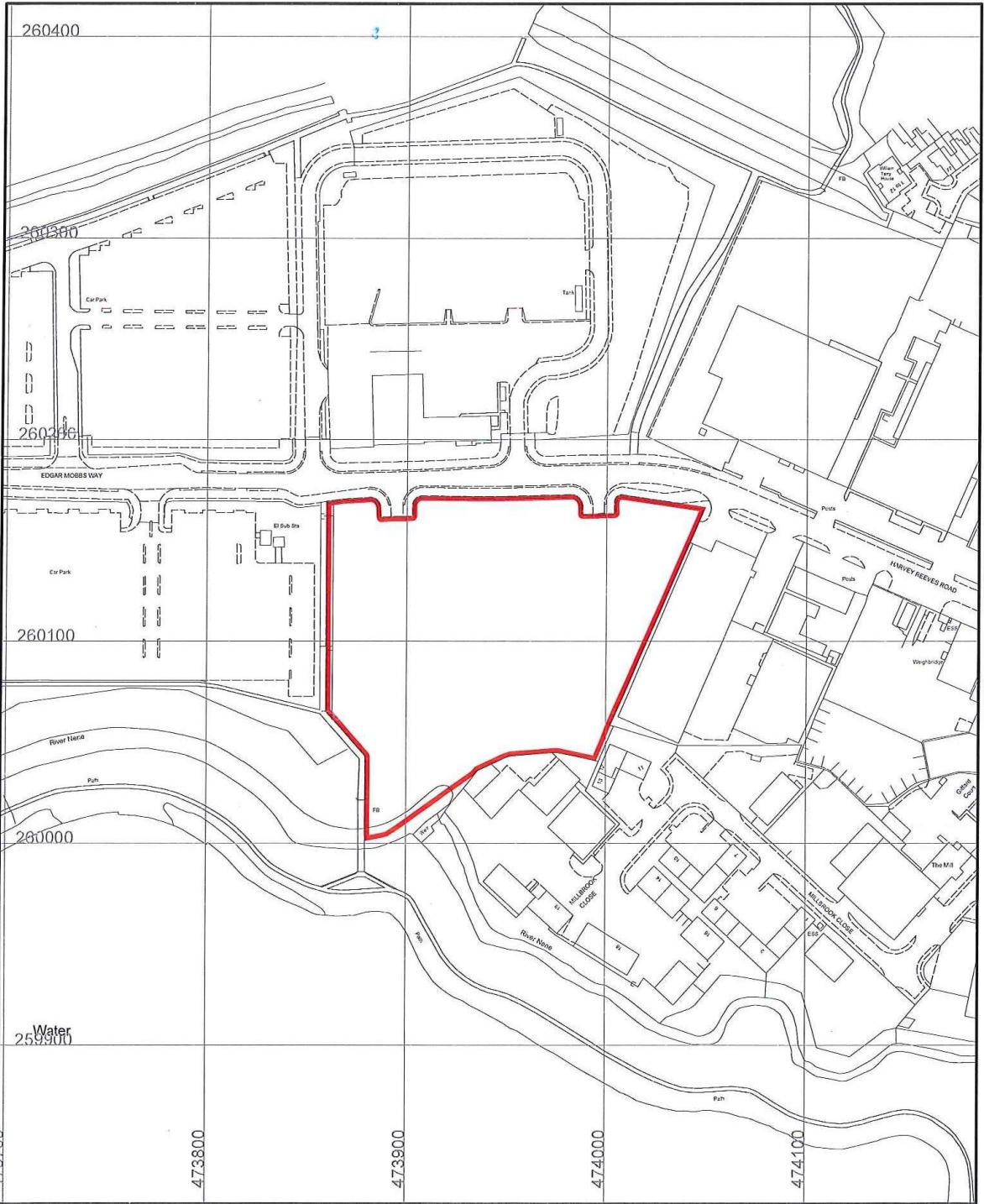
- 4.1 In view that the Environment Agency has confirmed that satisfactory remediation has been carried out on the site and that the easement strip is no longer required it is considered appropriate that the relevant obligation be removed from the S106. All other obligations of the original agreement would remain applicable and in force.

### **5. LEGAL IMPLICATIONS**

- 5.1 As set out in the report.

### **6. SUMMARY AND LINKS TO CORPORATE PLAN**

- 6.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



<b>TITLE</b> Disposal Plan Site 7C Northampton Waterside Enterprise Zone Northampton			
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