

High Peak Borough Council
Development Control
Municipal Buildings Market Place
Glossop
Derbyshire
SK13 8AF

Our ref: LT/2015/119169/01-L01
Your ref: HPK/2015/0063
Date: 24 February 2015

Dear Sir/Madam

**PROPOSED DEMOLITION OF EXISTING STRUCTURES & ERECTION OF
RETIREMENT LIVING HOUSING (CATEGORY II TYPE ACCOMODATION),
COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING
LAND TO THE REAR OF CHAPEL STREET, GLOSSOP**

Thank you for referring the above application which was received on 9th February 2015.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Flood Risk

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment FRA by LK Consult (FRA 14 1042-R1) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by LK Consult (FRA 14 1042-R1) and the following mitigation measures detailed within the FRA:

1. The ground finished floor level is set no lower than 145.22 metres above Ordnance Datum (AOD) level.
2. The preparation of an emergency evacuation plan, including the registration with EA Floodline to receive Flood Warnings.
3. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
4. Limiting the surface water run-off to no more than 5 l/s and retaining excess volumes of run-off up to the 1 in 100yr storm (30% increase for climate change) within the site.

Reason

1. To reduce the impact of flooding on the proposed development and future occupants.
2. To reduce risk to future occupants of the development.
3. To ensure safe access and egress from and to the site.
4. To prevent the increased risk of flooding and ensure future maintenance of the

surface water drainage system.

Information

With reference to the "Existing Site Analysis Plan" (drawing no. 1988-01-013), there is a note that "easement required by Environment Agency established on outline application". We are not aware that the previous outline applications proposed or approved any layouts. The layout proposed does not appear to include any formal access provision along the bank top of the Brook. However, in this instance we would not object to the layout as access to the river channel is likely to be gained from the south bank.

It is also not clear whether the applicant intends to rebuild the riverwall as part of the development. This should be considered as the position of the proposed building would result in the riparian owner have little future access to repair or rebuild the wall. We would recommend that this be clarified and that any proposed repairs or rebuild are carried out in local stone to match the existing.

Advice to LPA/applicant

Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Glossop Brook which, is designated a 'main river'.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. The responsibility for the repair and condition of Glossop Brook, its channel, banks and adjacent structures, lies ultimately with the riparian owner.

Groundwater and Contaminated Land

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

- Ground Investigation Report. Glossop Brook. Kingfisher. Report Ref: 0604. Date: January 2007.
- Phase 2: Ground Investigation Report. Land adjacent to Chapel Street / Market Street. Glossop. Report Ref: 13-433. Date: September 2014.

The site has been subject to a number of potentially contaminative land uses which have included a former workshop and foundry. Controlled waters receptors potentially at risk include the underlying Secondary an aquifer and Glossop Brook located adjacent to the southern boundary of the site.

Site investigations completed to date indicate soil and groundwater have been impacted by a number of contaminants of concern, notably hydrocarbons and metals. We note the applicant has concluded the relevant contaminants of concern are 'having no or a negligible impact on Glossop Brook'. However, this conclusion is based on two rounds of surface water monitoring completed in 2006.

Given further works are proposed to investigate the culvert identified within the eastern part of the site and additional mitigation measures may be required as detailed within our comments below under 'Advice to Applicant' we recommend the following conditions are imposed on any planning permission granted for the site to ensure any potentially unacceptable risks to controlled waters are appropriately assessed and mitigated.

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 would be grateful if our site specific comments detailed under 'Advice to Applicant' below could be forwarded to the relevant developer / consultant.

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

In respect of the following condition we recognise that the information submitted to date goes some way to fulfilling parts 1 and 2 of this condition.

Condition

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
 - potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) 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.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect the water environment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition

No occupation of any part of the permitted development shall take place until a

verification report demonstrating 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. It shall also include and plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect the water environment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect the water environment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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 protect the water environment.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informatives

The redevelopment of the site may give rise to waste management issues and we would advise the Applicant as follows:

Reuse of material on site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

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.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is 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 2010
- 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 Standards BS EN 14899:2005 'Characterisation 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 waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Advice to Applicant

In principle we have no objection to the proposed additional works to undertake further investigations to assess the route, depth, condition and construction of the culvert identified within the east part of the site which is currently discharging into Glossop Brook. However, we recommend the additional works include the following to ensure the risks to controlled waters are fully assessed and the relevant reports updated accordingly.

- Completion of three additional surface water monitoring rounds of Glossop Brook including discharge from culvert given surface water monitoring was last completed in 2006. We recommend any additional surface water monitoring includes up and downstream samples and includes all relevant contaminants of concern, notably hydrocarbons and metals.

- Further consideration given to the potential risk posed to controlled waters from the hotspots identified within the soils at trial pits TP1, TP2 and borehole BH1 (Kingfisher 2006) and window sample WS8 (Arc Environmental 2014) given the elevated concentrations recorded do not appear to have been considered in the latest report and consideration given to source removal given the proximity to the Glossop Brook.
- Sampling of the vegetated spoil mound and land beneath it.
- Provision of appropriate piling risk assessment in line with our guidance '*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention*'. Environment Agency 2001. National Groundwater and Contaminated Land Centre, Project NC/99/73' given an augured pile solution into the underlying sandstone is proposed.
- Provision of Phase I Geo-Environmental Appraisal report. Arc Environmental/ Report Ref: 13-433. Date: July 2012.

We would be pleased to review the results of additional work completed and any proposed Remediation Strategy for the site. Should you wish to discuss our comments in further detail please contact Lindsey Berends (Technical Specialist) 01772 714253.

Biodiversity

Environment Agency Position

The proposed development will be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese Knotweed present

Condition

No development until a detailed method statement for the removing or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons

This condition is necessary to prevent the spread of Japanese knotweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Permitting Information

The planned development is approximately 800m from the location of Plater Chemical Ltd works, trading as Lancashire Chemicals. In compliance with the Environmental Permitting (England and Wales) Regulations 2010, there is a current permit for the activities being carried out at this site.

We would welcome a copy of the decision notice once this planning application has been determined.

Yours faithfully

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