

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

Our ref: LT/2026/129692/01-L01
Your ref: HPK/2025/0462
Date: 21 January 2026

Dear Sir/Madam,

**6 NEW DWELLINGS WITH ASSOCIATED GARDENS AND PARKING
GAS WORKS SITE HORWICH END , NEW ROAD , WHALEY BRIDGE ,
DERBYSHIRE , SK23 7JZ**

Thank you for the above consultation; received 23 December 2025. Our detailed comments are as follows.

Environment Agency position – Flood Risk

We object to this application as it involves works within 3 metres of a watercourse. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reason(s)

The proposed development would restrict maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works. The building/structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

As highlighted in Section 8.2.8 of the High Peak Strategic Flood Risk, the provision of a buffer strip to 'make space for water', allows additional capacity to accommodate climate change and means access to the watercourse, structures and defences is maintained for future maintenance purposes. It also enables the avoidance of disturbing riverbanks, adversely impacting ecology, and having to construct engineered riverbank protection. Any watercourse crossings should ensure that flood risk is not impacted. A buffer strip of 8m is required from any main river (16m if tidal influence). Where flood defences are present, these distances should be taken from the toe of the defence.

Building adjacent to riverbanks can cause problems to the structural integrity of the riverbanks and the building itself, making future maintenance of the river much more difficult. Any development in these areas will likely require Flood Risk Activity Permits from the EA alongside any permission. There should be no built development within these distances from main rivers / flood defences (where present). Further advice and guidance on Flood Risk Activity Permits is available on the government website.

Overcoming our objection

To overcome this objection, the developer must demonstrate an 8m easement for

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

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permanent construction from the watercourse. This is to ensure the EA's statutory access to the watercourse is conserved.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency position – Groundwater and Contaminated Land

Thank you for submitting the following reports:

- New Road, Whaley Bridge – Factual Report on Surface Soil Sampling Works, Atkins, 04 August 2014
- Factual site investigation, Whaley Bridge, RSK, 28/01/2015
- Interpretative Site Investigation Report, VHE Construction Plc, New Road Whaley Bridge, RSK January 2015
- Outline Remedial Strategy, VHE Construction Plc, Whaley Bridge, RSK, March 2015
- Land at New Road Whaley Bridge, Derbyshire, SK23 7JG, Historic Site Investigation Data Review, Updated Risk Assessment and Recommendations, Peak Environmental Solutions, 25th February 2019
- Coal Mining Risk Assessment, Land at New Road, Whaley Bridge, Derbyshire SK23 7JG, Peak Environmental Solutions, Rev B, October 2021
- Phase 1 Site Investigation, Land at New Road, Whaley Bridge, Derbyshire SK23 7JG, Peak Environmental Solutions, Rev A, October 2023

We have reviewed the information with respect to risks to controlled waters and have the following comments:

The site history includes gasworks land use which poses a high risk of associated contamination being present on site. Other former land uses include coal yard and builder's yard. Site investigations in 2014/15 found elevated concentrations of contaminants in soil and groundwater with pollutant linkages to controlled waters identified as likely to be occurring. Therefore, we consider the contamination on site to be likely to pose an unacceptable adverse risk to controlled waters.

Based on the information provided (Phase 1 Site Investigation, Land at New Road, Whaley Bridge, Derbyshire SK23 7JG, Peak Environmental Solutions, Rev A, October 2023), we **object** to this application because the information is insufficient to demonstrate that the risk of pollution from land contamination to controlled waters is acceptable. We therefore recommend that planning permission is refused. Controlled waters are considered to be particularly sensitive in this location due to the site being located in Source Protection Zone 3, on Secondary A Aquifer in both drift and

solid geological strata and the presence of Randal Carr Brook adjacent to the site. The available site investigation data indicates that the groundwater beneath the site is in hydraulic continuity with Randall Carr Brook.

We note that the site investigation data that has been previously compiled is now over 10 years old and that most of the southern half of the current site red line boundary was excluded from previous investigations. Given the age of the intrusive site investigation data and the lack of investigation in the southern half of the site, we are not satisfied that these reports can sufficiently and accurately reflect the current condition of the land within this planning application boundary.

From the documents submitted with this planning application we understand that National Grid undertook limited remedial works which consisted of localised remediation of a soil source in the former revivifying shed area in 2015. However, we have not received a verification report and so we are unable to determine whether these works were done to a contemporary acceptable standard. We have no record of the validation of these remedial works or how successful these works have been in improving groundwater quality on site.

