

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

Our ref: LT/2023/127840/03-L01
Your ref: HPK/2023/0192
Date: 21 July 2023

Dear Ms Colley

**CONSTRUCTION OF 116 DWELLINGS
LAND AT HOGHAW, FAIRFIELD, BUXTON, DERBYSHIRE,**

Thank you for re-consulting us on the above application

Flood Risk Comments

Environment Agency position

In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to provide floodplain compensation for the attenuation pond.

We are concerned by the likelihood of ground raising for the construction of the attenuation pond. The proposed location of this pond is within one of the lowest parts of the site and is within an area that floods during the design flood event. Given the likely raising of ground levels, floodplain compensation would need to be provided. This is to prevent an increase in flood risk to others as a result of loss of floodplain capacity.

As there is no compensatory storage plan for this pond and to build it without any form of ground raising has not been deemed as reasonably achievable, we are objecting.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Advice to LPA/applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below:

- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased
- The proposed location of the attenuation pond above the culverted Nun Brook

Where necessary, the advice of relevant experts should be sought. We are also available to provide further guidance should you wish to consult us.

Further advice to LPA/Applicant

This development is situated upstream of the Lightwood Road area of Buxton where properties experienced significant flooding in July 2019. The Environment Agency, Derbyshire County Council and partners are working in the catchment on measures such as implementing natural flood management (NFM) to hold and slow the flow of water as it runs off the upper catchment.

To help to reduce the current flood risk to the Lightwood Road area and mitigate the effects of climate change we would like to explore if it is possible to attenuate a greater volume of water beyond that of greenfield run-off rate within the site. This would help complement other work and investment being undertaken in the catchment. We would be happy to discuss this further with the LPA and developer.

Groundwater and Contaminated Land Comments

Environment Agency position

We **object** to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable or can be appropriately managed. We therefore recommend that planning permission is refused.

Reason(s)

The previous use of the development site with infilled made ground around the Nun Brook culvert and adjacent site used as a historic landfill/ refuse tip (potentially extending close or onto the subject site). Overall, these activities present a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located:

- Upon Principal Aquifers and Secondary A aquifers.
- The site is situated in a very sensitive area with respect to Controlled Waters and the superficial geology is not shown on the available mapping with the exception of a discreet area of alluvium in the vicinity of the proposed attenuation basin.
- The solid geology underlying the site comprises Secondary A aquifer approximating to the western half of the site and Principal Aquifer approximating in the eastern half of the site.
- A culverted brook (Nun Brook) runs from north to south through the site in the proposed location of the attenuation basin.
- The proposal for an attenuation basin built on top of or interfering with the Nun Brook is not appropriate and we are concerned about this proposal and the impact it may have on flooding and the local groundwater levels, given flooding is already a problem in the area.

- Due to potential pathways for historic contamination or contamination to migrate around or off-site, infiltration SUDS or soakaways should not be used for surface water drainage infrastructure.
- Due to presence of potential contamination and the high risk setting no piling will be allowed without a site-specific piling risk assessment being undertaken. The EA's preferred method for piling is CFA to reduce the risk of creating preferential pathways; and
- The potential presence of made ground/ infill around the Nun Brook culvert needs to be investigated.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit the following:

- A preliminary risk assessment (phase 1 geo-environmental risk assessment) which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.
- The phase 1 report needs to fully assess the risks from off-site historical landfill (Hogshaw Refuse Tip) which has been identified to the west approximately 34m from the site straddling part of the Local Wildlife Area. From available aerial photos it appears that the ground has been disturbed more extensively than the indicative boundary of the historic landfill and therefore a historic landfill may be closer than anticipated to the development site. Hogshaw Refuse Tip (EAHLD32424) and is known to contain industrial waste and commercial waste. The historic landfill is a pre- Control of Pollution Act, 1974 and therefore it is likely that a wide range of waste may have been disposed at the landfill site.
- Take into account the following information and risks -our records show the following information in relation to the historic landfill. These historic landfill records are old and are not guaranteed to be accurate in terms of landfill boundary or materials input, therefore the applicant will need to undertake their own site investigations and risk investigations to confirm the current position.
- Give due consideration to the presence of infilled material and made ground in the vicinity of the culvert for Nun Brook which runs through the site area proposed for the attenuation pond.
- Give due consideration to the undertaken ground investigation, we are aware of waste material in the site ground including slag, timber and plastic encountered so far.
- Give due consideration to that the provided ground investigation report does not cover the full red line boundary for the site and the proposed area of the attenuation basin has not been investigated at all, or enough, therefore further investigation will need to be undertaken. Insufficient land contamination risk assessment and site investigation has been undertaken to adequately characterise the site.
- We think the proposed development of the attenuation basin constructed over and through the culverted Nun Brook is problematic and ill-conceived and the justification for this should be provided or re-evaluated.

We recommend that developers should:

1. Follow the risk management framework provided in our Land Contamination Risk Management guidance (which supersedes CLR11 Model Procedures for the Management of Land Contamination), when dealing with land affected by contamination.

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

2. 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.

<https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

3. 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.

<https://www.claire.co.uk/projects-and-initiatives/nqms>

4. Refer to the contaminated land pages on GOV.UK for more information.

<https://www.gov.uk/contaminated-land>

<https://www.gov.uk/government/collections/land-contamination-technical-guidance>

5. The applicant should also note that due to the off-site and possible on-site historic landfill site use and recent waste identified in the ground investigation and potential for made ground around the Nun Brook Culvert, it is highly likely that a Phase 2 Site Investigation and Generic Quantitative Risk Assessment (GQRA) report will also be required to be provided to characterise the risk to controlled waters arising from the site. This will need to be in line with good practice and include soil, groundwater, and surface water sampling for the contaminants of concern identified.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Yours sincerely

Mr Munashe Mavunga
Planning Advisor

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