

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

Our ref: SO/2023/122909/01-L01
Your ref: 69326
Date: 27 February 2023

Dear Sir/Madam

ERECTION OF SINGLE BUILDING CONTAINING 16 NO. DWELLINGS AND ASSOCIATED CAR PARKING; CREATION OF AN UPGRADED VEHICULAR ACCESS OFF KAY STREET - SITE OF FORMER WATERSIDE, KAY STREET, SUMMERSEAT, BURY, BL9 5PE

Thank you for referring the above application to the Environment Agency, which we received on the 9 February 2023. We have no objection in principle to the proposed development, but we would wish to make the following comments.

Environment Agency position

Biodiversity

Based on submitted planning layout (Drawing 2492-02-03) indicating a new riparian walkway along waterbody and integration of ecological protection and enhancement opportunities outlined in ecological assessment (UES Ltd, Dec 2018) and landscape plan (Drawing 4014/12). The proposed development will be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese knotweed, Himalayan balsam, Rhododendron & Variegated Yellow Archangle present.

Condition

No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan balsam, Rhododendron & Variegated Yellow Archangle identified on the site (UES Ltd Dec 2018) shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Himalayan balsam, Rhododendron & Variegated Yellow Archangle during any operations e.g., mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

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

Cont/d..

Reasons

This condition is necessary to prevent the spread of Japanese knotweed, Himalayan balsam, Rhododendron & Variegated Yellow Archangle which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Recommendation

It is recommended as part of riparian development that the site directly adjacent to the River Irwell wildlife corridor and development entails the need to repair existing riverside walls, that opportunities to incorporate riparian bird roosts (<https://www.wildcare.co.uk/wildlife-nest-boxes/bird-boxes/other-species.html>, <http://www.wildlifeservices.co.uk/nestboxes.html>) for species such as Kingfisher, Dipper and Grey wagtail are integrated into wall repair works to provide an additional opportunity to enhance the quality of the main ecological network adjoining site.

Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included. It also appears a portion of the development may occur within 8m of the watercourse. Please see the later section about environmental permits.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref BEK-18439-1-RevA December 2018) and the following mitigation measures it details:

- Finished floor levels shall be raised above current levels by at least 300 mm

Reason

To reduce the risk of flooding to the proposed development and future occupants

Advice to applicant

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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 dial 0203 0251059

Direct e-mail sylvia.whittingham@environment-agency.gov.uk