The more contemporary Phase 1 Site Investigation Report October 2023 only covers the southern half of the site, as shown on the current planning application site boundary, and excludes the land where the gasworks production processes were located. As such the Conceptual Site Model and Preliminary Risk Assessment are not considered to be representative of the whole site.

The submission fails to demonstrate that the minimum requirements of National Planning Policy Framework, December 2024, paragraph 187 will be complied with in respect of historical contamination of soil and groundwater or that paragraph 196 will be complied with in respect of ensuring that as a minimum land should not be capable of being determined as contaminated land under Part IIa of the Environmental Protection Act 1990.

Reason(s)

The previous use of the proposed development site as gasworks presents an unacceptable risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the development site is:

- within source protection zone 3
- located upon secondary aquifer A
- adjacent to Randall Carr Brook (WFD waterbody).

The site environmental setting is drift geology comprising alluvium Secondary A aquifer overlying Pennine Lower Coal Measures Secondary A aquifer bedrock. The site is located within Zone 3 of a Source Protection Zone for a potable groundwater abstraction to the south and 40m east of a Drinking Water Protected Area surface water safeguard zone.

Randal Carr Brook is present along the northern site boundary (flowing west) and 30m to the east of the site (flowing north). The brook is a main river and Water Framework Directive Waterbody (WFD Waterbody ID GB112069060860) which is a tributary of the River Goyt located 100m west of the site. The River Goyt is a Water Framework Directive Waterbody (WFD Waterbody ID GB112069060850). Site investigations in 2014/15 found that groundwater flows beneath the site were to the north/northwest towards Randall Carr Brook and the River Goyt. There is also a culverted water course 50m to the east which feeds into the Peak Forest Canal to the north.

The application's Phase 1 Site Investigation, Land at New Road, Whaley Bridge,

Derbyshire SK23 7JG, Peak Environmental Solutions, Rev A, October 2023 does not demonstrate that the risks of pollution have been understood or provide adequate mitigation for these risks.

In particular:

- The preliminary risk assessment does not assess all of the land within the current planning application boundary.

This planning application has therefore failed to meet the requirements of paragraphs 187 and 196 of the NPPF.

Overcoming our objection

The applicant should provide information to demonstrate to the LPA that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The applicant should submit an up to date preliminary risk assessment which includes a desk study, site walkover, conceptual model, initial risk evaluation, details of any uncertainties, data gaps and limitations, conclusions and justification for the next steps in accordance with the Environment Agency's [Land Contamination Risk Management \(LCRM\)](#) guidance.

Environment Agency Position – Biodiversity, Fisheries, and Geomorphology

The submitted planning application and associated documents indicate that changes are proposed within 8 metres of the top of the bank of the watercourse and the information provided does not give enough evidence to show that the proposals will not have a detrimental impact on the biodiversity and physical habitats and The Water Environment Regulations 2017 (WFD Regs) requirements.

In addition, some of the proposals will require:

- a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016

As we do not have enough information to know if the proposed development can meet the requirements for nature conservation ecology and physical habitats because no assessment of the risks has been provided, we **object** to the proposed development and recommend that the planning application is refused.

Reason(s)

The current proposals indicate that construction of new housing is being proposed within 8 metres of the Randall Carr Brook however the supporting documents provided do not adequately show that it will not have a detrimental impact on the watercourse, its corridor and associated ecology/fisheries'/physical habitats.

We would expect that the proposed development provides a minimum of 8 metre stand off from the Brook, however in the light of Biodiversity Net Gain, even if the development was considered small enough to not require full BNG compliance we would still expect that the development brings betterment to the environment by way of mitigation & enhancement proposals.

Furthermore as the proposed development encroaches on a main river even if the development is considered small enough to only require the Small Sites BNG Metric, as Rivers are a habitat not included in the Small Sites BNG Metric the current proposed development will automatically be required to use full Statutory Biodiversity Metric.

The 8 metre stand off from the brook should include a naturalisation plan to remove the bank reinforcement and include native species planting to naturalise and enhance the

river corridor for biodiversity such as European Eel and Daubenton Bats that are recorded in the local area.

