

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Luke Greenhalgh
Campbell Driver Partnership
Suite25
Unit 2
Northlight House
Pendle Road, Brierfield
BB9 5FL

On Behalf Of:

GFIC Properties Ltd
The Oil Centre
Heap Bridge
Bury
BL9 7HY

PART 1 - Particulars of Application

Application Number: 70993

Date of Registration: 19/08/2024

Proposal:

Demolition of existing class B2/B8 industrial buildings and class E(g) offices; Recladding and refurbishment of retained class B2/B8 industrial buildings and change of use of retained Class E(g) and Sui Generis to Class B2/B8

Location:

Warth Industrial Park, Warth Road, Bury, BL9 9NB

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered -

dwg nos 24.100.00-CDP-00-DR-A -
OS Plan 1001 P02
Existing site plan 1002 P02
Proposed site plan 1007 P05
Building A existing plans and elevations 2001 P01
Building B existing floor plans and elevations 2002 P01
Building C existing floor plans and elevations 2003 P01
Building D existing floor plans 2004 P01
Building D existing elevations 3001 P01

Building D proposed elevations 3002 P05

Building D proposed floor plans 2008 P03
Building A proposed floor plans and elevations 2005 P04
Building B proposed plans and elevations 2006 P04
Building C proposed floor plans and elevations 2007 P07

Carbon and Digital Infrastructure Statement in the D&A
Highways Technical Note by Dynamic Transport Planning 3708924 October 2024
Flood Risk Assessment - (FRA241100 - December 2024)

and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 3 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. This is to secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

- 4 Prior to the first occupation of the development hereby approved, the applicant shall provide:

- 36 EV chargepoints (minimum 7kW*) as shown on the approved site plan (24.100.00-CDP-00-DR-A-1007 P03) and ducting for 20% of the total spaces
- Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used.

Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 5 The development hereby approved shall incorporate precautionary working measures for bats during the demolition and the refurbishment works for the duration

of the development.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

- 6 No demolition shall occur within bird nesting season unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA unless the species present is feral pigeon in which case a general license issued by Natural England authorising destruction of feral nests should be provided to the LPA.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 Within 3 months of the date of this decision, a scheme for the eradication and/or control of Giant hogweed shall be submitted to and approved by the Local Planning Authority. The approved scheme shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure the safe and satisfactory development of the site pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 Within 3 months of the date of the decision, details of soft landscaping shall be submitted to, and approved by the Local Planning Authority. The contents of the plan should include native tree and shrub planting and the provision of bat and bird boxes within the new development. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied/brought into use or within the first available tree planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted and the bat/bird boxes thereafter maintained.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to UDP Policy EN1/2 - Townscape and Built Design and PfE Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 9 Prior to any further development, earthworks or demolition existing soft landscaping and vegetation shall be protected from accidental damage, using measures agreed in writing by the LPA. The approved measures shall be implemented prior to any further works commencing and maintained for the duration of the development works hereby approved.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to UDP Policy EN1/2 - Townscape and Built Design and PfE Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 10 The development hereby approved shall be carried out in accordance with the materials detailed on the approved plans.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development

Plan.

- 11 Notwithstanding the details shown indicatively on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to and agreed with the Local Planning Authority:
- (1) Revised 'new gate' arrangements to ensure the that they open inwards into the site and are positioned with the same set back from the adopted highway as the existing gates;
 - (2) Alterations to the proposed main site access to a scope and specification to be agreed, incorporating revised junction radii, provision of tactile paved crossing points in a position to be agreed within the limits of the adopted highway, demarcation of the limits of the adopted highway and all associated highway and highway drainage remedial works, including all necessary remedial works to the existing concrete industrial access;
 - (3) Reinstatement of the redundant 'tertiary' site access to adjacent footway levels to a scope and specification to be agreed, incorporating the demarcation of the limits of the adopted highway and all associated highway and highway drainage remedial works;
 - (4) Signage scheme for the proposed secondary emergency gated site access to be retained, to a scope and specification to be agreed;
 - (5) Provision of new give-way markings at the revised junction and all required alterations to existing road markings.

The details subsequently approved shall be implemented to an agreed programme with the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and P/E Policies JP-C5, JP-C6 and JP-C8.

- 12 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
- (1) Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following demolition works and construction of the development;
 - (2) Access route for all demolition/construction vehicles to the site from the Key Route Network;
 - (3) Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent residential properties and all temporary works required to facilitate access for demolition/construction vehicles;
 - (4) Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
 - (5) Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition/construction materials;
 - (6) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant

and materials;

- (7) The provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- (8) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);
- (9) Arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- (10) Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;
- (11) A scheme for recycling/disposing of waste resulting from construction works; and
- (12) A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any demolition operations, and contact details for the site operator during this period.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and PfE Policy JP-C8.

