

Ms Rachael Simpkin
High Peak Borough Council
Planning Policy
Municipal Buildings Market Place
Glossop
Derbyshire
SK13 8AF

Our ref: LT/2023/127901/03-L01
Your ref: HPK/2023/0118
Date: 14 February 2024

Dear Ms Simpkin

**DEMOLITION OF EXISTING MILL OUTBUILDINGS AND CONVERSION/ERECTION OF 25NO. DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAYS WORKS.
LAND AT HOLE HOUSE MILL, MARPLE ROAD, CHISWORTH, DERBYSHIRE, SK13 5DH**

Environment Agency position

Thank you for submitting a copy of the following report:

- Phase 1 Desk Study and Preliminary Geoenvironmental Assessment for Prisma Charlesworth, WML Consulting, January 2024.

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

The site environmental setting is drift geology comprising glacial till which is classified as a Secondary Undifferentiated aquifer overlying solid geology of Pennine Lower Coal Measures which is classified as Secondary A aquifer. Two un-named surface water courses enter the eastern corner of the site, flowing into a mill pond in the eastern half of the site, with a watercourse (Chisworth Brook) flowing from the mill pond to the west across the site to join the River Etherow 1.4 km west of the site. There are no groundwater abstractions within 1km of the site and one historical surface water abstraction on site for general cooling.

The primary controlled waters receptors are the underlying Secondary A aquifer bedrock and the on site surface watercourse.

The site history indicates the following potentially contaminative land uses:

- Cotton mill and rope works
- Production of colour and performance enhancing additives for rubber, thermoplastics and surface coatings.
- Electricity substation.

The preliminary risk assessment identifies a low risk to the Secondary A aquifer bedrock due to the presence of low permeability drift and a low to moderate risk to Chisworth Brook on site.

The report identifies possible contamination relating to manufacture of dyes and pigments and possible contamination relating to the former rope works, however no

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assessment of what the contaminants of concern associated with these land uses has been presented in the report.

PCBs have been identified as a potential presence due to the electrical substation in the south of the site.

The DoE Industry Profile for coatings paints and printing inks manufacturing works identifies a wide range of potential contaminants of concern including metals, organic pigments and dyes, aliphatic and aromatic hydrocarbons, phenol, chlorinated hydrocarbons, alcohols and glycol ethers, ketones, esters and additives such as plasticisers (phthalates, chlorinated paraffins, esters and oils) and catalysts (lead oxide, organotin compounds) among other substances.

The Phase 1 report recommends intrusive site investigation to include near surface sampling of soils. We agree with this conclusion.

We have received a copy of the Phase 2 Site Investigation report under LT2023/127901/02, therefore we have also reviewed this report in order to assess the risk to controlled waters:

- Phase 2 Geo-environmental Investigation and Assessment, Prisma Charlesworth, 8726G-WML-XX-ZZ RP-G-0001 RevA, WML Consulting, June 2023

In WS104, arisings analysed from 3.00 to 3.30mbgl recorded visual and olfactory evidence of potential contamination including dark staining and a sheen and strong odour.

The report states that soils analysis found Aromatic C10-12 hydrocarbons at 1600mg/kg in WS104 at 3.2m bgl. The window sample log shows that the shallow drift here is largely granular with occasional clay.

The hydrocarbon contamination in WS104 was found to be present in silt co-incident with the groundwater level in the well. The site investigation was carried out in May 2023 therefore there is potential for winter groundwater levels to be higher. No groundwater level monitoring has been carried out.

The well was not installed for monitoring and no groundwater sampling was carried out, therefore the impact to groundwater is unknown.

The laboratory soils test certificate shows that no PAH, SVOC or VOC analysis of the impacted soil in WS104 was carried out despite the visual olfactory observations of sheens and odours and the DoE Industry Profile for coatings paints and printing inks manufacturing works indicating that SVOC/VOC are potential contaminants of concern. This testing is required for the impacted ground and groundwater at WS104.

