

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

Our ref: SO/2022/121921/01-L01
Your ref: 67944
Date: 17 February 2022

FAO: Dean Clapworthy

Dear Sir

**DEMOLITION OF THE EXISTING DETACHED TWO STOREY DWELLINGHOUSE
ON SITE AND ITS REPLACEMENT WITH A NEW TWO STOREY DWELLINGHOUSE
(RESUBMISSION OF APPLICATION REF 66679).**

305 MIDDLETON ROAD, MANCHESTER, M8 4LY

Thank you for consulting the Environment Agency (EA) on the above development proposal. Referral for this application was received on the 10th January 2022.

Environment Agency Position

We object to application 67944, as submitted, in accordance with paragraph 174 and 183 of the National Planning Policy Framework (NPPF),

The applicant/agent has submitted inadequate information to demonstrate that any potential risks posed to controlled waters by the development site can be sufficiently understood and therefore addressed (where required).

In determining the application, we would remind the Local Planning Authority (LPA) that, in accordance with paragraph 174 of the NPPF, it should be ensured that the development will, wherever possible, improve local environmental conditions, remediating contaminated land where assessment has identified that this is appropriate.

Please see detailed below a further explanation our rationale for this determination.

Groundwater and Contaminated Land (GWCL) Commentary

To inform our position statement above, our GWCL team has undertaken a review of the following reporting with regards to the protection of controlled waters:

- Geo-Environmental Phase 1 Desk Study – 305 Middleton Road, Manchester, M8 4LY. Prepared by Adeptus on the behalf of Mohamed Alotia. Report No: A200716-R01. Dated: July 2022.

The proposed development is situated upon land which may have historically fallen with the wider boundaries of a dye works. The site is also in close proximity to the location of a current/recent petrol station. These uses are considered to represent a 'high risk' of contamination which, if present, could be mobilised during construction and adversely impact controlled waters.

Controlled waters are particularly sensitive in this location with the development site

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

being situated above Principal Aquifer.

The current desk study submitted does not demonstrate that the potential risk(s) of pollution has been understood and/or does not provide adequate mitigation for these risks. In particular, historical maps showing previous land uses have not been included as part of the desk study report. .

In virtue of the above, as submitted, we do not consider application 67944 to meet the requirements of paragraphs 174 and 183 of the NPPF.

Overcoming our objection – Insufficient Site Investigation

To address our holding objection, the applicant / agent should provide information to demonstrate to the LPA that the potential risk(s) to controlled waters have been fully understood and, where identified as required, can be further addressed through additional investigation and remediation as necessary.

Further assessment work should include historical mapping to enable and facilitate understanding of the previous land uses within and close to the application boundary. Without this information it will not be possible to confidently assess the likelihood of contamination being present within the boundary of the development and therefore whether further investigations and/or remediation will be required.

Advice to Applicant / Agent – Assessing / Addressing Land Contamination

To assist the applicant / agent with addressing our current holding objection to the application, we would like to take this opportunity to provide the follow advice and guidance.

Where land contamination is suspected or known to be present we recommend that developers should:

- Follow the risk management framework provided in [Land Contamination: Risk Management](#), 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
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Note to LPA/ Applicant / Agent – No Foul Water Drainage Details Submitted

A check of the planning portal / application form associated with 67944 indicates that no details have been submitted by the applicant / agent regarding how foul drainage arising from the development will be managed.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the EA, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

[Septic tanks and treatment plants: permits and general binding rules](#)

In relation to the above, we would note from mapping available to the EA that connection to mains sewer would appear to be potentially possible from Middleton Road (A576) or Sheepfoot Lane (A6044).

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Please forward a copy of this letter to the applicant / agent. Should you have any queries or questions regarding this response, then please do not hesitate to get in contact with us via: SPPlanning.RFH@environment-agency.gov.uk

Yours faithfully

Mr Andy Davies
Sustainable Places Project Manager