

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

Our ref: SO/2024/124388/01-L01
Your ref: 71027

Date: 08 October 2024

Dear Sir/Madam

**CONSTRUCTION OF A NEW OUTFALL HEADWALL TO THE RIVER ROCH,
INCORPORATING ACCESS FOOTPATH, ACCESS STEPS AND SAFETY
HANDRAILS**

**LAND SOUTH OF PIMHOLE BUSINESS PARK (ADJ RIVER ROCH), ALFRED
STREET, BURY**

Thank you for referring the above application to the Environment Agency. We object to the proposed would wish to make the following comments.

Environment Agency position

The submitted planning application and associated documents indicate that works to an existing embankment along a new outfall discharging into bank reinforcement on bank reprofiling on the River Roch will be required as part of the proposed development.

These activities will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 which is unlikely to be granted for the current proposal. We do not have enough information to know if the proposed development can meet our requirements for ecology and physical habitats because inadequate assessment of the risks has been provided. We therefore object to the proposal and recommend that the planning application is refused.

Reason(s)

The current design proposals lack sufficient detail to demonstrate compliance with requirements for development under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Detail, including consideration of WFD requirements, cross sections of designs, and tie-in detail to minimise risks of bank failure and bypassing, is required to ensure suitability of the proposals and demonstrate that risks to the river have been considered and mitigated.

In determining the flood risk activity permit for this development, we will assess its compliance with the Northwest River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

The location of the proposed outfall on a steep bank next to both a confluence and actively eroding meander present significant risks for the ongoing stability of the proposed structure and potential risks for exacerbating bank failure and contributing large volumes of additional sediment to the river system. These additional concerns mean further information is required to demonstrate how the potential risk is constrained by the current design.

An ecological assessment is required to assess how the proposal will affect hydromorphology. This assessment will need to demonstrate how this risk will be controlled. Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

This objection is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our objection

To overcome our objection, the developer will need to provide additional documentation including the following:

- how the development will avoid adverse impacts
- mitigation for any adverse ecological impacts or losses
- full detailed cross sections, including tie in detail, to demonstrate how the proposed outfall will fit within the current river profile
- any proposed environmental mitigation or enhancements.

Please reconsult us any surveys and assessments submitted in connection with this application and any design changes, additional mitigation, compensation or enhancement measures that might subsequently be proposed.

Please forward a copy of this letter to the applicant.

Yours faithfully

Mrs. SYLVIA WHITTINGHAM
Planning Advisor

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