

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

Our ref: SO/2025/124932/01-L01
Your ref: 71645
Date: 13 May 2025

Dear Sir/Madam

**OUTLINE APPLICATION FOR ERECTION OF UP TO 275 NO. UNITS WITH
ASSOCIATED CAR PARKING, LANDSCAPING AND INFRASTRUCTURE
WORKS (ACCESS ONLY TO BE CONSIDERED)**

**LAND OFF CHURCH STREET & SCOBELL STREET, TOTTINGTON, BURY, BL8
3DE**

Thank you for referring the above application to the Environment Agency. We have no objection in principle to the proposed development, but we would like to make the following comments.

Environment Agency position

We have reviewed the submitted:

Environmental Statement (vols 1-3)

Phase 1 Desk Study Report by Clancy Consulting Ltd (Dated April 2024)

The phase 1 desk study report has identified that part of the site appears to have been subject to clay extraction with subsequent backfilling. The local historic maps also appear to show a change in topography on site. This suggests that further overfilling may have occurred.

The site is above Secondary Aquifers associated with the superficial and deeper bedrock deposits and has a number of surface water course adjacent and flowing across the site. We consider these to Controlled Waters.

The applicants' submissions demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will be required, however, 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.

In light of 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 196 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 submissions already provided 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

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 methods using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed ground improvement activity, 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 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.

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 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 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.

Introduction of SUDS:

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H, the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high-water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

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. Since 1 January 2018, most cases of new 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-impoundment-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>

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 e-mail SPPlanning.RFH@environment-agency.gov.uk