The hydrocarbon analysis of soil in WS104 shows that the majority of the aliphatic hydrocarbons were in the C21-35 range with a concentration of 1650mg/kg. The majority of the aromatic hydrocarbons were in the C10 to C16 range with a concentration of 3620mg/kg. Total aromatic and aliphatic hydrocarbons in the soil sample were 6840mg/kg. Ethyl benzene and xylenes were detected in the soil however the test certificate shows that the results were not accredited and therefore there is uncertainty in the accuracy of the test result.

Hydrocarbons are classed as Hazardous substances and the C10-16 aromatic range is moderate mobility in the environment. The impacted soil was found to coincide with a waterbearing sand/silt strata in the drift. Where pollutants have already entered

groundwater your priority is to take all necessary and reasonable measures to:

- minimise further entry of contaminants where there is a defined source
- limit the pollution of groundwater or any effect on the status of the groundwater body from the future expansion of the [plume](#), if necessary, by actively reducing its extent

The report states that site observations were not able to identify the likely source of hydrocarbons found in WS104 and the report does not propose any further investigation to determine the extent of this hotspot or investigate whether a soil source is present in this area of the site. The next nearest sample points are window sample positions 25 to 30m away therefore there is insufficient data to determine the size of this hotspot. WS104 is located within 5m of Chisworth Brook.

Our mapping records show aerial photographs from 2005 with various features in the yard area near to WS104 which may include tanks. The land up topographical gradient from the yard area where WS104 is located appears to be woodland and therefore there is no indication of an upgradient source from off-site that could have resulted in the contamination observed in WS104.

The report states that the depth of contamination found in WS104 is 1m below the invert level of the brook. However, the borehole log for WS104 has not been surveyed to mAOD and the invert level of the brook has not been provided in the report. The topographical information on the exploratory hole location plan does not make it clear what the invert level of the brook is. Therefore, there is insufficient information provided to demonstrate that the depth of contamination found in WS104 is below the invert level of the watercourse. Seasonal and climate change impacts of rising groundwater levels may also affect the migration and distribution of this contamination.

The report states that WS104 is located in an area which will become back gardens. This area is currently hardstanding and increasing infiltration by changing the site surfacing to gardens poses the risk of mobilisation of the existing contamination. Therefore, the source and extent of this contamination requires further investigation.

Based on the information received, there is insufficient soil and groundwater analytical data (PAH/SVOC/VOC and accredited BTEX and TPH) and delineation of the hydrocarbon contamination found in WS104 to provide confidence in the protection of controlled waters.

Therefore, risk to controlled waters from hydrocarbons and other semi volatile and volatile organic carbons requires further assessment.

Based on the information received we are recommending the following conditions:

Universal condition for development on land affected by contamination

The previous use of the proposed development site as mills and industrial colourant manufacturing presents 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 proposed development site is:

- located upon a secondary aquifer A
- Chisworth Brook is present on site.

The application's Phase 1 Desk Study and Preliminary Geoenvironmental Assessment

for Prisma Charlesworth, WML Consulting, January 2024 demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on a desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason(s)

For the protection of the underlying Secondary A aquifer and Chisworth Brook

- 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 in line with paragraph 180 of the National Planning Policy Framework.

NLQ C 02 Verification report

Condition

Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the 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.

Reason(s)

For the protection of the underlying Secondary A aquifer and Chisworth Brook

To ensure that the site does not pose any further risk to the water environment by

demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

NLQ C 04 Previously Unidentified Contamination 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 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)

For the protection of the underlying Secondary A aquifer and Chisworth Brook
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 180 of the National Planning Policy Framework.

NLQ C 05 SuDS Infiltration of surface water into ground Condition

No drainage systems for the infiltration of surface water to the ground are permitted where contamination may be present other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason(s)

- For the protection of the underlying Secondary A aquifer and Chisworth Brook
- 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 caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.

Informatives

NLQ I 05 Land contamination: risk management and good practice

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

NLQ I 07 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

NLQ I 08 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 characterized 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 you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

Yours sincerely

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