

Bury Metropolitan Borough Council
Town Hall
Knowsley Street
Bury
Lancashire
BL9 0SW

Our ref: SO/2023/123709/01-L01
Your ref: 70222
Date: 16 January 2024

Dear Sir/Madam

ERECTION OF 57 NO. DWELLINGS, THE RETENTION OF A CHIMNEY AND THE DEMOLITION OF 3 EXISTING BUILDINGS, TOGETHER WITH ENGINEERING OPERATIONS TO CREATE A DEVELOPMENT PLATFORM, PUBLIC CAR PARK, SUBSTATION, PUBLIC OPEN SPACE, LANDSCAPING, DRAINAGE, THE LAYOUT OF INTERNAL ESTATE ROADS AND FOOTWAYS AND OTHER ASSOCIATED WORKS. FORMER MONDI/HOLCOMBE MILL, BRIDGE STREET, RAMSBOTTOM, BURY, BL0 0BS.

Thank you for referring the above application to the Environment Agency, we have no objection in principle to the proposed development, but we would wish to make the following comments.

Environment Agency position

Flood Risk

We have reviewed the FRA by Weetwood (ref: 4714/FRDA/Final/v1.0) dated 27/10/2023. The principles of assessing and mitigating fluvial flood risk largely follow that proposed for the previously submitted application refused on appeal. The supporting river modelling appears to have been updated in relation to the latest proposals and the residual risks associated with collapse of the wall to the north of Bridge Street has also been included.

In section 1.2, the FRA suggests that “*a Flood Plan is no longer considered necessary to manage the residual risk of flooding to the proposed residential development*”. Although the latest proposal does not include conversion of the existing buildings on site, the report does identify that there are residual risks associated with collapse of the wall to the north of Bridge Street. In this scenario, the FRA shows the site roads would be flooded in a design flood event. Also, as with the previous proposal, there would be no dry access/egress to the site in the design flood event. Whilst floor levels of the

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dwellings are proposed to be above the platform level and the residual risk level associated with collapse of the wall, it would be advisable that occupants be aware of these risks and have some form of flood warning and evacuation plan especially for those who might have mobility issues. The need to consider closing the proposed car park (identified as potentially having a significant hazard rating) is noted in section 5.3. As the car park appears to be for the local area and not specific to the development, it is not clear how this would be done without some form of flood warning plan. You might wish to ask the applicant to clarify why some form of flood plan is not now deemed necessary and seek the advice of your emergency planners.

If the LPA consider the site to pass the sequential and exception tests of NPPF and are minded to grant permission as submitted, the development must be carried out in accordance with the approved flood risk assessment and the mitigation measures within it. Floor and ground levels must follow the design requirements set out in section 5 of the approved FRA (ref: 4714/FRDA/Final/v1.0 dated 27/10/2023).

It would be advisable to include a condition on any permission requiring final details of proposed site floor and ground levels to be agreed prior to construction as noted in section 5.2 of the FRA.

Condition

The development hereby permitted must not be commenced until such time as details of proposed ground and floor levels has been submitted to, and approved in writing by, the local planning authority.

The scheme shall show compliance with the requirements of the approved FRA (ref: 4714/FRDA/Final/v1.0 dated 27/10/2023), be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s)

- To ensure that there are no detrimental impacts to flood storage or flood flow routes.
- To reduce the risk of flooding to the proposed development and future users.

Advice to LPA

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The [planning practice guidance](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Advice to applicant

The proposed replacement of culverts on the mill race would require a Land Drainage Consent from The Lead Local Flood Authority.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the river Irwell which, is designated a 'main river'. Some activities are [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](#).

Biodiversity

Advice to the Applicant

To create new greenspace along River Irwell will need to remove old hard standing (as can be seen in photos of site in FRA) associated with the mill to be able to construct new greenspace zone.

We would ask the applicant to submit a construction environmental management plan to show how new greenspace and surface water/SUDs drainage (outlined in section 6 of FRA) is to be constructed at this riparian site.

Contaminated Land

Our records show that we have previously seen these submissions and requested additional work as the ground investigation has identified several sources of contamination which, in their current condition, are likely to pose a significant risk to controlled waters.

The site is in a sensitive environmental location being above Secondary A Aquifers and immediately adjacent to the river Irwell.

We are also aware that the site has a long history of industrial land uses which are potential sources of contamination which will pose a risk to controlled waters including contaminants of concern that were not tested for in this original round of ground investigation. These emerging contaminants of concern – Per- and Polyfluoroalkyl Substances (PFAS), are recognised as being connected with the former industrial activities on site and therefore should be included in the additional work that we feel is needed should the development proceed.

We have also identified that the submitted report is incomplete with many of the appendices missing.

The application's submissions demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will

however be required before built development is undertaken.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Considering the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission> shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. An updated preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
1. Additional site investigation, based on the information already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

Condition

A scheme for managing any borehole or well that has been installed for the investigation of soils, abstraction groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The scheme as approved shall be implemented prior

to the occupation of any part of the permitted development/of each phase of development.

Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement J of [‘The Environment Agency’s approach to groundwater protection’](#).

Condition:

No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement J of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Advice to applicant

Model Procedures and good practice

This development site appears to have been the subject of past industrial activity which may pose a risk of pollution to controlled waters.

We recommend that you should:

- Follow the risk management framework provided in Guidance on Land contamination risk management (LCRM) [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information
- Refer to [‘The Environment Agency’s approach to groundwater protection’](#)

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. Where the remediation / redevelopment of the site will involve waste management issues we offer the following advice:

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the

Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on GOV.UK for more information.

Introduction of SUDS:

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H, the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high-water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Piling and Penetrative ground improvement methods:

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. Any dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk:

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

Regulatory position statements

Discharges from dewatering to surface water or groundwater will require an Environmental Permit unless you can meet the conditions of the RPS or exemptions or exclusions for groundwater activities. The following Regulatory Position Statement will apply: 'Temporary dewatering from excavations to surface water.'

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

Note to applicant.

Should you wish us to review any technical documents or want further advice to address any of the environmental issues raised in this response, we may be able to do this as part of our charged for planning advice service. Further engagement will provide you with certainty of our position as to what our response to a planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per person per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. Our standard terms and conditions are available to view online at www.gov.uk/government/publications/planning-and-marine-licenceadvice-standard-terms-for-our-charges/planning-and-marine-licence-advice-standardterms-for-our-charges.

If you would like more information on our planning advice service, including a cost estimate, please contact us at SPPlanning.RFH@environment-agency.gov.uk

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Should you have any queries regarding this response, then please do not hesitate to contact me.

Yours faithfully

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