

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

Our ref: SO/2020/120520/02-L01
Your ref: 65909
Date: 16 October 2020

Dear Sir/Madam

PRIOR APPROVAL OF PROPOSED DEMOLITION OF FORMER MILL BUILDINGS BRITANNIA SOAP WORKS, KENYON STREET, RAMSBOTTOM, BURY, BL0 0AB

Thank you for referring further details to the Environment Agency.

We have reviewed the submitted Method Statement details and would wish to make the following comments.

Environment Agency position

Advice to the LPA / Applicant

Please be aware Environment Agency maintained flood defence wall asset (AIMS ID 63734) situated at end of Cunliffe Street ties into the existing building. We therefore can confirm the existing riverside wall of the building forms the continuous defence line at this location. It is essential that the developer leaves a section of wall (or replacement wall/embankment) in place that ties into this wall level at the downstream extent of the building and tying into local 'natural' high-ground upstream. We would strongly advise the LPA that the method statement is amended to include the above prior to approval.

Flood defence data can be obtained via our customers and engagement team by email at Inforequests.gmmc@environment-agency.gov.uk

Advice to applicant

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc.,' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>.

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

Protecting the River Irwell and key ecological receptor as part of demolition works at the western end of mill site (sections 4 & 6) is welcomed. We would recommend the environmental risks of polluting aquatic ecological receptor and fishery are fully recognised and incorporated in risk assessment (Section 2), including measures outlined in activities 5 & 6, such as using hand tools, and checking for debris that has fallen into river.

Informative

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 8m of the top of the bank of the River Irwell, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now [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: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. Information on riparian landowner's rights and responsibilities can be found at <https://www.gov.uk/guidance/owning-a-watercourse>

Please forward a copy of this letter to the applicant.

Yours faithfully

Mrs SYLVIA WHITTINGHAM
Planning Advisor

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