- 13 The proposed internal vehicular and pedestrian access alterations, 'shared area' hardstanding and various turning/shared service yard facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway/new access road, in the interests of road safety pursuant to Bury UDP Policy EC6/1 and PfE Policies JP-C5, JP-C6 and JP-C8.
- 14 The car and cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 15 The refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate bin storage arrangements are provided to serve the development pursuant to Bury UDP Policy EC6/1 and PfE Policy JP-C8.
- 16 The development shall be carried out in accordance with the submitted flood risk assessment (FRA241100 - December 2024) and the following mitigation measures in its details:
 - Including flood resilience measures to ensure a suitable level of protection against potential flood events

- Signing up to the EA Flood Warning Service to receive Flood Warnings for the site
- Providing a suitable Flood Management Plan which takes into consideration a range of potential scenarios.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

and to ensure the structural integrity of the existing flood defences, thereby reducing the risk of flooding pursuant to chapter 14 of the NPPF.

- 17 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. A site investigation scheme, based on the submission of a phase 1 preliminary risk assessment, 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 (1) 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 chapter 14 of the National Planning Policy Framework.

- 18 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 chapter 14 of the National Planning Policy Framework and Position Statement J of the 'The Environment Agency's approach to groundwater protection'.

- 19 Prior to any part of the permitted development being brought into use, 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 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 chapter 14 of the National Planning Policy Framework.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised

sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EC2/1	EC2/1 - Employment Generating Areas
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
OL5/2	OL5/2 - Development in River Valleys
HT2/4	HT2/4 - Car Parking and New Development
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G1	Landscape Character
JP-G2	Green Infrastructure Network
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-J2	Employment Sites and Premises
JP-J4	Industry and Warehousing Development
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

dwg nos 24.100.00-CDP-00-DR-A -

OS Plan 1001 P02

Existing site plan 1002 P02

Proposed site plan 1007 P05

Building A existing plans and elevations 2001 P01

Building B existing floor plans and elevations 2002 P01

Building C existing floor plans and elevations 2003 P01

Building D existing floor plans 2004 P01

Building D existing elevations 3001 P01

Building D proposed elevations 3002 P05

Building D proposed floor plans 2008 P03

Building A proposed floor plans and elevations 2005 P04

Building B proposed plans and elevations 2006 P04

Building C proposed floor plans and elevations 2007 P07

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NOTES TO APPLICANT

- . INFORMATIVE - The Control of Noise Regulations 1974, Section 60. Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1974.

- . The applicant's attention is drawn to the fact that if a bat is found works should stop immediately and a professional ecologist consulted.

- . **Coal Authority Informative**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal

Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.

Environment Agency position

The information submitted is satisfactory and meets with our approval. We can therefore remove our previous objection and would like to make the following comments.

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.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA241100 - December 2024) and the following mitigation measures it details:

- Including flood resilience measures to ensure a suitable level of protection against potential flood events
- Signing up to the EA Flood Warning Service to receive Flood Warnings for the site
- Providing a suitable Flood Management Plan which takes into consideration a range of potential scenarios

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To ensure the structural integrity of the existing flood defences, thereby reducing the risk of flooding.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit 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)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in 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

This applies to the planned development for building C and building D as detailed in the FRA. Both buildings are near both the main river and several Environment Agency maintained flood defence assets along the southern boundary of the site.

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. 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.

Advice to LPA/ applicant

This development has been proposed within an area identified as being at risk of flooding and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability. In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles

Contaminated Land

We have reviewed the Phase 1 Preliminary Risk Assessment by LK Group dated July 2024 for the proposed re-development of the current Warth Business Park, Radcliffe. The previous use of the proposed development site for historical industrial purposes presents a high to medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer and immediately adjacent to the River Irwell.

On this occasion, the applicant's submissions demonstrate that it should 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 180 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. A site investigation scheme, based on the submission of a phase 1 preliminary risk assessment, 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 (1) 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 (2) 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 180 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 180 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 brought into use, 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 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 180 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), 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
- 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 is 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.

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. From 1 January 2018, most cases of newly 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-im>

poundment-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>.

Signed:

A handwritten signature in black ink, appearing to read 'for haw', is written over a dotted line.

13 of 13

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On behalf of the Council

Date of Decision: 17/01/2025