

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

Our ref: SO/2020/120641/01-L01
Your ref: 66065
Date: 2 December 2020

Dear Sir/Madam

**REPLACEMENT CLASSROOMS EXTENSION AND DEMOLITION OF HORSA
BUILDINGS PARK VIEW COUNTY PRIMARY SCHOOL PARK VIEW ROAD
PRESTWICH M25 1FA**

Thank you for consulting the Environment Agency on the above application.

We have no objection in principle to the proposed development, but would wish to make the following comments.

We reviewed the following reports with respect to potential risks to controlled waters from land contamination:

- Phase I Interpretative Ground Assessment At Park View Primary School, Park View Road, Manchester. Prepared by Sutcliffe Investigations. Report ref. 31119-SUT-ZZ-00-RP-G-701-0001. Date: July 2020.
- Phase II Interpretative Ground Assessment at Park View Primary School, Park View Road, Manchester. Prepared by Sutcliffe Investigations. Report ref. 31119-SUT-ZZ-00-RP-G-702-0001. Date: August 2020.

The previous use of the proposed development site as a school with an oil fired boiler presents a low risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this area since the site is underlain by Secondary A drift deposits and a Principal aquifer.

Environment Agency position

The reports detailed above submitted provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion 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.

In light of the above, the proposed development will be acceptable if the following planning conditions are included within any planning permission granted for the site to ensure that any unacceptable risks from contamination are adequately addressed and mitigated during the re-development of the site. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations and ask that our comments below under 'Advice to Applicant' are provided to the developer / consultant.

Previously Unidentified Contamination Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

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 170 of the National Planning Policy Framework.

Verification report Condition

Prior to any part of the permitted development being occupied, 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(s)

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

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 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.

Advice to applicant

The report is unclear about the location and status of the boiler house in relation to the boreholes drilled. In any case this boiler is considered a risk and may have leaked in the past. As part of the validation report, we expect that the area is photographed post demolition to ensure that the base of the tank is not compromised and that there is no residual risk to the aquifer.

Please forward a copy of this letter to the applicant.

Yours faithfully

Mrs SYLVIA WHITTINGHAM
Planning Advisor

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