

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

Our ref: SO/2025/124727/02-L01
Your ref: 70995
Date: 27 March 2025

Dear Sir/Madam

EXTENSION TO EXISTING FACTORY TO CREATE POWDER PROCESSING FACILITY; PROPOSED DETACHED STORAGE BUILDING AND NEW SILO INSTALLATION. 8 GARDEN STREET, RAMSBOTTOM, BURY, BL0 9BQ

Thank you for referring additional information relating to our previous objection to the Environment Agency.

We have reviewed the following email dated 21st February 2025 relating to our letter ref: (SO/2025/124727/01-L01, with respect to the risks to controlled waters, which meet with our approval, and we can therefore remove our objection, and we would like to make the following comments.

Environment Agency position

As documented within our previous response no land quality reports had been submitted to demonstrate the risks to controlled waters from land contamination were understood or could be appropriately mitigated during the development.

Whilst we requested a desk study to be prepared for the site to overcome our objection, we note the local authority have recommended the inclusion of the following planning conditions in any approval granted for the site.

Condition

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

1. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.
2. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.
3. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Reason

To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

Condition

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment (add reference if already agreed) as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

1. Remedial Options Appraisal.
2. Remediation Strategy.
3. Verification Plan.

Reason

To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

Condition

The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation work carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason

To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

Recommendations**Further Conditions/Informatives**

We would also wish to recommend the following conditions and informatives detailed below are included within any planning approval granted for the site to ensure controlled waters are adequately protected.

We have recommended the inclusion of condition given the Proposed Site and Location Plan (Drawing Number: 100 revA) dated July 2024 includes a proposed soakaway at the site.

Should the applicant confirm the foundation solution will not include piling into the underlying Secondary A aquifer, detailed below will not be required.

Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework.

No information has been provided on the proposed foundation solution for the site.

Informatives

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not 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 you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns. If you dispose of hazardous waste at the premises where it's produced, you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

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.

Please send me a copy of the decision notice and forward a copy of this letter to the applicant.

Yours faithfully

Mrs. SYLVIA WHITTINGHAM
Planning Advisor

Direct e-mail SPPlanning.RFH@environment-agency.gov.uk