

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

Our ref: LT/2015/119462/03-L01
Your ref: HPK/2015/0125
Date: 23 June 2015

Dear Ms Pleasant

**PROPOSED DEMOLITION OF FORMER MILL BUILDINGS ASSOCIATED STRUCTURES AND OTHER BUILDINGS TO ENABLE REDEVELOPMENT TO PROVIDE UP TO 3372 SQM GROSS ADDITIONAL CLASS A1 RETAIL FLOORSACE (AT GROUND LEVEL), UP TO 447 SQM GROSS ADDITIONAL CLASS B1 OFFICE FLOORSACE AND 54 DWELLINGS, WITH PROVISION OF SITE ACCESSES TO INCLUDE NEW BRIDGE, CAR PARKING AND LANDSCAPING AND OTHER ASSOCIATED WORKS.
WOODS MILL MILLTOWN GLOSSOP**

Thank you for referring the above re consultation which was received on 16th June 2015.

Environment Agency Position

After review of the revised Flood Risk Assessment and a supplementary ecological survey we are happy to remove both our objections detailed in our response on the 21st April 2015. The following conditions are now relevant to this planning application.

Flood Risk

We have received a revised FRA by Waterco (dated 19th June 2015) and an updated flood risk modelling report by Waterco (dated 10th June 2015). These have addressed our main reason for objection (increased flood risk elsewhere) to the proposed development raised in our previous response (LT/2015/119462/01-L01) of the 21st April 2015 and we can withdraw our objection.

In our last letter we made comment on the choice of layout associated with the residential element of the scheme. This results in the main vehicular access to the whole of the residential units being through the lowest lying and highest risk area of the site. We also commented on the three storey dwellings. These provide occupants with rear egress at 1st floor level, with the non-habitable lower ground levels at risk of flooding. Again, before making its decision we recommend that the LPA satisfy itself that evacuation plan measures would be acceptable in relation to the development. The Agency does not comment on the adequacy of evacuation plan arrangements and our involvement during a flood would be limited to provision of flood warnings.

We also make no comment on the acceptability of the content of section 2 of the FRA regarding the sequential and exception tests.

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 Waterco (dated 19th June 2015) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

1.Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Waterco (dated 19th June 2015) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development to pre-development 1 in 1yr rate of 140 l/s.
2. Finished floor levels are set in accordance with sections 17.1 & 17.2 of the FRA
3. The soffit level of the new access bridge shall be set no lower than 600mm above the 1% AEP climate change flood level.
4. Flood resilient construction and recommendations included in the RIBA publication 'Improving the Flood Performance of New Buildings' shall be incorporated in all buildings below the 0.1% flood level.
5. The developer should prepare a flood plan to inform users/occupiers of the flood risk to the site and provide advice on what to do in the event of a flood.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To reduce the risk of flooding.
4. To reduce the impact of flooding on the development.
5. To reduce the impact of flooding on the users/occupiers.

Advice to applicant

Glossop Brook is designated "Main River" and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior consent of the EA. Consent is also required under the Water Resources Act 1991, for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.

If you have not already done so, we would recommend that you consult your Lead Local Flood Authority engineers in relation to the surface water drainage proposals and any SuDS proposed.

Biodiversity

We are able to remove our previous objection to proposed riparian development at Woods Mill, Glossop site based on submission of supplementary ecological survey information and response to original Agency's ecological objection (C.M.E, May 2015

& June 2015), revised bank side works arrangement along Glossop Brook river and wildlife corridor (13100(PL-1)403, and amended landscape master plans (R/1743/ Rev. 1A & R/1733/1c).

Environment Agency position

The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect and where feasible enhance the riverine buffer zone alongside the Glossop Brook.

2.Condition

No development shall take place until a scheme for the provision and management of an protected buffer zone alongside the Glossop Brook watercourse and key ecological network shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from new built development, avoid further canalisation of heavily modified watercourse, retain mature riparian trees and introduce new largely native landscaping suited local environment; ensuring a enhanced Glossop Brook brook corridor provides an integral part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of proposed planting scheme including planting schedule largely based on native seed, herbaceous, shrub or tree species.
- Details of retained mature riverside trees.
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any new proposed footpaths, fencing, wildlife friendly lighting etc.
- Provision of adequate cross section detail along riverside site, particularly where development design will entail works in close proximity to the watercourse or existing steep riverside banks.

Reasons

Development that encroaches on watercourses has a potentially severe impact on their ecological value *e.g.* built encroachment reduces viability of wildlife corridor and increases risk of pollution to watercourse, while artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of 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, Himalayan balsam present.

3.Condition

No development until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Himalayan balsam 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 covered 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, Himalayan balsam which are 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.

Informative

The Agency welcomes the applicant's commitment to strengthen the ecological networks of Glossop Brook corridor and recommend that further details be provided in regards to all riparian development works in close proximity to the river channel i.e., demolition of old mill buildings, removal of redundant bridge crossing, and bank re-profiling works, showing that new riparian scheme will integrate and enhance riverside corridor and avoid techniques that will require new hard bankside revetment or further canalise the existing heavily modified channel. The Applicant's ecological consultant's (CME, May & June 2015) have recommended a number of varied ecological enhancement measures that could potentially be adopted as part of new riparian development. It is recommended that as part of a detailed design the scheme clearly identifies any beneficial and appropriate ecological enhancement opportunities that would be included as part of Woods Mill re-development.

Excessive lighting not only causes light pollution and wastes energy but also impacts on the natural environment by affecting the activity rhythms of both plants and animals, particularly bats which use river corridors a important foraging areas. Artificial lighting can be particularly harmful if used along river corridors, near woodland edges and near hedgerows used by bats. Artificial lighting also disrupts the normal 24-hour pattern of light and dark which is likely to affect the natural behaviour of bats. Therefore it is recommended advice is sought from the Bat Conservation Trust and any new lighting scheme refer to the following guidance document (http://www.bats.org.uk/pages/bats_and_lighting.html).

Groundwater and Contaminated Land

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.

4.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).

5.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).

6.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).

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

We note the proposals to undertake additional works as detailed within section 9 of the above report and that the risks to controlled waters will be re-assessed which will include the results of the groundwater sample from window sample WS3 and surface water samples, up and downstream of Glossop Brook.

However, to ensure the risks to controlled waters are appropriately assessed we recommend additional groundwater samples are recovered from WS1, WS2 and WS4 and any relevant boreholes installed within areas which are currently inaccessible to enable groundwater conditions beneath the site to be adequately characterised and the risk to controlled waters fully assessed.

Should these additional works indicate a potential risk to controlled waters further works may be required which may include additional monitoring of both surface water and groundwater.

Environment Management

Glossop Brook and a tributary of Glossop Brook run through the proposed land. No pollution should be caused to the watercourses during the demolition and construction phases. Appropriate measures should be put in place to prevent pollution of the watercourses, and no discharges should be made to the watercourses from the land without the prior agreement of the Environment Agency - contact Mike Higgins 01925 542731. The applicant is referred to *PPG5 - Working in, near, or over watercourses* for guidance. Any pollution caused should be reported to the Environment Agency on 0800 807060.

All foul drainage from the development must be connected to sewer.

Advice to applicant

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The applicant is advised to contact the Environment Management team at Warrington Office on 03708 506 506 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

Advice to applicant

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

Advice to applicant

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The applicant is advised to contact the Environment Management team at Warrington Office on 03708506506 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

Advice to applicant

Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified, and best practice for its handling, transport, treatment and disposal please see our waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>

Yours sincerely

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