In addition to this we will also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

This objection is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

High Peak Local Plan policy EQ5 on Biodiversity states; New development plans need to ensure appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity; Furthermore identifying local ecological networks and supporting their establishment and protection in accordance with Local Plan Policy EQ8, preferentially creating biodiversity sites where they have the potential to develop corridors between habitats (both terrestrial and freshwater)

The objection is also supported by Section 41 of the NERC Act 2006 which lists rivers as a priority habitat and Section 40, as amended by section 102 Environment Act 2021, which establishes a general duty on public authorities, to conserve and enhance biodiversity through the exercise of its functions. Therefore, we as a public authority must assess how proposals within our remit could conserve and enhance biodiversity and include this as part of our decision making process when considering external proposals. If this development is allowed to go ahead it would constitute a missed opportunity to enhance the brook and would also set a precedence that other development should be allowed to take place within the river corridor.

Overcoming our objection

It may be possible to overcome this objection if the development is reconfigured to provide an 8 metre-wide ecological buffer zone measured from the bank top/wetland edge (defined as the point at which the bank meets the level of the surrounding land) alongside the Randall Carr Brook.

In addition, an updated assessment is required to assess how the proposed development will affect species, habitats, hydromorphology & fisheries. This assessment will need to:

- demonstrate how the development has used the mitigation hierarchy and is designed to avoid adverse impacts, including inappropriate public access and lighting along the watercourse corridor
- identify any rare, declining, protected, priority or otherwise important flora, fauna or habitats within the site
- identify the impacts of the scheme on those features
- propose wildlife/habitat enhancement measures including in-stream/bankside habitat enhancements
- propose mitigation for any adverse ecological impacts or compensation for loss
- propose timing of any onsite works to avoid impacts on protected or sensitive species including fish

Until this is provided the risk posed by the proposed development is unacceptable. The proposed site layout is currently unacceptable and the layout should be reconfigured to provide a bare minimum of an 8 metre naturalised corridor along the bank of the Randall Carr Brook.

This corridor should be designed to provide a natural habitat with no artificial structures, lighting, prevent public access and native species planting.
Timing of works need to avoid fish breeding/migration seasons.
Domestic gardens and formal landscaping should not be incorporated into the River Corridor.

We wish to be consulted on the ecological reports and or plans requested above, on any design changes, additional mitigation, compensation or enhancement measures relating to our comments that might subsequently be proposed.

Please note that it may be possible to design the naturalised River Corridor so that it can provide multiple benefits such additional capacity to alleviate some risk to flooding during high flow events.

Objection

We object to the proposed development as submitted due to the failure to protect and enhance the ecological value of the river corridor in line with the River Basin Management Plan and recommend that planning permission should be refused on this basis.

Reasons

Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We have a duty to ensure the restoration and enhancement of watercourses to a more natural channel wherever possible.
Paragraph 41 of The Habitat Regulations 2017 recognises rivers and their banks as essential for the migration, dispersal and genetic exchange of wild species, and the current channel restricts this by having artificial bank reinforcement.

This objection is supported by paragraphs 187 and 193 of the NPPF which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged.

High Peak Local Plan policy EQ5 on Biodiversity also states that; New development plans need to ensure appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity; Furthermore identifying local ecological networks and supporting their establishment and protection in accordance with Local Plan Policy EQ8, preferentially creating biodiversity sites where they have the potential to develop corridors between habitats (both terrestrial and freshwater)

The objection is also supported by Section 40 of the NERC Act 2006 as amended by section 102 Environment Act 2021, which establishes a general duty on public authorities, to conserve and enhance biodiversity through the exercise of its functions. Therefore, we as a public authority must assess how proposals within our remit could conserve and enhance biodiversity and include this as part of our decision making process when considering external proposals.

The proposed development will have an adverse effect on the Randall Carr Brook by constructing a house with a private garden within 8 metres of the river bank. This does not give the river sufficient space to fulfill its natural function as habitat and water regulation.

There is also a risk that the new home owner could detrimentally effect the river by way of introducing non native species, bright lighting that can detrimentally effect protected species such as Daubenton bats and European eel or infrastructure such as jetties.

The current river bank is artificially reinforced with concrete this should be removed in order to provide enhancement on site and restore natural function opportunities to the river.

Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again.

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.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the email address below.

Yours faithfully,

Ms Georgia Griffiths
Planning Advisor

A solid black rectangular box used to redact the signature of Ms Georgia Griffiths.