

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

Our ref: LT/2022/127339/01-L01
Your ref: HPK/2022/0456
Date: 07 December 2022

Dear Sir/Madam

**PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 100 DWELLINGS
INCLUDING AREAS OF PUBLIC OPEN SPACE, LANDSCAPING AND
ASSOCIATED WORKS**

LAND AT, DINTING VALE, DINTING, GLOSSOP, DERBYSHIRE,

Environment Agency Position

Thankyou for submitting the following reports:

- Phase 1 Geo-environmental Desk Study Report, REFA, 21168A/GEDS, February 2022
- Letter report, Ground Investigation Works at Dinting Vale Glossop, REFA, 16th February 2022
- Preliminary Drainage Design drawing, Betts, August 2022

We have reviewed the reports with respect to risk to controlled waters and have the following comments:

Phase 1 Geo-environmental Desk Study Report, REFA, 21168A/GEDS, February 2022

The site history indicates that the site has been undeveloped agricultural land with a historic landfill present along the eastern site boundary.

The site walkover noted that much of the central part of the site is waterlogged. The environmental setting is drift comprising glacial till which is classified as Secondary Undifferentiated aquifer overlying mudstone and siltstone of the Marsden Formation which is classified as Secondary A aquifer. An unnamed water course flows in open watercourse adjacent to the southern site boundary and then northwards in culvert through the historic landfill east of the site, the watercourse is then present in open watercourse adjacent to the north-eastern site boundary flowing north to join Glossop Brook (WFD waterbody and main river) 50m north of the site. The nearest groundwater abstraction is 340m east for industrial commercial process water and boiler feed.

Simmondley Lane historic landfill site is located adjacent to the whole of the eastern site boundary. Our records show that the landfill was pre-licencing in age and is likely to have accepted industrial, commercial and household waste.

A Local Wildlife Site is located adjacent to the whole of the western site boundary, and another is located along Glossop Brook 50m north.

Two wells are shown in fields adjacent to the western site boundary on the historical

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maps. We recommend that the applicant contact the local authority regarding location of private water supply abstractions.

The desk study report recommends site investigation to investigate whether ground workings to the west or landfilling activities to the east have resulted in potentially contaminated made ground being deposited within the application site boundary. The report classifies the risk to surface waters and groundwater to be very low. SUDS infiltration drainage is not proposed for the site due to the presence of standing water and glacial till.

Letter report, Ground Investigation Works at Dinting Vale Glossop, REFA, 16th February 2022

The report states that REFA were unable to carry out a full detailed site investigation due to protests from local parties preventing access to the site. Preliminary site investigation comprising 15 trial pits has been carried out. The intrusive site investigation found very little evidence of made ground to be present on site.

Ten soil samples were analysed for inorganic contaminants, PAHs, TPH, BTEX and phenol.

Strip foundations are proposed.

Preliminary Drainage Design, Betts, August 2022

The drainage drawing shows two proposed surface water drainage connections that will be constructed to link up to the culverted watercourse to the east of the site within the boundaries of the historic landfill site.

Development on landfills and excavation, handling and movement of materials deposited as a waste:

Excavation and redeposit of materials within a historic landfill site is subject to the following:

Recent updates and guidance from Defra and the Environment Agency has identified that deposited waste material remains waste until it has been recovered in accordance with the Waste Framework Directive, article 6(1).

Works affecting historic landfills need to satisfy the Environment Agency that they have been undertaken as a recovery activity and that the material is no longer waste. In the absence of contrary evidence, the Environment Agency will presume it is still waste.

If the materials are waste then the Environment Agency will decide whether the operations involve an activity that requires a permit, for example, treatment prior to recovery or disposal, recovery or disposal. The output from that treatment could be non-waste if it meets end of waste status. In this circumstance we considered sorting or screening to be a treatment and requiring of a permit.

You can Get an opinion from the definition of waste service - GOV.UK (www.gov.uk)

If treatment of the waste material for management of contamination risks is required, this will additionally require a waste treatment permit along with a set of established and

agreed end of waste criteria which means that waste has undergone a recovery (including recycling) operation and the substance or object:

- is commonly used for a specific purpose
- has a market demand
- fulfils the technical requirements for the purpose; it meets existing legislation and standards for products
- will not result in an unacceptable impact on the environment or human health

Treatment or deposit of waste without an environmental permit is an offence under Environmental Permitting (England and Wales) Regulations 2016 and will be dealt with in accordance with the Environment Agency's Enforcement and Sanctions Policy.

Based on the information received the site history indicates a low risk of contaminants being present on site, the trail pitting exercise identified very little made ground to be present on the site, therefore there appears to be a low risk that landfilling activities have encroached onto the application site. Due to the lack of on-site contamination sources site appears to be low risk to controlled waters.

We recommend the following condition:

Condition - Previously Unidentified Contamination

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 protect the underlying Secondary A aquifer and local surface water quality.

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 174 of the National Planning Policy Framework.

Advice for Applicant - 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

Advice to Applicant - 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.

Yours faithfully

Miss Katie Hancock
Planning Advisor